

Committee on Judiciary

CS/CS/SB 698 — Reproductive Health

by Rules Committee; Criminal Justice Committee; and Senators Book and Stewart

The bill establishes protections for people who are dealing with infertility and seek medical assistance to artificially conceive a child.

Under the bill, the Department of Health, the Board of Medicine, or the Board of Osteopathic Medicine may take disciplinary action against the health care practitioner's license if he or she intentionally transfers an embryo or reproductive material into a recipient without the recipient's consent. Additionally, the Department of Health may issue an emergency order suspending the practitioner's license if he or she is found guilty of committing the felony of reproductive battery, which is discussed below.

The bill also requires a health care practitioner, a medical student, or any other student who is receiving training as a health care practitioner to obtain the written consent of a patient or a patient's representative before performing a pelvic exam. Written consent for the pelvic exam is not required if a court orders the exam to collect evidence or if the exam is necessary to avert a serious risk of irreversible impairment of a major bodily function of the patient.

The bill creates the crime of reproductive battery. It is a third degree felony for a health care practitioner to intentionally transfer human reproductive material into the body of a recipient or implant a human embryo of a donor, knowing that the recipient has not consented to the use of the reproductive material or embryo from that donor. If the health care practitioner is the donor of the reproductive material, the penalty is increased to a second degree felony.

The statute of limitations for prosecuting the crime of reproductive battery does not begin to run until the date that the violation is discovered and reported to a law enforcement agency or any other governmental agency. Additionally, it is not a defense to the crime that the recipient consented to the use of an anonymous donor.

If approved by the Governor, these provisions take effect July 1, 2020, except where otherwise provided.

Vote: Senate 39-0; House 117-0