A bill to be entitled
An act relating to reproductive medicine; amending s. 456.072, F.S.; providing that certain health care profession licensees who intentionally perform specified acts with human reproductive material without a recipient's consent are subject to certain disciplinary action; amending ss. 458.331 and 459.015, F.S.; providing that a physician who performs specified acts with human reproductive material is subject to certain disciplinary action; creating s. 784.086, F.S.; providing definitions; prohibiting a health care practitioner from intentionally performing specified acts with the human reproductive material of a donor without a recipient's consent; providing penalties; tolling applicable time limitations for criminal prosecution; providing effective dates.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (pp) is added to subsection (1) of section 456.072, Florida Statutes, to read:

456.072 Grounds for discipline; penalties; enforcement.— (1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

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CODING: Words stricken are deletions; words underlined are additions.
(pp) Intentionally implanting or inseminating a patient or causing a patient to be implanted or inseminated with the human reproductive material, as defined in s. 784.086, of a donor without the recipient's consent to the use of the reproductive material from that donor.

Section 2. Paragraph (ww) is added to subsection (1) of section 458.331, Florida Statutes, to read:

458.331 Grounds for disciplinary action; action by the board and department.—

(1) The following acts constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2):

(ww) Implanting or inseminating a patient or causing a patient to be implanted or inseminated with the human reproductive material, as defined in s. 784.086, of the licensee.

Section 3. Paragraph (yy) is added to subsection (1) of section 459.015, Florida Statutes, to read:

459.015 Grounds for disciplinary action; action by the board and department.—

(1) The following acts constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2):

(yy) Implanting or inseminating a patient or causing a patient to be implanted or inseminated with the human reproductive material, as defined in s. 784.086, of the licensee.
Section 4. Effective October 1, 2020, section 784.086, Florida Statutes, is created to read:

784.086 Reproductive battery.—
(1) As used in this section, the term:
(a) "Donor" means a person who donates reproductive material, regardless of whether for personal use or compensation.
(b) "Health care practitioner" has the same meaning as provided in s. 456.001.
(c) "Recipient" means a person who receives reproductive material from a donor.
(d) "Reproductive material" means any human "egg," "preembryo," or "sperm," as those terms are defined in s. 742.13.
(2) A health care practitioner may not intentionally penetrate the vagina of a recipient with the human reproductive material of a donor or any object containing the reproductive material of a donor, knowing the recipient has not consented to the use of the reproductive material from that donor.
(3) A health care practitioner who violates this section commits reproductive battery, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
(4) Notwithstanding any other provision of law, the period of limitation for a violation under this section does not begin to run until the date on which the violation is discovered and
Section 5. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2020.