

#### 714I.4 Private right of action — damages.

1. A cause of action for damages against any person in violation of [section 714I.3, subsection 2](#), may be brought in accordance with the following:

a. (1) (a) By the patient or the spouse of the patient, if the patient conceives and gives birth to a child through assisted reproduction in violation of [section 714I.3, subsection 2](#).

(b) By a child born as the result of being conceived through assisted reproduction in violation of [section 714I.3, subsection 2](#), if the patient who conceived and gave birth to such child or the patient's spouse is deceased or is otherwise unable to bring such cause of action.

(2) A patient, or the spouse of the patient, has a separate cause of action under this paragraph "a" for each conception and birth of a child through assisted reproduction performed in violation of [section 714I.3, subsection 2](#).

b. (1) By the patient or the spouse of the patient, if the patient conceives through assisted reproduction in violation of [section 714I.3, subsection 2](#), but the conception does not result in the live birth of the child.

(2) A cause of action is barred under this paragraph "b" if the conception does not result in a live birth because of an induced termination of pregnancy required to be reported pursuant to [section 144.29A](#) or because the patient or the patient's spouse intentionally terminates the pregnancy in violation of [section 707.7](#).

2. A cause of action for damages may be brought by a donor whose human reproductive material resulted in the conception or conception and birth of a child conceived through assisted reproduction in violation of [section 714I.3](#) or whose human reproductive material was used without the donor's consent or in a manner or to an extent other than that to which the donor consented in violation of [section 714I.3](#).

3. In addition to compensatory or punitive damages, a prevailing plaintiff who brings an action under [subsection 1](#), paragraph "a", is entitled to all of the following:

a. (1) If the health care professional used the health care professional's own human reproductive material for assisted reproduction in violation of [section 714I.3, subsection 2](#), the health care professional is determined through blood or genetic testing to be a biological parent as defined in [section 600A.2](#) of the child, and the action is brought within the time limitations specified in [section 614.8](#), damages in an amount that is the sum of all of the following:

(a) The basic support obligation prescribed by the child support guidelines established pursuant to [section 598.21B](#) based on the health care professional's monthly adjusted net income for the time period specified for support for a child under [section 598.1, subsection 9](#).

(b) Medical support as defined in [section 252E.1](#).

(c) A postsecondary education subsidy as defined in [section 598.1](#).

(d) Such other sums as described in [section 252A.3, subsection 12](#), giving due regard to the circumstances of the plaintiff.

(2) A determination that the health care professional is a biological parent of the child or the awarding of damages under this paragraph "a" does not create a parent-child relationship between the child and the health care professional for any legal purpose.

b. Statutory damages in the amount of two hundred thousand dollars. Such damages shall be awarded to the prevailing plaintiff regardless of whether the child born as the result of being conceived through assisted reproduction in violation of [section 714I.3, subsection 2](#), is deceased at the time the civil action is commenced or at the time a violation is found.

c. Costs attributable to the assisted reproduction procedure or treatment process.

d. Court costs.

e. Reasonable attorney fees.

4. In addition to compensatory or punitive damages, a prevailing plaintiff who brings an action under [subsection 1](#), paragraph "b", is entitled to all of the following:

a. Statutory damages in the amount of five thousand dollars.

b. Costs attributable to the assisted reproduction procedure or treatment process.

c. Court costs.

d. Reasonable attorney fees.

5. In addition to compensatory or punitive damages, a prevailing plaintiff who brings an action under [subsection 2](#) is entitled to all of the following:

- a. Statutory damages in the amount of five thousand dollars.
- b. Court costs.
- c. Reasonable attorney fees.

6. Notwithstanding any provision of law to the contrary, an action brought pursuant to [this section](#) is not subject to a statute of limitations and may be commenced at any time.

[2022 Acts, ch 1123, §4](#)

NEW section