

House Amendment to  
Senate Amendment to  
House File 2160

S-5113

1 Amend the Senate amendment, H-8123, to House to File 2160, as  
2 passed by the House, as follows:

3 1. By striking page 1, line 1, through page 5, line 22, and  
4 inserting:

5 <Amend House File 2160, as passed by the House, as follows:

6 1. By striking everything after the enacting clause and  
7 inserting:

8 <Section 1. NEW SECTION. 714I.1 Short title.

9 This chapter shall be known and may be cited as the "*Fraud*  
10 *in Assisted Reproduction Act*".

11 Sec. 2. NEW SECTION. 714I.2 Definitions.

12 For purposes of this chapter, unless the context otherwise  
13 requires:

14 1. "*Assisted reproduction*" means a method of causing  
15 pregnancy other than sexual intercourse involving medical or  
16 scientific intervention.

17 2. "*Donor*" means an individual who provides gametes  
18 intended for use in assisted reproduction, whether or not for  
19 consideration.

20 3. "*Gamete*" means a sperm, an egg, or any part of a sperm  
21 or an egg.

22 4. "*Health care professional*" means a person who is  
23 licensed, certified, or otherwise authorized or permitted by  
24 the law of this state to administer health care in the ordinary  
25 course of business or in the practice of a profession.

26 5. "*Health facility*" means a hospital, clinic, sperm bank,  
27 laboratory, or other health care institution involved in the  
28 assisted reproduction process.

29 6. "*Human reproductive material*" means a human gamete or a  
30 human organism at any stage of development from fertilized ovum  
31 to embryo.

32 7. "*Patient*" means a person who has received or is receiving  
33 health services from a health care professional.

34 8. "*Physician*" means an individual licensed under chapter  
35 148.

1       Sec. 3. NEW SECTION.   714I.3   **Prohibited practices and acts.**

2       1. A person shall not engage in a practice or act the  
3 person knows or reasonably should have known provides false  
4 information to a patient related to an assisted reproduction  
5 procedure or treatment including false information relating to  
6 any of the following:

7       *a.* The human reproductive material used or provided for  
8 assisted reproduction.

9       *b.* The identity of a donor of human reproductive material  
10 used or provided for assisted reproduction including but not  
11 limited to the donor's name, birthdate, or address at the time  
12 of donation.

13       *c.* A donor's medical history including but not limited to an  
14 illness of the donor at the time of donation, any past illness  
15 of the donor, or the social, genetic, or family history of the  
16 donor.

17       2. A physician or a health facility shall not knowingly or  
18 intentionally do any of the following:

19       *a.* Use or provide a patient with human reproductive material  
20 for assisted reproduction other than that to which the patient  
21 expressly consented in writing.

22       *b.* Use or provide a patient with human reproductive material  
23 for assisted reproduction that is not provided with the donor's  
24 consent or in a manner or to an extent other than that to which  
25 the donor consented.

26       3. *a.* A person that violates subsection 1 is guilty of a  
27 class "D" felony.

28       *b.* A physician or health facility that violates subsection 2  
29 is guilty of a class "C" felony.

30       4. It is not a defense to a violation of this section that  
31 a patient expressly consented in writing to the use of human  
32 reproductive material from an anonymous donor.

33       5. A violation of this section by a physician, health care  
34 professional, or health facility is grounds for denial of an  
35 application for, denial of renewal of, or revocation of any

1 license, permit, certification, or any other form of permission  
2 required to practice a profession or establish, conduct, or  
3 maintain a facility regulated by the state. A violation  
4 of this section by a physician or health care professional  
5 constitutes unprofessional conduct.

6 6. A person may pursue any remedy provided by law against  
7 a person that engaged in a prohibited practice or act in  
8 violation of this section.

9 7. Notwithstanding any provision of law to the contrary,  
10 an action brought pursuant to this section is not subject to  
11 a statute of limitations and may be commenced at any time  
12 after the date the procedure resulting in the conception  
13 through assisted reproduction in violation of this section was  
14 performed.

15 Sec. 4. Section 147.55, Code 2022, is amended by adding the  
16 following new subsection:

17 NEW SUBSECTION. 7A. Sexual abuse in the fourth degree in  
18 violation of section 709.4A.

19 Sec. 5. Section 692A.102, subsection 1, paragraph c, Code  
20 2022, is amended by adding the following new subparagraph:

21 NEW SUBPARAGRAPH. (012) Sexual abuse in the fourth degree  
22 in violation of section 709.4A.

23 Sec. 6. NEW SECTION. **709.4A Sexual abuse in the fourth**  
24 **degree — health care professionals — civil remedies.**

25 1. A health care professional commits sexual abuse in the  
26 fourth degree when the health care professional implants the  
27 health care professional's own human reproductive material  
28 through assisted reproduction without the patient's prior  
29 knowledge and written consent.

30 2. Sexual abuse in the fourth degree is an aggravated  
31 misdemeanor.

32 3. A parent-child relationship between a child and a health  
33 care professional is not created for any legal purpose upon the  
34 birth of a child born as the result of being conceived through  
35 the commission of sexual abuse in the fourth degree by a health

1 care professional pursuant to this section.

2 4. Notwithstanding any provision of law to the contrary,  
3 in addition to any other civil remedy provided by law, a  
4 patient is entitled to damages in an amount that is the basic  
5 support obligation prescribed by the child support guidelines  
6 established pursuant to section 598.21B based on the health  
7 care professional's monthly adjusted net income.

8 5. For the purposes of this section, *"assisted*  
9 *reproduction"*, *"gamete"*, *"health care professional"*, *"human*  
10 *reproductive material"*, and *"patient"* mean the same as defined  
11 in section 714I.2.

12 Sec. 7. Section 802.2, Code 2022, is amended to read as  
13 follows:

14 **802.2 Sexual abuse — first, second, ~~or~~ third, or fourth**  
15 **degree.**

16 1. An information or indictment for sexual abuse in the  
17 first, second, ~~or~~ third, or fourth degree committed on or  
18 with a person who is under the age of eighteen years may be  
19 commenced at any time after the commission of the offense.

20 2. An information or indictment for any other sexual abuse  
21 in the first, second, ~~or~~ third, or fourth degree shall be  
22 commenced within ten years after its commission, or if the  
23 person against whom the information or indictment is sought is  
24 identified through the use of a DNA profile, an information or  
25 indictment shall be commenced within three years from the date  
26 the person is identified by the person's DNA profile, whichever  
27 is later.

28 3. As used in [this section](#), *"identified"* means a person's  
29 legal name is known and the person has been determined to be  
30 the source of the DNA.>

31 2. Title page, line 1, after <reproduction> by inserting  
32 <fraud>>