

Senate File 529 - Reprinted

SENATE FILE 529
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SSB 1223)

(As Amended and Passed by the Senate March 17, 2021)

A BILL FOR

1 An Act relating to assisted reproduction fraud, and providing
2 penalties.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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

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

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

5 For purposes of this chapter, unless the context otherwise
6 requires:

7 1. "*Assisted reproduction*" means a method of causing
8 pregnancy other than sexual intercourse.

9 2. "*Donor*" means an individual who provides gametes
10 intended for use in assisted reproduction, whether or not for
11 consideration.

12 3. "*Gamete*" means a sperm, an egg, or any part of a sperm
13 or an egg.

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

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

21 6. "*Human reproductive material*" means a human gamete or a
22 human organism at any stage of development from fertilized ovum
23 to embryo.

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

26 8. "*Physician*" means an individual licensed under chapter
27 148.

28 Sec. 3. NEW SECTION. 714I.3 Prohibited practices and acts.

29 1. A person shall not engage in a practice or act the
30 person knows or reasonably should have known provides false
31 information to a patient related to an assisted reproduction
32 procedure or treatment including false information relating to
33 any of the following:

34 a. The human reproductive material used or provided for
35 assisted reproduction.

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

5 *c.* A donor's medical history including but not limited to an
6 illness of the donor at the time of donation, any past illness
7 of the donor, or the social, genetic, or family history of the
8 donor.

9 2. A physician shall not use or provide a patient with human
10 reproductive material for assisted reproduction other than that
11 to which the patient consented in writing.

12 3. A health facility shall not provide a patient with
13 human reproductive material for assisted reproduction other
14 than that agreed to in writing between the patient and the
15 health facility or that is not provided in compliance with the
16 agreement between the donor and the health facility.

17 4. A person who violates this section is guilty of a class
18 "C" felony.

19 5. A violation of this section by a physician, health care
20 professional, or health facility is grounds for denial of an
21 application for, denial of renewal of, or revocation of any
22 license, permit, certification, or any other form of permission
23 required to practice a profession or establish, conduct, or
24 maintain a facility regulated by the state.

25 Sec. 4. NEW SECTION. 714I.4 Private right of action —
26 damages — statute of limitations.

27 1. Any of the following persons may bring a cause of action
28 for compensatory and punitive damages against any person that
29 engaged in a prohibited practice or act in violation of this
30 chapter:

31 *a.* The patient who gives birth to a child conceived through
32 assisted reproduction as a result of a violation of this
33 chapter.

34 *b.* The spouse of a patient at the time the patient utilized
35 assisted reproduction services, when the patient gives birth

1 to a child conceived through assisted reproduction as a result
2 of a violation of this chapter.

3 *c.* A child conceived through assisted reproduction as a
4 result of a violation of this chapter.

5 *d.* A donor whose human reproductive material resulted in the
6 birth of a child conceived through assisted reproduction as a
7 result of a violation of this chapter.

8 2. Each child born as a result of a violation of this
9 chapter constitutes the basis for a separate cause of action.

10 3. In an action brought under this chapter, the court may
11 award the prevailing party court costs and reasonable attorney
12 fees.

13 4. An action brought pursuant to this chapter shall be
14 brought within three years after the discovery of a violation
15 of this chapter by the person bringing the action.

16 Sec. 5. Section 692A.102, subsection 1, paragraph c, Code
17 2021, is amended by adding the following new subparagraph:

18 NEW SUBPARAGRAPH. (011) Sexual abuse in the third degree in
19 violation of section 709.4, subsection 1A.

20 Sec. 6. Section 709.4, Code 2021, is amended by adding the
21 following new subsection:

22 NEW SUBSECTION. 1A. A physician commits sexual abuse
23 in the third degree when the physician violates chapter
24 714I by implanting the physician's own human reproductive
25 material through assisted reproduction without the patient's
26 prior knowledge and written consent. For the purposes of
27 this subsection, "*assisted reproduction*", "*human reproductive*
28 *material*", "*patient*", and "*physician*" mean the same as defined
29 in section 714I.2.