SENATE FILE 529
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SSB 1223)

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

_____ = New Language by the Senate

A BILL FOR

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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