

CS/CS/SB 698 – Reproductive Health

This bill creates s. 784.086, F.S., establishing an **unranked, 3rd degree felony (Level 1 by default)** for a health care practitioner who intentionally transfers into the body of a recipient human reproductive material or implants “a human embryo of a donor, knowing the recipient has not consented to the use of the human reproductive material or human embryo from that donor.” An **unranked, 2nd degree felony (Level 4 by default)** is created for a health care practitioner committing this violation “who is the donor of the reproductive material.” The period of limitation does not begin to run until the date the violation is discovered and reported to law enforcement or other governmental agency. Additionally, this act is included as one that would lead to the denial/suspension/revocation of a license.

While it is not known how many physicians would be offenders under this statute, an upcoming peer reviewed article notes that there were currently six offenders in North America that faced criminal/civil charges for their conduct.¹ Per DOC, in FY 18-19, there were 3 new commitments to prison who committed felonies regarding practicing health care without a license.

EDR RECOMMENDED ESTIMATE: Positive Insignificant

¹ Madeira, Jody L. 2020. “Holding Physicians Accountable for Fertility Fraud.” *Columbia Journal of Gender and Law*.