

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Jenne offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Paragraph (pp) is added to subsection (1) of section 456.072, Florida Statutes, to read:

456.072 Grounds for discipline; penalties; enforcement.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(pp) Intentionally implanting a patient or causing a patient to be implanted with a human embryo without the recipient's consent to the use of that human embryo, or

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14 inseminating a patient or causing a patient to be inseminated
15 with the human reproductive material, as defined in s. 784.086,
16 of a donor without the recipient's consent to the use of human
17 reproductive material from that donor.

18 Section 2. Subsection (1) of section 456.074, Florida
19 Statutes, is amended to read:

20 456.074 Certain health care practitioners; immediate
21 suspension of license.—

22 (1) The department shall issue an emergency order
23 suspending the license of any person licensed under chapter 458,
24 chapter 459, chapter 460, chapter 461, chapter 462, chapter 463,
25 chapter 464, chapter 465, chapter 466, or chapter 484 who pleads
26 guilty to, is convicted or found guilty of, or who enters a plea
27 of nolo contendere to, regardless of adjudication, to:

28 (a) A felony under chapter 409, chapter 817, or chapter
29 893 or under 21 U.S.C. ss. 801-970 or under 42 U.S.C. ss. 1395-
30 1396; ~~or~~

31 (b) A misdemeanor or felony under 18 U.S.C. s. 669, ss.
32 285-287, s. 371, s. 1001, s. 1035, s. 1341, s. 1343, s. 1347, s.
33 1349, or s. 1518 or 42 U.S.C. ss. 1320a-7b, relating to the
34 Medicaid program; or

35 (c) A felony under s. 784.086, relating to a reproductive
36 battery.

37 Section 3. Section 456.51, Florida Statutes, is created to
38 read:

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39 456.51 Consent for pelvic examinations.-

40 (1) As used in this section, the term "pelvic examination"
41 means the series of tasks that comprise an examination of the
42 vagina, cervix, uterus, fallopian tubes, ovaries, rectum, or
43 external pelvic tissue or organs using any combination of
44 modalities, which may include, but need not be limited to, the
45 health care provider's gloved hand or instrumentation.

46 (2) A health care practitioner, a medical student, or any
47 other student receiving training as a health care practitioner
48 may not perform a pelvic examination on a patient without the
49 written consent of the patient or the patient's legal
50 representative executed specific to, and expressly identifying,
51 the pelvic examination, unless:

52 (a) A court orders performance of the pelvic examination
53 for the collection of evidence; or

54 (b) The pelvic examination is immediately necessary to
55 avert a serious risk of imminent substantial and irreversible
56 physical impairment of a major bodily function of the patient.

57 Section 4. Paragraph (ww) is added to subsection (1) of
58 section 458.331, Florida Statutes, to read:

59 458.331 Grounds for disciplinary action; action by the
60 board and department.-

61 (1) The following acts constitute grounds for denial of a
62 license or disciplinary action, as specified in s. 456.072(2):

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63 (ww) Implanting a patient or causing a patient to be
64 implanted with a human embryo created with the human
65 reproductive material, as defined in s. 784.086, of the
66 licensee, or inseminating a patient or causing a patient to be
67 inseminated with the human reproductive material of the
68 licensee.

69 Section 5. Paragraph (yy) is added to subsection (1) of
70 section 459.015, Florida Statutes, to read:

71 459.015 Grounds for disciplinary action; action by the
72 board and department.—

73 (1) The following acts constitute grounds for denial of a
74 license or disciplinary action, as specified in s. 456.072(2):

75 (yy) Implanting a patient or causing a patient to be
76 implanted with a human embryo created with the human
77 reproductive material, as defined in s. 784.086, of the
78 licensee, or inseminating a patient or causing a patient to be
79 inseminated with the human reproductive material of the
80 licensee.

81 Section 6. Effective October 1, 2020, section 784.086,
82 Florida Statutes, is created to read:

83 784.086 Reproductive battery.—

84 (1) As used in this section, the term:

85 (a) "Donor" means a person who donates reproductive
86 material, regardless of whether for personal use or
87 compensation.

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88 (b) "Health care practitioner" has the same meaning as
89 provided in s. 456.001.

90 (c) "Recipient" means a person who receives reproductive
91 material from a donor.

92 (d) "Reproductive material" means any human "egg" or
93 "sperm" as those terms are defined in s. 742.13, or a human
94 zygote.

95 (e) "Zygote" means a fertilized ovum.

96 (2) A health care practitioner may not intentionally
97 transfer into the body of a recipient human reproductive
98 material or implant a human embryo of a donor, knowing the
99 recipient has not consented to the use of the human reproductive
100 material or human embryo from that donor.

101 (a) A health care practitioner who violates this section
102 commits reproductive battery, a felony of the third degree,
103 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

104 (b) A health care practitioner who violates this section
105 and who is the donor of the reproductive material commits a
106 felony of the second degree, punishable as provided in s.
107 775.082, s. 775.083, or s. 775.084.

108 (3) Notwithstanding any other provision of law, the period
109 of limitation for a violation under this section does not begin
110 to run until the date on which the violation is discovered and
111 reported to law enforcement or any other governmental agency.

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112 (4) It is not a defense to the crime of reproductive
113 battery that the recipient consented to an anonymous donor.

114 Section 7. Except as otherwise expressly provided in this
115 act, this act shall take effect July 1, 2020.

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118 **T I T L E A M E N D M E N T**

119 Remove everything before the enacting clause and insert:

120 A bill to be entitled
121 An act relating to reproductive health; amending s.
122 456.072, F.S.; providing grounds for disciplinary
123 action; amending s. 456.074, F.S.; requiring the
124 department to immediately suspend the license of
125 certain health care practitioners under certain
126 circumstances; creating s. 456.51, F.S.; defining the
127 term "pelvic examination"; prohibiting health care
128 practitioners and certain students from performing a
129 pelvic examination on a patient without first
130 obtaining the written consent of the patient or the
131 patient's legal representative; providing exceptions;
132 amending ss. 458.331 and 459.015, F.S.; providing
133 grounds for disciplinary action; creating s. 784.086,
134 F.S.; defining terms; establishing the criminal
135 offense of reproductive battery; providing criminal
136 penalties; providing an exception; tolling the period

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137 | of limitations; providing that a recipient's consent
138 | to an anonymous donor is not a defense to the crime of
139 | reproductive battery; providing effective dates.

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