

By: King, Bonnen, Jones of Dallas, et al.

H.B. No. 1175

Substitute the following for H.B. No. 1175:

By: King

C.S.H.B. No. 1175

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of cloning of human beings; providing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 161, Health and Safety Code, is amended by adding Subchapter R to read as follows:

SUBCHAPTER R. HUMAN CLONING

Sec. 161.451. DEFINITIONS. In this subchapter:

(1) "Human cloning" means the use of human somatic cell nuclear transfer technology to produce a human embryo.

(2) "Human embryo" means a living organism with a full or nearly full human genetic composition in the earliest stages of development, including the one-cell stage.

(3) "Human somatic cell" means a cell of a developing or fully developed, living or deceased, human being that is not a sperm or egg cell.

(4) "Human somatic cell nuclear transfer" means the transfer of the genetic material of a human somatic cell into a fertilized or unfertilized egg cell whose genetic material has been removed or rendered inert.

Sec. 161.452. HUMAN CLONING PROHIBITED. (a) A person may not engage in or attempt to engage in human cloning.

(b) This subchapter does not restrict:

(1) scientific research in the use of nuclear transfer

1 or other cloning techniques to produce:

2 (A) molecules;

3 (B) DNA;

4 (C) cells other than human embryos;

5 (D) tissues;

6 (E) organs;

7 (F) plants; or

8 (G) animals other than humans; or

9 (2) any other research not specifically prohibited by
10 this subchapter.

11 Sec. 161.453. LICENSED VIOLATORS. A person licensed by a
12 state agency as a health care practitioner or health care facility
13 who violates Section 161.452 is subject to the same consequence,
14 other than a civil penalty, that the person would be subject to if
15 the person had violated the licensing law applicable to the person
16 or rules adopted under that law.

17 Sec. 161.454. CIVIL PENALTY. (a) A person who violates
18 Section 161.452 is liable to the state for a civil penalty of not
19 less than \$5 million or more than \$10 million for each violation.

20 (b) The amount of the penalty shall be based on:

21 (1) the seriousness of the violation;

22 (2) the history of previous violations;

23 (3) the amount necessary to deter a future violation;

24 and

25 (4) any other matter that justice may require.

26 (c) The attorney general may sue to collect a civil penalty
27 under this section. In the suit the commissioner or the attorney

1 general may each recover the reasonable expenses the officer
2 incurred in obtaining the penalty, including investigation and
3 court costs, reasonable attorney's fees, witness fees, and other
4 expenses. The expenses recovered by the commissioner under this
5 section shall be used for the administration and enforcement of
6 this subchapter. The expenses recovered by the attorney general
7 shall be used by the attorney general.

8 Sec. 161.455. CRIMINAL OFFENSE. (a) A person commits an
9 offense if the person intentionally engages in human cloning.

10 (b) An offense under this section is a felony of the first
11 degree.

12 SECTION 2. This Act takes effect September 1, 2003.