

By: King

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 human egg cell with a full genetic composition capable of differentiating and maturing into a fully developed human being.

(3) "Human somatic cell" means a cell of a developing or fully developed human being that is not and will not become a sperm or egg cell.

(4) "Human somatic cell nuclear transfer" means the transfer of the nucleus of a human somatic cell into an egg cell from which the nucleus 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 scientific research or therapies using cloning technologies not expressly prohibited by this subchapter.

1 Sec. 161.453. LICENSED VIOLATORS. A person licensed by a
2 state agency as a health care practitioner or health care facility
3 who violates Section 161.452 is subject to the same consequence,
4 other than a civil penalty, that the person would be subject to if
5 the person had violated the licensing law applicable to the person
6 or rules adopted under that law.

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

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

11 (1) the seriousness of the violation;

12 (2) the history of previous violations;

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

14 and

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

16 (c) The attorney general may sue to collect a civil penalty
17 under this section. In the suit the commissioner or the attorney
18 general may each recover the reasonable expenses the officer
19 incurred in obtaining the penalty, including investigation and
20 court costs, reasonable attorney's fees, witness fees, and other
21 expenses. The expenses recovered by the commissioner under this
22 section shall be used for the administration and enforcement of
23 this subchapter. The expenses recovered by the attorney general
24 shall be used by the attorney general.

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

27 (b) An offense under this section is a felony of the first

1 degree.

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