

By: Paxton

H.B. No. 3521

A BILL TO BE ENTITLED

AN ACT

relating to destructive human embryo research; providing criminal penalties.

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

SECTION 1. Subtitle H, Title 2, Health and Safety Code, is amended by adding Chapter 171 to read as follows:

CHAPTER 171. DESTRUCTIVE HUMAN EMBRYO RESEARCH

Sec. 171.001. DEFINITIONS. In this chapter:

(1) "Destructive research" means a medical procedure, scientific or laboratory research, or another kind of procedure or investigation that kills or injures the subject of the procedure or research. The term does not include:

(A) in vitro fertilization and accompanying transfer of a human embryo to a woman's body; or

(B) a diagnostic procedure that may benefit a human embryo that is subjected to the procedure.

(2) "Gamete" means a human sperm or unfertilized human ovum.

(3) "Human embryo" means a genetically complete living organism of the species Homo sapiens, from the single cell stage to eight weeks' development, that is not located in a woman's body.

Sec. 171.002. PROHIBITIONS; CRIMINAL OFFENSE. (a) A person commits an offense if the person:

(1) intentionally or knowingly conducts destructive

1 research on a human embryo;

2 (2) buys, sells, receives, or otherwise transfers a
3 human embryo knowing that the human embryo will be subjected to
4 destructive research; or

5 (3) buys, sells, receives, or otherwise transfers a
6 gamete knowing that a human embryo to be subjected to destructive
7 research will be produced from the gamete.

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

10 SECTION 2. The provisions of this Act are declared to be
11 severable, and if any provision, word, phrase, or clause of the Act
12 or the application of the provision, word, phrase, or clause of the
13 Act to any person is held invalid, the invalidity does not affect
14 the validity of the remaining portions of the Act.

15 SECTION 3. This Act takes effect immediately if it receives
16 a vote of two-thirds of all the members elected to each house, as
17 provided by Section 39, Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect September 1, 2003.