

By: King of Parker

H.B. No. 864

A BILL TO BE ENTITLED

1 AN ACT

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

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

5 SECTION 1. Subtitle H, Title 2, Health and Safety Code, is
6 amended by adding Chapter 168 to read as follows:

7 CHAPTER 168. USE OF HUMAN CELLS AND TISSUE

8 Sec. 168.001. DEFINITIONS. In this subchapter:

9 (1) "Embryo" means an organism of the species homo
10 sapiens from the single cell stage to eight weeks of development.

11 (2) "Fetus" means an organism of the species homo
12 sapiens from eight weeks of development until complete expulsion or
13 extraction from a woman's body or removal from an artificial womb or
14 other similar environment designed to nurture the development of
15 the organism.

16 (3) "Human cloning" means human reproduction not
17 initiated by the union of oocyte and sperm, accomplished by
18 introducing the genetic material from one or more human somatic
19 cells into a fertilized or unfertilized oocyte whose nuclear
20 material has been removed or inactivated to produce a living human
21 organism, at any stage of development, that is genetically
22 virtually identical to an existing or previously existing human
23 organism.

24 (4) "Oocyte" means the human female germ cell, the

1 egg.

2 (5) "Somatic cell" means a diploid cell at any stage of
3 development, having a complete set of chromosomes, obtained or
4 derived from a living or deceased human body.

5 Sec. 168.002. HUMAN CLONING PROHIBITED. (a) A person may
6 not:

7 (1) perform or attempt to perform human cloning;

8 (2) participate in an attempt to perform human
9 cloning;

10 (3) ship or transfer for any purpose a human embryo or
11 fetus produced by human cloning;

12 (4) receive for any purpose a human embryo or fetus
13 produced by human cloning;

14 (5) ship, transfer, or receive, wholly or partly, any
15 oocyte, embryo, fetus, or human somatic cell for the purpose of
16 human cloning; or

17 (6) perform or attempt to perform research on a human
18 embryo or fetus created by human cloning.

19 (b) This section does not restrict areas of scientific
20 research not specifically prohibited by this subchapter, including
21 research into the use of nuclear transfer or other cloning
22 techniques to produce molecules, deoxyribonucleic acid, cells
23 other than human embryos, tissues, organs, animals other than
24 humans, or plants.

25 (c) This section does not apply to a medical procedure used
26 to assist a woman in becoming or remaining pregnant if the procedure
27 is not specifically intended to result in the gestation or birth of

1 a child who is genetically identical to another conceptus, embryo,
2 fetus, or human being, living or dead, including:

3 (1) in vitro fertilization; and

4 (2) the administration of fertility-enhancing drugs.

5 Sec. 168.003. CIVIL PENALTY. (a) A person who
6 intentionally or knowingly violates this chapter is liable to the
7 state for a civil penalty of not less than \$500,000 or more than \$1
8 million for each violation. The amount of the penalty shall be
9 based on:

10 (1) the seriousness of the violation;

11 (2) the history of previous violations;

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

13 and

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

15 (b) The attorney general may sue to collect a civil penalty
16 under this section. In the suit the attorney general may recover
17 the reasonable expenses incurred in obtaining the penalty,
18 including investigation and court costs, reasonable attorney's
19 fees, witness fees, and other expenses. Money recovered by the
20 attorney general under this section may be appropriated only to the
21 office of the attorney general to administer and enforce this
22 subchapter.

23 Sec. 168.004. CRIMINAL OFFENSE. (a) A person commits an
24 offense if the person intentionally violates Section 168.002. An
25 offense under this section is a felony of the first degree.

26 (b) It is a defense to prosecution for conduct under Section
27 168.002(a)(4) that the person received, for the sole purpose of

1 treating an illness of the person, embryonic cells produced by
2 human cloning.

3 SECTION 2. This Act takes effect September 1, 2005.