

By: Armbrister

S.B. No. 943

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of the cloning of human beings;  
providing 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 168 to read as follows:

CHAPTER 168. USE OF HUMAN CELLS AND TISSUE

Sec. 168.001. DEFINITIONS. In this chapter:

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

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

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

(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 knowingly:

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 chapter, including:

21 (1) research into the use of nuclear transfer or other  
22 cloning techniques to produce molecules, deoxyribonucleic acid,  
23 cells other than human embryos, tissues, organs, or animals other  
24 than humans; or

25 (2) research involving embryos derived from in vitro  
26 fertilization.

27 (c) This section does not apply to:

1           (1) a medical procedure to assist a woman in becoming  
2 or remaining pregnant if the procedure is not specifically intended  
3 to result in the gestation or birth of a child who is genetically  
4 identical to another conceptus, embryo, fetus, or human being,  
5 living or dead, including:

6                   (A) in vitro fertilization; and

7                   (B) the administration of fertility-enhancing  
8 drugs; or

9           (2) a person treated with cells derived from an embryo  
10 created through human cloning.

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

15                   (1) the seriousness of the violation;

16                   (2) the history of previous violations;

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

18 and

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

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

1       Sec. 168.004. CRIMINAL OFFENSE. A person commits an  
2 offense if the person violates Section 168.002. An offense under  
3 this section is a felony of the first degree.

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