

By: Homer

H.B. No. 1533

A BILL TO BE ENTITLED

AN ACT

relating to a ban on human cloning; 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 169 to read as follows:

CHAPTER 169. BIOMEDICAL RESEARCH OVERSIGHT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 169.001. DEFINITIONS. In this chapter:

(1) "Fertilization" means the fusion of a female germ cell containing a haploid nucleus with a male gamete or sperm cell.

(2) "Human cloning" means implanting or attempting to implant into a uterus or the functional equivalent of a uterus a human embryo created by a method other than fertilization.

[Sections 169.002-169.050 reserved for expansion]

SUBCHAPTER B. HUMAN CLONING

Sec. 169.051. HUMAN CLONING PROHIBITED. A person may not engage in or attempt to engage in human cloning.

Sec. 169.052. LICENSED VIOLATORS. A person licensed by a state agency as a health care practitioner or health care facility who violates Section 169.051 is subject to the same consequence, other than a civil penalty, that the person would be subject to if the person had violated the licensing law applicable to the person or rules adopted under that law.

Sec. 169.053. CIVIL PENALTY. (a) A person who violates

1 Section 169.051 is liable to the state for a civil penalty of not  
2 more than \$10 million for each violation.

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

4 (1) the seriousness of the violation;

5 (2) the history of previous violations;

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

7 and

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

9 (c) The attorney general may sue to collect a civil penalty  
10 under this section. In the suit the attorney general may recover  
11 the reasonable expenses incurred in obtaining the penalty,  
12 including investigation and court costs, reasonable attorney's  
13 fees, witness fees, and other expenses.

14 Sec. 169.054. CRIMINAL OFFENSE. A person commits an  
15 offense if the person intentionally engages in or attempts to  
16 engage in human cloning. An offense under this section is a felony  
17 of the first degree.

18 SECTION 2. This Act takes effect September 1, 2007.