

By: Zaffirini

S.B. No. 1802

A BILL TO BE ENTITLED

AN ACT

relating to prohibiting human cloning and other uses of human tissue by institutions of higher education; providing penalties.

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

SECTION 1. Chapter 51, Education Code, is amended by adding Subchapter I to read as follows:

SUBCHAPTER I. PROHIBITION AGAINST HUMAN CLONING AND OTHER USES OF HUMAN TISSUE

Sec. 51.451. DEFINITIONS. In this chapter:

(1) "Human cloning" means implanting or attempting to implant the product of nuclear transplantation into a uterus or the functional equivalent of a uterus.

(2) "Human somatic cell" means any human cell other than a haploid germ cell.

(3) "Institution of higher education" means a public institution of higher education as defined by Section 61.003 or a private college or university that receives state funds, and includes any person affiliated with the institution who is using the facilities or property of the institution.

(4) "Nuclear transplantation" means transferring the nucleus of a human somatic cell into an oocyte from which the nucleus or all chromosomes have been or will be removed or rendered inert.

(5) "Nucleus" means the cell structure that houses the

1 chromosomes.

2 (6) "Oocyte" means the female germ cell, the egg.

3 (7) "Regenerative or reparative medical therapy or
4 treatment" means a therapy or treatment in which stem cells are
5 induced to differentiate into the specific cell type required to
6 repair damaged or depleted adult cell populations or tissues.

7 (8) "Unfertilized blastocyst" means an intact
8 cellular structure that is the product of nuclear transplantation.
9 The term does not include stem cells, other cells, cellular
10 structures, or biological products derived from an intact cellular
11 structure that is the product of nuclear transplantation.

12 Sec. 51.452. HUMAN CLONING PROHIBITED. (a) An institution
13 of higher education may not engage in or attempt to engage in human
14 cloning.

15 (b) An institution of higher education may not maintain an
16 unfertilized blastocyst for more than 14 days after the date of its
17 first cell division, not including any time during which the
18 blastocyst is stored at a temperature that is less than zero degrees
19 centigrade.

20 Sec. 51.453. PROTECTION OF RESEARCH. This chapter does not
21 restrict or prohibit:

22 (1) scientific research, including nuclear
23 transplantation, to develop regenerative or reparative medical
24 therapies or treatments; or

25 (2) any other research not specifically prohibited by
26 this chapter.

27 Sec. 51.454. RESEARCH OVERSIGHT. Research described by

1 Section 51.453(1) must be:

2 (1) conducted with full consideration for the ethical
3 and medical implications of the research; and

4 (2) reviewed, in each case, by an institutional review
5 board for compliance with applicable state and federal law.

6 Sec. 51.455. VOLUNTARY DONATION OF OOCYTES. An institution
7 of higher education may not use an oocyte in nuclear
8 transplantation research unless the oocyte was donated voluntarily
9 by and with the informed consent of the woman donating the oocyte.

10 Sec. 51.456. PURCHASE OR SALE OF OOCYTE OR BLASTOCYST. (a)
11 An institution of higher education may not purchase, sell, or
12 otherwise transfer for valuable consideration a human oocyte or
13 unfertilized blastocyst.

14 (b) In this section, "valuable consideration" does not
15 include reasonable payments:

16 (1) associated with the transportation, processing,
17 preservation, or storage of a human oocyte; or

18 (2) to compensate a donor for expenses directly
19 associated with the donation.

20 Sec. 51.457. LOSS OF STATE FUNDING. An institution of
21 higher education that violates this subchapter is ineligible to
22 receive state funds.

23 Sec. 51.458. CIVIL PENALTY. (a) A person who violates this
24 subchapter is liable to the state for a civil penalty of not more
25 than \$10 million for each violation.

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

27 (1) the seriousness of the violation;

1 (2) the history of previous violations;

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

3 and

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

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

10 SECTION 2. This Act takes effect September 1, 2009.