

By: Raymond

H.B. No. 154

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to a prohibition against human cloning and regulating  
3 other uses of human tissue by institutions of higher education;  
4 providing penalties.

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

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

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

10 Sec. 51.451. DEFINITIONS. In this chapter:

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

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

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

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

1           (5) "Nucleus" means the cell structure that houses the  
2 chromosomes.

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

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

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

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

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

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

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

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

1       Sec. 51.454. RESEARCH OVERSIGHT. Research described by  
2 Section 51.453(1) must be:

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

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

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

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

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

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

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

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

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

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

1           (1) the seriousness of the violation;

2           (2) the history of previous violations;

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

4 and

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

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

11           SECTION 2. This Act takes effect September 1, 2011.