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SENATE FILE

2118

BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SF 2046)

Passed Senate, Date \_\_\_\_\_

Passed House, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

**A BILL FOR**

1 An Act prohibiting certain activities related to the use or  
2 destruction of the materials of human reproduction, and  
3 providing penalties.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 2118

1 Section 1. NEW SECTION. 707B.1 TITLE.

2 This chapter shall be known and may be cited as the "Human  
3 Embryo Research and Human Cloning Act".

4 Sec. 2. NEW SECTION. 707B.2 PURPOSE.

5 It is the purpose of this chapter to prohibit human cloning  
6 for any purpose, whether for reproductive cloning or  
7 therapeutic cloning.

8 Sec. 3. NEW SECTION. 707B.3 DEFINITIONS.

9 As used in this chapter, unless the context otherwise  
10 requires:

11 1. "Destructive research" means medical procedures,  
12 scientific or laboratory research, or other kinds of  
13 investigation that destroy or injure the subject of the  
14 research. "Destructive research" does not include in vitro  
15 fertilization and accompanying embryo transfer to a woman's  
16 body or any diagnostic test that may assist in the future care  
17 of the subject of the research.

18 2. "Fetus" means a living organism of the species homo  
19 sapiens from eight weeks' development until complete expulsion  
20 or extraction from a woman's body, or until removal from an  
21 artificial womb or other similar environment designed to  
22 nurture the development of such organism.

23 3. "Gamete" means a human sperm or an unfertilized human  
24 ovum.

25 4. "Human cloning" means human asexual reproduction,  
26 accomplished by introducing the genetic material of a human  
27 somatic cell into the oocyte whose nucleus has been removed or  
28 inactivated, to produce a living organism with a human or  
29 predominately human genetic constitution.

30 5. "Human embryo" means a living organism of the species  
31 homo sapiens from the single-celled stage to eight weeks'  
32 development.

33 6. "Human somatic cell" means a cell having a complete set  
34 of chromosomes obtained from a living or deceased human  
35 organism of the species homo sapiens at any stage of

1 development.

2 7. "Oocyte" means the unfertilized human ovum.

3 Sec. 4. NEW SECTION. 707B.4 DESTRUCTIVE RESEARCH --  
4 HUMAN EMBRYO -- PROHIBITIONS -- PENALTY.

5 1. A person shall not do any of the following:

6 a. Intentionally or knowingly conduct destructive research  
7 on a human embryo.

8 b. Buy, sell, receive, or otherwise transfer a human  
9 embryo with the knowledge that the embryo will be subjected to  
0 destructive research.

1 c. Buy, sell, receive, or otherwise transfer gametes with  
2 the knowledge that a human embryo will be produced from the  
3 gametes for the purpose of using the human embryo for  
4 destructive research.

5 2. A person who violates this section is guilty of an  
6 aggravated misdemeanor.

7 Sec. 5. NEW SECTION. 707B.5 HUMAN CLONING --  
8 PROHIBITIONS -- EXCEPTIONS -- PENALTY.

9 1. A person shall not intentionally or knowingly do any of  
0 the following:

1 a. Perform or attempt to perform human cloning.

2 b. Participate in performing or in an attempt to perform  
3 human cloning.

4 c. Transfer or receive the product of human cloning for  
5 any purpose.

6 d. Transfer or receive, in whole or in part, any oocyte,  
7 human embryo, fetus, or human somatic cell, for the purpose of  
8 human cloning.

9 2. This section shall not restrict areas of scientific  
0 research not specifically prohibited, including in vitro  
1 fertilization; the administration of fertility-enhancing  
2 drugs; or research in the use of nuclear transfer or other  
3 cloning techniques to produce molecules, deoxyribonucleic  
4 acid, tissues, organs, plants, animals other than humans, or  
5 cells other than human embryos.

1 3. a. A person who violates subsection 1, paragraph "a"  
2 or "b", is guilty of a class "C" felony.

3 b. A person who violates subsection 1, paragraph "c" or  
4 "d", is guilty of an aggravated misdemeanor.

5 4. A person who violates this section in a manner that  
6 results in a pecuniary gain to the person is subject to a  
7 civil penalty in an amount that is twice the amount of the  
8 gross gain.

9 5. A person who violates this section and who is licensed  
10 pursuant to chapter 148, 150, or 150A is subject to revocation  
11 of the person's license.

12 6. A violation of this section is grounds for denial of an  
13 application for, denial of renewal of, or revocation of any  
14 license, permit, certification, or any other form of  
15 permission required to practice or engage in any trade,  
16 occupation, or profession regulated by the state.

17 EXPLANATION

18 This bill relates to the use of products of human  
19 reproduction for the purposes of human cloning or destructive  
20 research. The bill defines terms used in the bill including  
21 "destructive research", "fetus", "gamete", "human cloning",  
22 "human embryo", "human somatic cell", and "oocyte".

23 The bill prohibits a person from knowingly or  
24 intentionally: conducting destructive research on a human  
25 embryo; buying, selling, receiving, or otherwise transferring  
26 a human embryo with the knowledge that the embryo will be  
27 subjected to destructive research, or buying, selling,  
28 receiving, or otherwise transferring gametes with the  
29 knowledge that a human embryo will be produced from the  
30 gametes for the purpose of using the human embryo for  
31 destructive research. A person who violates these provisions  
32 of the bill is guilty of an aggravated misdemeanor. An  
33 aggravated misdemeanor carries with it a maximum penalty of  
34 imprisonment not to exceed two years and a fine of at least  
35 \$500 but not to exceed \$5,000.

1 The bill also prohibits a person from intentionally or  
2 knowingly: performing or attempting to perform human cloning;  
3 participating in the performance of or an attempt to perform  
4 human cloning; transferring or receiving the product of human  
5 cloning for any purpose; or transferring or receiving, in  
6 whole or in part, any oocyte, human embryo, fetus, or human  
7 somatic cell, for the purpose of human cloning. The bill  
8 provides that the prohibitions of the bill are not to restrict  
9 areas of scientific research not specifically prohibited,  
0 including in vitro fertilization; the administration of  
1 fertility-enhancing drugs; or research in the use of nuclear  
2 transfer or other cloning techniques to produce molecules,  
3 DNA, tissues, organs, plants, animals other than humans, or  
4 cells other than human embryos. A person who violates the  
5 portions of the bill relating to performing or attempting to  
6 perform human cloning or participating in an attempt to  
7 perform or the performance of human cloning is guilty of a  
8 class "C" felony. A class "C" felony carries with it a  
9 penalty of confinement for no more than 10 years and a fine of  
0 at least \$1,000, but not more than \$10,000. A person who  
1 violates the bill by transferring or receiving the product of  
2 human cloning for any purpose, or by transferring or  
3 receiving, in whole or in part, any oocyte, human embryo,  
4 fetus, or human somatic cell, for the purpose of human  
5 cloning, is guilty of an aggravated misdemeanor. The bill  
6 also provides that a person who violates the section of the  
7 bill prohibiting human cloning is subject to the following, as  
8 applicable: if the person violates this section of the bill  
9 in a manner that results in a pecuniary gain to the person,  
0 the person is subject to a civil penalty in an amount that is  
1 twice the amount of the gross gain; if the person who violates  
2 this section of the bill is licensed pursuant to chapter 148,  
3 150, or 150A, the person is subject to revocation of the  
4 license; and a violation is grounds for denial of an  
5 application for, denial of renewal of, or revocation of any

1 license, permit, certification, or any other form of  
2 permission required to practice or engage in any trade,  
3 occupation, or profession regulated by the state.

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