

JUDICIARY
SENATE FILE 2013
BY VEENSTRA

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the liability derived from human cloning, and
2 providing civil remedies.

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

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SF 2013
JUDICIARY

1 Section 1. NEW SECTION. 707B.5 LIABILITY FOR THE RESULT
2 OF HUMAN CLONING -- CIVIL REMEDIES.

3 1. A person participating in human cloning resulting in
4 the production of a human individual is jointly and severally
5 liable to the individual and the individual's legal guardian
6 for support and the costs of guardianship during the
7 individual's minority, including any court costs associated
8 with any matter related to the production or legal status of
9 the individual. The liability under this subsection shall not
10 cease at the time that the individual reaches majority if at
11 or after the time of majority the individual suffers from any
12 congenital defect or other disability related to the
13 production of the individual by human cloning.

14 2. The rights of recovery created under this section are
15 cumulative as to all other legal rights. The liability
16 created by this section shall not be reduced by the payment of
17 any other liability or by the recovery of damages from any
18 other sources or under any other legal theory.

19 3. The liabilities under this section shall be strictly
20 enforced without regard to negligence or fault. The
21 liabilities created by this section may not be waived by any
22 individual, except as provided by an enforceable judgment of a
23 court of this state.

24 4. Any state agency providing services to any individual
25 entitled to recovery under this section and any private
26 insurer legally obligated to pay medical costs or other
27 compensation related to the human cloning shall be subrogated
28 to the rights to recover under this section of any individual
29 receiving the services or benefiting from the insurance. The
30 subrogation shall not exceed the full cost of the services or
31 insurance payments.

32 5. An action brought under subsection 1 for support and
33 the costs of guardianship shall be commenced within five years
34 after the individual produced by human cloning reaches
35 majority. However, if at or after the time of reaching

1 majority the individual produced by human cloning suffers from
2 any congenital defect or other disability related to the
3 production of the individual by human cloning, an action may
4 be commenced until five years following the date of the death
5 of the individual.

6 EXPLANATION

7 This bill establishes civil remedies for an individual
8 produced by human cloning. The bill provides that a person
9 participating in human cloning resulting in the production of
10 a human individual is jointly and severally liable to the
11 individual and the individual's legal guardian for support and
12 the costs of guardianship during the individual's minority,
13 including any court costs associated with any matter related
14 to the production or legal status of the individual.

15 Additionally, the liability continues after the individual
16 reaches majority if at or after the time that the individual
17 reaches majority the individual suffers from any congenital
18 defect or other disability related to the production of the
19 individual by human cloning.

20 The bill provides that the rights of recovery are
21 cumulative as to all other legal rights, and the liability
22 created is not to be reduced by the payment of any other
23 liability or by the recovery of damages from any other sources
24 or under any other legal theory. The liabilities created are
25 to be strictly enforced without regard to negligence or fault
26 and are not to be waived, except as provided by an enforceable
27 judgment of a court of the state.

28 The bill also provides that any state agency providing
29 services to any individual entitled to recovery and any
30 private insurer legally obligated to pay medical costs or
31 other compensation related to the human cloning are to be
32 subrogated to the rights to recover of any individual
33 receiving the services or benefiting from the insurance. The
34 subrogation is not to exceed the full cost of the services or
35 insurance payments.

1 An action brought for support and the costs of guardianship
2 is required to be commenced within five years of the time that
3 the individual produced by human cloning reaches majority.
4 However, if at or after the time of reaching majority the
5 individual produced by human cloning suffers from any
6 congenital defect or other disability related to the
7 production of the individual by human cloning, an action may
8 be commenced until five years following the date of the death
9 of the individual.

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