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FILED FEB 5 2002

SENATE FILE 2118
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SF 2046)

Passed Senate, ^(P. 499) Date 3/5/02 Passed House, ^(P. 1230) Date 4-9-02
Vote: Ayes 32 Nays 16 Vote: Ayes 93 Nays 3

Approved April 26, 2002
P. 1088 Re-passed 4-10-02
Title 39-10

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
10 destructive research.

11 c. Buy, sell, receive, or otherwise transfer gametes with
12 the knowledge that a human embryo will be produced from the
13 gametes for the purpose of using the human embryo for
14 destructive research.

15 2. A person who violates this section is guilty of an
16 aggravated misdemeanor.

17 Sec. 5. NEW SECTION. 707B.5 HUMAN CLONING --
18 PROHIBITIONS -- EXCEPTIONS -- PENALTY.

19 1. A person shall not intentionally or knowingly do any of
20 the following:

21 a. Perform or attempt to perform human cloning.

22 b. Participate in performing or in an attempt to perform
23 human cloning.

24 c. Transfer or receive the product of human cloning for
25 any purpose.

26 d. Transfer or receive, in whole or in part, any oocyte,
27 human embryo, fetus, or human somatic cell, for the purpose of
28 human cloning.

29 2. This section shall not restrict areas of scientific
30 research not specifically prohibited, including in vitro
31 fertilization; the administration of fertility-enhancing
32 drugs; or research in the use of nuclear transfer or other
33 cloning techniques to produce molecules, deoxyribonucleic
34 acid, tissues, organs, plants, animals other than humans, or
35 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.

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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,
10 including in vitro fertilization; the administration of
11 fertility-enhancing drugs; or research in the use of nuclear
12 transfer or other cloning techniques to produce molecules,
13 DNA, tissues, organs, plants, animals other than humans, or
14 cells other than human embryos. A person who violates the
15 portions of the bill relating to performing or attempting to
16 perform human cloning or participating in an attempt to
17 perform or the performance of human cloning is guilty of a
18 class "C" felony. A class "C" felony carries with it a
19 penalty of confinement for no more than 10 years and a fine of
20 at least \$1,000, but not more than \$10,000. A person who
21 violates the bill by transferring or receiving the product of
22 human cloning for any purpose, or by transferring or
23 receiving, in whole or in part, any oocyte, human embryo,
24 fetus, or human somatic cell, for the purpose of human
25 cloning, is guilty of an aggravated misdemeanor. The bill
26 also provides that a person who violates the section of the
27 bill prohibiting human cloning is subject to the following, as
28 applicable: if the person violates this section of the bill
29 in a manner that results in a pecuniary gain to the person,
30 the person is subject to a civil penalty in an amount that is
31 twice the amount of the gross gain; if the person who violates
32 this section of the bill is licensed pursuant to chapter 148,
33 150, or 150A, the person is subject to revocation of the
34 license; and a violation is grounds for denial of an
35 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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S-5088

1 Amend Senate File 2118 as follows:

2 1. Page 1, by striking lines 11 through 17, and
3 inserting the following:

4 "1. "Destructive research" means medical,
5 scientific, or laboratory research, or other kinds of
6 investigation that destroy or injure the subject of
7 the research. "Research" means a systematic
8 investigation, including research development,
9 testing, and evaluation, designed to develop or
10 contribute to generalizable knowledge. "Destructive
11 research" does not include in vitro fertilization and
12 accompanying embryo transfer to a woman's body or any
13 diagnostic test that may assist in the future care of
14 the subject of the research."

15 2. Page 2, by striking line 24, and inserting the
16 following:

17 "c. Transfer or receive a cloned human embryo
18 for".

By JOHN REDWINE

S-5088 FILED FEBRUARY 28, 2002

W/R

3/5/02

(P. 498)

SENATE FILE 2118

S-5094

1 Amend Senate File 2118 as follows:

2 1. Page 1, by striking lines 11 through 17, and
3 inserting the following:

4 "1. "Destructive research" means medical,
5 scientific, or laboratory research, or other kinds of
6 investigation that destroy or injure the subject of
7 the research. "Research" means a systematic
8 investigation, including research development,
9 testing, and evaluation, designed to develop or
10 contribute to generalizable knowledge. "Destructive
11 research" does not include in vitro fertilization and
12 accompanying embryo transfer to a woman's body or any
13 diagnostic test that may assist in the future care of
14 the woman."

15 2. Page 2, by striking line 24, and inserting the
16 following:

17 "c. Transfer or receive a cloned human embryo
18 for".

By JOHN REDWINE

S-5094 FILED FEBRUARY 28, 2002

Adapted
3/5/02
(p. 498)

SENATE FILE 2118

S-5109

- 1 Amend Senate File 2118 as follows:
2 1. Page 3, by inserting after line 16, the
3 following:
4 "Sec. ____ . NEW SECTION. 707B.6 STEM CELL
5 RESEARCH -- EXCEPTION.
6 Nothing in this chapter shall be interpreted to
7 prohibit the performance of human stem cell research
8 in this state utilizing human stem cells that are
9 derived outside of the state."
10 2. By renumbering as necessary.

By JOHN REDWINE
ROBERT E. DVORSKY

S-5109 FILED MARCH 5, 2002

ADOPTED

(P. 498)

SENATE FILE 2118

S-5110

- 1 Amend Senate File 2118 as follows:
2 1. Page 1, line 3, by striking the words "Embryo
3 Research and Human".
4 2. Page 1, line 5, by striking the word "cloning"
5 and inserting the following: "reproductive cloning."
6 3. Page 1, by striking lines 6 and 7.
7 4. Page 1, by striking lines 11 through 17.
8 5. Page 1, by striking lines 23 and 24.
9 6. Page 2, by striking lines 3 through 16.
10 7. Title page, lines 1 and 2, by striking the
11 words "or destruction".
12 8. By renumbering as necessary.

By JOHNIE HAMMOND PATRICIA HARPER
JACK HOLVECK JOE BOLKCOM
ROBERT E. DVORSKY

S-5110 FILED MARCH 5, 2002

LOST

(P. 498)

Legislative Fiscal Bureau

Fiscal Note

SF 2118 - Human Cloning Ban (LSB 5682 SV)
Analyst: Russ Trimble (Phone: (515) 281-4613) (Russ.Trimble@legis.state.ia.us)
Fiscal Note Version - New

Description

Senate File 2118 prohibits human cloning and destructive research on a human embryo and provides for penalties for those in violation of the provisions of the Bill.

Assumptions

1. The term "destructive research" would not apply to abortions unrelated to cloning.
2. There are a limited number of scientists and institutions in the State capable of conducting human cloning, and the probability of these individuals and institutions complying with Iowa law is high.

Correctional Impact

Senate File 2118 is not expected to have a significant correctional impact.

Fiscal Impact

Senate File 2118 is not expected to have a significant fiscal impact.

Sources

Department of Public Health
Board of Regents
Department of Human Services
Division of Criminal and Juvenile Justice Planning, Department of Human Rights
Department of Corrections

/s/ Dennis C Prouty

February 7, 2002

The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

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, scientific, or
12 laboratory research, or other kinds of investigation that
13 destroy or injure the subject of the research. "Research"
14 means a systematic investigation, including research
15 development, testing, and evaluation, designed to develop or
16 contribute to generalizable knowledge. "Destructive research"
17 does not include in vitro fertilization and accompanying
18 embryo transfer to a woman's body or any diagnostic test that
19 may assist in the future care of the woman.

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

25 3. "Gamete" means a human sperm or an unfertilized human
26 ovum.

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

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

35 6. "Human somatic cell" means a cell having a complete set

1 of chromosomes obtained from a living or deceased human
2 organism of the species homo sapiens at any stage of
3 development.

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

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

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

8 a. Intentionally or knowingly conduct destructive research
9 on a human embryo.

10 b. Buy, sell, receive, or otherwise transfer a human
11 embryo with the knowledge that the embryo will be subjected to
12 destructive research.

13 c. Buy, sell, receive, or otherwise transfer gametes with
14 the knowledge that a human embryo will be produced from the
15 gametes for the purpose of using the human embryo for
16 destructive research.

17 2. A person who violates this section is guilty of an
18 aggravated misdemeanor.

19 Sec. 5. NEW SECTION. 707B.5 HUMAN CLONING --
20 PROHIBITIONS -- EXCEPTIONS -- PENALTY.

21 1. A person shall not intentionally or knowingly do any of
22 the following:

23 a. Perform or attempt to perform human cloning.

24 b. Participate in performing or in an attempt to perform
25 human cloning.

26 c. Transfer or receive a cloned human embryo for any
27 purpose.

28 d. Transfer or receive, in whole or in part, any oocyte,
29 human embryo, fetus, or human somatic cell, for the purpose of
30 human cloning.

31 2. This section shall not restrict areas of scientific
32 research not specifically prohibited, including in vitro
33 fertilization; the administration of fertility-enhancing
34 drugs; or research in the use of nuclear transfer or other
35 cloning techniques to produce molecules, deoxyribonucleic

1 acid, tissues, organs, plants, animals other than humans, or
2 cells other than human embryos.

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

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

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

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

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

19 Sec. 6. NEW SECTION. 707B.6 STEM CELL RESEARCH --
20 EXCEPTION.

21 Nothing in this chapter shall be interpreted to prohibit
22 the performance of human stem cell research in this state
23 utilizing human stem cells that are derived outside of the
24 state.

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SENATE FILE 2118

H-8322

1 Amend Senate File 2118, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:

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

6 This chapter shall be known and may be cited as the
7 "Human Cloning and Stem Cell Research Act".

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

9 It is the purpose of this chapter to prohibit human
10 reproductive cloning for any purpose.

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

12 As used in this chapter, unless the context
13 otherwise requires:

14 1. "Human cloning" means human asexual
15 reproduction by implanting or attempting to implant
16 the product of nuclear transplantation into a woman's
17 uterus or a substitute for a woman's uterus.

18 2. "Human somatic cell" means a diploid cell,
19 having a complete set of chromosomes, obtained or
20 derived from a living or deceased human body at any
21 stage of development.

22 3. "Nuclear transplantation" means introducing the
23 nuclear material of a human somatic cell into a
24 fertilized or unfertilized oocyte from which the
25 nucleus has been or will be removed or inactivated.

26 4. "Oocyte" means the unfertilized human ovum.

27 Sec. 4. NEW SECTION. 707B.4 HUMAN CLONING --
28 PROHIBITIONS -- EXCEPTIONS -- PENALTY.

29 1. A person shall not intentionally or knowingly
30 do any of the following:

31 a. Perform or attempt to perform human cloning.

32 b. Participate in performing or in an attempt to
33 perform human cloning.

34 c. Transfer or receive, in whole or in part, ship,
35 receive, or import the product of nuclear
36 transplantation for the purpose of human cloning.

37 2. This chapter shall not be interpreted to
38 restrict areas of scientific research not specifically
39 prohibited, including in vitro fertilization, or to
40 restrict the administration of fertility-enhancing
41 drugs. This chapter shall not be construed to
42 restrict areas of biomedical, agricultural, and
43 scientific research not specifically prohibited by
44 this chapter, including somatic cell nuclear transfer
45 or other cloning technologies to clone molecules,
46 deoxyribonucleic acid, cells, and tissues. This
47 chapter shall not be interpreted to prohibit the
48 performance of human stem cell research in this state.

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

H-8322

H-8322

Page 2

1 b. A person who violates subsection 1, paragraph
2 "c", is guilty of an aggravated misdemeanor.
3 4. A person who violates this section in a manner
4 that results in a pecuniary gain to the person is
5 subject to a civil penalty in an amount that is twice
6 the amount of the gross gain.
7 5. A person who violates this section and who is
8 licensed pursuant to chapter 148, 150, or 150A is
9 subject to revocation of the person's license.
10 6. A violation of this section is grounds for
11 denial of an application for, denial of renewal of, or
12 revocation of any license, permit, certification, or
13 any other form of permission required to practice or
14 engage in any trade, occupation, or profession
15 regulated by this state."
16 2. Title page, by striking lines 1 and 2, and
17 inserting the following: "An Act relating to human
18 cloning and human stem cell research, and".

By HANSEN of Pottawattamie
MYERS of Johnson

H-8322 FILED MARCH 18, 2002

W/10
3-28-02
(P. 1070)

SENATE FILE 2118

H-8394

1 Amend the amendment, H-8322, to Senate File 2118,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 2, by inserting after line 15, the
5 following:

6 "Sec. ____ . NEW SECTION. 707B.5 DONATION AND
7 INFORMED CONSENT FOR STEM CELL RESEARCH.

8 Human embryos created only for the purpose of
9 fertility treatments, in excess of the clinical need,
10 may be donated for the purpose of stem cell research
11 if the donation meets all of the following
12 requirements:

13 1. The donation is voluntary.

14 2. No inducement, monetary or of any other nature,
15 is offered in exchange for the donation.

16 3. Informed consent for the donation is obtained
17 from the individuals participating in the fertility
18 treatments."

19 2. By renumbering as necessary.

By DOLECHECK of Ringgold
RAECKER of Polk
FINCH of Story

H-8394 FILED MARCH 20, 2002

5/0
3/28/02 (P. 1070)

SENATE FILE 2118

H-8398

1 Amend Senate File 2118, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 3, by inserting after line 24, the
4 following:

5 "Sec. ____ . NEW SECTION. 707B.7 DONATION AND
6 INFORMED CONSENT FOR STEM CELL RESEARCH.

7 Notwithstanding any provision of this chapter to
8 the contrary, human embryos created only for the
9 purpose of fertility treatments, in excess of the
10 clinical need, may be donated for the purpose of stem
11 cell research if the donation meets all of the
12 following requirements:

13 1. The donation is voluntary.

14 2. No inducement, monetary or of any other nature,
15 is offered in exchange for the donation.

16 3. Informed consent for the donation is obtained
17 from the individuals participating in the fertility
18 treatments."

19 2. By renumbering as necessary.

By DOLECHECK of Ringgold
RAECKER of Polk
FINCH of Story

H-8398 FILED MARCH 20, 2002

5/0
3/28/02

SENATE FILE 2118

H-8411

1 Amend Senate File 2118, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:

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

6 This chapter shall be known and may be cited as the
7 "Human Cloning and Stem Cell Research Act".

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

9 It is the purpose of this chapter to prohibit human
10 reproductive cloning for any purpose.

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

12 As used in this chapter, unless the context
13 otherwise requires:

14 1. "Human cloning" means human asexual
15 reproduction, accomplished by introducing the genetic
16 material of a human somatic cell into an oocyte whose
17 nucleus has been removed or inactivated, to produce a
18 living organism with a human or predominately human
19 genetic constitution.

20 2. "Human somatic cell" means a diploid cell,
21 having a complete set of chromosomes, obtained or
22 derived from a living or deceased human body at any
23 stage of development.

24 3. "Nuclear transplantation" means introducing the
25 nuclear material of a human somatic cell into a
26 fertilized or unfertilized oocyte from which the
27 nucleus has been or will be removed or inactivated.

28 4. "Oocyte" means the unfertilized human ovum.

29 Sec. 4. NEW SECTION. 707B.4 HUMAN CLONING --
30 PROHIBITIONS -- EXCEPTIONS -- PENALTY.

31 1. A person shall not intentionally or knowingly
32 do any of the following:

33 a. Perform or attempt to perform human cloning.

34 b. Participate in performing or in an attempt to
35 perform human cloning.

36 c. Transfer or receive, in whole or in part, to
37 ship, receive, or import the product of nuclear
38 transplantation for the purpose of human cloning.

39 d. Perform research on any fertilized oocyte,
40 unless the fertilized oocyte was created for the
41 purpose of in vitro fertilization, in excess of the
42 clinical need, and subsequently donated for the
43 purpose of research.

44 2. This chapter shall not restrict areas of
45 scientific research not specifically prohibited,
46 including in vitro fertilization; the administration
47 of fertility-enhancing drugs; or be construed to
48 restrict areas of biomedical, agricultural, or
49 scientific research not specifically prohibited by
50 this chapter. This chapter shall not be interpreted

H-8411

H-8411

Page 2

1 to prohibit the performance of human stem cell
2 research in this state which is allowed as specified
3 in subsection 1, paragraph "d".
4 3. Nuclear transplantation, including somatic cell
5 nuclear transfer, shall not be performed in this state
6 until on or after July 1, 2006.
7 4. a. A person who violates subsection 1,
8 paragraph "a" or "b", is guilty of a class "C" felony.
9 b. A person who violates subsection 1, paragraph
10 "c", is guilty of an aggravated misdemeanor.
11 5. A person who violates this section in a manner
12 that results in a pecuniary gain to the person is
13 subject to a civil penalty in an amount that is twice
14 the amount of the gross gain.
15 6. A person who violates this section and who is
16 licensed pursuant to chapter 148, 150, or 150A is
17 subject to revocation of the person's license.
18 7. A violation of this section is grounds for
19 denial of an application for, denial of renewal of, or
20 revocation of any license, permit, certification, or
21 any other form of permission required to practice or
22 engage in any trade, occupation, or profession
23 regulated by the state.
24 Sec 5. NEW SECTION. 707B.5 DONATION AND INFORMED
25 CONSENT FOR STEM CELL RESEARCH.
26 Notwithstanding any provision of this chapter to
27 the contrary, human embryos created only for the
28 purpose of in vitro fertilization, in excess of the
29 clinical need, may be donated for the purpose of stem
30 cell research and treatment and those human embryos
31 donated may be used for research and treatment, if the
32 donation meets all of the following requirements:
33 1. The donation is voluntary.
34 2. No inducement, monetary or of any other nature,
35 is offered in exchange for the donation.
36 3. Informed consent for the donation is obtained
37 from the individuals participating in the in vitro
38 fertilization treatments.
39 4. The individuals participating in the in vitro
40 fertilization treatments are informed that the human
41 embryos may be placed for adoption."
42 2. Title page, lines 1 and 2, by striking the
43 words "the use or destruction of the materials of
44 human reproduction" and inserting the following:
45 "human cloning and stem cell research".

By HANSEN of Pottawattamie
BODDICKER of Cedar
MYERS of Johnson

H-8411 FILED MARCH 21, 2002

W/D
3/28/02
(p. 1071)

SENATE FILE 2118

H-8451

1 Amend Senate File 2118, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:

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

6 This chapter shall be known and may be cited as the
7 "Human Cloning and Stem Cell Research Act".

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

9 It is the purpose of this chapter to prohibit human
10 reproductive cloning for any purpose.

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

12 As used in this chapter, unless the context
13 otherwise requires:

14 1. "Human cloning" means human asexual
15 reproduction, accomplished by introducing the genetic
16 material of a human somatic cell into an oocyte whose
17 nucleus has been removed or inactivated, to produce a
18 living organism with a human or predominantly human
19 genetic constitution.

20 2. "Human somatic cell" means a diploid cell,
21 having a complete set of chromosomes, obtained or
22 derived from a living or deceased human body at any
23 stage of development.

24 3. "Nuclear transplantation" means introducing the
25 nuclear material of a human somatic cell into a
26 fertilized or unfertilized oocyte from which the
27 nucleus has been or will be removed or inactivated.

28 4. "Oocyte" means the unfertilized human ovum.

29 Sec. 4. NEW SECTION. 707B.4 HUMAN CLONING --
30 PROHIBITIONS -- EXCEPTIONS -- PENALTY.

31 1. A person shall not intentionally or knowingly
32 do any of the following:

33 a. Perform or attempt to perform human cloning.

34 b. Participate in performing or in an attempt to
35 perform human cloning.

36 c. Transfer or receive, in whole or in part, to
37 ship, receive, or import the product of nuclear
38 transplantation for the purpose of human cloning.

39 d. Perform research on any fertilized oocyte,
40 unless the fertilized oocyte was created for the
41 purpose of in vitro fertilization, in excess of the
42 clinical need, and subsequently donated for the
43 purpose of research.

44 2. This chapter shall not restrict areas of
45 scientific research not specifically prohibited,
46 including in vitro fertilization; the administration
47 of fertility-enhancing drugs; or be construed to
48 restrict areas of biomedical, agricultural, or
49 scientific research not specifically prohibited by
50 this chapter. This chapter shall not be interpreted

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1 to prohibit the performance of human stem cell
 2 research in this state which is allowed as specified
 3 in subsection 1, paragraph "d".
 4 3. Nuclear transplantation, including somatic cell
 5 nuclear transfer, shall not be performed in this state
 6 until on or after July 1, 2006.
 7 4. a. A person who violates subsection 1,
 8 paragraph "a" or "b", is guilty of a class "C" felony.
 9 b. A person who violates subsection 1, paragraph
 10 "c", is guilty of an aggravated misdemeanor.
 11 5. A person who violates this section in a manner
 12 that results in a pecuniary gain to the person is
 13 subject to a civil penalty in an amount that is twice
 14 the amount of the gross gain.
 15 6. A person who violates this section and who is
 16 licensed pursuant to chapter 148, 150, or 150A is
 17 subject to revocation of the person's license.
 18 7. A violation of this section is grounds for
 19 denial of an application for, denial of renewal of, or
 20 revocation of any license, permit, certification, or
 21 any other form of permission required to practice or
 22 engage in any trade, occupation, or profession
 23 regulated by the state.

24 Sec 5. NEW SECTION. 707B.5 DONATION AND INFORMED
 25 CONSENT FOR STEM CELL RESEARCH.

26 Notwithstanding any provision of this chapter to
 27 the contrary, human embryos created only for the
 28 purpose of in vitro fertilization, in excess of the
 29 clinical need, may be donated for the purpose of stem
 30 cell research and treatment and those human embryos
 31 donated may be used for research and treatment, if the
 32 donation meets all of the following requirements:

33 1. The donation is voluntary.
 34 2. No inducement, monetary or of any other nature,
 35 is offered in exchange for the donation.
 36 3. Informed consent for the donation is obtained
 37 from the individuals participating in the in vitro
 38 fertilization treatments.
 39 4. The individuals participating in the in vitro
 40 fertilization treatments are informed that the human
 41 embryos may be placed for adoption."
 42 2. Title page, lines 1 and 2, by striking the
 43 words "the use or destruction of the materials of
 44 human reproduction" and inserting the following:
 45 "human cloning and stem cell research".

By HANSEN of Pottawattamie
 MYERS of Johnson

H-8451 FILED MARCH 27, 2002

*a drafted
 3/28/02*

(P. 1073)

*motion to R/c by Hansen & Sievers
 3/28/02*

*motion to R/c by Sievers w/d 4/3
 4/9/02 motion to R/c by Hansen w/ith drawn*

HOUSE AMENDMENT TO
SENATE FILE 2118

S-5439

1 Amend Senate File 2118, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:

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

6 This chapter shall be known and may be cited as the
7 "Human Cloning and Stem Cell Research Act".

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

9 It is the purpose of this chapter to prohibit human
10 reproductive cloning for any purpose.

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

12 As used in this chapter, unless the context
13 otherwise requires:

14 1. "Human cloning" means human asexual
15 reproduction, accomplished by introducing the genetic
16 material of a human somatic cell into an oocyte whose
17 nucleus has been removed or inactivated, to produce a
18 living organism with a human or predominantly human
19 genetic constitution.

20 2. "Human somatic cell" means a diploid cell,
21 having a complete set of chromosomes, obtained or
22 derived from a living or deceased human body at any
23 stage of development.

24 3. "Nuclear transplantation" means introducing the
25 nuclear material of a human somatic cell into a
26 fertilized or unfertilized oocyte from which the
27 nucleus has been or will be removed or inactivated.

28 4. "Oocyte" means the unfertilized human ovum.

29 Sec. 4. NEW SECTION. 707B.4 HUMAN CLONING --
30 PROHIBITIONS -- EXCEPTIONS -- PENALTY.

31 1. A person shall not intentionally or knowingly
32 do any of the following:

33 a. Perform or attempt to perform human cloning.

34 b. Participate in performing or in an attempt to
35 perform human cloning.

36 c. Transfer or receive, in whole or in part, to
37 ship, receive, or import the product of nuclear
38 transplantation for the purpose of human cloning.

39 d. Perform research on any fertilized oocyte,
40 unless the fertilized oocyte was created for the
41 purpose of in vitro fertilization, in excess of the
42 clinical need, and subsequently donated for the
43 purpose of research.

44 2. This chapter shall not restrict areas of
45 scientific research not specifically prohibited,
46 including in vitro fertilization; the administration
47 of fertility-enhancing drugs; or be construed to
48 restrict areas of biomedical, agricultural, or
49 scientific research not specifically prohibited by
50 this chapter. This chapter shall not be interpreted

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1 to prohibit the performance of human stem cell
2 research in this state which is allowed as specified
3 in subsection 1, paragraph "d".

4 3. Nuclear transplantation, including somatic cell
5 nuclear transfer, shall not be performed in this state
6 until on or after July 1, 2006.

7 4. a. A person who violates subsection 1,
8 paragraph "a" or "b", is guilty of a class "C" felony.

9 b. A person who violates subsection 1, paragraph
10 "c", is guilty of an aggravated misdemeanor.

11 5. A person who violates this section in a manner
12 that results in a pecuniary gain to the person is
13 subject to a civil penalty in an amount that is twice
14 the amount of the gross gain.

15 6. A person who violates this section and who is
16 licensed pursuant to chapter 148, 150, or 150A is
17 subject to revocation of the person's license.

18 7. A violation of this section is grounds for
19 denial of an application for, denial of renewal of, or
20 revocation of any license, permit, certification, or
21 any other form of permission required to practice or
22 engage in any trade, occupation, or profession
23 regulated by the state.

24 Sec 5. NEW SECTION. 707B.5 DONATION AND INFORMED
25 CONSENT FOR STEM CELL RESEARCH.

26 Notwithstanding any provision of this chapter to
27 the contrary, human embryos created only for the
28 purpose of in vitro fertilization, in excess of the
29 clinical need, may be donated for the purpose of stem
30 cell research and treatment and those human embryos
31 donated may be used for research and treatment, if the
32 donation meets all of the following requirements:

33 1. The donation is voluntary.

34 2. No inducement, monetary or of any other nature,
35 is offered in exchange for the donation.

36 3. Informed consent for the donation is obtained
37 from the individuals participating in the in vitro
38 fertilization treatments.

39 4. The individuals participating in the in vitro
40 fertilization treatments are informed that the human
41 embryos may be placed for adoption."

42 2. Title page, lines 1 and 2, by striking the
43 words "the use or destruction of the materials of
44 human reproduction" and inserting the following:
45 "human cloning and stem cell research".

RECEIVED FROM THE HOUSE

S-5439 FILED APRIL 10, 2002

CONCURRED

Senate Concurred
4/10/02
(p. 1088)

SENATE FILE 2118

S-5441

1 Amend the House amendment, S-5439, to Senate File
2 2118, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. By striking page 1, line 5, through page 2,
5 line 45, and inserting the following:

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

7 This chapter shall be known and may be cited as the
8 "Human Cloning Prohibition Act".

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

10 It is the purpose of this chapter to prohibit human
11 cloning for any purpose, whether for reproductive
12 cloning or therapeutic cloning.

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

14 As used in this chapter, unless the context
15 otherwise requires:

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

22 2. "Human cloning" means human asexual
23 reproduction, accomplished by introducing the genetic
24 material of a human somatic cell into a fertilized or
25 unfertilized oocyte whose nucleus has been or will be
26 removed or inactivated, to produce a living organism
27 with a human or predominantly human genetic
28 constitution.

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

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

36 5. "Oocyte" means a human ovum.

37 Sec. 4. NEW SECTION. 707B.4 HUMAN CLONING --
38 PROHIBITIONS -- EXCEPTIONS -- PENALTY.

39 1. A person shall not intentionally or knowingly
40 do any of the following:

41 a. Perform or attempt to perform human cloning.

42 b. Participate in performing or in an attempt to
43 perform human cloning.

44 c. Transfer or receive a cloned human embryo for
45 any purpose.

46 d. Transfer or receive, in whole or in part, any
47 oocyte, human embryo, fetus, or human somatic cell,
48 for the purpose of human cloning.

49 2. This section shall not restrict areas of
50 scientific research not specifically prohibited,

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1 including in vitro fertilization; the administration
2 of fertility-enhancing drugs; or research in the use
3 of nuclear transfer or other cloning techniques to
4 produce molecules, deoxyribonucleic acid, tissues,
5 organs, plants, animals other than humans, or cells
6 other than human embryos.

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

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

11 4. A person who violates this section in a manner
12 that results in a pecuniary gain to the person is
13 subject to a civil penalty in an amount that is twice
14 the amount of the gross gain.

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

18 6. A violation of this section is grounds for
19 denial of an application for, denial of renewal of, or
20 revocation of any license, permit, certification, or
21 any other form of permission required to practice or
22 engage in any trade, occupation, or profession
23 regulated by the state.""

24 2. Title page, lines 1 and 2, by striking the
25 words "certain activities related to the use or
26 destruction of the materials of human reproduction"
27 and inserting the following: "human cloning".

28 3. By renumbering as necessary.

By JOHN REDWINE
TOM FLYNN

S-5441 FILED APRIL 10, 2002
ADOPTED

(P. 1088)

SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE FILE 2118**H-8640**

1 Amend the House amendment, S-5439, to Senate File
2 2118, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. By striking page 1, line 5, through page 2,
5 line 45, and inserting the following:

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

7 This chapter shall be known and may be cited as the
8 "Human Cloning Prohibition Act".

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

10 It is the purpose of this chapter to prohibit human
11 cloning for any purpose, whether for reproductive
12 cloning or therapeutic cloning.

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

14 As used in this chapter, unless the context
15 otherwise requires:

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

22 2. "Human cloning" means human asexual
23 reproduction, accomplished by introducing the genetic
24 material of a human somatic cell into a fertilized or
25 unfertilized oocyte whose nucleus has been or will be
26 removed or inactivated, to produce a living organism
27 with a human or predominantly human genetic
28 constitution.

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

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

36 5. "Oocyte" means a human ovum.

37 Sec. 4. NEW SECTION. 707B.4 HUMAN CLONING --
38 PROHIBITIONS -- EXCEPTIONS -- PENALTY.

39 1. A person shall not intentionally or knowingly
40 do any of the following:

41 a. Perform or attempt to perform human cloning.

42 b. Participate in performing or in an attempt to
43 perform human cloning.

44 c. Transfer or receive a cloned human embryo for
45 any purpose.

46 d. Transfer or receive, in whole or in part, any
47 oocyte, human embryo, fetus, or human somatic cell,
48 for the purpose of human cloning.

49 2. This section shall not restrict areas of
50 scientific research not specifically prohibited,

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1 including in vitro fertilization; the administration
2 of fertility-enhancing drugs; or research in the use
3 of nuclear transfer or other cloning techniques to
4 produce molecules, deoxyribonucleic acid, tissues,
5 organs, plants, animals other than humans, or cells
6 other than human embryos.

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

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

11 4. A person who violates this section in a manner
12 that results in a pecuniary gain to the person is
13 subject to a civil penalty in an amount that is twice
14 the amount of the gross gain.

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

18 6. A violation of this section is grounds for
19 denial of an application for, denial of renewal of, or
20 revocation of any license, permit, certification, or
21 any other form of permission required to practice or
22 engage in any trade, occupation, or profession
23 regulated by the state."

24 2. Title page, lines 1 and 2, by striking the
25 words "certain activities related to the use or
26 destruction of the materials of human reproduction"
27 and inserting the following: "human cloning".

28 3. By renumbering as necessary.

RECEIVED FROM THE SENATE

H-8640 FILED APRIL 11, 2002

House Concurred
4/12/02
(p. 1497)

SENATE FILE 2118

AN ACT

PROHIBITING HUMAN CLONING, AND PROVIDING PENALTIES.

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

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

This chapter shall be known and may be cited as the "Human Cloning Prohibition Act".

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

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

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

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

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

2. "Human cloning" means human asexual reproduction, accomplished by introducing the genetic material of a human somatic cell into a fertilized or unfertilized oocyte whose nucleus has been or will be removed or inactivated, to produce a living organism with a human or predominantly human genetic constitution.

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

4. "Human somatic cell" means a cell having a complete set of chromosomes obtained from a living or deceased human

organism of the species homo sapiens at any stage of development.

5. "Oocyte" means a human ovum.

Sec. 4. NEW SECTION. 707B.4 HUMAN CLONING -- PROHIBITIONS -- EXCEPTIONS -- PENALTY.

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

- a. Perform or attempt to perform human cloning.
- b. Participate in performing or in an attempt to perform human cloning.
- c. Transfer or receive a cloned human embryo for any purpose.
- d. Transfer or receive, in whole or in part, any oocyte, human embryo, fetus, or human somatic cell, for the purpose of human cloning.

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

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

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

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

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

6. A violation of this section is grounds for denial of an application for, denial of renewal of, or revocation of any

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

MARY E. KRAMER
President of the Senate

BRENT SIEGRIST
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2118, Seventy-ninth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved April 26, 2002

THOMAS J. VILSACK
Governor