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Humours

JUDICIARY

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SENATE FILE 2046
BY REDWINE

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 2046
JUDICIARY

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.

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,
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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