

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.

Approved April 26, 2002

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## CHAPTER 1128

### BOARD OF EDUCATIONAL EXAMINERS — DETERMINATIONS OF LICENSEE QUALIFICATION

*S.F. 2258*

**AN ACT** relating to the board of educational examiners' authority to determine whether an applicant for licensure or certification or for renewal of a license is qualified for the license sought.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 272.2, subsection 14, Code Supplement 2001, is amended by striking the subsection and inserting in lieu thereof the following:

14. Adopt rules to determine whether an applicant is qualified to perform the duties for which a license is sought. The rules shall include all of the following:

a. The board may deny a license to or revoke the license of a person upon the board's finding by a preponderance of evidence that either the person has been convicted of a crime or that there has been a founded report of child abuse against the person. Rules adopted in accordance with this paragraph shall provide that in determining whether a person should be denied a license or that a practitioner's license should be revoked, the board shall consider the nature and seriousness of the founded abuse or crime in relation to the position sought, the time elapsed since the crime was committed, the degree of rehabilitation which has taken place since the incidence of founded abuse or the commission of the crime, the likelihood that the person will commit the same abuse or crime again, and the number of founded abuses committed or criminal convictions by the person involved.

b. Notwithstanding paragraph "a", the rules shall require the board to disqualify an applicant for a license or to revoke the license of a person for any of the following reasons:

(1) The person entered a plea of guilty to, or has been found guilty of, any of the following offenses established pursuant to Iowa law or offenses of a similar nature established under the laws of any other state or of the United States, or any other country, whether or not a sentence is imposed:

(a) Any of the following forcible felonies included in section 702.11: child endangerment, assault, murder, sexual abuse, or kidnapping.

(b) Any of the following sexual abuse offenses, as provided in chapter 709, involving a child:

(i) First, second, or third degree sexual abuse committed on or with a person who is under the age of eighteen years.

(ii) Lascivious acts with a child.

(iii) Detention in a brothel.

(iv) Assault with intent to commit sexual abuse.

(v) Indecent contact with a child.

(vi) Sexual exploitation by a counselor.

(vii) Lascivious conduct with a minor.

(c) Incest involving a child under section 726.2.

(d) Dissemination and exhibition of obscene material to minors under section 728.2.

(e) Telephone dissemination of obscene material to minors under section 728.15.

(2) The applicant is less than twenty-one years of age except as provided in section 272.31, subsection 1, paragraph "e". However, a student enrolled in a practitioner preparation program who meets board requirements for a temporary, limited-purpose license who is seeking to teach as part of a practicum or internship may be less than twenty-one years of age.

(3) The applicant's application is fraudulent.

(4) The applicant's license or certification from another state is suspended or revoked.

(5) The applicant fails to meet board standards for application for an initial or renewed license.

c. Qualifications or criteria for the granting or revocation of a license or the determination of an individual's professional standing shall not include membership or nonmembership in any teachers' organization.

d. An applicant for a license or certificate under this chapter shall demonstrate that the requirements of the license or certificate have been met and the burden of proof shall be on the applicant.

Sec. 2. Section 272.12, Code 2001, is amended to read as follows:

272.12 PARA-EDUCATOR CERTIFICATES.

The board of educational examiners shall adopt rules pursuant to chapter 17A relating to a voluntary certification system for para-educators. The rules shall specify rights, responsibilities, levels, and qualifications for the certificate. Applicants shall be disqualified for any reason specified in section ~~272.6~~ 272.2, subsection 14, or in administrative rule. Notwithstanding section ~~272.6~~ 272.2, subsection 14, paragraph "a" "b", subparagraph (2), the board may issue a para-educator certificate to a person who is at least eighteen years of age. A person holding a para-educator certificate shall not perform the duties of a licensed practitioner. A certificate

issued pursuant to this chapter shall not be considered a teacher or administrator license for any purpose specified by law, including the purposes specified under this chapter or chapter 279.

Sec. 3. Section 272.6, Code 2001, is repealed.

Approved April 26, 2002

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## CHAPTER 1129

### EDUCATION REGULATION AND FUNDING — MISCELLANEOUS PROVISIONS

*S.F. 2259*

**AN ACT** amending Code provisions administered by the department of education, including provisions related to participation in extracurricular activities, tuition reimbursement payment by school districts under the postsecondary enrollment options Act, interscholastic activities agreements, school infrastructure program calculations, phase I payment calculations, and the use of phase III balances by school districts and area education agencies.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 256.46, Code 2001, is amended to read as follows:

256.46 RULES FOR PARTICIPATION IN EXTRACURRICULAR ACTIVITIES BY CERTAIN CHILDREN.

The state board shall adopt rules that permit a child who does not meet the residence requirements for participation in extracurricular interscholastic contests or competitions sponsored or administered by an organization as defined in section 280.13 to participate in the contests or competitions immediately if the child is duly enrolled in a school, is otherwise eligible to participate, and meets one of the following circumstances or a similar circumstance: the child has been adopted; the child is placed under foster or shelter care; the child is living with one of the child's parents as a result of divorce, separation, death, or other change in the child's parents' marital relationship, or pursuant to other court-ordered decree or order of custody; the child is a foreign exchange student; the child has been placed in a juvenile correctional facility; the child is a ward of the court or the state; the child is a participant in a substance abuse or mental health program; or the child is enrolled in an accredited nonpublic high school because the child's district of residence has entered into a whole grade sharing agreement for the pupil's grade with another district.

Sec. 2. Section 261C.6, unnumbered paragraph 1, Code 2001, is amended to read as follows:

Not later than June 30 of each year, a school district shall pay a tuition reimbursement amount to an eligible postsecondary institution that has enrolled its resident eligible pupils under this chapter, unless the eligible pupil is participating in open enrollment under section 282.18, in which case, the tuition reimbursement amount shall be paid by the receiving district. However, if a child's residency changes during a school year, the tuition shall be paid by the district in which the child was enrolled as of the third Friday in September or the district in which the child was counted under section 257.6, subsection 1, paragraph "f". For pupils en-