

---

By: **Delegates Anderson, Aumann, Bartlett, Benson, Bohanan, Boschert, Boteler, Boutin, Bozman, Bromwell, Burns, Cane, Cluster, Conroy, Conway, Costa, C. Davis, DeBoy, Donoghue, Dwyer, Eckardt, Elliott, Elmore, Frank, Fulton, Gilleland, Glassman, Haddaway, Healey, Hogan, Impallaria, Jennings, Kach, Kelly, Kirk, Krebs, Krysiak, Leopold, Mayer, McComas, McConkey, McDonough, McKee, McMillan, Miller, Minnick, Myers, O'Donnell, Paige, Parker, Parrott, Petzold, Proctor, Rudolph, Shank, Shewell, Smigiel, Sossi, Stocksdale, Stull, Trueschler, V. Turner, Walkup, Weir, Weldon, and Wood**

Introduced and read first time: February 10, 2005  
Assigned to: Health and Government Operations

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Human Cloning Prohibition Act of 2005**

3 FOR the purpose of prohibiting a person from performing or attempting to perform  
4 human cloning, participating in an attempt to perform human cloning,  
5 transferring or receiving the product of human cloning, or transferring certain  
6 items for the purpose of human cloning; providing a description of certain items  
7 that may be produced resulting from scientific research using certain cloning  
8 techniques; establishing certain criminal and civil penalties; providing for the  
9 construction of certain provisions of this Act; defining certain terms; and  
10 generally relating to prohibiting human cloning.

11 BY adding to  
12 Article - Criminal Law  
13 Section 10-801 through 10-803, inclusive, to be under the new subtitle "Subtitle  
14 8. Human Cloning Prohibition Act"  
15 Annotated Code of Maryland  
16 (2002 Volume and 2004 Supplement)

17 Preamble

18 WHEREAS, Biotechnology resources are not unlimited, and so should be used  
19 for medical research which holds the most demonstrable promise; and

20 WHEREAS, States which have banned human cloning have flourishing  
21 biotechnology industries; and

1 WHEREAS, Stem cells from non-embryonic sources (such as adult stem cells,  
2 stem cells from placentas, and umbilical cord blood) have been shown in human  
3 clinical trials to be very successful at treating conditions such as Parkinson's disease,  
4 spinal cord injuries, burns, blindness, cancer, heart damage, sickle-cell anemia, and  
5 many other conditions; and

6 WHEREAS, The immense promise of non-embryonic stem cells has already  
7 been demonstrated via the thousands of people who have been cured of cancer and  
8 other diseases using stem cells from non-embryonic sources; and

9 WHEREAS, Stem cells from cloned embryos are rejected by the human body at  
10 the same rate as stem cells from other sources; and

11 WHEREAS, Every animal produced by cloning to date has suffered from a  
12 genetic abnormality; and

13 WHEREAS, Efforts to secure the millions of human eggs needed to pursue  
14 cloning experiments will most likely lead to the exploitation of poor women; and

15 WHEREAS, The majority of Americans feel that human cloning is unethical;  
16 and

17 WHEREAS, People who are ill or injured deserve to be offered cures that are  
18 acceptable to them from an ethical standpoint; and

19 WHEREAS, Society as a whole has already stated that medical promise and  
20 ethical concerns are not to be balanced and that ethical concerns must always take  
21 precedence; and

22 WHEREAS, Using a purely scientific definition, a human embryo is a member  
23 of the species homo sapiens and therefore should not be created for the sole purpose of  
24 being destroyed in research; now, therefore,

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
26 MARYLAND, That the Laws of Maryland read as follows:

27 **Article - Criminal Law**

28 **SUBTITLE 8. HUMAN CLONING PROHIBITION ACT.**

29 10-801.

30 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
31 INDICATED.

32 (B) "ASEXUAL REPRODUCTION" MEANS REPRODUCTION NOT INITIATED BY  
33 THE UNION OF OOCYTE AND SPERM.

34 (C) "HUMAN CLONING" MEANS HUMAN ASEXUAL REPRODUCTION  
35 ACCOMPLISHED BY INTRODUCING THE NUCLEAR MATERIAL OF ONE OR MORE

1 HUMAN SOMATIC CELLS INTO A FERTILIZED OR UNFERTILIZED OOCYTE WHOSE  
2 NUCLEUS HAS BEEN OR WILL BE REMOVED OR INACTIVATED TO PRODUCE A LIVING  
3 ORGANISM AT ANY STAGE OF DEVELOPMENT WITH A HUMAN OR PARTIALLY HUMAN  
4 GENETIC CONSTITUTION.

5 (D) "HUMAN SOMATIC CELL" MEANS A DIPLOID CELL (A CELL HAVING A  
6 COMPLETE SET OF CHROMOSOMES) OBTAINED OR DERIVED FROM A LIVING OR  
7 DECEASED HUMAN BODY AT ANY STAGE OF DEVELOPMENT.

8 (E) "NUCLEAR TRANSPLANTATION" MEANS TRANSFERRING THE NUCLEUS OF  
9 A HUMAN SOMATIC CELL INTO AN OOCYTE FROM WHICH THE NUCLEUS OR ALL  
10 CHROMOSOMES HAVE BEEN OR WILL BE REMOVED OR RENDERED INERT.

11 (F) "NUCLEUS" MEANS THE CELL STRUCTURE THAT HOUSES THE  
12 CHROMOSOMES.

13 (G) "OOCYTE" MEANS THE FEMALE GERM CELL OR EGG.

14 (H) "PERSON" INCLUDES A UNIT OR INSTRUMENTALITY OF STATE OR LOCAL  
15 GOVERNMENT.

16 10-802.

17 (A) A PERSON MAY NOT KNOWINGLY:

18 (1) PERFORM OR ATTEMPT TO PERFORM HUMAN CLONING;

19 (2) PARTICIPATE IN AN ATTEMPT TO PERFORM HUMAN CLONING;

20 (3) TRANSFER OR RECEIVE THE PRODUCT OF HUMAN CLONING; OR

21 (4) TRANSFER OR RECEIVE, IN WHOLE OR IN PART, ANY OOCYTE,  
22 EMBRYO, FETUS, OR HUMAN SOMATIC CELL FOR THE PURPOSE OF HUMAN CLONING.

23 (B) (1) THIS SUBTITLE MAY NOT BE CONSTRUED TO RESTRICT A PERSON  
24 FROM CONDUCTING OR ATTEMPTING TO CONDUCT SCIENTIFIC RESEARCH NOT  
25 SPECIFICALLY PROHIBITED BY THIS SUBTITLE.

26 (2) A PERSON MAY CONDUCT OR ATTEMPT TO CONDUCT SCIENTIFIC  
27 RESEARCH THAT USES NUCLEAR TRANSPLANTATION OR OTHER CLONING  
28 TECHNIQUES TO PRODUCE:

29 (I) MOLECULES;

30 (II) DNA;

31 (III) CELLS OTHER THAN HUMAN EMBRYOS;

32 (IV) TISSUES;

33 (V) ORGANS;

1 (VI) PLANTS; OR

2 (VII) ANIMALS OTHER THAN HUMANS.

3 10-803.

4 (A) A PERSON WHO VIOLATES THIS SUBTITLE IS GUILTY OF A FELONY AND ON  
5 CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS OR A FINE  
6 NOT EXCEEDING \$100,000 OR BOTH.

7 (B) (1) A PERSON WHO VIOLATES THIS SUBTITLE SHALL BE SUBJECT TO A  
8 CIVIL PENALTY OF NOT LESS THAN \$1,000,000 OR THE APPLICABLE AMOUNT UNDER  
9 PARAGRAPH (2) OF THIS SUBSECTION, WHICHEVER IS GREATER.

10 (2) IF THE VIOLATOR DERIVES PECUNIARY GAIN FROM THE  
11 TRANSACTION, A CIVIL PENALTY MAY BE ASSESSED OF NOT MORE THAN TWO TIMES  
12 THE GROSS PECUNIARY GAIN RESULTING FROM THE VIOLATION.

13 (C) THE CIVIL PENALTIES ASSESSED AGAINST A PERSON WHO VIOLATES THIS  
14 SUBTITLE SHALL BE PAID TO THE GENERAL FUND.

15 (D) IF A PERSON FAILS TO PAY ANY PENALTY ASSESSED UNDER THIS  
16 SECTION, A CIVIL ACTION FOR RECOVERY OF THE PENALTY MAY BE BROUGHT BY  
17 THE STATE AGAINST THE PERSON.

18 (E) THIS SECTION MAY NOT BE CONSTRUED TO GIVE A PERSON A PRIVATE  
19 RIGHT OF ACTION.

20 (F) A VIOLATION OF THIS SUBTITLE IS GROUNDS FOR THE DENIAL OF AN  
21 APPLICATION FOR, DENIAL OF RENEWAL OF, OR REVOCATION OF ANY LICENSE,  
22 PERMIT, CERTIFICATION, OR ANY OTHER FORM OF PERMISSION REQUIRED TO  
23 PRACTICE OR ENGAGE IN ANY TRADE, OCCUPATION, OR PROFESSION REGULATED BY  
24 THE STATE.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
26 effect October 1, 2005.