
By: **Senators Stone, Harris, Brinkley, Colburn, DeGrange, Dyson, Giannetti,
Green, Greenip, Hafer, Haines, Hooper, Jacobs, Jimeno, Middleton,
Mooney, Munson, and Stoltzfus**

Introduced and read first time: January 27, 2005

Assigned to: Education, Health, and Environmental Affairs

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 to be under the new subtitle "Subtitle 8. Human
14 Cloning Prohibition Act"

15 Annotated Code of Maryland

16 (2002 Volume and 2004 Supplement)

17 **Preamble**

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

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

22 WHEREAS, Stem cells from nonembryonic sources (adult stem cells, stem cells
23 from placentas, and umbilical cord blood) have been shown in human clinical trials to
24 be very successful at treating conditions such as Parkinson's disease, spinal cord
25 injuries, burns, blindness, cancer, heart damage, sickle-cell anemia, and many other
26 conditions; and

1 WHEREAS, The immense promise of nonembryonic stem cells has already been
2 demonstrated via the thousands of people who have been cured of cancer and other
3 diseases using stem cells from nonembryonic sources; and

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

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

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

10 WHEREAS, People who are ill or injured deserve to be offered cures that are
11 acceptable to them from an ethical standpoint, cures that everyone can live with; and

12 WHEREAS, The majority of Americans feel that human cloning is unethical;
13 and

14 WHEREAS, Society as a whole has already stated that medical promise and
15 ethical concerns are not to be balanced - ethical concerns must always take
16 precedence; and

17 WHEREAS, Using a purely scientific definition, a human embryo is a member
18 of the species Homo sapiens and therefore should not be created for the sole purpose
19 of being destroyed in research; now, therefore,

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

22 **Article - Criminal Law**

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

24 10-801.

25 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
26 INDICATED.

27 (B) "ASEXUAL REPRODUCTION" MEANS REPRODUCTION NOT INITIATED BY
28 THE UNION OF AN OOCYTE AND SPERM.

29 (C) "HUMAN CLONING" MEANS HUMAN ASEXUAL REPRODUCTION
30 ACCOMPLISHED BY INTRODUCING THE NUCLEAR MATERIAL OF ONE OR MORE
31 HUMAN SOMATIC CELLS INTO A FERTILIZED OR UNFERTILIZED OOCYTE WHOSE
32 NUCLEUS HAS BEEN OR WILL BE REMOVED OR INACTIVATED TO PRODUCE A LIVING
33 ORGANISM AT ANY STAGE OF DEVELOPMENT WITH A HUMAN OR PARTIALLY HUMAN
34 GENETIC CONSTITUTION.

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

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

7 (F) "NUCLEUS" MEANS THE CELL STRUCTURE THAT HOUSES THE
8 CHROMOSOMES.

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

10 10-802.

11 (A) A PERSON MAY NOT KNOWINGLY:

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

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

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

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

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

20 (2) A PERSON MAY CONDUCT OR ATTEMPT TO CONDUCT SCIENTIFIC
21 RESEARCH THAT USES NUCLEAR TRANSPLANTATION OR OTHER CLONING
22 TECHNIQUES TO PRODUCE:

23 (I) MOLECULES;

24 (II) DNA;

25 (III) CELLS OTHER THAN HUMAN EMBRYOS;

26 (IV) TISSUES;

27 (V) ORGANS;

28 (VI) PLANTS; OR

29 (VII) ANIMALS OTHER THAN HUMANS.

1 10-803.

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

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

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

11 (C) THE CIVIL PENALTIES ASSESSED AGAINST A PERSON THAT VIOLATES THIS
12 SUBTITLE SHALL BE PAID TO THE GENERAL FUND.

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

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

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

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