

SENATE BILL 362

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By: **Senators Dyson, Colburn, DeGrange, Greenip, Haines, Harris, Hooper, Middleton, Peters, Pugh, Stoltzfus, and Stone**

Introduced and read first time: February 1, 2007

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Human Cloning Prohibition Act of 2007**

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 or
6 receiving certain items for the purpose of human cloning; providing a
7 description of certain items that may be produced resulting from scientific
8 research using certain cloning techniques; establishing certain civil penalties;
9 providing for the construction of certain provisions of this Act; defining certain
10 terms; and generally relating to prohibiting human cloning.

11 BY repealing and reenacting, with amendments,
12 Article 83A – Department of Business and Economic Development
13 Section 5–2B–01 and 5–2B–13
14 Annotated Code of Maryland
15 (2003 Replacement Volume and 2006 Supplement)

16 Preamble

17 WHEREAS, Animals produced by cloning suffer from genetic abnormalities;
18 and

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 WHEREAS, The majority of Americans feel that human cloning is unethical;
2 and

3 WHEREAS, Society as a whole has already stated that medical promise and
4 ethical concerns are not to be balanced, but rather, ethical concerns must always take
5 precedence; and

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

9 WHEREAS, Scientific experts from around the world are in agreement that the
10 correct scientific definition of “human cloning” is the asexual reproduction of a new
11 living organism, at any stage of development, that is genetically virtually identical to
12 an existing or previously existing human being, done through somatic cell nuclear
13 transfer, which introduces the nuclear material of a human somatic cell into an oocyte
14 (egg) whose own nucleus has been removed or inactivated, and which is designed to
15 produce (and when successful, does produce) a new living organism of the human
16 species, that is, a human embryo; now, therefore,

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

19 **Article 83A – Department of Business and Economic Development**

20 5–2B–01.

21 (a) In this subtitle the following words have the meanings indicated.

22 (b) “Adult stem cell” means a stem cell that:

23 (1) Is derived from human tissue; and

24 (2) Is obtained after birth.

25 (c) **“ASEXUAL REPRODUCTION” MEANS REPRODUCTION NOT INITIATED**
26 **BY THE UNION OF AN OOCYTE AND SPERM.**

27 [(c)] (D) “Commission” means the Stem Cell Research Commission.

28 [(d)] (E) “Committee” means the independent scientific peer review
29 committee that contracts with the Commission under § 5–2B–06 of this subtitle.

1 [(e)] (F) “Corporation” means the Maryland Technology Development
2 Corporation.

3 [(f)] (G) “Fund” means the Maryland Stem Cell Research Fund.

4 [(g)] (H) “Human cloning” means [the replication of a human being through
5 the production of a precise genetic copy of nuclear human DNA or any other human
6 molecule, cell, or tissue, in order to create a new human being or to allow development
7 beyond an embryo] **HUMAN ASEXUAL REPRODUCTION ACCOMPLISHED BY
8 INTRODUCING THE NUCLEAR MATERIAL OF ONE OR MORE HUMAN SOMATIC
9 CELLS INTO A FERTILIZED OR UNFERTILIZED OOCYTE WHOSE NUCLEUS HAS
10 BEEN OR WILL BE REMOVED OR INACTIVATED TO PRODUCE A LIVING ORGANISM
11 AT ANY STAGE OF DEVELOPMENT WITH A HUMAN OR PARTIALLY HUMAN
12 GENETIC CONSTITUTION.**

13 (I) **“HUMAN SOMATIC CELL” MEANS A DIPLOID CELL HAVING A
14 COMPLETE SET OF CHROMOSOMES OBTAINED OR DERIVED FROM A LIVING OR
15 DECEASED HUMAN BODY AT ANY STAGE OF DEVELOPMENT.**

16 [(h)] (J) “Institutional review board” has the meaning stated in the federal
17 regulations on the protection of human subjects.

18 (K) **“NUCLEAR TRANSPLANTATION” MEANS TRANSFERRING THE
19 NUCLEUS OF A SOMATIC CELL INTO AN OOCYTE FROM WHICH THE NUCLEUS OR
20 ALL CHROMOSOMES HAVE BEEN OR WILL BE REMOVED OR RENDERED INERT.**

21 (L) **“NUCLEUS” MEANS THE CELL STRUCTURE THAT HOUSES THE
22 CHROMOSOMES.**

23 [(i)] (M) “Oocyte” means a female germ cell or egg.

24 [(j)] (N) “State-funded stem cell research” means stem cell research
25 conducted using:

26 (1) Material obtained in accordance with § 5-2B-10 of this subtitle; or

27 (2) Adult stem cells.

28 [(k)] (O) “Stem cell” means a human cell that has the ability to:

- 1 (1) Divide indefinitely;
- 2 (2) Give rise to many other types of specialized cells; and
- 3 (3) Give rise to new stem cells with identical potential.

4 [1] (P) "Valuable consideration" means financial gain or advantage in
5 connection with material obtained in accordance with § 5-2B-10 of this subtitle.

6 5-2B-13.

7 (a) A person may not [conduct or attempt to conduct human cloning]
8 **KNOWINGLY:**

- 9 (1) **PERFORM OR ATTEMPT TO PERFORM HUMAN CLONING;**
- 10 (2) **PARTICIPATE IN AN ATTEMPT TO PERFORM HUMAN CLONING;**
- 11 (3) **TRANSFER OR RECEIVE THE PRODUCT OF HUMAN CLONING;**

12 **OR**

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

16 (B) **THIS SECTION MAY NOT BE CONSTRUED TO:**

17 (1) **RESTRICT A PERSON FROM CONDUCTING OR ATTEMPTING TO**
18 **CONDUCT SCIENTIFIC RESEARCH NOT SPECIFICALLY PROHIBITED BY THIS**
19 **SECTION; OR**

20 (2) **PROHIBIT A PERSON FROM CONDUCTING OR ATTEMPTING TO**
21 **CONDUCT RESEARCH USING EMBRYONIC STEM CELLS OBTAINED FROM**
22 **DONATED UNUSED HUMAN EMBRYOS THAT WERE CREATED THROUGH IN VITRO**
23 **FERTILIZATION FOR INDIVIDUALS BEING TREATED FOR INFERTILITY.**

24 (C) **A PERSON MAY CONDUCT OR ATTEMPT TO CONDUCT SCIENTIFIC**
25 **RESEARCH THAT USES NUCLEAR TRANSPLANTATION OR OTHER CLONING**
26 **TECHNIQUES TO PRODUCE:**

- 1 (1) **MOLECULES;**
- 2 (2) **DNA;**
- 3 (3) **CELLS OTHER THAN HUMAN EMBRYOS;**
- 4 (4) **TISSUES;**
- 5 (5) **ORGANS;**
- 6 (6) **PLANTS; OR**
- 7 (7) **ANIMALS OTHER THAN HUMANS.**

8 **[(b)] (D)** A person who violates this section is guilty of a felony and on
9 conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding
10 \$200,000 or both.

11 **(E) (1)** **A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO A**
12 **CIVIL PENALTY OF NOT LESS THAN \$1,000,000 OR THE APPLICABLE AMOUNT**
13 **UNDER PARAGRAPH (2) OF THIS SUBSECTION, WHICHEVER IS GREATER.**

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

17 **(F)** **THE CIVIL PENALTIES ASSESSED AGAINST A PERSON THAT**
18 **VIOLATES THIS SECTION SHALL BE PAID TO THE GENERAL FUND OF THE STATE.**

19 **(G)** **IF A PERSON FAILS TO PAY A PENALTY ASSESSED UNDER THIS**
20 **SECTION, A CIVIL ACTION FOR RECOVERY OF THE PENALTY MAY BE BROUGHT**
21 **BY THE STATE AGAINST THE PERSON.**

22 **(H)** **THIS SECTION MAY NOT BE CONSTRUED TO GIVE A PERSON A**
23 **PRIVATE RIGHT OF ACTION.**

24 **(I)** **A VIOLATION OF THIS SECTION IS GROUNDS FOR THE DENIAL OF AN**
25 **APPLICATION FOR, DENIAL OF, RENEWAL OF, OR REVOCATION OF ANY LICENSE,**
26 **PERMIT, CERTIFICATION, OR ANY OTHER FORM OF PERMISSION REQUIRED TO**

1 **PRACTICE OR ENGAGE IN ANY TRADE, OCCUPATION, OR PROFESSION**
2 **REGULATED BY THE STATE.**

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2007.