

By: Representatives Smith (39th), Bondurant, Chism, Howell, Lott, Moore, Fillingane, Upshaw To: Judiciary B

HOUSE BILL NO. 727

1 AN ACT TO CREATE THE HUMAN CLONING PROHIBITION ACT; TO DEFINE
2 CERTAIN TERMS; TO PROVIDE FOR THE CRIMINAL OFFENSE OF HUMAN
3 CLONING; TO PROVIDE EXCEPTIONS; TO PROVIDE PENALTIES FOR
4 VIOLATIONS OF THIS ACT; AND FOR RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 SECTION 1. This act shall be known and may be cited as the
7 "Human Cloning Prohibition Act."

8 SECTION 2. The following words and phrases shall have the
9 meanings ascribed herein, unless the context clearly indicates
10 otherwise:

11 (a) "Human Cloning" means human asexual reproduction
12 accomplished by introducing the nuclear material of a human
13 somatic cell into a fertilized or unfertilized oocyte whose
14 nucleus has been removed or inactivated to produce a living
15 organism (at any stage of development) with a human or
16 predominantly human genetic constitution;

17 (b) "Human somatic cell" means a diploid cell (having
18 a complete set of chromosomes) obtained or derived from a living
19 or deceased human body at any stage of development;

20 (c) "Nuclear transplantation" means transferring the
21 nucleus of a human somatic cell into an oocyte from which the
22 nucleus or all chromosomes have been or will be removed or
23 rendered inert;

24 (d) "Nucleus" means the cell structure that houses the
25 chromosomes and thus the genes; and

26 (e) "Oocyte" means the female germ cell, the egg.

27 SECTION 3. It shall be unlawful for any person or entity,
28 public or private, to:

- 29 (a) Perform or attempt to perform human cloning;
30 (b) Participate in an attempt to perform human cloning;
31 (c) Transfer or receive the product of human cloning;

32 and

- 33 (d) Transfer or receive, in whole or in part, any
34 oocyte, embryo, fetus or human somatic cell for the purpose of
35 human cloning.

36 **SECTION 4.** Nothing in this act shall restrict areas of
37 scientific research not specifically prohibited by this act,
38 including research in the use of nuclear transfer or other cloning
39 techniques to produce molecules, DNA, cells other than human
40 embryos, tissues, organs, plants or animals other than humans.

41 **SECTION 5.** (1) Any person or entity that knowingly or
42 recklessly violates Sections 3(a) or 3(b) of this act shall be
43 guilty of a felony and upon conviction shall be fined not more
44 than Five Thousand Dollars (\$5,000.00) or imprisoned in the State
45 Penitentiary for not more than five (5) years, or both.

46 (2) Any person or entity that knowingly or recklessly
47 violates Sections 3(c) or 3(d) of this act shall be guilty of a
48 misdemeanor and, upon conviction, shall be fine One Thousand
49 Dollars (\$1,000.00) and imprisoned in the county jail for up to
50 one (1) year.

51 (3) Any person or entity that violates any provision of this
52 act and derives a pecuniary gain from such violation shall be
53 fined One Million Dollars (\$1,000,000.00) or twice the amount of
54 gross gain, or any amount intermediate between the foregoing at
55 the discretion of the court.

56 **SECTION 6.** If any one or more provision, section,
57 subsection, sentence, clause, phrase or word of this act or the
58 application thereof to any person or circumstance is found to be
59 unconstitutional, the same is hereby declared to be severable and
60 the balance of this act shall remain effective notwithstanding
61 such unconstitutionality. The Legislature hereby declares that it

62 would have passed this act and each provision, section,
63 subsection, sentence, clause, phrase or word thereof, irrespective
64 of the fact that any one or more provision, section, subsection,
65 sentence, clause, phrase or word be declared unconstitutional.

66 **SECTION 7.** This act shall take effect and be in force from
67 and after July 1, 2004.