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AMENDMENT NO 1 PROPOSED TO**

**Cmte Sub for Senate Bill No. 2593**

**BY: Senator(s) Dearing**

**Amend by striking all after the enacting clause and inserting  
in lieu thereof the following:**

10        **SECTION 1.** This act may be known and cited as the "Human  
11 Cloning Prohibition Act."

12        **SECTION 2.** For purposes of this act:

13           (a) "Human cloning" means human asexual reproduction to  
14 produce a living organism with a human or predominantly human  
15 genetic constitution.

16           (b) "A living organism" means an organism of the  
17 species homo sapiens greater than four (4) weeks of development.

18        **SECTION 3.** It shall be unlawful for any person or entity,  
19 public or private, to intentionally or knowingly:

20           (a) Perform, or attempt to perform, human cloning; or

21           (b) Participate in an attempt to perform human cloning.

22        **SECTION 4.** Nothing in this act shall restrict areas of  
23 scientific research not specifically prohibited by this act,  
24 including in vitro fertilization, the administration of fertility  
25 enhancing drugs, research in the use of nuclear transfer or other  
26 cloning techniques to produce molecules, DNA, tissues, organs,  
27 plants or animals other than humans or cells other than human  
28 embryos.

29           **SECTION 5.** (1) Criminal penalties. Any person or entity  
30 that violates Section 3(a) or 3(b) of this act shall be guilty of  
31 a felony, punishable upon conviction, by a fine of Ten Thousand  
32 Dollars (\$10,000.00) and/or imprisonment for not more than five  
33 (5) years in the State Penitentiary.

34           (2) Civil penalty. Any person or entity that violates any  
35 provision of this act and derives a pecuniary gain from such  
36 violation shall be fined Five Thousand Dollars (\$5,000.00) or  
37 twice the amount of gross gain, or any amount intermediate between  
38 the foregoing, at the discretion of the court.

39           (3) Trade, occupation or profession. Any violation of this  
40 act may be the basis (1) for denying an application for, (2) for  
41 denying an application for the renewal of, or (3) revoking any  
42 license, permit, certificate, or any other form of permission  
43 required to practice or engage in a trade, occupation or  
44 profession.

45           **SECTION 6.** Section 73-25-29, Mississippi Code of 1972, is  
46 amended as follows:

47           73-25-29. The grounds for the nonissuance, suspension,  
48 revocation or restriction of a license or the denial of  
49 reinstatement or renewal of a license are:

50           (1) Habitual personal use of narcotic drugs, or any  
51 other drug having addiction-forming or addiction-sustaining  
52 liability.

53           (2) Habitual use of intoxicating liquors, or any  
54 beverage, to an extent which affects professional competency.

55           (3) Administering, dispensing or prescribing any  
56 narcotic drug, or any other drug having addiction-forming or  
57 addiction-sustaining liability otherwise than in the course of  
58 legitimate professional practice.

59           (4) Conviction of violation of any federal or state law  
60 regulating the possession, distribution or use of any narcotic

61 drug or any drug considered a controlled substance under state or  
62 federal law, a certified copy of the conviction order or judgment  
63 rendered by the trial court being prima facie evidence thereof,  
64 notwithstanding the pendency of any appeal.

65 (5) Procuring, or attempting to procure, or aiding in,  
66 an abortion that is not medically indicated.

67 (6) Conviction of a felony or misdemeanor involving  
68 moral turpitude, a certified copy of the conviction order or  
69 judgment rendered by the trial court being prima facie evidence  
70 thereof, notwithstanding the pendency of any appeal.

71 (7) Obtaining or attempting to obtain a license by  
72 fraud or deception.

73 (8) Unprofessional conduct, which includes, but is not  
74 limited to:

75 (a) Practicing medicine under a false or assumed  
76 name or impersonating another practitioner, living or dead.

77 (b) Knowingly performing any act which in any way  
78 assists an unlicensed person to practice medicine.

79 (c) Making or willfully causing to be made any  
80 flamboyant claims concerning the licensee's professional  
81 excellence.

82 (d) Being guilty of any dishonorable or unethical  
83 conduct likely to deceive, defraud or harm the public.

84 (e) Obtaining a fee as personal compensation or  
85 gain from a person on fraudulent representation, a disease or  
86 injury condition generally considered incurable by competent  
87 medical authority in the light of current scientific knowledge and  
88 practice can be cured or offering, undertaking, attempting or  
89 agreeing to cure or treat the same by a secret method, which he  
90 refuses to divulge to the board upon request.

91 (f) Use of any false, fraudulent or forged  
92 statement or document, or the use of any fraudulent, deceitful,

93 dishonest or immoral practice in connection with any of the  
94 licensing requirements, including the signing in his professional  
95 capacity any certificate that is known to be false at the time he  
96 makes or signs such certificate.

97 (g) Failing to identify a physician's school of  
98 practice in all professional uses of his name by use of his earned  
99 degree or a description of his school of practice.

100 (h) Any violation of the Human Cloning Prohibition  
101 Act, Sections 1 through 6 of Senate Bill No. 2593, 2005 Regular  
102 Session.

103 (9) The refusal of a licensing authority of another  
104 state or jurisdiction to issue or renew a license, permit or  
105 certificate to practice medicine in that jurisdiction or the  
106 revocation, suspension or other restriction imposed on a license,  
107 permit or certificate issued by such licensing authority which  
108 prevents or restricts practice in that jurisdiction, a certified  
109 copy of the disciplinary order or action taken by the other state  
110 or jurisdiction being prima facie evidence thereof,  
111 notwithstanding the pendency of any appeal.

112 (10) Surrender of a license or authorization to  
113 practice medicine in another state or jurisdiction or surrender of  
114 membership on any medical staff or in any medical or professional  
115 association or society while under disciplinary investigation by  
116 any of those authorities or bodies for acts or conduct similar to  
117 acts or conduct which would constitute grounds for action as  
118 defined in this section.

119 (11) Final sanctions imposed by the United States  
120 Department of Health and Human Services, Office of Inspector  
121 General or any successor federal agency or office, based upon a  
122 finding of incompetency, gross misconduct or failure to meet  
123 professionally recognized standards of health care; a certified  
124 copy of the notice of final sanction being prima facie evidence

125 thereof. As used in this paragraph, the term "final sanction"  
126 means the written notice to a physician from the United States  
127 Department of Health and Human Services, Officer of Inspector  
128 General or any successor federal agency or office, which  
129 implements the exclusion.

130 (12) Failure to furnish the board, its investigators or  
131 representatives information legally requested by the board.

132 (13) Violation of any provision(s) of the Medical  
133 Practice Act or the rules and regulations of the board or of any  
134 order, stipulation or agreement with the board.

135 In addition to the grounds specified above, the board shall  
136 be authorized to suspend the license of any licensee for being out  
137 of compliance with an order for support, as defined in Section  
138 93-11-153. The procedure for suspension of a license for being  
139 out of compliance with an order for support, and the procedure for  
140 the reissuance or reinstatement of a license suspended for that  
141 purpose, and the payment of any fees for the reissuance or  
142 reinstatement of a license suspended for that purpose, shall be  
143 governed by Section 93-11-157 or 93-11-163, as the case may be.  
144 If there is any conflict between any provision of Section  
145 93-11-157 or 93-11-163 and any provision of this chapter, the  
146 provisions of Section 93-11-157 or 93-11-163, as the case may be,  
147 shall control.

148 **SECTION 7.** The provisions of this act are declared to be  
149 severable, and if any provision, word, phrase or clause of this  
150 act or the application thereof to any person shall be held  
151 invalid, such invalidity shall not affect the validity of the  
152 remaining portions of this act.

153 **SECTION 8.** This act shall take effect and be in force from  
154 and after July 1, 2005.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

1 AN ACT ENTITLED THE HUMAN CLONING PROHIBITION ACT; TO PROVIDE  
2 DEFINITIONS; TO MAKE IT UNLAWFUL FOR ANY PERSON OR ENTITY TO  
3 PERFORM, ATTEMPT TO PERFORM, PARTICIPATE IN HUMAN CLONING; TO  
4 PROVIDE CRIMINAL PENALTIES FOR VIOLATIONS OF THIS ACT; TO AMEND  
5 SECTION 73-25-29, MISSISSIPPI CODE OF 1972, TO INCLUDE ANY  
6 VIOLATION OF THE HUMAN CLONING ACT AS UNPROFESSIONAL CONDUCT AND  
7 GROUNDS FOR LICENSURE SUSPENSION, REVOCATION OR NONRENEWAL FOR  
8 LICENSED PHYSICIANS; AND FOR RELATED PURPOSES.