

By: Representatives Bondurant, Beckett, Bounds, Carlton, Chism, Davis, Denny, Ellington, Fillingane, Formby, Gregory, Mims, Moore, Parker, Rotenberry, Snowden, Staples, Upshaw, Wells-Smith, Robinson (84th)

To: Judiciary B

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1202

1 AN ACT TO PROHIBIT HUMAN CLONING; TO PROHIBIT SHIPPING OR
2 RECEIVING EMBRYOS PRODUCED BY HUMAN CLONING; TO DEFINE CERTAIN
3 TERMS; TO PROVIDE CRIMINAL AND CIVIL PENALTIES FOR VIOLATIONS OF
4 THIS ACT; TO CREATE THE STEM CELL RESEARCH ADVISORY COMMITTEE AND
5 PROVIDE FOR ITS DUTIES; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** This act may be cited as the "Human Cloning
8 Prohibition Act of 2006."

9 **SECTION 2.** As used in this act:

10 (a) "Human cloning" means human asexual reproduction,
11 accomplished by introducing the genetic material from one or more
12 human somatic cells into a fertilized or unfertilized oocyte whose
13 nuclear material has been removed or inactivated so as to produce
14 a living organism at any stage of development with a human or
15 predominantly human genetic constitution.

16 (b) "Somatic cell" means a cell having a complete set
17 of chromosomes obtained from a living or deceased human body at
18 any stage of development.

19 (c) "Embryo" means an organism of the species Homo
20 sapiens from the single cell stage to eight (8) weeks development.

21 (d) "Fetus" means an organism of the species Homo
22 sapiens from eight (8) weeks development until complete expulsion
23 or extraction from a woman's body, or removal from an artificial
24 womb or other similar environment designed to nurture the
25 development of such organism.

26 **SECTION 3.** (1) It shall be unlawful for any person or
27 entity, public or private, to intentionally or knowingly:

28 (a) Perform or attempt to perform human cloning;

29 (b) Participate in an attempt to perform human cloning;

30 (c) Transfer or receive the product of human cloning
31 for any purpose; or

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

35 (2) (a) Any person or entity that violates any provision of
36 this section shall be guilty of a misdemeanor, and upon conviction
37 thereof, shall be fined not more than Ten Thousand Dollars
38 (\$10,000.00) or imprisoned in the county jail for not more than
39 one (1) year, or both.

40 (b) Any person or entity that violates any provision of
41 this section shall be subject to, in the case of a violation that
42 involves the derivation of a pecuniary gain, a civil penalty of
43 not less than One Million Dollars (\$1,000,000.00) and not more
44 than an amount equal to the amount of the gross gain multiplied by
45 two (2), if that amount is greater than One Million Dollars
46 (\$1,000,000.00).

47 (3) Nothing in this statute shall restrict areas of
48 scientific research not specifically prohibited by this statute,
49 including in vitro fertilization, the administration of fertility
50 enhancing drugs, research in the use of nuclear transfer or other
51 cloning techniques to produce molecules, DNA, tissues, organs,
52 plants, or animals other than humans, or cells other than human
53 embryos.

54 **SECTION 4.** (1) It is the intent of the Legislature that the
55 sanctity and dignity of human life should be a paramount concern
56 of all. To further that end, this legislation establishes a "Stem
57 Cell Research Advisory Committee." This committee shall consist
58 of an appointee of the Dean of the University of Mississippi
59 Medical School, an appointee of the Governor, an appointee of the
60 Speaker of the House of Representatives, and an appointee of the
61 Lieutenant Governor. The Chaplain of the University Medical

62 Center shall serve as an advisory ex officio member of the
63 committee.

64 (2) The duties of this advisory committee will be to examine
65 the state of research in Mississippi concerning human stem cells,
66 cloning of human cells, human embryos and human oocytes. The
67 chairman of this advisory committee shall convene meetings of the
68 committee at such times as the chairman feels are necessary to
69 produce a report for the Legislature and Governor before July
70 2007. The chairman of the committee will be the person appointed
71 by the Dean of the University of Mississippi Medical School.

72 (3) It is the intent of the Legislature that any funds
73 appropriated by the Legislature to support medical research be
74 used to support research that improves life and combats disease.
75 No state appropriated funds may be used to support research banned
76 by this act.

77 (4) This section shall stand repealed on July 2, 2007.

78 **SECTION 5.** This act shall take effect and be in force from
79 and after July 1, 2006.