

By: Representative Smith (39th)

To: Judiciary B

## HOUSE BILL NO. 1203

1 AN ACT TO CREATE THE "HUMAN DIGNITY PROTECTION ACT" THAT  
2 PROHIBITS DESTRUCTIVE HUMAN EMBRYO RESEARCH AND THE USE OF CLONING  
3 TECHNOLOGY; TO PROVIDE THE FINDINGS AND PURPOSE OF SUCH ACT; TO  
4 PROVIDE DEFINITIONS FOR SUCH ACT; TO PROHIBIT CERTAIN RESEARCH AND  
5 CONDUCT RELATED TO CLONING; TO PROVIDE PENALTIES FOR VIOLATIONS OF  
6 THIS ACT; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** This act shall be known and may be cited as the  
9 "Human Dignity Protection Act."

10 **SECTION 2.** The State of Mississippi finds the following:

11 (a) Human embryos are human beings at the earliest stage  
12 of development;

13 (b) Some human embryos are being created and then  
14 destroyed to obtain stem cells for research;

15 (c) Destructive human embryo research to obtain  
16 embryonic stem cells raises grave ethical, scientific and medical  
17 issues that must be addressed;

18 (d) The ethical justification for medical and  
19 scientific research cannot be based upon the dehumanizing and  
20 utilitarian premise that the end justifies any means;

21 (e) Medical research and treatment does not require the  
22 destruction of human life, because it can be ethically pursued in  
23 other ways, including the use of adult stem cells;

24 (f) At least one (1) company has announced that they  
25 have successfully cloned a human being at the early embryonic  
26 stage of life, and others have announced that they will attempt to  
27 clone a human being using the technique known as somatic cell  
28 nuclear transfer;

29           (g) Efforts to create human beings by cloning mark a  
30 new and decisive step toward turning human reproduction into a  
31 manufacturing process in which human beings are made in  
32 laboratories to preordained specifications and, potentially, in  
33 multiple copies;

34           (h) Creating cloned live-born human children,  
35 "cloning-to-produce-children," begins by creating cloned human  
36 beings at the embryonic stage of life, a process which some also  
37 propose as a way of creating human embryos for destructive  
38 research as sources of stem cells and tissues for possible  
39 treatment of other humans, "cloning-for-biomedical-research";

40           (i) Many scientists agree that attempts at  
41 "cloning-to-produce-children" pose a massive risk of either  
42 producing children who are stillborn, unhealthy, or severely  
43 disabled, and that attempts at "cloning-for-biomedical-research"  
44 always result in the destruction of human beings at the embryonic  
45 stage of life when their stem cells are harvested;

46           (j) The prospect of creating new human life solely to  
47 be exploited ("cloning-to-produce-children") or destroyed  
48 ("cloning-for-biomedical-research") in these ways has been  
49 condemned on moral grounds by many, as displaying a profound  
50 disrespect for life;

51           (k) The distinction between "therapeutic" and  
52 "reproductive" cloning is a false distinction scientifically  
53 because both begin with the reproduction of a human being at the  
54 embryonic stage of life, one (1) destined for implantation in a  
55 womb, one (1) destined for destructive farming of its stem cells.  
56 Regardless of its ultimate destiny, all human embryos are  
57 simultaneously human beings;

58           (l) It will be nearly impossible to ban only attempts  
59 at "cloning-to-produce-children" if  
60 "cloning-for-biomedical-research" is allowed for the following  
61 reasons:

62 (i) Cloning would take place within the privacy of  
63 a doctor-patient relationship;

64 (ii) The implantation of embryos to begin a  
65 pregnancy is a simple procedure; and

66 (iii) Any government effort to prevent the  
67 implantation of an existing cloned embryo, or to prevent birth  
68 once implantation has occurred would raise substantial moral,  
69 legal and practical issues;

70 Based on the above findings, it is the purpose of this act to  
71 prohibit destructive human embryo research and the use of cloning  
72 technology to initiate the development of new human beings at the  
73 embryonic stage of life for any purpose.

74 **SECTION 3.** The following words and phrases shall have the  
75 meanings as defined in this section unless the context clearly  
76 indicates otherwise:

77 (a) "Human embryo" means a genetically complete living  
78 organism of the species Homo sapiens, from the single cell stage  
79 to eight weeks development, that is not located in a woman's body.

80 (b) "Gamete" means a human sperm or unfertilized human  
81 ovum.

82 (c) "Destructive research" means medical procedures,  
83 scientific or laboratory research, or other kinds of investigation  
84 that kills or injures the subject of such research. This  
85 definition does not include in vitro fertilization and  
86 accompanying embryo transfer to a woman's body, or any diagnostic  
87 procedures that may benefit the human embryo subject to such  
88 tests.

89 (d) "Human cloning" means human asexual reproduction,  
90 accomplished by introducing the genetic material from one or more  
91 human somatic cells into a fertilized or unfertilized oocyte  
92 whose nuclear material has been removed or inactivated, so as to  
93 produce an organism, at any stage of development with a human or  
94 predominantly human genetic constitution.

95 (e) "Somatic cell" means a cell having a complete set  
96 of chromosomes obtained from a living or deceased human body at  
97 any stage of development.

98 (f) "Fetus" means an organism of the species Homo  
99 sapiens from eight weeks development until complete expulsion or  
100 extraction from a woman's body, or removal from an artificial womb  
101 or other similar environment designed to nurture the development  
102 of such organism.

103 **SECTION 4.** It shall be unlawful for any person or entity,  
104 public or private, to intentionally or knowingly:

105 (a) Conduct destructive research on a human embryo;

106 (b) Buy, sell, receive, or otherwise transfer a human  
107 embryo with the knowledge that such embryo will be subjected to  
108 destructive research; or

109 (c) Buy, sell, receive, or otherwise transfer gametes  
110 with the knowledge that a human embryo will be produced from such  
111 gametes to be used in destructive research.

112 **SECTION 5.** It shall be unlawful for any person or entity,  
113 public or private, to intentionally or knowingly:

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

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

116 (c) Transfer or receive the product of human cloning  
117 for any purpose; or

118 (d) Transfer or receive, in whole or in part, any  
119 oocyte, embryo, fetus, or human somatic cell, for the purpose of  
120 human cloning.

121 **SECTION 6.** Nothing in this statute shall restrict areas of  
122 scientific research not specifically prohibited by this statute,  
123 including in vitro fertilization, the administration of fertility  
124 enhancing drugs, research in the use of nuclear transfer or other  
125 cloning techniques to produce molecules, DNA, tissues, organs,  
126 plants, or animals other than humans, or cells other than human  
127 embryos.

128           **SECTION 7.** (1) A person who violates any provision of this  
129 act shall be guilty of a felony and, upon conviction thereof,  
130 shall be punished by imprisonment for not more than three (3)  
131 years, or by a fine of not more than Five Thousand Dollars  
132 (\$5,000.00) or double the value of the gross gain if such person  
133 received a pecuniary gain from such violation, or both. Sentences  
134 imposed for convictions of separate offenses under this act may  
135 run consecutively.

136           (2) Any violation of this act shall constitute  
137 unprofessional conduct pursuant to the laws regulating medical  
138 doctors, surgeons osteopathic doctors and medical researchers and  
139 shall result in permanent revocation of the violator's license to  
140 practice the applicable medical profession.

141           (3) Any violation of this act may be the basis for denying  
142 an application, for denying an application for the renewal of, or  
143 revoking any license, permit, certificate, or any other form of  
144 permission required to practice or engage in a trade, occupation,  
145 or profession.

146           **SECTION 8.** The provisions of this act are declared to be  
147 severable, and if any provision, word, phrase, or clause of the  
148 act or the application thereof to any person, shall be held  
149 invalid, such invalidity shall not affect the validity of the  
150 remaining portions of this act.

151           **SECTION 9.** This act shall take effect and be in force from  
152 and after its passage.