

HOUSE BILL No. 2355

By Representatives Pilcher-Cook, Beamer, Brown, Brunk, Carter, Dahl, DeCastro, Faber, Freeborn, George, Goico, Grange, Hayzlett, Henry, M. Holmes, Huebert, Hutchins, Huy, E. Johnson, Kelley, Kelsey, Kilpatrick, Kinzer, Knox, Landwehr, Larkin, Mast, McCreary, McKinney, McLeland, Merrick, F. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Oharah, Olson, Otto, Pauls, Peck, Phelps, Powell, Powers, Ruff, Siegfried, Vickrey, Watkins and Weber

2-8

AN ACT concerning human cloning; relating to criminal and civil penalties.

Be it enacted by the Legislature of the State of Kansas:

Section 1. (a) It shall be unlawful for any person or entity, public or private, to:

- (1) Perform or attempt to perform human cloning;
- (2) participate in an attempt to perform human cloning; or
- (3) cause to be shipped or knowingly receive, by interstate or intrastate commerce, the product of human cloning for any purpose.

(b) Upon conviction of a violation of subsection (a), a person shall be guilty of a severity level 5, person felony.

(c) As used in this section:

(1) "Diploid cell" means a cell which has a complete set of chromosomes.

(2) "Human cloning" means human asexual reproduction, accomplished by introducing nuclear material from one or more human somatic cells into a fertilized or unfertilized oocyte whose nuclear material has been removed or inactivated to produce a living organism (at any stage of development) with a human or predominantly human genetic constitution that is genetically virtually identical to an existing or previously existing human organism.

(3) "Oocyte" means an egg before maturation.

(4) "Somatic cell" means a diploid cell which comes from cells of the body that compose the tissues, organs or other parts of an individual other than germ cells and which is obtained or derived from a living or deceased human organism at any stage of development.

(d) Nothing in this section shall restrict areas of scientific research not specifically prohibited by this section, including research in the use

1 of nuclear transfer or other cloning techniques to produce molecules,
2 DNA, cells other than human embryos, tissues, organs, plants or animals
3 other than humans.

4 (e) This section shall be part of and supplemental to the Kansas crim-
5 inal code.

6 Sec. 2. (a) A cause of action for civil penalties may be maintained by
7 any public official with appropriate jurisdiction to prosecute or enforce
8 the laws of this state against any person or entity that is in the course of
9 violating or has violated section 1, and amendments thereto.

10 (b) Judgment against a defendant in a cause of action brought under
11 subsection (a) shall result in a civil penalty of not less than \$100,000 nor
12 more than \$250,000. Moneys collected pursuant to this subsection shall
13 be deposited in the state general fund.

14 Sec. 3. This act shall take effect and be in force from and after its
15 publication in the statute book.

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