



**National Committee for a Human Life Amendment**

### **State Laws on Human Cloning**

There are currently nine states that have some form of a ban on human cloning. Those include: Arkansas, California, Iowa, Louisiana, Michigan, North Dakota, Rhode Island, South Dakota, and Virginia. Four of these states (Arkansas, Iowa, Michigan and Virginia) have a complete ban on human cloning, while the rest of these states ban cloning for the purpose of initiating pregnancy. Three of those states that have a partial ban, as well as some others without cloning bans, have laws that ban research that harms or destroys human embryos.

For more complete information on the current state laws on human cloning go to:  
[www.usccb.org/prolife/issues/bioethic/statelaw.htm](http://www.usccb.org/prolife/issues/bioethic/statelaw.htm)

And for information on state laws on embryo research go to:  
[www.usccb.org/prolife/issues/bioethic/states701.htm](http://www.usccb.org/prolife/issues/bioethic/states701.htm)

## Arkansas

State of Arkansas As Engrossed: S2/20/03 H3/10/03  
84th General Assembly A Bill  
Regular Session, 2003 SENATE BILL 185

By: Senators Critcher, Faris, Horn, Womack, Gullett, Capps, Lavery, Glover, Hendren, Bisbee, G. Jeffress, J. Jeffress, Holt, Trusty, Wilkins, Altes, Baker, Wooldridge By: Representatives Creekmore, Fite, Anderson, Green, Key, Bledsoe, Pritchard, Harris, Bright, Penix, Parks, Hutchinson, Rosenbaum, Borhauer, Kenney, Walters, Lamoureux, Bennett, J. Taylor, Matayo, Oglesby, Mack, Norton

For An Act To Be Entitled

AN ACT TO PROHIBIT HUMAN CLONING; AND FOR OTHER PURPOSES.

Subtitle

AN ACT TO PROHIBIT HUMAN CLONING.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 20, Chapter 16, is amended to add an additional subchapter to read as follows:

20-16-1001. Definitions.

As used in this subchapter:

- (1) "Asexual reproduction" means reproduction not initiated by the union of oocyte and sperm;
- (2) "Embryo" means an organism of the species homo sapiens from the single cell stage to eight (8) weeks of development;
- (3) "Fetus" means an organism of the species homo sapiens from eight (8) weeks of development until complete expulsion or extraction from a woman's body, or removal from an artificial womb or other similar environment designed to nurture the development of the organism;
- (4) "Human cloning" means human asexual reproduction, accomplished by introducing the genetic material from one (1) or more human somatic cells into a fertilized or unfertilized oocyte whose nuclear material has been removed or inactivated so as to produce a living organism, at any stage of development, that is genetically virtually identical to an existing or previously existing human organism;
- (5) "Oocyte" means the human female germ cell, the egg; and
- (6) "Somatic cell" means a diploid cell, having a complete cell of chromosomes, obtained or derived from a living or deceased human body at any stage of development.

20-16-1002. Prohibited acts - Penalties.

- (a) It is unlawful for any person or entity, public or private to intentionally or knowingly:
  - (1) Perform or attempt to perform human cloning;
  - (2) Participate in an attempt to perform human cloning;
  - (3) Ship, transfer, or receive for any purpose an embryo produced by human cloning; or
  - (4) Ship, transfer, or receive, in whole or in part, any oocyte, embryo, fetus, or human somatic cell, for the purpose of human cloning.

(b) A violation of subdivision (a)(1) or (a)(2) of this section, or both, is a class C felony.

(c) A violation of subdivision (a)(3) or (a)(4) of this section, or both, is a Class A misdemeanor.

(d)(1) In addition to any criminal penalty that may be levied, any person or entity that violates any provision of this section shall be subject to a fine of not less than two hundred fifty thousand dollars (\$250,000) or twice the amount of any pecuniary gain that is received by the person or entity, whichever is greater.

(2) All fines collected shall be placed into the General Revenues of the State of Arkansas.

20-16-1003. Scientific research.

(a) This subchapter does not restrict areas of scientific research not specifically prohibited by this subchapter, including research in the use of nuclear transfer or other cloning techniques to produce molecules, DNA, cells other than human embryos, tissues, organs, plants, or animals other than humans.

(b) This subchapter does not apply to in vitro fertilization, the administration of fertility enhancing drugs, or other medical procedures used to assist a woman in becoming or remaining pregnant, so long as that procedure is not specifically intended to result in the gestation or birth of a child who is genetically identical to another conceptus, embryo, fetus, or human being, living or dead.

20-16-1004. No right of action.

This subchapter does not create a private right of action.

/s/ Critcher, et al

## California

### CALIFORNIA CODES HEALTH AND SAFETY CODE SECTION 24185-24187

24185. (a) No person shall clone a human being or engage in human reproductive cloning. (b) No person shall purchase or sell an ovum, zygote, embryo, or fetus for the purpose of cloning a human being. (c) For purposes of this chapter, the following definitions apply:

(1) "Clone" means the practice of creating or attempting to create a human being by transferring the nucleus from a human cell from whatever source into a human or nonhuman egg cell from which the nucleus has been removed for the purpose of, or to implant, the resulting product to initiate a pregnancy that could result in the birth of a human being.

(2) "Department" means the State Department of Health Services.

(3) "Human reproductive cloning" means the creation of a human fetus that is substantially genetically identical to a previously born human being. The department may adopt, interpret, and update regulations, as necessary, for purposes of more precisely defining the procedures that constitute human reproductive cloning.

24186. (a) (1) The department shall establish an advisory committee for purposes of advising the Legislature and the Governor on human cloning and other issues relating to human biotechnology. The committee shall be composed of at least nine members, appointed by the Director of Health Services, who shall serve without compensation. (2) The committee shall include at least one representative from the areas of medicine, religion, biotechnology, genetics, law, and from the general public. The committee shall also include not less than three independent bioethicists who possess the qualifications described in paragraph (3). (3) The independent bioethicists selected to serve on the committee shall reflect a representative range of religious and ethical perspectives in California regarding the issues of human cloning and human biotechnology. An independent bioethicist serving on the advisory committee shall not be employed by, consult with or have consulted with, or have any direct or indirect financial interest, in any corporation engaging in research relating to human cloning or human biotechnology. A person with any affiliation to the grant-funded cloning research programs operated by the University of California or the California State University is also prohibited from serving as a bioethicist on the advisory committee. (b) On or before December 31, 2003, and annually thereafter, the department shall report to the Legislature and the Governor regarding the activities of the committee. (c) The activities of the committee shall, to the extent that funds are available, be funded by the department out of existing resources.

24187. For violations of Section 24185, the State Director of Health Services may, after appropriate notice and opportunity for hearing, by order, levy administrative penalties as follows: (a) If the violator is a corporation, firm, clinic, hospital, laboratory, or research facility, by a civil penalty of not more than one million dollars (\$1,000,000) or the applicable amount under subdivision (c), whichever is greater. (b) If the violator is an individual, by a civil penalty of not more than two hundred fifty thousand dollars (\$250,000) or the applicable amount under subdivision (c), whichever is greater. (c) If any violator derives pecuniary gain from a violation of this section, the violator may be assessed a civil penalty of not more than an amount equal to the amount of the gross gain multiplied by two. (d) The administrative penalties shall be paid to the General Fund.

### STEM CELL HEALTH AND SAFETY CODE

## SECTION 125115-125117

125115. The policy of the State of California shall be as follows: (a) That research involving the derivation and use of human embryonic stem cells, human embryonic germ cells, and human adult stem cells from any source, including somatic cell nuclear transplantation, shall be permitted and that full consideration of the ethical and medical implications of this research be given. (b) That research involving the derivation and use of human embryonic stem cells, human embryonic germ cells, and human adult stem cells, including somatic cell nuclear transplantation, shall be reviewed by an approved institutional review board.

125116. (a) A physician, surgeon, or other health care provider delivering fertility treatment shall provide his or her patient with timely, relevant, and appropriate information to allow the individual to make an informed and voluntary choice regarding the disposition of any human embryos remaining following the fertility treatment. (b) Any individual to whom information is provided pursuant to subdivision (a) shall be presented with the option of storing any unused embryos, donating them to another individual, discarding the embryos, or donating the remaining embryos for research. (c) Any individual who elects to donate embryos remaining after fertility treatments for research shall provide written consent.

125117. (a) A person may not knowingly, for valuable consideration, purchase or sell embryonic or cadaveric fetal tissue for research purposes pursuant to this chapter. (b) For purposes of this section, "valuable consideration" does not include reasonable payment for the removal, processing, disposal, preservation, quality control, storage, transplantation, or implantation of a part. (c) Embryonic or cadaveric fetal tissue may be donated for research purposes pursuant to this chapter.

## Iowa

Senate File 2118

Partial Bill History

\* Bill Introduced: S.J. 185

\* Committee Report Issued: S.J. 191 H.J. 840

\* Passed House: H.J. 1230 H.J. 1498

\* Passed Senate: S.J. 498 S.J. 1088

\* Signed by Governor: S.J. 1223

Complete Bill History

Bill Text

Page Line

1	1	SENATE FILE 2118
1	2	
1	3	AN ACT
1	4	PROHIBITING HUMAN CLONING, AND PROVIDING PENALTIES.
1	5	
1	6	BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
1	7	
1	8	Section 1. NEW SECTION. 707B.1 TITLE.
1	9	This chapter shall be known and may be cited as the "Human
1	10	Cloning Prohibition Act".
1	11	Sec. 2. NEW SECTION. 707B.2 PURPOSE.
1	12	It is the purpose of this chapter to prohibit human cloning
1	13	for any purpose, whether for reproductive cloning or
1	14	therapeutic cloning.
1	15	Sec. 3. NEW SECTION. 707B.3 DEFINITIONS.
1	16	As used in this chapter, unless the context otherwise
1	17	requires:
1	18	1. "Fetus" means a living organism of the species homo
1	19	sapiens from eight weeks' development until complete expulsion
1	20	or extraction from a woman's body, or until removal from an
1	21	artificial womb or other similar environment designed to
1	22	nurture the development of such organism.
1	23	2. "Human cloning" means human asexual reproduction,
1	24	accomplished by introducing the genetic material of a human
1	25	somatic cell into a fertilized or unfertilized oocyte whose
1	26	nucleus has been or will be removed or inactivated, to produce
1	27	a living organism with a human or predominantly human genetic
1	28	constitution.
1	29	3. "Human embryo" means a living organism of the species
1	30	homo sapiens from the single-celled stage to eight weeks'
1	31	development.
1	32	4. "Human somatic cell" means a cell having a complete set
1	33	of chromosomes obtained from a living or deceased human

1 34 organism of the species homo sapiens at any stage of  
1 35 development.  
2 1 5. "Oocyte" means a human ovum.  
2 2 Sec. 4. NEW SECTION. 707B.4 HUMAN CLONING  
2 3 PROHIBITIONS EXCEPTIONS PENALTY.  
2 4 1. A person shall not intentionally or knowingly do any of  
2 5 the following:  
2 6 a. Perform or attempt to perform human cloning.  
2 7 b. Participate in performing or in an attempt to perform  
2 8 human cloning.  
2 9 c. Transfer or receive a cloned human embryo for any  
2 10 purpose.  
2 11 d. Transfer or receive, in whole or in part, any oocyte,  
2 12 human embryo, fetus, or human somatic cell, for the purpose of  
2 13 human cloning.  
2 14 2. This section shall not restrict areas of scientific  
2 15 research not specifically prohibited, including in vitro  
2 16 fertilization; the administration of fertility-enhancing  
2 17 drugs; or research in the use of nuclear transfer or other  
2 18 cloning techniques to produce molecules, deoxyribonucleic  
2 19 acid, tissues, organs, plants, animals other than humans, or  
2 20 cells other than human embryos.  
2 21 3. a. A person who violates subsection 1, paragraph "a"  
2 22 or "b", is guilty of a class "C" felony.  
2 23 b. A person who violates subsection 1, paragraph "c" or  
2 24 "d", is guilty of an aggravated misdemeanor.  
2 25 4. A person who violates this section in a manner that  
2 26 results in a pecuniary gain to the person is subject to a  
2 27 civil penalty in an amount that is twice the amount of the  
2 28 gross gain.  
2 29 5. A person who violates this section and who is licensed  
2 30 pursuant to chapter 148, 150, or 150A is subject to revocation  
2 31 of the person's license.  
2 32 6. A violation of this section is grounds for denial of an  
2 33 application for, denial of renewal of, or revocation of any  
2 34 license, permit, certification, or any other form of  
2 35 permission required to practice or engage in any trade,  
3 1 occupation, or profession regulated by the state.

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MARY E. KRAMER  
President of the Senate

3 10 BRENT SIEGRIST  
3 11 Speaker of the House  
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3 13 I hereby certify that this bill originated in the Senate and  
3 14 is known as Senate File 2118, Seventy-ninth General Assembly.  
3 15  
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3 18 MICHAEL E. MARSHALL  
3 19 Secretary of the Senate  
3 20 Approved , 2002  
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3 24 THOMAS J. VILSACK  
3 25 Governor

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## Louisiana

### PART XIX. HUMAN CLONING

#### Title 40

#### §1299.36. Legislative intent

It is the intent of the legislature to protect the health and welfare of the citizens of this state through a ban on the cloning of human beings while encouraging the thorough and diligent evaluation required by the profound medical, ethical, and social questions raised by the possibility of human cloning.

Acts 1999, No. 788, § 1.

#### §1299.36.1. Definition

As used in this Part, "clone" means the practice of creating or attempting to create a human being by transferring the nucleus from a human cell from whatever source into a human egg cell from which the nucleus has been removed for the purpose of or to implant the resulting product to initiate a pregnancy that could result in the birth of a human being.

Acts 1999, No. 788, § 1.

#### §1299.36.2. Cloning of human beings; purchase or sale of ovum, zygote, embryo, or fetus for the purpose of cloning human beings, prohibited

A. No person shall clone or attempt to clone a human being.

B. No person shall purchase or sell an ovum, zygote, embryo, or fetus with the intent to clone a human being.

C. This Section does not prohibit scientific research or a cell based therapy not specifically prohibited elsewhere by this Part.

D. Whoever violates this Section shall be fined not more than ten million dollars or imprisoned, with or without hard labor, for not more than ten years, or both.

Acts 1999, No. 788, § 1

#### §1299.36.3. Administrative penalties

A. For a violation of R.S. 40:1299.36.2, the secretary of the Department of Health and Hospitals may, in accordance with the Administrative Procedure Act, order the levy of an administrative penalty as follows:

(1) If the person is a corporation, firm, clinic, hospital, laboratory, or research facility, a penalty of not more than ten million dollars or the applicable amount under Subsection B, whichever is greater.

(2) If the person is an individual, a penalty of not more than five million dollars or the applicable amount under Subsection B, whichever is greater.

B. If any person derives pecuniary gain from a violation of R.S. 40:1299.36.2, the person shall be assessed a civil penalty of not more than an amount equal to the amount of the gross gain multiplied by two.

C. The administrative penalties shall be deposited into the state treasury.

Acts 1999, No. 788, § 1.

#### §1299.36.4. Violation constitutes unprofessional conduct; employment restrictions

A. A violation of this Part relating to human cloning constitutes unprofessional conduct and shall result in the permanent revocation of each license and permit issued pursuant to R.S. 37:1261 et seq.

B. A violation of this Part shall provide, in addition to Subsection A of this Section, the basis for disciplinary action deemed appropriate by the Louisiana State Board of Medical Examiners pursuant to R.S. 37:1261 et seq.

C. Notwithstanding any provision of law to the contrary, a violation of this Part shall be the basis for denying an application for, or an application for the renewal of, any license, permit, or certificate required by this state, or the granting of a conditional license, permit, or certificate required by this state or any department, office, agency, or board of the state in order to practice or engage in a trade, occupation, or profession.

Acts 1999, No. 788, § 1

§1299.36.5. Use of state funds prohibited

A. Notwithstanding any other provision of law to the contrary, state funds shall not be used to clone or attempt to clone a human being.

B. Subsection A of this Section does not prohibit the use of state funds for scientific research or cell-based therapies not specifically prohibited by this Part.

C. A person who violates this Section shall be subject to a fine of ten million dollars which shall be deposited into the state treasury.

Acts 1999, No. 788, § 1.

§1299.36.6. Use of health facility or agency for human cloning prohibited; penalties

A. A health facility or agency shall not allow any individual to clone or attempt to clone a human being in a facility owned or operated by the health facility or agency.

B. Nothing in this Section shall prohibit a health facility or agency from allowing an individual from engaging in scientific research or a cell-based therapy not specifically prohibited by this Part.

C. A health facility or agency that violates this Section shall be subject to administrative penalties provided by law for that facility or agency and to a fine of ten million dollars and loss of each license granted by law to the facility or agency.

D. A fine collected under this Section shall be deposited into the state treasury.

E. This Section does not give a person a private right of action.

Acts 1999, No. 788, § 1

## Michigan

### PUBLIC HEALTH CODE (EXCERPT)

Popular Name: Act 368 of 1978

333.16274 Human cloning; prohibited acts; exception; violation of subsection (1); private right of action; definitions.

Sec. 16274.

- (1) A licensee or registrant shall not engage in or attempt to engage in human cloning.
- (2) Subsection (1) does not prohibit scientific research or cell-based therapies not specifically prohibited by that subsection.
- (3) A licensee or registrant who violates subsection (1) is subject to the administrative penalties prescribed in sections 16221 and 16226 and to the civil penalty prescribed in section 16275.
- (4) This section does not give a person a private right of action.
- (5) As used in this section:
  - (a) "Human cloning" means the use of human somatic cell nuclear transfer technology to produce a human embryo.
  - (b) "Human embryo" means a human egg cell with a full genetic composition capable of differentiating and maturing into a complete human being.
  - (c) "Human somatic cell" means a cell of a developing or fully developed human being that is not and will not become a sperm or egg cell.
  - (d) "Human somatic cell nuclear transfer" means transferring the nucleus of a human somatic cell into an egg cell from which the nucleus has been removed or rendered inert.

333.16275 Human cloning; prohibition; exception; violation; penalty; private right of action; "human cloning" defined.

Sec. 16275.

- (1) A licensee or registrant or other individual shall not engage in or attempt to engage in human cloning.
- (2) Subsection (1) does not prohibit scientific research or cell-based therapies not specifically prohibited by that subsection.
- (3) A licensee or registrant or other individual who violates subsection (1) is subject to a civil penalty of \$10,000,000.00. A fine collected under this subsection shall be distributed in the same manner as penal fines are distributed in this state.
- (4) This section does not give a person a private right of action.
- (5) As used in this section, "human cloning" means that term as defined in section 16274.

History: Add. 1998, Act 109, Eff. Mar. 23, 1999 .

333.2685 Use of live human embryo, fetus, or neonate for nontherapeutic research; prohibitions; presumption.

Sec. 2685.

- (1) A person shall not use a live human embryo, fetus, or neonate for nontherapeutic research if, in the best judgment of the person conducting the research, based upon the available knowledge or information at the approximate time of the research, the research substantially jeopardizes the life or health of the embryo, fetus, or neonate. Nontherapeutic research shall not in any case be

performed on an embryo or fetus known by the person conducting the research to be the subject of a planned abortion being performed for any purpose other than to protect the life of the mother.

(2) For purposes of subsection (1) the embryo or fetus shall be conclusively presumed not to be the subject of a planned abortion if the mother signed a written statement at the time of the research, that she was not planning an abortion.

History: 1978, Act 368, Eff. Sept. 30, 1978 .

333.2691 Violation; penalty.

Sec. 2691.

A person who violates sections 2685 to 2690 is guilty of a felony, punishable by imprisonment for not more than 5 years.

History: 1978, Act 368, Eff. Sept. 30, 1978 .

(c) 2003 Legislative Council, State of Michigan

#### THE MICHIGAN PENAL CODE (EXCERPT)

Act 328 of 1931

750.430a Human cloning; prohibition; exception; violation; penalty; "human cloning" defined.

Sec. 430a.

(1) An individual shall not intentionally engage in or attempt to engage in human cloning.

(2) Subsection (1) does not prohibit scientific research or cell-based therapies not specifically prohibited by that subsection.

(3) An individual who violates subsection (1) is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than \$10,000,000.00, or both.

(4) As used in this section, "human cloning" means that term as defined in section 16274 of the public health code, 1978 PA 368, MCL 333.16274.

History: Add. 1998, Act 110, Eff. Mar. 23, 1999 .

## Rhode Island

### TITLE 23

#### Health and Safety CHAPTER 23-16.4

#### Human Cloning

##### SECTION 23-16.4-1

§ 23-16.4-1 Declaration of intent and purpose. - Whereas, recent medical and technological advances have had tremendous benefit to patients, and society as a whole, and biomedical research for the purpose of scientific investigation of disease or cure of a disease or illness should be preserved and protected and not be impeded by regulations involving the cloning of an entire human being; and

Whereas, molecular biology, involving human cells, genes, tissues, and organs, has been used to meet medical needs globally for twenty (20) years, and has proved a powerful tool in the search for cures, leading to effective medicines to treat cystic fibrosis, diabetes, heart attack, stroke, hemophilia, and HIV/AIDS;

The purpose of this legislation is to place a ban on the creation of a human being through division of a blastocyst, zygote, or embryo or somatic cell nuclear transfer, and to protect the citizens of the state from potential abuse deriving from cloning technologies. This ban is not intended to apply to the cloning of human cells, genes, tissues, or organs that would not result in the replication of an entire human being. Nor is this ban intended to apply to in vitro fertilization, the administration of fertility enhancing drugs, or other medical procedures used to assist a woman in becoming or remaining pregnant, so long as that procedure is not specifically intended to result in the gestation or birth of a child who is genetically identical to another conceptus, embryo, fetus, or human being, living or dead.

##### SECTION 23-16.4-2

§ 23-16.4-2 Cloning of human beings prohibited. - (a) Prohibition. No person or entity shall utilize somatic cell nuclear transfer for the purpose of initiating or attempting to initiate a human pregnancy nor shall any person create genetically identical human beings by dividing a blastocyst, zygote, or embryo.

(1) "Nucleus" means the cell structure that houses the chromosomes, and thus the genes;

(2) "Oocyte" means the female germ cell, the egg;

(3) "Somatic cell" means any cell of a conceptus, embryo, fetus, child, or adult not biologically determined to become a germ cell; and

(4) "Somatic cell nuclear transfer" means transferring the nucleus of a human somatic cell into an oocyte from which the nucleus has been removed.

(1) Nothing in this section shall be construed to restrict areas of biomedical, microbiological, and agricultural research or practices not expressly prohibited in this section, including research or practices that involve the use of:

(i) Somatic cell nuclear transfer or other cloning technologies to clone molecules, DNA, cells, and tissues;

(ii) Mitochondrial, cytoplasmic, or gene therapy; or

(iii) Somatic cell nuclear transfer techniques to create animals.

(2) Nothing in this section shall be construed to prohibit:

(i) In vitro fertilization, the administration of fertility-enhancing drugs, or other medical procedures used to assist a woman in becoming or remaining pregnant, so long as that pregnancy is not

specifically intended to result in the production of a child who is genetically identical to another human being, living or dead;

(ii) Any activity or procedure that results, directly or indirectly in two (2) or more natural identical twins.

#### SECTION 23-16.4-3

§ 23-16.4-3 Penalties. - (a) For violations of § 23-16.4-1 the director of the department of health may, after appropriate notice and opportunity for a hearing, by order, levy administrative penalties as follows:

(1) If the violator is a corporation, firm, clinic, hospital, laboratory, or research facility, by a civil penalty of not more than one million dollars (\$1,000,000), or the applicable amount under subdivision (a)(3), whichever is greater.

(2) If the violator is an individual or an employee of the firm, clinic, hospital, laboratory, or research facility acting without the authorization of the firm, clinic, hospital, or research facility, by a civil penalty of not more than two hundred fifty thousand dollars (\$250,000) or the applicable amount under subdivision (a)(3), whichever is greater.

(3) If any violator derives pecuniary gain from a violation of this section, the violator may be assessed a civil penalty of not more than an amount equal to the amount of the gross gain multiplied by two (2).

(c) The administrative penalties provided in this section shall be paid to the general fund.

(c) Nothing in this chapter shall be construed to give any person a private right of action.

#### SECTION 23-16.4-4

§ 23-16.4-4 Sunset clause. - The prohibition in § 23-16.4-2 shall expire on July 7, 2010.

## **South Dakota**

### South Dakota

34-14-16. Research that destroys human embryo prohibited -- Violation as misdemeanor. No person may knowingly conduct nontherapeutic research that destroys a human embryo. A violation of this section is a Class 1 misdemeanor.

34-14-17. Research subjecting human embryo to substantial risk prohibited -- Sale or transfer of embryos for research prohibited -- Violation as misdemeanor. No person may knowingly conduct nontherapeutic research that subjects a human embryo to substantial risk of injury or death. No person may sell or transfer a human embryo with the knowledge that the embryo will be subjected to nontherapeutic research. A violation of this section is a Class 1 misdemeanor.

34-14-18. Use of cells or tissues obtained in violation of § 34-14-16 or 34-14-17 prohibited. No person may use for research purposes cells or tissues that the person knows were obtained by performing the activities described in § § 34-14-16 and 34-14-17. A violation of this section is a Class 1 misdemeanor.

34-14-19. "Nontherapeutic research" defined. For purposes of § § 34-14-16 to 34-14-20, inclusive, the term, nontherapeutic research, means research that is not intended to help preserve the life and health of the particular embryo subjected to risk. It does not include in vitro fertilization and accompanying embryo transfer to a woman's body or any diagnostic test which may assist in the future care of a child subjected to such tests.

34-14-20. "Human embryo" defined. For purposes of § § 34-14-16 to 34-14-20, inclusive, the term, human embryo, means a living organism of the species *Homo sapiens* at the earliest stages of development (including the single-celled stage) that is not located in a woman's body.

## Virginia

### § 32.1-162.21. Definitions.

As used in this chapter, unless the context clearly requires another meaning:

"Cloning" means the production of a precise genetic copy of a molecule, including deoxyribonucleic acid (DNA), or of chromosomes.

"Human cloning" means the creation of or attempt to create a human being by transferring the nucleus from a human cell from whatever source into an oocyte from which the nucleus has been removed.

"Nucleus" means the cell structure that houses the chromosomes and, thus, the genes.

"Oocyte" means the ovum or egg.

"Somatic cell" means a mature, diploid cell, i.e., a cell having a complete set of chromosomes.

"Somatic cell nuclear transfer" means transferring the nucleus of a somatic cell of an existing or deceased human into an oocyte from which the chromosomes are removed or rendered inert.

(2001, cc. 868, 870.)

### § 32.1-162.22. Human cloning prohibited; civil penalty.

A. No person shall (i) perform human cloning or (ii) implant or attempt to implant the product of somatic cell nuclear transfer into a uterine environment so as to initiate a pregnancy or (iii) possess the product of human cloning or (iv) ship or receive the product of a somatic cell nuclear transfer in commerce for the purpose of implanting the product of somatic cell nuclear transfer into a uterine environment so as to initiate a pregnancy.

B. This section shall not be construed to restrict biomedical and agricultural research or practices unless expressly prohibited herein, including research or practices that involve the use of (i) somatic cell nuclear transfer or other cloning technologies to clone molecules, including DNA, cells, or tissues; (ii) gene therapy; or (iii) somatic cell nuclear transfer techniques to create animals other than humans.

C. In addition to any other penalty provided by law, any person violating the provisions of this section shall be liable for a civil penalty in an amount not to exceed \$50,000 for each incident.

(2001, cc. 868, 870.)

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