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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. 1197

March 2, 2009

Authored by Smith

The bill was read for the first time and referred to the Committee on Health Care and Human Services Policy and Oversight

1.1 A bill for an act
1.2 relating to health; establishing the Human Cloning Prohibition Act; providing
1.3 civil and criminal penalties; proposing coding for new law in Minnesota Statutes,
1.4 chapter 145.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. [145.4221] HUMAN CLONING PROHIBITED.

1.7 Subdivision 1. Citation. This section shall be known as the "Human Cloning
1.8 Prohibition Act of 2009."

1.9 Subd. 2. Definitions. (a) For purposes of this section, the following terms have
1.10 the meanings given.

1.11 (b) "Human cloning" means human asexual reproduction accomplished by
1.12 introducing nuclear material from one or more human somatic cells into a fertilized
1.13 or unfertilized oocyte whose nuclear material has been removed or inactivated so as
1.14 to produce a living organism at any stage of development that is genetically virtually
1.15 identical to an existing or previously existing human organism.

1.16 (c) "Somatic cell" means a diploid cell, having a complete set of chromosomes,
1.17 obtained or derived from a living or deceased human body at any stage of development.

1.18 Subd. 3. Prohibition on cloning. It is unlawful for any person or entity, public
1.19 or private, to knowingly:

1.20 (1) perform or attempt to perform human cloning;

1.21 (2) participate in an attempt to perform human cloning;

1.22 (3) ship or receive for any purpose an embryo produced by human cloning or any
1.23 product derived from such an embryo; and

2.1 (4) ship or receive, in whole or in part, any oocyte, embryo, fetus, or human somatic
2.2 cell, for the purpose of human cloning.

2.3 Subd. 4. **Importation.** It is unlawful for any person or entity, public or private, to
2.4 knowingly import, for any purpose, an embryo produced by human cloning.

2.5 Subd. 5. **Scientific research.** Nothing in this section shall restrict areas of scientific
2.6 research not specifically prohibited by this section, including research in the use of nuclear
2.7 transfer of other cloning techniques to produce molecules, DNA, cells other than human
2.8 embryos, tissues, organs, plants, or animals other than humans.

2.9 Subd. 6. **Penalties.** (a) The following criminal penalties apply:

2.10 (1) any person or entity that knowingly or recklessly violates subdivision 3, clauses
2.11 (1) and (2), shall be guilty of a felony; and

2.12 (2) any person or entity that knowingly or recklessly violates subdivision 3, clauses
2.13 (3) and (4), shall be guilty of a felony.

2.14 (b) Any person or entity that violates any provision of this section and derives
2.15 a pecuniary gain shall be fined \$..... or twice the amount of gross gain, or any amount
2.16 determined by the court.

2.17 Subd. 7. **Severability.** If any provision, section, subdivision, sentence, clause,
2.18 phrase, or word in this section or the application thereof to any person or circumstance is
2.19 found to be unconstitutional, the same is hereby declared to be severable and the remainder
2.20 of this section shall remain effective notwithstanding such unconstitutional provision. The
2.21 legislature declares that it would have passed this section and each provision, subdivision,
2.22 sentence, clause, phrase, or word thereof, regardless of the fact that any provision, section,
2.23 subdivision, sentence, clause, phrase, or word is declared unconstitutional.