STATE OF OKLAHOMA

2nd Session of the 48th Legislature (2002)

HOUSE BILL HB2011 By: Graves

AS INTRODUCED

An Act relating to public health and safety; creating the Human Cloning Prohibition Act; providing legislative intent; defining terms; making certain activity unlawful; providing for certain penalties; providing for codification; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2390 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. This act shall be known and may be cited as the "Human Cloning Prohibition Act".

B. The Oklahoma Legislature finds that:

1. Some individuals have announced that they will attempt to clone human beings using the technique known as somatic cell nuclear transfer;

2. The Declaration of Independence states that all men "are endowed by their Creator with certain unalienable rights"; and the Oklahoma Constitution invokes "the guidance of Almighty God" in the government of the state; that God's protection of those rights and His guidance in government cannot be expected if men mock and play God through the cloning of human beings;

3. Moreover, nearly all scientists agree that such attempts pose a massive risk of producing children who are stillborn, unhealthy, or severely disabled, and considered opinion is virtually

unanimous that such attempts are therefore grossly irresponsible and unethical;

4. Efforts to create human beings by cloning mark a new and decisive step toward turning human reproduction into a manufacturing process in which children are made in laboratories to preordained specifications and, potentially, in multiple copies;

5. Because it is an asexual form of reproduction, cloning confounds the meaning of "father" and "mother" and confuses the identity and kinship relations of any cloned child, and thus threatens to weaken existing notions regarding who bears the parental duties and responsibilities for children;

6. Because cloning requires no personal involvement by the person whose genetic material is used, cloning could easily be used to reproduce living or deceased persons without their consent;

7. Creating cloned live-born human children, also called "reproductive cloning", necessarily begins by creating cloned human embryos, a process which some also propose as a way to create embryos for research or as sources of cells and tissues for possible treatment of other humans;

8. The prospect of creating new human life solely to be exploited and destroyed in this way has been condemned on moral grounds by many, including supporters of a right to abortion, as displaying a profound disrespect for life; and

9. In order to be effective, a ban on human cloning must stop the cloning process at the beginning because:

a. cloning would take place within the privacy of a doctor-patient relationship,

b. the transfer of embryos to begin a pregnancy is a simple procedure, and

c. any government effort to prevent the transfer of an existing embryo, or to prevent birth once the transfer has occurred, would raise substantial moral, legal,

and practical issues, so that it will be nearly impossible to prevent attempts at reproductive cloning once cloned human embryos are available in the laboratory.

C. For purposes of this section:

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

2. "Somatic cell" means a diploid cell, having a complete set of chromosomes, obtained or derived from a living or deceased human body at any stage of development; and

3. "Asexual reproduction" means reproduction not initiated by the union of oocyte and sperm.

D. It shall be unlawful for any person or entity, public or private:

1. To perform or attempt to perform human cloning;

2. To participate in an attempt to perform human cloning; or

3. To ship or receive the product of human cloning for any purpose within the State of Oklahoma.

E. 1. Any person or entity that is convicted of violating any provision of this section shall be guilty of a felony and subject to a fine pursuant to the provisions of paragraph 2 of this subsection or imprisoned in the State Penitentiary for not more than ten (10) years, or by both such fine and imprisonment.

2. Any person or entity that is convicted of violating any provision of this section shall be subject to, in the case of a violation that involves the derivation of a pecuniary gain, a fine of not less than One Million Dollars ($1,000,000.00) and not more

than an amount equal to the amount of the gross gain multiplied by two (2), if that amount is greater.

F. The use of any state monies for purposes contrary to the provisions of this act is hereby prohibited.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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