

STATE OF OKLAHOMA

2nd Session of the 48th Legislature (2002)

HOUSE BILL HB2142

By: Toure

AS INTRODUCED

An Act relating to cloning; creating the Oklahoma Cloning Prohibition Act; defining terms; providing for construction of act; making certain activities unlawful; requiring registration of certain activities; providing for procedures; providing penalties; making act not establishing any private right of action; 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 1-791 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. 1. This act shall be known and cited as the "Oklahoma Cloning Prohibition Act".

2. For purposes of the Oklahoma Cloning Prohibition Act:

- a. "human somatic cell nuclear transfer technology" means transferring the nuclear material of a human somatic cell into an egg cell from which the nuclear material has been removed or rendered inert, and
- b. "person" means and includes an individual, association, partnership, firm, company, public trust, corporation, joint-stock company, trust estate, municipality, state or federal agency, governmental entity, any other legal entity or an agent, employee, representative, assignee or successor thereof.

B. It shall be unlawful for any person:

1. To use or attempt to use human somatic cell nuclear transfer technology, or the product of such technology, to initiate a pregnancy or with the intent to initiate a pregnancy; or

2. To ship, mail, transport, or receive the product of such technology within the State of Oklahoma knowing that the product is intended to be used to initiate a pregnancy.

C. This section shall not be construed as applying to any of the following:

1. The use of somatic cell nuclear transfer technology to clone molecules, DNA, cells, or tissues;

2. The use of mitochondrial, cytoplasmic, or gene therapy;

3. The use of in vitro fertilization, the administration of fertility-enhancing drugs, or the use of other medical procedures, excluding those using human somatic cell nuclear transfer or the product thereof, to assist a woman in becoming or remaining pregnant;

4. The use of somatic cell nuclear transfer technology to clone or otherwise create animals other than humans; or

5. Any other activity including biomedical, microbiological, or agricultural research or practices not expressly prohibited in subsection A of this section.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-792 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. Each individual who intends to perform human somatic cell nuclear transfer technology shall, prior to first performing such technology, register with the State Commissioner of Health, his or her name and place of business. The Commissioner may by rule require that the registration provide additional information regarding the identity and business locations of the individual, and information on the training and experience of the individual regarding the performance of such technology.

B. A registration under subsection A of this section shall include a statement, signed by the individual submitting the registration, declaring that the individual is aware of the prohibitions described in Section 1 of this act and will not engage in any violation of the Oklahoma Cloning Prohibition Act.

C. Information provided in a registration under subsection A of this section shall not be disclosed to the public by the Commissioner except to the extent that:

1. The individual submitting the registration has in writing authorized the disclosure; or

2. The disclosure does not identify such individual or any place of business of the individual.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-793 of Title 63, unless there is created a duplication in numbering, reads as follows:

The provisions of the Oklahoma Cloning Prohibition Act shall not be construed as establishing any private right of action.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-794 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. Any person who is convicted of violating the provisions of the Oklahoma Cloning Prohibition Act shall be guilty of a felony and shall be subject to a fine in an amount not to exceed the greater of:

1. One Million Dollars (\$1,000,000.00); or

2. An amount equal to the amount of any gross pecuniary gain derived from such violation multiplied by two (2).

B. Any property, real or personal, derived from or used to commit a violation of the Oklahoma Cloning Prohibition Act or any property traceable to such property, shall be subject to forfeiture to the State of Oklahoma.

SECTION 5. 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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