

Amendment No. \_\_\_\_ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

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11 Representative(s) Greenstein and Gelber offered the following:

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13 **Amendment (with title amendment)**

14 Remove everything after the enacting clause

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16 and insert:

17 Section 1. Section 877.269, Florida Statutes, is  
18 created to read:

19 877.269 Human Cloning Prohibition and Stem Cell  
20 Research Protection Act of 2002; legislative findings and  
21 intent.--

22 (1) It is a finding of the Legislature that recent  
23 medical and technological advances have had tremendous benefit  
24 to patients, and society as a whole, and that biomedical  
25 research for the purpose of scientific investigation of  
26 disease or cure of a disease or illness should be preserved  
27 and protected and not be impeded by regulations involving the  
28 cloning of an entire human being.

29 (2) It is a finding of the Legislature that molecular  
30 biology involving human cells, genes, tissues, and organs has  
31 been used to meet medical needs globally for 20 years and has

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1 proved a powerful tool in the search for cures, leading to  
2 effective medicines to treat cystic fibrosis, diabetes, heart  
3 disease, stroke, hemophilia, and HIV/AIDS.

4 (3) It is the intent of the Legislature to prohibit  
5 the creation of a human being through division and  
6 implantation of a blastocyst, zygote, or embryo created  
7 through somatic cell nuclear transfer technology and to  
8 protect the citizens of this state from potential abuse  
9 deriving from cloning technologies. This prohibition is not  
10 intended to apply to the cloning of human cells, genes,  
11 tissues, or organs that would not result in the replication of  
12 an entire human being; nor is this prohibition intended to  
13 apply to in vitro fertilization, the administration of  
14 fertility-enhancing drugs, or other medical procedures used to  
15 assist a woman in becoming or remaining pregnant, so long as  
16 that procedure is not specifically intended to result in the  
17 gestation or birth of a child who is genetically identical to  
18 another conceptus, embryo, fetus, or human being, living or  
19 dead.

20 Section 2. Section 877.27, Florida Statutes, is  
21 created to read:

22 877.27 Human Cloning Prohibition and Stem Cell  
23 Research Protection Act of 2002.--

24 (1) SHORT TITLE.--Sections 877.269 and 877.27 may be  
25 cited as the "Human Cloning Prohibition and Stem Cell Research  
26 Protection Act of 2002."

27 (2) DEFINITIONS.--As used in this section:

28 (a) "Human cloning" means asexual human reproduction  
29 accomplished by implanting or attempting to implant the  
30 product of nuclear transplantation into a woman's uterus or a  
31 substitute for a woman's uterus for the purpose of initiating

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1 or attempting to initiate a human pregnancy or to create  
2 genetically identical human beings by dividing a blastocyst,  
3 zygote, or embryo.

4 (b) "Asexual reproduction" means reproduction not  
5 initiated by the union of oocyte and sperm.

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

9 (d) "Nuclear transplantation" means introducing the  
10 nuclear material of a human somatic cell into a fertilized or  
11 unfertilized oocyte from which the nucleus has been or will be  
12 removed or inactivated.

13 (3) CLONING OF HUMAN BEINGS PROHIBITED.--It is  
14 unlawful for any person or entity, public or private, to  
15 knowingly:

16 (a) Perform or attempt to perform human cloning.

17 (b) Participate or assist in an attempt to perform  
18 human cloning.

19 (c) Ship or receive for any purpose an embryo produced  
20 by human cloning or any product derived from such embryo.

21 (4) PENALTIES.--

22 (a) Any person who violates any provision of  
23 subsection (3) commits a felony of the second degree,  
24 punishable as provided in s. 775.082, s. 775.083, or s.  
25 775.084, and shall be sentenced to a minimum term of  
26 imprisonment of 10 years.

27 (b) Any person who violates any provision of  
28 subsection (3) and derives pecuniary gain from such violation  
29 shall be subject to a civil penalty of not less than \$1  
30 million and not more than an amount equal to the amount of the  
31 gross pecuniary gain derived from the violation multiplied by

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1 two, if that amount is greater than \$1 million.

2 (5) CONSTRUCTION.--Nothing in this section shall be  
3 construed to restrict areas of biomedical, agricultural, and  
4 scientific research not specifically prohibited by this  
5 section, including using somatic cell nuclear transfer or  
6 other cloning technologies to clone molecules, DNA, cells,  
7 plants, and tissues.

8 Section 3. This act shall take effect upon becoming a  
9 law.

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12 ===== T I T L E A M E N D M E N T =====

13 And the title is amended as follows:

14 remove: the entire title

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16 and insert:

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A bill to be entitled

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An act relating to human cloning; creating s.

19

877.269, F.S.; providing legislative findings

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and intent; creating s. 877.27, F.S., the

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"Human Cloning Prohibition and Stem Cell

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Research Protection Act of 2002"; providing

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definitions; providing that it is unlawful to

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perform or attempt to perform human cloning, to

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participate or assist in an attempt to perform

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human cloning, or to ship or receive for any

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purpose an embryo produced by human cloning or

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any product derived from such embryo; providing

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a penalty; providing civil penalties; providing

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construction with respect to scientific

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research; providing an effective date.

HOUSE AMENDMENT

Bill No. HB 805, 1st Eng.

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