

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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Representative Sobel offered the following:

Amendment (with directory and title amendments)

Remove everything after the enacting clause and insert:

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

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

(1) It is a finding of the Legislature that recent medical and technological advances have had tremendous benefit to patients, and to society as a whole, and that 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.

(2) It is a finding of the Legislature that molecular biology involving human cells, genes, tissues, and organs has

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28 been used to meet medical needs globally for 20 years and has
29 proved a powerful tool in the search for cures, leading to
30 effective medicines to treat cystic fibrosis, diabetes, heart
31 disease, stroke, hemophilia, and HIV/AIDS.

32 (3) It is the intent of the Legislature to prohibit the
33 creation of a human being through division and implantation of a
34 blastocyst, zygote, or embryo created through somatic cell
35 nuclear transfer technology and to protect the citizens of this
36 state from potential abuse deriving from cloning technologies.
37 This prohibition is not intended to apply to the cloning of
38 human cells, genes, tissues, or organs that would not result in
39 the replication of an entire human being; nor is this
40 prohibition intended to apply to in vitro fertilization, the
41 administration of fertility-enhancing drugs, or other medical
42 procedures used to assist a woman in becoming or remaining
43 pregnant, so long as that procedure is not specifically intended
44 to result in the gestation or birth of a child who is
45 genetically identical to another conceptus, embryo, fetus, or
46 human being, living or dead.

47 Section 2. Section 877.27, Florida Statutes, is created to
48 read:

49 877.27 Human Cloning Prohibition and Stem Cell Research
50 Protection Act of 2002.--

51 (1) POPULAR NAME.--Sections 877.269 and 877.27 shall be
52 known by the popular name of the "Human Cloning Prohibition and
53 Stem Cell Research Protection Act of 2002."

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

55 (a) "Human cloning" means asexual human reproduction
56 accomplished by implanting or attempting to implant the product

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57 of nuclear transplantation into a woman's uterus or a substitute
58 for a woman's uterus for the purpose of initiating or attempting
59 to initiate a human pregnancy or to create genetically identical
60 human beings by dividing a blastocyst, zygote, or embryo.

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

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

66 (d) "Nuclear transplantation" means introducing the
67 nuclear material of a human somatic cell into a fertilized or
68 unfertilized oocyte from which the nucleus has been or will be
69 removed or inactivated.

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

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

73 (b) Participate or assist in an attempt to perform human
74 cloning.

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

77 (4) PENALTIES.--

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

82 (b) Any person who violates any provision of subsection
83 (3) and derives pecuniary gain from such violation shall be
84 subject to a civil penalty of not less than \$1 million and not
85 more than an amount equal to the amount of the gross pecuniary

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86 gain derived from the violation multiplied by two, if that
87 amount is greater than \$1 million.

88 (5) CONSTRUCTION.--Nothing in this section shall be
89 construed to restrict areas of biomedical, agricultural, and
90 scientific research not specifically prohibited by this section,
91 including using somatic cell nuclear transfer or other cloning
92 technologies to clone molecules, DNA, cells, plants, and
93 tissues.

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

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

97 Remove the entire title and insert:

98 A bill to be entitled

99 An act relating to human cloning; creating s. 877.269,
100 F.S.; providing legislative findings and intent; creating
101 s. 877.27, F.S., the "Human Cloning Prohibition and Stem
102 Cell Research Protection Act of 2002"; providing
103 definitions; providing that it is unlawful to perform or
104 attempt to perform human cloning, to participate or assist
105 in an attempt to perform human cloning, or to ship or
106 receive for any purpose an embryo produced by human
107 cloning or any product derived from such embryo; providing
108 criminal and civil penalties; providing construction with
109 respect to scientific research; providing an effective
110 date.