



1                                   A bill to be entitled  
 2           An act relating to human cloning; creating s. 877.269,  
 3           F.S.; providing legislative findings and intent; creating  
 4           s. 877.27, F.S., the "Human Cloning Prohibition and Stem  
 5           Cell Research Protection Act of 2002"; providing  
 6           definitions; providing that it is unlawful to perform or  
 7           attempt to perform human cloning, to participate or assist  
 8           in an attempt to perform human cloning, or to ship or  
 9           receive for any purpose an embryo produced by human  
 10          cloning or any product derived from such embryo; providing  
 11          criminal and civil penalties; providing construction with  
 12          respect to scientific research; providing an effective  
 13          date.

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 15 Be It Enacted by the Legislature of the State of Florida:

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

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

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

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



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

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

49 Section 2. Section 877.27, Florida Statutes, is created to  
 50 read:

51 877.27 Human Cloning Prohibition and Stem Cell Research  
 52 Protection Act of 2002.--

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

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

57 (a) "Human cloning" means asexual human reproduction  
 58 accomplished by implanting or attempting to implant the product  
 59 of nuclear transplanted into a woman's uterus or a substitute  
 60 for a woman's uterus for the purpose of initiating or attempting



61 to initiate a human pregnancy or to create genetically identical  
 62 human beings by dividing a blastocyst, zygote, or embryo.

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

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

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

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

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

75 (b) Participate or assist in an attempt to perform human  
 76 cloning.

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

79 (4) PENALTIES.--

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

84 (b) Any person who violates any provision of subsection  
 85 (3) and derives pecuniary gain from such violation shall be  
 86 subject to a civil penalty of not less than \$1 million and not  
 87 more than an amount equal to the amount of the gross pecuniary  
 88 gain derived from the violation multiplied by two, if that  
 89 amount is greater than \$1 million.

90 (5) CONSTRUCTION.--Nothing in this section shall be



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91 construed to restrict areas of biomedical, agricultural, and  
92 scientific research not specifically prohibited by this section,  
93 including using somatic cell nuclear transfer or other cloning  
94 technologies to clone molecules, DNA, cells, plants, and  
95 tissues.

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