

HOUSE BILL NO. 215
INTRODUCED BY KERNS, MCGEE

A BILL FOR AN ACT ENTITLED: "AN ACT BANNING HUMAN CLONING; AND ESTABLISHING PENALTIES."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Definitions.** As used in [sections 1 through 3], the following definitions apply:

- (1) "Asexual reproduction" means reproduction not initiated by the union of oocyte and sperm.
- (2) "Embryo" means an organism of the species Homo sapiens from the single cell stage to 8 weeks of development.
- (3) "Fetus" means an organism of the species Homo sapiens from 8 weeks of development until complete expulsion or extraction from a woman's body or removal from an artificial womb or other similar environment designed to nurture the development of the organism.
- (4) "Human cloning" means human asexual reproduction, accomplished by introducing the genetic material from one or more human somatic cells into a fertilized or unfertilized oocyte from which nuclear material 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.
- (5) "Oocyte" means the human female germ cell, the egg.
- (6) "Somatic cell" means a diploid cell, having a complete cell of chromosomes, obtained or derived from a living or deceased human body at any stage of development.

NEW SECTION. **Section 2. Prohibited acts -- penalties.** (1) A person or entity, public or private, may not knowingly:

- (a) perform or attempt to perform human cloning;
 - (b) participate in an attempt to perform human cloning;
 - (c) ship, transfer, or receive for any purpose an embryo produced by human cloning; or
 - (d) ship, transfer, or receive, in whole or in part, any oocyte, embryo, fetus, or human somatic cell for the purpose of human cloning.
- (2) A violation of subsection (1)(a) or (1)(b), or both, is a felony.

(3) A violation of subsection (1)(c) or (1)(d), or both, is a misdemeanor.

(4) ~~(a) In addition to any criminal penalty that may be imposed, a person or entity that violates any provision of this section is subject to a fine of not less than \$250,000 or two times the amount of any monetary gain that the person receives, whichever is greater.~~

~~————(b) All fines collected under this section must be deposited in the state general fund.~~

NEW SECTION. Section 3. Scientific research -- exception. (1) [Sections 1 and 2] do not restrict areas of scientific research not specifically prohibited by [sections 1 and 2], including research into the use of nuclear transfer or other cloning techniques to produce molecules, deoxyribonucleic acid, tissues, organs, plants, cells other than human embryos, or animals other than humans.

(2) [Sections 1 and 2] do not apply to in vitro fertilization, the administration of fertility-enhancing drugs, or other medical procedures used to assist a woman in becoming or remaining pregnant if the procedure is not specifically intended to result in the gestation or birth of a child who is genetically identical to another conceptus, embryo, fetus, or human being, living or dead.

NEW SECTION. Section 4. Codification instruction. [Sections 1 through 3] are intended to be codified as an integral part of Title 50, and the provisions of Title 50 apply to [sections 1 through 3].

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