

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2128 Session of
1998

INTRODUCED BY YEWCIC, BIRMELIN, MASLAND, TRELLO, OLASZ,
ARMSTRONG, BAKER, BELARDI, BELFANTI, CALTAGIRONE, CASORIO,
CLYMER, DONATUCCI, GIGLIOTTI, GODSHALL, GORDNER, HALUSKA,
HERSHEY, HORSEY, KIRKLAND, LYNCH, McNAUGHTON, MELIO, MILLER,
PESCI, PISTELLA, ROBINSON, SATHER, SAYLOR, WASHINGTON, WAUGH,
YOUNGBLOOD AND DALLY, JANUARY 22, 1998

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 22, 1998

AN ACT

1 Imposing a ban on the cloning of human beings; and imposing
2 penalties.

3 It is the intent of the General Assembly to make unlawful the
4 cloning of an entire human being due to the profound medical,
5 ethical and social implications that such a possibility raises.

6 It is not the intent of the General Assembly that this ban apply
7 to the cloning of human cells, human tissue or human organs that
8 would not result in the replication of an entire human being.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 Section 1. Health care provider prohibition.

12 No health care provider shall engage in any activity in
13 violation of section 2. This conduct shall constitute
14 unprofessional conduct.

15 Section 2. Human cloning.

16 (a) General rule.--No person shall clone a human being.

1 (b) Cloning components.--No person shall purchase or sell an
2 ovum, zygote, embryo or fetus for the purpose of cloning a human
3 being.

4 (c) Definitions.--As used in this section, the term "clone"
5 means the practice of creating or attempting to create a human
6 being by transferring the nucleus from a human cell from
7 whatever source into a human egg cell from which the nucleus has
8 been removed for the purpose of cloning a human being or to
9 implant, the resulting product to initiate a pregnancy that
10 could result in the birth of a human being.

11 Section 3. Penalties.

12 For violations of this act the Secretary of Health or his
13 designee may, after appropriate notice and opportunity for
14 hearing, by order, levy civil penalties as follows:

15 (1) If the violator is a corporation, firm, clinic,
16 hospital, laboratory or research facility, a civil penalty of
17 not more than \$1,000,000 or the applicable amount under
18 paragraph (3), whichever is greater.

19 (2) If the violator is an individual, a civil penalty of
20 not more than \$250,000 or the applicable amount under
21 paragraph (3), whichever is greater.

22 (3) If any violator derives pecuniary gain from a
23 violation of this section, the violator may be assessed a
24 civil penalty of not more than an amount equal to the amount
25 of the gross gain multiplied by two.

26 (4) The civil penalties shall be paid to the General
27 Fund.

28 Section 4. Effective date.

29 This act shall take effect in 60 days.