State of Arkansas
84th General Assembly
Regular Session, 2003

Act 607 of 2003
SENATE BILL 185

By: Representatives Creekmore, Fite, Anderson, Green, Key, Bledsoe, Pritchard, Harris, Bright, Penix, Parks, Hutchinson, Rosenbaum, Borhauer, Kenney, Walters, Lamoureux, Bennett, J. Taylor, Matayo, Oglesby, Mack, Norton

For An Act To Be Entitled
AN ACT TO PROHIBIT HUMAN CLONING; AND FOR OTHER PURPOSES.

Subtitle
AN ACT TO PROHIBIT HUMAN CLONING.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 20, Chapter 16, is amended to add an additional subchapter to read as follows:


As used in this subchapter:

(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 eight (8) weeks of development;

(3) “Fetus” means an organism of the species homo sapiens from eight (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 (1) or more human somatic cells into a fertilized or unfertilized oocyte whose nuclear material has been
removed or inactivated so as 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; and
(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.

20-16-1002. Prohibited acts — Penalties.
(a) It is unlawful for any person or entity, public or private to
intentionally or knowingly:
(1) Perform or attempt to perform human cloning;
(2) Participate in an attempt to perform human cloning;
(3) Ship, transfer, or receive for any purpose an embryo
produced by human cloning; or
(4) Ship, transfer, or receive, in whole or in part, any oocyte, embryo, fetus, or human somatic cell, for the purpose of human cloning.
(b) A violation of subdivision (a)(1) or (a)(2) of this section, or
both, is a class C felony.
(c) A violation of subdivision (a)(3) or (a)(4) of this section, or
both, is a Class A misdemeanor.
(d)(1) In addition to any criminal penalty that may be levied, any
person or entity that violates any provision of this section shall be subject
to a fine of not less than two hundred fifty thousand dollars ($250,000) or
twice the amount of any pecuniary gain that is received by the person or
entity, whichever is greater.
(2) All fines collected shall be placed into the General
Revenues of the State of Arkansas.

20-16-1003. Scientific research.
(a) This subchapter does not restrict areas of scientific research not
specifically prohibited by this subchapter, including research in the use of
nuclear transfer or other cloning techniques to produce molecules, DNA, cells
other than human embryos, tissues, organs, plants, or animals other than
humans.
(b) This subchapter does 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, so long as that
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.

20-16-1004. No right of action.
This subchapter does not create a private right of action.

/s/ Critcher, et al

APPROVED: 3/24/2003