

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas As Engrossed: H2/18/19 S3/25/19

2 92nd General Assembly

A Bill

3 Regular Session, 2019

HOUSE BILL 1399

4

5 By: Representatives Brown, Lundstrum, Cozart, Payton, Penzo, Sullivan

6 By: Senators Flippo, B. Ballinger, K. Hammer, M. Johnson, Rice, G. Stubblefield

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For An Act To Be Entitled

9 AN ACT TO CREATE THE PROHIBITION OF PUBLIC FUNDING OF
10 HUMAN CLONING AND DESTRUCTIVE EMBRYO RESEARCH ACT;
11 AND FOR OTHER PURPOSES.

12

13

14

Subtitle

15

TO CREATE THE PROHIBITION OF PUBLIC

16

FUNDING OF HUMAN CLONING AND DESTRUCTIVE

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EMBRYO RESEARCH ACT.

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

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

24

25 Subchapter 20 – Prohibition of Public Funding of Human Cloning and

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Destructive Embryo Research Act

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28 20-16-2001. Title.

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This subchapter shall be known and may be cited as the "Prohibition of
30 Public Funding of Human Cloning and Destructive Embryo Research Act".

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32 20-16-2002. Legislative findings and purpose – Public policy.

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(a) The General Assembly finds that:

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(1) The prospect of creating new human life solely to be

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exploited or destroyed has been condemned on moral grounds as displaying a
36 profound disrespect for a human life;



1 (2) Destructive human embryo research reduces the status of
2 human embryos to a mere means for possible benefit for another person;

3 (3) The moral justification of medical or scientific research
4 cannot be based upon the dehumanizing and utilitarian premise that the ends
5 justify any means;

6 (4) Research and development of therapeutic cloning and methods
7 to ethically obtain adult stem cells have contributed valuable therapeutic
8 advancements and improved patient health and have proven more promising than
9 research involving the destruction or exploitation of human embryos as a
10 therapeutic means;

11 (5) Recent and promising advances in reprogramming human cells
12 to behave as if in an embryonic state render controversial cloned human
13 embryos unnecessary for use in destructive embryo research;

14 (6) Cloning embryos and destructive embryo research require
15 human egg cells which are very expensive to obtain;

16 (7) Harvesting human egg cells also creates significant health
17 risks to a woman, including without limitation:

18 (A) Ovarian hyperstimulation syndrome;

19 (B) Damage to internal organs or blood vessels;

20 (C) Infertility;

21 (D) Depression; and

22 (E) Death;

23 (8) Harvesting human egg cells for research contributes to the
24 commoditization and exploitation of women;

25 (9) Public opinion is divided over the deeply conflicting moral
26 and ethical concerns:

27 (A) Related to payments to women for access to human egg
28 cells; and

29 (B) Surrounding the creation and destruction of human
30 embryos; and

31 (10) Providing public funding of destructive embryo research
32 would be a misuse of revenue collected by the state.

33 (b) Based on the findings in this section, the purpose of this
34 subchapter is to further the important and compelling state interest of:

35 (1) Respecting life and fostering a culture of life;

36 (2) Directing public expenditures;

1 (A) Away from funding research that has not yielded
2 significant scientific contributions or benefit to patients; and

3 (B) Toward funding research that has already made
4 significant contributions to patients; and

5 (3) Relieving the consciences of taxpayers who:

6 (A) Are concerned about the possible exploitation of women
7 that may result from payment for human egg cells; and

8 (B) Object to human cloning and destructive embryo
9 research.

10 (c) Public funding of human cloning and destructive embryo research,
11 including embryonic stem cell research, is against the public policy of this
12 state.

13
14 20-16-2003. Definitions.

15 As used in this subchapter:

16 (1)(A) "Destructive embryo research" means medical procedures,
17 scientific or laboratory research, or other types of investigation that kill
18 or injure the human embryo subject of the procedure or research.

19 (B) "Destructive embryo research" does not include:

20 (i) In vitro fertilization and accompanying embryo
21 transfer to the body of a woman;

22 (ii) Research in the use of nuclear transfer or
23 other cloning techniques to produce molecules, deoxyribonucleic acid, cells
24 other than human embryos, tissues, organs, plants, or animals other than
25 humans; or

26 (iii) Any diagnostic procedure that benefits the
27 human embryo subject of the procedure or research while not imposing risks
28 greater than those considered acceptable for other human research subjects;

29 (2) "Embryo" means an organism of the species Homo sapiens from
30 the single cell stage to eight (8) weeks of development that is derived by
31 fertilization, parthenogenesis, human cloning, or any other means from one
32 (1) or more human gametes or human diploid cells;

33 (3) "Embryonic stem cell" means a stem cell obtained from an
34 embryo of the species Homo sapiens;

35 (4) "Human cloning" means human asexual reproduction
36 accomplished by:

1 (A) Introducing the genetic material from one (1) or more
2 human somatic cells into a fertilized or unfertilized oocyte whose nuclear
3 material has been removed or inactivated so as to produce a living organism,
4 at any stage of development, that is genetically identical to an existing or
5 previously existing human organism;

6 (B) Artificially subdividing a human embryo at any time
7 from the two-cell stage onward resulting in more than one (1) human organism;
8 or

9 (C) Introducing pluripotent stem cells from any source
10 into a human embryo or artificially manufactured human embryo or trophoblast
11 under conditions where the introduced cells generate all or most of the body
12 tissues of the developing organism;

13 (5) "Public funds" means without limitation:

14 (A) Moneys received or collected by the state or any
15 official, department, division, agency, or educational or political
16 subdivision of the state, including without limitation:

17 (i) Moneys derived from federal, state, or local
18 taxes;

19 (ii) Gifts or grants from any source;

20 (iii) Settlement of any claim or cause of action;

21 (iv) Bond proceeds or investment income;

22 (v) Federal grants or payments; or

23 (vi) Intergovernmental transfers; and

24 (B) Moneys received or controlled by an official,
25 department, division, or agency of the state government or any educational or
26 political subdivision of the state pursuant to an appropriation by the
27 General Assembly; and

28 (6) "Somatic cell" means a diploid cell, having a complete set
29 of chromosomes, obtained or derived from a living or deceased human body at
30 any stage of development.

31
32 20-16-2004. Prohibitions.

33 (a) Public funds shall not be used to:

34 (1) Finance human cloning or destructive embryo research,
35 including destructive embryonic stem cell research;

36 (2) Buy, receive, or otherwise transfer a human embryo with the

1 knowledge that the embryo will be subject to destructive research; or
2 (3) Buy, receive, or otherwise transfer gametes with the
3 knowledge that a human embryo will be produced from the gametes to be used in
4 destructive research.

5 (b) The state, a state educational institution, or a political
6 subdivision of the state shall not use public funds, facilities, or employees
7 to knowingly destroy human embryos for the purpose of research or knowingly
8 participate in human cloning or attempted human cloning.

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10 20-16-2005. Exceptions.

11 This subchapter does not restrict the funding of areas of scientific
12 research not specifically prohibited by this subchapter, including without
13 limitation:

14 (1) In vitro fertilization and accompanying embryo transfer to
15 the body of a woman;

16 (2) Administration of fertility enhancing drugs;

17 (3) Research in the use of nuclear transfer or other cloning
18 techniques to produce molecules, deoxyribonucleic acid, cells other than
19 human embryos, tissues, organs, plants, or animals other than humans; and

20 (4) Any diagnostic procedure that benefits the human embryo
21 subject to destructive tests while not imposing risks greater than those
22 considered acceptable for other human research subjects.

23
24 20-16-2006. Penalties and sanctions.

25 (a) A person or entity that knowingly fails to comply with the
26 provisions of this subchapter is guilty of a Class A misdemeanor.

27 (b) A person or entity that knowingly fails to comply with the
28 provisions of this subchapter shall be fined a civil penalty in the amount of
29 one thousand dollars (\$1,000).

30 (c) A violation of this subchapter may be the basis for:

31 (1) Denying an application for an initial licensure, permit,
32 certificate, or any other form of permission required to practice or engage
33 in a trade, occupation, or profession;

34 (2) Denying an application for renewal of a licensure, permit,
35 certificate, or any other form of permission required to practice or engage
36 in a trade, occupation, or profession; or

