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# HOUSE BILL No. 1984

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 16-18-2; IC 16-21-3-4; IC 16-34.5; IC 25-22.5-8-5; IC 35-46-5-2.

**Synopsis:** Human cloning. Declares that reproductive cloning is against public policy. Prohibits the state and a political subdivision of the state from using public funds, facilities, or employees to support reproductive cloning activities. Requires the state department of health to revoke the license of a hospital that participates in reproductive cloning. Requires the medical licensing board to revoke the license of a physician who participates in reproductive cloning. Makes the following activities a Class D felony: (1) Participating in reproductive cloning. (2) Shipping or receiving a human embryo created through cloning for the purpose of engaging in reproductive cloning.

**Effective:** Upon passage.

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January 23, 2003, read first time and referred to Committee on Public Policy, Ethics and Veterans Affairs.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

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# HOUSE BILL No. 1984



A BILL FOR AN ACT to amend the Indiana Code concerning health.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 16-18-2-56.5 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE UPON PASSAGE]: **Sec. 56.5. (a) "Cloning" means the**  
4 **use of asexual reproduction to create or grow a human embryo**  
5 **from a single cell or cells of a genetically identical human.**  
6 **(b) The term does not include a treatment or procedure to**  
7 **enhance human reproductive capability through the manipulation**  
8 **of human oocytes or embryos, including the following:**  
9 **(1) In vitro fertilization.**  
10 **(2) Gamete intrafallopian transfer.**  
11 **(3) Zygote intrafallopian transfer.**  
12 SECTION 2. IC 16-18-2-183.5 IS ADDED TO THE INDIANA  
13 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
14 [EFFECTIVE UPON PASSAGE]: **Sec. 183.5. "Human embryo"**  
15 **means a human egg cell with a full genetic composition capable of**  
16 **differentiating and maturing into a complete human being.**  
17 SECTION 3. IC 16-18-2-317.5 IS ADDED TO THE INDIANA



1 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 2 [EFFECTIVE UPON PASSAGE]: **Sec. 317.5. "Reproductive**  
 3 **cloning" means the implantation of a human embryo created**  
 4 **through cloning into a woman's uterus to initiate a pregnancy.**

5 SECTION 4. IC 16-18-2-351.8 IS ADDED TO THE INDIANA  
 6 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 7 [EFFECTIVE UPON PASSAGE]: **Sec. 351.8. "Therapeutic cloning"**  
 8 **means the use of a human embryo created through cloning to**  
 9 **understand biological processes or develop treatments for disease.**

10 SECTION 5. IC 16-21-3-4 IS ADDED TO THE INDIANA CODE  
 11 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
 12 UPON PASSAGE]: **Sec. 4. Notwithstanding section 1 of this**  
 13 **chapter, the state department shall revoke the license of a hospital**  
 14 **licensed under this article if the state health commissioner proves**  
 15 **by a preponderance of the evidence that the hospital:**

- 16 (1) knowingly allows the hospital's facilities to be used for  
 17 reproductive cloning or attempted reproductive cloning; or  
 18 (2) knowingly allows the hospital's employees, in the course of  
 19 the employee's employment, to participate in reproductive  
 20 cloning or attempted reproductive cloning.

21 SECTION 6. IC 16-34.5 IS ADDED TO THE INDIANA CODE AS  
 22 A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE UPON  
 23 PASSAGE]:

24 **ARTICLE 34.5. CLONING**

25 **Chapter 1. Public Policy Against Reproductive Cloning**

26 **Sec. 1. The general assembly declares that reproductive cloning**  
 27 **(as defined in IC 16-18-2-317.5) is against public policy.**

28 **Sec. 2. The state or a political subdivision of the state may not**  
 29 **use public funds, facilities, or employees to knowingly participate**  
 30 **in reproductive cloning or attempted reproductive cloning.**

31 **Sec. 3. Therapeutic cloning (as defined in IC 16-18-2-351.8) or**  
 32 **other research on human embryos created through cloning (as**  
 33 **defined in IC 16-18-2-56.5) is consistent with public policy as long**  
 34 **as the embryos are not implanted into a woman's uterus.**

35 SECTION 7. IC 25-22.5-8-5 IS ADDED TO THE INDIANA CODE  
 36 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
 37 UPON PASSAGE]: **Sec. 5. (a) As used in this section, "reproductive**  
 38 **cloning" has the meaning set forth in IC 16-18-2-317.5.**

39 **(b) Notwithstanding IC 25-1-9, the board shall revoke the**  
 40 **license of a physician if, after appropriate notice and an**  
 41 **opportunity for a hearing, the attorney general proves by a**  
 42 **preponderance of the evidence that the physician knowingly**

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1 **participated in reproductive cloning or attempted reproductive**  
 2 **cloning.**  
 3 SECTION 8. IC 35-46-5-2 IS ADDED TO THE INDIANA CODE  
 4 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
 5 UPON PASSAGE]: **Sec. 2. (a) As used in this section, "cloning" has**  
 6 **the meaning set forth in IC 16-18-2-56.5.**  
 7 **(b) As used in this section, "reproductive cloning" has the**  
 8 **meaning set forth in IC 16-18-2-317.5.**  
 9 **(c) A person who knowingly or intentionally:**  
 10 **(1) participates or attempts to participate in reproductive**  
 11 **cloning; or**  
 12 **(2) ships or receives a human embryo created through cloning**  
 13 **for the purpose of engaging in reproductive cloning;**  
 14 **commits unlawful participation in human cloning, a Class D felony.**  
 15 SECTION 9. **An emergency is declared for this act.**

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