

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 2004 Regular Session of the General Assembly.

## SENATE ENROLLED ACT No. 268

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AN ACT to amend the Indiana Code concerning health.

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

SECTION 1. IC 16-18-2-5.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 5.5. "Adult stem cell" means an undifferentiated cell that:**

- (1) is found in a differentiated tissue;**
- (2) is renewable; and**
- (3) yields specialized cell types with certain limitations of the tissue from which it originated.**

SECTION 2. IC 16-18-2-56.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 56.5. (a) "Cloning" means the use of asexual reproduction to create or grow a human embryo from a single cell or cells of a genetically identical human.**

**(b) The term does not include:**

- (1) a treatment or procedure to enhance human reproductive capability through the manipulation of human oocytes or embryos, including the following:**
  - (A) In vitro fertilization.**
  - (B) Gamete intrafallopian transfer.**
  - (C) Zygote intrafallopian transfer; or**
- (2) the following types of stem cell research:**
  - (A) Adult stem cell.**



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**(B) Fetal stem cell, as long as the biological parent has given written consent for the use of the fetal stem cells.**

**(C) Embryonic stem cells from lines that are permissible for use under applicable federal law.**

SECTION 3. IC 16-18-2-128.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 128.5. (a) "Fetal stem cell" means any of the following types of stem cells taken from a fetus that was either miscarried or stillborn from any of the following sources:**

- (1) Placenta.**
- (2) Umbilical cord.**
- (3) Amniotic fluid.**
- (4) Fetal tissue.**

**(b) The term does not include any cells that are taken as the result of an abortion unless the cells are permissible for use under applicable federal law.**

SECTION 4. IC 16-18-2-183.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 183.5. "Human embryo" means a human egg cell with a full genetic composition capable of differentiating and maturing into a complete human being.**

SECTION 5. IC 16-21-3-4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 4. Notwithstanding section 1 of this chapter, the state department shall revoke the license of a hospital licensed under this article if, after appropriate notice and an opportunity for a hearing, the state health commissioner proves by a preponderance of the evidence that the hospital:**

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

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

**ARTICLE 34.5. CLONING**

**Chapter 1. Public Policy Against Human Cloning**

**Sec. 1. The general assembly declares that human cloning is against public policy.**

**Sec. 2. The state, a state educational institution (as defined in IC 20-12-0.5-1), or a political subdivision of the state may not use**

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**public funds, facilities, or employees to knowingly participate in cloning or attempted cloning.**

SECTION 7. IC 20-12-29.7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:

**Chapter 29.7. Adult Stem Cell Research Center**

**Sec. 1. As used in this chapter, "center" refers to an adult stem cell research center established under section 2 of this chapter to carry out the duties specified by this chapter.**

**Sec. 2. The board of trustees of Indiana University may establish an adult stem cell research center.**

**Sec. 3. The center must be under the administration of the school of medicine.**

**Sec. 4. The dean of the school of medicine shall appoint the director of the center.**

**Sec. 5. The board of trustees of Indiana University may receive, accept, hold, and apply donations, bequests of funds, property, gifts, and other income in support of the center's purposes.**

**Sec. 6. The center shall:**

- (1) conduct a thorough and comprehensive needs assessment of the state of science of adult stem cell research; and**
- (2) develop strategies to move Indiana University into the forefront of the nation in its capacity to attract and retain adult stem cell researchers.**

SECTION 8. IC 25-22.5-8-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 5. (a) As used in this section, "cloning" has the meaning set forth in IC 16-18-2-56.5.**

**(b) Notwithstanding IC 25-1-9, the board shall revoke the license of a physician if, after appropriate notice and an opportunity for a hearing, the attorney general proves by a preponderance of the evidence that the physician knowingly participated in cloning or attempted cloning.**

SECTION 9. IC 35-46-5-2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2. (a) This section does not apply to in vitro fertilization.**

**(b) As used in this section, "cloning" has the meaning set forth in IC 16-18-2-56.5.**

**(c) A person who knowingly or intentionally:**

- (1) participates in cloning;**
- (2) implants or attempts to implant a cloned human embryo**

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into a uterine environment to initiate a pregnancy; or  
(3) ships or receives a cloned human embryo;  
commits unlawful participation in human cloning, a Class D felony.

SECTION 10. IC 35-46-5-3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) A person who knowingly or intentionally purchases or sells a human ovum, zygote, embryo, or fetus commits unlawful transfer of a human organism, a Class C felony.

(b) This section does not apply to the following:

(1) The transfer to or receipt by a woman donor of an ovum of an amount for:

- (A) earnings lost due to absence from employment;
- (B) travel expenses;
- (C) hospital expenses;
- (D) medical expenses; and
- (E) recovery time in an amount not to exceed three thousand dollars (\$3,000);

concerning a treatment or procedure to enhance human reproductive capability through in vitro fertilization, gamete intrafallopian transfer, or zygote intrafallopian transfer.

(2) The following types of stem cell research:

- (A) Adult stem cell.
- (B) Fetal stem cell, as long as the biological parent has given written consent for the use of the fetal stem cells.

SECTION 11. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "state department" refers to the state department of health.

(b) Before November 1, 2005, the state department shall investigate and report to the legislative council in an electronic format under IC 5-14-6 the following information:

- (1) The feasibility of the state creating an embryo adoption bank to which embryos in Indiana would be transferred and in which the embryos would be stored instead of being destroyed.
- (2) The costs of creating an embryo adoption bank.
- (3) The legal implications and requirements for the adoption of an embryo.
- (4) Any other relevant information concerning the state creating and embryo adoption bank.

(c) This SECTION expires December 31, 2005.

SECTION 12. An emergency is declared for this act.

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President of the Senate

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President Pro Tempore

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Speaker of the House of Representatives

Approved: \_\_\_\_\_

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Governor of the State of Indiana

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