

Senate Bill No. 1230

CHAPTER 821

An act to amend Sections 2260.5, 16004, and 16105 of the Business and Professions Code, and to amend Section 24185 of, to add Section 24186 to, and to repeal Section 24189 of, the Health and Safety Code, relating to human cloning.

[Approved by Governor September 23, 2002. Filed with Secretary of State September 23, 2002.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1230, Alpert. Human cloning.

Existing law, until January 1, 2003, prohibits a person from cloning a human being, and from purchasing or selling an ovum, zygote, embryo, or fetus for the purpose of cloning a human being, and authorizes the State Department of Health Services to levy administrative penalties for violation of these provisions. Existing law, until January 1, 2003, further provides that violation of this prohibition constitutes unprofessional conduct for purposes of the Medical Practice Act, and requires city business licenses and county business licenses to be revoked for violation of the prohibition.

This bill would prohibit a person from engaging in "human reproductive cloning," as defined. It would also delete the January 1, 2003, repeal dates thereby extending the operation of the above provisions indefinitely.

The bill, in addition, would require the department to establish an advisory committee, composed of specified representatives, including not less than 3 bioethicists, for purposes of advising the Legislature and the Governor on human cloning and other issues relating to human biotechnology. The bill would require the department to fund the activities of the advisory committee from its existing resources, to the extent that funds are available.

It would also require the department, on or before December 31, 2003, and annually thereafter, to report to the Legislature and the Governor regarding the activities of the committee.

The people of the State of California do enact as follows:

SECTION 1. Section 2260.5 of the Business and Professions Code is amended to read:

2260.5. A violation of Section 24185 of the Health and Safety Code, relating to human cloning, constitutes unprofessional conduct.

SEC. 2. Section 16004 of the Business and Professions Code is amended to read:

16004. Any license issued to a business pursuant to this chapter shall be revoked for a violation of Section 24185 of the Health and Safety Code, relating to human cloning.

SEC. 3. Section 16105 of the Business and Professions Code is amended to read:

16105. Any license issued to a business pursuant to this chapter shall be revoked for violation of Section 24185 of the Health and Safety Code, relating to human cloning.

SEC. 4. Section 24185 of the Health and Safety Code is amended to read:

24185. (a) No person shall clone a human being or engage in human reproductive cloning.

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

(c) For purposes of this chapter, the following definitions apply:

(1) “Clone” means the practice of creating or attempting to create a human being by transferring the nucleus from a human cell from whatever source into a human or nonhuman egg cell from which the nucleus has been removed for the purpose of, or to implant, the resulting product to initiate a pregnancy that could result in the birth of a human being.

(2) “Department” means the State Department of Health Services.

(3) “Human reproductive cloning” means the creation of a human fetus that is substantially genetically identical to a previously born human being. The department may adopt, interpret, and update regulations, as necessary, for purposes of more precisely defining the procedures that constitute human reproductive cloning.

SEC. 5. Section 24186 is added to the Health and Safety Code, to read:

24186. (a) (1) The department shall establish an advisory committee for purposes of advising the Legislature and the Governor on human cloning and other issues relating to human biotechnology. The committee shall be composed of at least nine members, appointed by the Director of Health Services, who shall serve without compensation.

(2) The committee shall include at least one representative from the areas of medicine, religion, biotechnology, genetics, law, and from the general public. The committee shall also include not less than three independent bioethicists who possess the qualifications described in paragraph (3).



(3) The independent bioethicists selected to serve on the committee shall reflect a representative range of religious and ethical perspectives in California regarding the issues of human cloning and human biotechnology. An independent bioethicist serving on the advisory committee shall not be employed by, consult with or have consulted with, or have any direct or indirect financial interest, in any corporation engaging in research relating to human cloning or human biotechnology. A person with any affiliation to the grant-funded cloning research programs operated by the University of California or the California State University is also prohibited from serving as a bioethicist on the advisory committee.

(b) On or before December 31, 2003, and annually thereafter, the department shall report to the Legislature and the Governor regarding the activities of the committee.

(c) The activities of the committee shall, to the extent that funds are available, be funded by the department out of existing resources.

SEC. 6. Section 24189 of the Health and Safety Code is repealed.

