

AMENDED IN SENATE APRIL 21, 1997

SENATE BILL

No. 1344

Introduced by Senator Johnston
(Coauthor: Assembly Member Battin)

March 11, 1997

An act to add Chapter 1.4 (commencing with Section 24185) to Division 20 of the Health and Safety Code, relating to human cloning.

LEGISLATIVE COUNSEL'S DIGEST

SB 1344, as amended, Johnston. Human cloning.

Existing law regulates medical experimentation on humans.

This bill would prohibit a person from cloning a human being, *as defined*. The bill would authorize the State Director of Health Services to levy administrative penalties of \$2,500 for each first violation, of not less than \$5,000 and not more than \$10,000 for each 2nd violation, and not less and \$15,000 and not more than \$100,000 for each subsequent violation, to be paid into the General Fund. The bill would repeal those provisions on January 1, 2003.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

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

1 SECTION 1. *It is the intent of the Legislature to place*
2 *a five-year moratorium on the cloning of an entire human*
3 *being in order to evaluate the profound medical, ethical,*
4 *and social implications that such a possibility raises. It is*

1 *not the intent of the Legislature that this moratorium*
2 *apply to the cloning of human cells, human tissue, or*
3 *human organs that would not result in the replication of*
4 *an entire human being. During this moratorium period,*
5 *the State Director of Health Services should be called*
6 *upon to establish a panel of representatives from the*
7 *fields of medicine, religion, biotechnology, and genetics*
8 *to evaluate those implications, review public policy, and*
9 *advise the Legislature and the Governor in this area.*

10 SEC. 2. Chapter 1.4 (commencing with Section
11 24185) is added to Division 20 of the Health and Safety
12 Code, to read:

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14 CHAPTER 1.4. HUMAN CLONING

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16 24185. No person shall clone a human being. *For*
17 *purposes of this section, “human being” is defined as a*
18 *“living being with all of the physical and mental qualities*
19 *that make up a person.”*

20 *For purposes of this section, “clone” means “the*
21 *practice of cloning an existing or previously existing*
22 *human being by transferring the nucleus of an adult*
23 *differentiated cell into a human egg cell from which the*
24 *nucleus has been removed and then implanting the*
25 *resulting product to initiate a pregnancy.”*

26 24187. For violations of Section 24185, the State
27 Director of Health Services may, after appropriate notice
28 and opportunity for hearing, by order levy administrative
29 penalties as follows:

30 (a) Any person that violates Section 24185 is liable for
31 administrative penalties of not less than two thousand five
32 hundred dollars (\$2,500) for each first violation, and of
33 not less than five thousand dollars (\$5,000) nor more than
34 ten thousand dollars (\$10,000) for each second violation,
35 and of not less than fifteen thousand dollars (\$15,000) and
36 not more than one hundred thousand dollars (\$100,000)
37 for each subsequent violation.

38 (b) The administrative penalties shall be paid to the
39 General Fund.



1 24189. This chapter shall remain in effect only until
2 January 1, 2003, and as of that date is repealed, unless a
3 later enacted statute, that is enacted before January 1,
4 2003, deletes or extends that date.

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