

## Senate Bill No. 1344

### CHAPTER 688

An act to add and repeal Sections 2260.5, 16004, and 16105 to the Business and Professions Code, and to add and repeal Chapter 1.4 (commencing with Section 24185) to Division 20 of the Health and Safety Code, relating to human cloning.

[Approved by Governor October 4, 1997. Filed  
with Secretary of State October 6, 1997.]

#### LEGISLATIVE COUNSEL'S DIGEST

SB 1344, Johnston. Human cloning.

Existing law regulates medical experimentation on humans.

This bill would prohibit a person from cloning, as defined, a human being, and from purchasing or selling an ovum, zygote, embryo, or fetus for the purpose of cloning a human being. The bill would authorize the State Director of Health Services to levy administrative penalties for violation of \$1,000,000 on a corporation, firm, clinic, hospital, laboratory, or research facility and \$250,000 on an individual, or twice the amount of pecuniary gain from the violation, if greater, to be paid into the General Fund.

The bill would provide that violation of the prohibition constitutes unprofessional conduct for purposes of the Medical Practice Act. The bill would require city business licenses and county business licenses to be revoked for violation of the prohibition.

The bill would repeal its provisions on January 1, 2003.

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

SECTION 1. It is the intent of the Legislature to place a five-year moratorium on the cloning of an entire human being in order to evaluate the profound medical, ethical, and social implications that such a possibility raises. It is not the intent of the Legislature that this moratorium apply to the cloning of human cells, human tissue, or human organs that would not result in the replication of an entire human being. During this moratorium period, the State Director of Health Services should be called upon to establish a panel of representatives from the fields of medicine, religion, biotechnology, genetics, law, bioethics, and the general public to evaluate those implications, review public policy, and advise the Legislature and the Governor in this area.

SEC. 2. Section 2260.5 is added to the Business and Professions Code, to read:

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

(b) This section shall remain in effect only until January 1, 2003, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2003, deletes or extends that date.

SEC. 3. Section 16004 is added to the Business and Professions Code, to read:

16004. (a) 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.

(b) This section shall remain in effect only until January 1, 2003, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2003, deletes or extends that date.

SEC. 4. Section 16105 is added to the Business and Professions Code, to read:

16105. (a) 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.

(b) This section shall remain in effect only until January 1, 2003, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2003, deletes or extends that date.

SEC. 5. Chapter 1.4 (commencing with Section 24185) is added to Division 20 of the Health and Safety Code, to read:

#### CHAPTER 1.4. HUMAN CLONING

24185. (a) No person shall clone a human being.

(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 section, “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 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.

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

(a) If the violator is a corporation, firm, clinic, hospital, laboratory, or research facility, by a civil penalty of not more than one million dollars (\$1,000,000) or the applicable amount under subdivision (c), whichever is greater.

(b) If the violator is an individual, by a civil penalty of not more than two hundred fifty thousand dollars (\$250,000) or the applicable amount under subdivision (c), whichever is greater.



(c) If any violator derives pecuniary gain from a violation of this section, the violator may be assessed a civil penalty of not more than an amount equal to the amount of the gross gain multiplied by two.

(d) The administrative penalties shall be paid to the General Fund.

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

