



SPONSOR: Rep. Miro & Sen. McBride & Sen. Copeland ;
Reps. Spence, Lee, Atkins, Blakey, Booth, Carey, Ewing,
Hocker, Lavelle, Lofink, Outten, D. Short, Thornburg,
Brady; Sens. Bunting, Bonini, Cloutier, Simpson, Still

HOUSE OF REPRESENTATIVES
144th GENERAL ASSEMBLY

HOUSE BILL NO. 76

AN ACT TO PROHIBIT HUMAN AND HUMAN/NON-HUMAN CLONING IN DELAWARE.

1 WHEREAS, the 144th General Assembly considers it essential that the State of Delaware establish a responsible,
2 ethical policy regarding the rapidly-emerging science of cloning in the State of Delaware; and

3 WHEREAS, it has been reported that experimenters are currently trying to produce cloned human embryos for use
4 in destructive experiments while persons conducting experiments in other countries have announced their intent to create
5 cloned embryos using a human nucleus and the eggs from other mammalian species; and

6 WHEREAS, experiments creating human embryos through asexual methodologies as well as those that create
7 human/non-human embryos through any methodology represent a fundamental threat to human dignity and integrity and
8 are therefore unethical; and

9 WHEREAS, the pursuit of scientific knowledge through unethical experiments not only can cause great harm but
10 can also slow the advancement of science and cripple the institutions that do such research by undermining the public trust
11 and confidence that is necessary for them to carry out their functions.

12 NOW THEREFORE:

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

14 Section 1. Amend Title 16, Delaware Code by inserting a new Chapter as follows:

15 “Chapter 30D. The Delaware Human Cloning Prohibition Act.

16 § 3001D.

17 (1) Human cloning prohibition. No person in the State of Delaware shall clone a human embryo, participate
18 or assist in cloning a human embryo or attempt to clone a human embryo. A person who knowingly clones or engages,
19 participates or assists, directly or indirectly, in the cloning of a human embryo is guilty of a class E felony and shall be
20 subject to a fine not to exceed \$1,500,000 for each offense as well as the revocation of any professional license granted by
21 the State of Delaware.

22 (2) Prohibition on creating human/non-human embryos. No person shall attempt to create or participate or
23 assist in creating a human/non-human embryo whether by cloning or any other method. A person who knowingly creates
24 or engages, participates or assists, directly or indirectly, in the creation of a human/non-human embryo or human/human
25 chimeric embryo is guilty of a class E felony and shall be subject to a fine not to exceed \$1,000,000 for each offense as well
26 as the revocation of any professional license granted by the State of Delaware.

27 (3) Prohibition on the sale, donation, or transfer of a cloned human embryo, human/animal chimeric embryo
28 or a human/human chimeric embryo. A person in the State of Delaware who knowingly sells, donates or otherwise
29 transfers a cloned human embryo, a human/non-human chimeric embryo or a human/human chimeric embryo, or who
30 knowingly participates or assists in the State of Delaware in the sale, donation or other transfer of a cloned human embryo,
31 a human/non-human chimeric embryo or a human/human chimeric embryo is guilty of a class E felony and shall be subject
32 to a fine not to exceed \$1,000,000 for each offense as well as the revocation of any professional license granted by the State
33 of Delaware.

34 (4) Definitions. As used in this Section only:

35 (a) The ‘Human genome’ means the total amount of nuclear and extra nuclear DNA genetic material
36 in a cell that constitutes an organism as an individual member of the human species.

37 (b) The term ‘human embryo’ is used herein in its scientific and medical sense as any human
38 organism through eight-weeks development, whether produced sexually, asexually or a
39 combination of both, that possesses a genome specific for and consistent with an individual
40 member of the human species, including any embryo, zygote, morula, blastocyst, fertilized egg
41 or older embryo from the beginning of the single-cell stage through eight-weeks development
42 that possesses a genome specific for and consistent with an individual member of the human
43 species.

44 (c) ‘Cloning’ means the asexual creation or manufacture of an organism by any means including but
45 not limited to, twinning, pronuclear transfer, mitochondrial transfer, parthenogenesis and the
46 transfer of the nucleus from a human/non-human or human-human cell from whatever source
47 into human/non-human or human-human egg (oocyte) cell fertilized egg cell, embryonic, fetal,
48 or adult cells from which the nucleus has been removed for the purpose of creating a new
49 organism.

50 (d) A ‘clone’ is any organism created asexually by any means.

- 51 (e) A 'human/non-human chimeric embryo' or 'human/human chimeric embryo' is an artificially
52 produced embryo that is produced by combining natural or artificially made human genetic
53 material with natural or artificially made genetic material of another species or of another human
54 organism.
- 55 (f) 'Parthenogenesis' is the production of an embryo from either a female or male gamete in the
56 absence of any contribution of the gamete of the opposite sex.
- 57 (g) An 'organism' is a living whole being, an individual, even if that organism is compromised of
58 just one cell.
- 59 (h) A 'human being' is a living whole human organism, a human individual, from the beginning of
60 the single-cell stage onward, produced by any means."

SYNOPSIS

This is the Delaware Human Cloning Prohibition Act. Delaware strongly supports ethical scientific and medical research and progress. Delaware is proud of the role many of its institutions have played in recent scientific and medical advances and intends to remain a leader in the fields of science, technology and medicine.

At the same time, the General Assembly is aware that science and medicine can be misused and that some terrible abuses have occurred in the name of progress and medicine. Such history shows it is possible for otherwise ethical researchers to lose sight of basic ethical standards, and the importance of creating firm legal rules to prevent unethical and immoral experiments.

The purpose of this Bill is to help ensure that scientific progress in Delaware meets the high ethical standards required of all beneficial scientific research and to prevent certain conduct.