

1 *As Amended by Senate Committee*

2  
3 **[As Amended by House Committee of the Whole]**

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5 **As Amended by House Committee**

6 *Session of 2002*

7  
8 **HOUSE BILL No. 2736**

9  
10 By Representatives Cook, Boston, Campbell, Compton, Dahl, DeCastro,  
11 DiVita, Faber, Freeborn, Hayzlett, Howell, Huebert, Huff, Hutchins,  
12 Huy, Kauffman, Landwehr, Larkin, Levinson, Lightner, Lloyd, P.  
13 Long, Mason, Mayans, Mays, McClure, McCreary, McKinney, Mc-  
14 Leland, Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Novas-  
15 cone, Osborne, Ostmeyer, Patterson, Pauls, J. Peterson, Phelps, L.  
16 Powell, T. Powell, Powers, Pyle, Reardon, Stone, Tafanelli, Thimesch,  
17 Toplikar, Vickrey and D. Williams

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19 1-29

20  
21 AN ACT concerning human cloning; relating to criminal and civil  
22 penalties.

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24 *Be it enacted by the Legislature of the State of Kansas:*

25 Section 1. (a) It shall be unlawful for any person or entity, public or  
26 private, to:

27 (1) Perform or attempt to perform human cloning;  
28 (2) participate in an attempt to perform human cloning; or  
29 (3) ~~ship~~ **cause to be shipped or knowingly** receive, by interstate  
30 or intrastate commerce, the product of human cloning for any purpose.

31 (b) Upon conviction of a violation of subsection (a), a person shall be  
32 guilty of a severity level 5, person felony.

33 (c) As used in this section:

34 (1) "Diploid cell" means a cell which has a complete set of  
35 chromosomes.

36 (2) "Human cloning" means human asexual reproduction, accom-  
37 plished by introducing nuclear material from one or more human somatic  
38 cells into a fertilized or unfertilized oocyte whose nucleus has been re-  
39 moved or inactivated to produce a living organism (at any stage of devel-  
40 opment) with a human or predominantly human genetic constitution that  
41 is genetically virtually identical to an existing or previously existing human  
42 organism.

43 (3) "Oocyte" means an egg before maturation.

1 (4) “Somatic cell” means a diploid cell which comes from cells of the  
2 body that compose the tissues, organs or other parts of an individual other  
3 than germ cells and which is obtained or derived from a living or deceased  
4 human organism at any stage of development.

5 (d) Nothing in this section shall restrict areas of scientific research  
6 not specifically prohibited by this section, including research in the use  
7 of nuclear transfer or other cloning techniques to produce molecules,  
8 DNA, cells other than human embryos, tissues, organs, plants or animals  
9 other than humans.

10 ~~(e) Upon conviction, a signed copy of the journal entry entered upon  
11 the journal of the court pursuant to K.S.A. 22-3426, and amendments  
12 thereto, shall be forwarded to the attorney general’s office for possible  
13 action pursuant to section 2, and amendments thereto.~~

14 ~~(f)~~ (e) This section shall be part of and supplemental to the Kansas  
15 criminal code.

16 Sec. 2. (a) A cause of action for civil ~~damages~~ **penalties** may be  
17 maintained by any public official with appropriate jurisdiction to prose-  
18 cute or enforce the laws of this state against any person or entity that ~~is~~  
19 ~~convicted of, is reasonably believed to be about to violate or is in the~~  
20 ~~course of violating~~ **or has violated** section 1, and amendments thereto,  
21 ~~for pecuniary gain.~~

22 (b) Judgment against a defendant in a cause of action brought under  
23 subsection (a) shall result in a civil penalty of not less than \$1,000,000  
24 and not more than an amount equal to the amount of the gross gain  
25 multiplied by 2, if that amount is greater than \$1,000,000. **\$100,000 nor**  
26 **more than the maximum aggregate amount authorized by K.S.A.**  
27 **60-1903, and amendments thereto, to be recovered for damages**  
28 **for nonpecuniary loss in a wrongful death action \$250,000. Moneys**  
29 **collected pursuant to this subsection shall be deposited in the state**  
30 **general fund.**

31 ~~(c) A certified copy of any judgment entered under subsection (b)~~  
32 ~~shall be filed in the office of the clerk of the district court of the county~~  
33 ~~where such judgment was ordered. The clerk of the district shall record~~  
34 ~~the judgment in the same manner as a judgment of the district court of~~  
35 ~~this state pursuant to the code of civil procedure. A judgment so filed has~~  
36 ~~the same effect and is subject to the same procedures, defenses and pro-~~  
37 ~~ceedings as a judgment of a district court of this state and may be enforced~~  
38 ~~or satisfied in a like manner.~~

39 ~~**Sec. 3. Any person may bring a cause of action for injunctive**~~  
40 ~~**relief against a person or entity that is reasonably believed to be**~~  
41 ~~**about to violate or is in the course of violating section 1, and**~~  
42 ~~**amendments thereto.**~~

1       Sec. ~~3.4~~ **[3.]** This act shall take effect and be in force from and after  
2 its publication in the statute book.  
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