

Stricken language would be deleted from and underlined language would be added to present law.
Act 653 of the Regular Session

State of Arkansas
92nd General Assembly
Regular Session, 2019

As Engrossed: H2/18/19 S3/25/19
A Bill

HOUSE BILL 1399

By: Representatives Brown, Lundstrum, Cozart, Payton, Penzo, Sullivan
By: Senators Flippo, B. Ballinger, K. Hammer, M. Johnson, Rice, G. Stubblefield

For An Act To Be Entitled

AN ACT TO CREATE THE PROHIBITION OF PUBLIC FUNDING OF
HUMAN CLONING AND DESTRUCTIVE EMBRYO RESEARCH ACT;
AND FOR OTHER PURPOSES.

Subtitle

TO CREATE THE PROHIBITION OF PUBLIC
FUNDING OF HUMAN CLONING AND DESTRUCTIVE
EMBRYO RESEARCH ACT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 20, Chapter 16, is amended to add an additional subchapter to read as follows:

Subchapter 20 – Prohibition of Public Funding of Human Cloning and
Destructive Embryo Research Act

20-16-2001. Title.

This subchapter shall be known and may be cited as the "Prohibition of
Public Funding of Human Cloning and Destructive Embryo Research Act".

20-16-2002. Legislative findings and purpose – Public policy.

(a) The General Assembly finds that:

(1) The prospect of creating new human life solely to be
exploited or destroyed has been condemned on moral grounds as displaying a
profound disrespect for a human life;



(2) Destructive human embryo research reduces the status of human embryos to a mere means for possible benefit for another person;

(3) The moral justification of medical or scientific research cannot be based upon the dehumanizing and utilitarian premise that the ends justify any means;

(4) Research and development of therapeutic cloning and methods to ethically obtain adult stem cells have contributed valuable therapeutic advancements and improved patient health and have proven more promising than research involving the destruction or exploitation of human embryos as a therapeutic means;

(5) Recent and promising advances in reprogramming human cells to behave as if in an embryonic state render controversial cloned human embryos unnecessary for use in destructive embryo research;

(6) Cloning embryos and destructive embryo research require human egg cells which are very expensive to obtain;

(7) Harvesting human egg cells also creates significant health risks to a woman, including without limitation:

(A) Ovarian hyperstimulation syndrome;

(B) Damage to internal organs or blood vessels;

(C) Infertility;

(D) Depression; and

(E) Death;

(8) Harvesting human egg cells for research contributes to the commoditization and exploitation of women;

(9) Public opinion is divided over the deeply conflicting moral and ethical concerns:

(A) Related to payments to women for access to human egg cells; and

(B) Surrounding the creation and destruction of human embryos; and

(10) Providing public funding of destructive embryo research would be a misuse of revenue collected by the state.

(b) Based on the findings in this section, the purpose of this subchapter is to further the important and compelling state interest of:

(1) Respecting life and fostering a culture of life;

(2) Directing public expenditures;

(A) Away from funding research that has not yielded significant scientific contributions or benefit to patients; and

(B) Toward funding research that has already made significant contributions to patients; and

(3) Relieving the consciences of taxpayers who:

(A) Are concerned about the possible exploitation of women that may result from payment for human egg cells; and

(B) Object to human cloning and destructive embryo research.

(c) Public funding of human cloning and destructive embryo research, including embryonic stem cell research, is against the public policy of this state.

20-16-2003. Definitions.

As used in this subchapter:

(1)(A) "Destructive embryo research" means medical procedures, scientific or laboratory research, or other types of investigation that kill or injure the human embryo subject of the procedure or research.

(B) "Destructive embryo research" does not include:

(i) In vitro fertilization and accompanying embryo transfer to the body of a woman;

(ii) Research in the use of nuclear transfer or other cloning techniques to produce molecules, deoxyribonucleic acid, cells other than human embryos, tissues, organs, plants, or animals other than humans; or

(iii) Any diagnostic procedure that benefits the human embryo subject of the procedure or research while not imposing risks greater than those considered acceptable for other human research subjects;

(2) "Embryo" means an organism of the species Homo sapiens from the single cell stage to eight (8) weeks of development that is derived by fertilization, parthenogenesis, human cloning, or any other means from one (1) or more human gametes or human diploid cells;

(3) "Embryonic stem cell" means a stem cell obtained from an embryo of the species Homo sapiens;

(4) "Human cloning" means human asexual reproduction accomplished by:

(A) Introducing the genetic material from one (1) or more human somatic cells into a fertilized or unfertilized oocyte whose nuclear material has been removed or inactivated so as to produce a living organism, at any stage of development, that is genetically identical to an existing or previously existing human organism;

(B) Artificially subdividing a human embryo at any time from the two-cell stage onward resulting in more than one (1) human organism;
or

(C) Introducing pluripotent stem cells from any source into a human embryo or artificially manufactured human embryo or trophoblast under conditions where the introduced cells generate all or most of the body tissues of the developing organism;

(5) "Public funds" means without limitation:

(A) Moneys received or collected by the state or any official, department, division, agency, or educational or political subdivision of the state, including without limitation:

(i) Moneys derived from federal, state, or local taxes;

(ii) Gifts or grants from any source;

(iii) Settlement of any claim or cause of action;

(iv) Bond proceeds or investment income;

(v) Federal grants or payments; or

(vi) Intergovernmental transfers; and

(B) Moneys received or controlled by an official, department, division, or agency of the state government or any educational or political subdivision of the state pursuant to an appropriation by the General Assembly; and

(6) "Somatic cell" means a diploid cell, having a complete set of chromosomes, obtained or derived from a living or deceased human body at any stage of development.

20-16-2004. Prohibitions.

(a) Public funds shall not be used to:

(1) Finance human cloning or destructive embryo research, including destructive embryonic stem cell research;

(2) Buy, receive, or otherwise transfer a human embryo with the

knowledge that the embryo will be subject to destructive research; or

(3) Buy, receive, or otherwise transfer gametes with the knowledge that a human embryo will be produced from the gametes to be used in destructive research.

(b) The state, a state educational institution, or a political subdivision of the state shall not use public funds, facilities, or employees to knowingly destroy human embryos for the purpose of research or knowingly participate in human cloning or attempted human cloning.

20-16-2005. Exceptions.

This subchapter does not restrict the funding of areas of scientific research not specifically prohibited by this subchapter, including without limitation:

(1) In vitro fertilization and accompanying embryo transfer to the body of a woman;

(2) Administration of fertility enhancing drugs;

(3) Research in the use of nuclear transfer or other cloning techniques to produce molecules, deoxyribonucleic acid, cells other than human embryos, tissues, organs, plants, or animals other than humans; and

(4) Any diagnostic procedure that benefits the human embryo subject to destructive tests while not imposing risks greater than those considered acceptable for other human research subjects.

20-16-2006. Penalties and sanctions.

(a) A person or entity that knowingly fails to comply with the provisions of this subchapter is guilty of a Class A misdemeanor.

(b) A person or entity that knowingly fails to comply with the provisions of this subchapter shall be fined a civil penalty in the amount of one thousand dollars (\$1,000).

(c) A violation of this subchapter may be the basis for:

(1) Denying an application for an initial licensure, permit, certificate, or any other form of permission required to practice or engage in a trade, occupation, or profession;

(2) Denying an application for renewal of a licensure, permit, certificate, or any other form of permission required to practice or engage in a trade, occupation, or profession; or

(3) Revoking a licensure, permit, certificate, or any other form of permission required to practice or engage in a trade, occupation, or profession.

20-16-2007. Standing.

A taxpayer of this state or any political subdivision of this state shall have standing to bring suit to enforce this subchapter against:

(1) The state, any official, department, division, agency, or political subdivision of this state; and

(2) A recipient of public funds that is in violation of this subchapter.

20-16-2008. Right of intervention.

The General Assembly by joint resolution may appoint one (1) or more of its members who sponsored or cosponsored this subchapter in his or her official capacity to intervene as a matter of right in any case in which the constitutionality of this subchapter is challenged.

SECTION 2. DO NOT CODIFY. EFFECTIVE DATE. This act is effective on and after January 1, 2020.

/s/Brown

APPROVED: 4/2/19