



**93RD GENERAL ASSEMBLY**  
**State of Illinois**  
**2003 and 2004**

Introduced 2/6/2004, by William R. Haine

**SYNOPSIS AS INTRODUCED:**

New Act

Creates the Human Cloning and Adult Stem Cell Research Act. Provides that a person shall not intentionally or knowingly: (1) perform or attempt to perform human cloning, (2) participate in performing or in an attempt to perform human cloning, (3) transfer or receive a cloned human embryo for any purpose, or (4) transfer or receive any oocyte, human embryo, fetus, or human somatic cell for the purpose of human cloning. Provides that research involving the derivation and use of human adult stem cells and stem cells derived from umbilical cord blood and from placenta shall be encouraged and permitted and any research involving the derivation and use of human adult stem cells shall be reviewed by an approved institutional review board as determined by the Department of Public Health. Imposes civil and criminal penalties for a violation of the Act.

LRB093 20935 RXD 46913 b

1 AN ACT concerning public health.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Human  
5 Cloning and Adult Stem Cell Research Act.

6 Section 5. Purpose. The purpose of this Act is to prohibit  
7 human cloning for any purpose, whether for reproductive or  
8 research purposes, and to establish as the policy of the State  
9 that research involving the derivation and use of human adult  
10 stem cells and stem cells derived from umbilical cord blood and  
11 from placenta shall be encouraged and permitted and that the  
12 ethical and medical implications of this research shall be  
13 given full consideration.

14 Section 10. Definitions. In this Act:

15 "Fetus" means a living organism of the species homo sapiens  
16 from 8 weeks' development until complete expulsion or  
17 extraction from a woman's body, or until removal from an  
18 artificial womb or other similar environment designed to  
19 nurture the development of such organism.

20 "Human cloning" means human asexual reproduction,  
21 accomplished by introducing the genetic material of a human  
22 somatic cell into a fertilized or unfertilized oocyte whose  
23 nucleus has been or will be removed or inactivated, to produce  
24 a living organism with a human or predominantly human genetic  
25 constitution.

26 "Human embryo" means a living organism of the species homo  
27 sapiens from the single-celled state to 8 weeks' development.

28 "Human somatic cell" means a cell having a complete set of  
29 chromosomes obtained from a living or deceased human organism  
30 of the species homo sapiens at any stage of development.

31 "Oocyte" means a female germ cell, an ovum.

1 Section 15. Human cloning prohibition.

2 (a) A person shall not intentionally or knowingly do any of  
3 the following:

4 (1) Perform or attempt to perform human cloning.

5 (2) Participate in performing or in an attempt to  
6 perform human cloning.

7 (3) Transfer or receive a cloned human embryo for any  
8 purpose.

9 (4) Transfer or receive, in whole or in part, any  
10 oocyte, human embryo, fetus, or human somatic cell, for the  
11 purpose of human cloning.

12 (b) This Section shall not restrict areas of scientific  
13 research not specifically prohibited, including in vitro  
14 fertilization, the administration of fertility enhancing  
15 drugs, or research in the use of nuclear transfer or other  
16 cloning techniques to produce molecules, deoxyribonucleic  
17 acid, tissues, organs, plants, animals other than humans, or  
18 cells other than human embryos.

19 Section 20. Policy encouraging research. The policy of the  
20 State shall be as follows:

21 (a) That research involving the derivation and use of human  
22 adult stem cells and stem cells derived from umbilical cord  
23 blood and from placenta shall be encouraged and permitted and  
24 the ethical and medical implications of this research shall be  
25 given full consideration.

26 (b) Research involving the derivation and use of human  
27 adult stem cells shall be reviewed by an approved institutional  
28 review board, as determined by the Department of Public Health.

29 Section 25. Penalty.

30 (a) A person who violates Section 15 is guilty of a Class B  
31 misdemeanor.

32 (b) A person who violates Section 15 in a manner that  
33 results in a pecuniary gain:

1           (1) Shall be liable for a civil penalty to be enforced  
2           by the State's Attorney's Office or the Office of the  
3           Illinois Attorney General, if the violator is an  
4           individual, of not more than \$250,000 or an amount equal to  
5           the amount of gross gain multiplied by 2, whichever is  
6           greater.

7           (2) Shall be liable for a civil penalty to be enforced  
8           by the State's Attorney's Office or the Office of the  
9           Illinois Attorney General, if the violator is a  
10          corporation, firm, clinic, hospital, laboratory, or  
11          research facility, of not more than \$1,000,000 or an amount  
12          of gross gain multiplied by 2, whichever is greater.

13          (c) A violation of Section 15, is grounds for revocation or  
14          denial of an application or renewal of any license, permit,  
15          certification, or any other form of permission required to  
16          practice or engage in any trade, occupation, or profession  
17          regulated by the State.

18          (d) Whenever the Attorney General or a State's Attorney has  
19          reason to believe that any person is engaging in a violation of  
20          Section 15, and that proceedings would be in the public  
21          interest, he or she may bring an action in the name of the  
22          People of the State against such person to restrain the  
23          violation by preliminary or permanent injunction and the court  
24          may, in its discretion, grant such relief.