
HOUSE BILL 1461

State of Washington

58th Legislature

2003 Regular Session

By Representatives Schual-Berke, Sullivan, Morris, Ruderman, Kessler and Cody

Read first time 01/27/2003. Referred to Committee on Health Care.

1 AN ACT Relating to stem cell research and human cloning; adding a
2 new chapter to Title 70 RCW; and prescribing penalties.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** The legislature finds and declares that:

5 (1) An estimated one hundred twenty-eight million Americans suffer
6 from chronic, degenerative, and acute diseases, including diabetes,
7 Alzheimer's disease, cancer, Huntington's disease, Parkinson's disease,
8 heart disease, and spinal cord injury. The crippling economic and
9 psychological burdens of such diseases result in billions of dollars
10 every year in costs of treatment and lost productivity as well as
11 extreme human loss and emotional suffering.

12 (2) Stem cell research offers immense promise for developing new
13 medical therapies for these debilitating diseases and a critical means
14 to explore fundamental questions of biology. Stem cell research could
15 lead to unprecedented treatments and potential cures for diabetes,
16 Alzheimer's disease, cancer, Huntington's disease, Parkinson's disease,
17 heart disease, spinal cord injury, and other diseases.

18 (3) Washington state is home to several large medical research
19 institutions and an expanding biomedical research industry. These

1 organizations are committed to improving the lives of Americans
2 suffering from chronic, degenerative, and acute diseases. Encouraging
3 stem cell research is essential to realizing the promise of stem cell
4 research.

5 (4) Stem cell research, including the use of embryonic stem cells
6 for medical research, raises significant ethical concerns that must be
7 balanced with medical considerations.

8 (5) While stem cell research holds enormous potential for treating
9 or even curing some diseases, the cloning of human beings is morally
10 and ethically unacceptable. Furthermore, the cloning of human beings
11 poses grave health risks to any child who may be produced in this
12 manner. Any attempt to clone a human being is in direct conflict with
13 the policies of this state.

14 NEW SECTION. **Sec. 2.** It is the policy of Washington state that
15 research involving the derivation and use of human embryonic stem
16 cells, human embryonic germ cells, and human adult stem cells from any
17 source, including somatic cell nuclear transplantation, is permitted
18 upon full consideration of the ethical and medical implications of this
19 research.

20 NEW SECTION. **Sec. 3.** The definitions in this section apply
21 throughout this chapter unless the context clearly requires otherwise.

22 (1) "Cloning of a human being" means asexual reproduction by
23 implanting or attempting to implant the product of nuclear
24 transplantation into a uterus or substitute for a uterus with the
25 purpose of producing a human being.

26 (2) "Nuclear transplantation" means transferring the nucleus of a
27 human somatic cell into an oocyte from which the nucleus has been or
28 will be removed or inactivated.

29 (3) "Human somatic cell" means a diploid cell that is obtained or
30 derived from a living or deceased human at any stage of development.

31 (4) "Oocyte" means the unfertilized human ovum.

32 NEW SECTION. **Sec. 4.** (1) A physician, surgeon, or other health
33 care provider delivering fertility treatment shall provide his or her
34 patient with timely, relevant, and appropriate information to allow the
35 individual to make an informed and voluntary choice regarding the

1 disposition of any human embryos remaining following the fertility
2 treatment. The information must include the option of storing unused
3 embryos, donating unused embryos to another individual, discarding
4 unused embryos, or donating unused embryos for research.

5 (2) A patient who chooses to donate unused embryos for research
6 after a consultation under subsection (1) of this section shall provide
7 written consent.

8 NEW SECTION. **Sec. 5.** (1) A person may donate human embryonic
9 tissue or human cadaveric fetal tissue for research purposes.

10 (2) A person may not knowingly, for valuable consideration,
11 purchase or sell human embryonic tissue or human cadaveric fetal tissue
12 for research purposes.

13 (3) Valuable consideration does not include reasonable payment for
14 the removal, processing, disposal, preservation, quality control,
15 storage, transportation, or implantation of human embryonic tissue or
16 human cadaveric tissue.

17 (4) A person who violates this section is guilty of a felony and
18 upon conviction is subject to a fine not to exceed fifty thousand
19 dollars or imprisonment not to exceed five years, or both.

20 NEW SECTION. **Sec. 6.** (1) No person may knowingly engage or assist
21 in the cloning or attempted cloning of a human being.

22 (2) The attorney general may bring an action to enjoin any person
23 from violating subsection (1) of this section.

24 (3) Any person who violates subsection (1) of this section is
25 subject to a civil penalty not to exceed one hundred thousand dollars
26 for each violation. Civil penalties authorized by this subsection may
27 be imposed in any civil action brought by the attorney general.

28 (4) Nothing in this section shall be construed to restrict areas of
29 biomedical, agricultural, and scientific research not specifically
30 prohibited by this section, including somatic cell nuclear transfer or
31 other cloning technologies to clone molecules, DNA, cells, and tissues.

32 NEW SECTION. **Sec. 7.** If any provision of this act or its
33 application to any person or circumstance is held invalid, the
34 remainder of the act or the application of the provision to other
35 persons or circumstances is not affected.

1 NEW SECTION. **Sec. 8.** Sections 1 through 7 of this act constitute
2 a new chapter in Title 70 RCW.

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