
HOUSE BILL 1775

State of Washington

59th Legislature

2005 Regular Session

By Representatives Holmquist, Hinkle, Dunn, Sump, Crouse, Curtis, Miloscia, Buri, Ahern, McDonald, Kretz, Schindler, Serben, Condotta, Ericksen, Kristiansen, Haler and Campbell

Read first time 02/04/2005. Referred to Committee on Health Care.

1 AN ACT Relating to prohibiting the cloning of human embryos; adding
2 a new chapter to Title 70 RCW; prescribing penalties; and declaring an
3 emergency.

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

5 NEW SECTION. **Sec. 1.** (1) The legislature of the state of
6 Washington finds that:

7 (a) At least one company has announced that it has successfully
8 cloned a human being at the early embryonic stage of life, and others
9 have announced that they will attempt to clone a human being using the
10 technique known as somatic cell nuclear transfer;

11 (b) Efforts to create human beings by cloning mark a new and
12 decisive step toward turning human reproduction into a manufacturing
13 process in which human beings are made in laboratories to preordained
14 specifications and, potentially, in multiple copies;

15 (c) Creating cloned live-born human children begins by creating
16 cloned human beings at the embryonic stage of life, a process which
17 some also propose as a way of creating human embryos for destructive
18 research as sources of stem cells and tissues for possible treatment of
19 other humans;

1 (d) Many scientists agree that attempts at cloning to produce
2 children pose a massive risk of either producing children who are
3 stillborn, unhealthy, or severely disabled, and that attempts of
4 cloning for biomedical research always result in the destruction of
5 human beings at the embryonic stage of life when stem cells are
6 harvested;

7 (e) The prospect of creating new human life solely to be exploited
8 or destroyed in these ways have been condemned on moral grounds by
9 many, as displaying a profound disrespect for life;

10 (f) The distinction between therapeutic and reproductive cloning is
11 a false distinction scientifically because both begin with the
12 reproduction of a human being at the embryonic stage of life, one
13 destined for implantation in a womb, and one destined for destructive
14 farming of its stem cells. Regardless of its ultimate destiny, all
15 human embryos are simultaneously human beings;

16 (g) It will be nearly impossible to ban only attempts at cloning to
17 produce children if cloning for biomedical research is allowed because:

18 (i) Cloning would take place within the privacy of a doctor-patient
19 relationship;

20 (ii) The implantation of embryos to begin a pregnancy is a simple
21 procedure; and

22 (iii) Any government effort to prevent the implantation of an
23 existing cloned embryo, or to prevent birth once implantation has
24 occurred would raise substantial moral, legal, and practical issues.

25 (2) Based on the legislature's findings, it is the purpose of this
26 chapter to prohibit the use of cloning technology to initiate the
27 development of new human beings at the embryonic stage of life for any
28 purpose.

29 NEW SECTION. **Sec. 2.** The definitions in this section apply
30 throughout this chapter unless the context clearly requires otherwise.

31 (1) "Human cloning" means human asexual reproduction, accomplished
32 by introducing the genetic material of a human somatic cell into an
33 oocyte whose nucleus has been removed or inactivated, to produce a
34 living organism with a human or predominantly human genetic
35 constitution.

36 (2) "Somatic cell" means a cell having a complete set of

1 chromosomes obtained from a living or deceased human body at any stage
2 of development.

3 (3) "Oocyte" means the human female germ cell.

4 (4) "Embryo" means an organism of the species homo sapiens from the
5 single cell stage to eight weeks development.

6 (5) "Fetus" means an organism of the species homo sapiens from
7 eight weeks development until complete expulsion or extraction from a
8 woman's body, or removal from an artificial womb or other similar
9 environment designed to nurture the development of such organism.

10 NEW SECTION. **Sec. 3.** It is unlawful for any person or entity,
11 public or private, to intentionally or knowingly:

- 12 (1) Perform or attempt to perform human cloning;
- 13 (2) Participate in an attempt to perform human cloning;
- 14 (3) Transfer or receive the product of human cloning for any
15 purpose; or
- 16 (4) Transfer or receive, in whole or in part, any oocyte, embryo,
17 fetus, or human somatic cell, for the purpose of human cloning.

18 NEW SECTION. **Sec. 4.** Nothing in this chapter restricts areas of
19 scientific research not specifically prohibited by this chapter,
20 including in vitro fertilization, the administration of fertility
21 enhancing drugs, research in the use of nuclear transfer or other
22 cloning techniques to produce molecules, DNA, tissues, organs, plants,
23 or animals other than humans, or cells other than human embryos.

24 NEW SECTION. **Sec. 5.** (1) A person or entity that violates section
25 3 (1) or (2) of this act is guilty of a gross misdemeanor.

26 (2) A person or entity that violates section 3 (3) or (4) of this
27 act is guilty of a misdemeanor.

28 NEW SECTION. **Sec. 6.** A person or entity that violates any
29 provision of this chapter and derives a pecuniary gain from such
30 violation shall be fined five thousand dollars or twice the amount of
31 gross gain, or intermediate amount, at the court's discretion.

32 NEW SECTION. **Sec. 7.** A violation of this chapter constitutes

1 unprofessional conduct under chapter 18.130 RCW and shall result in
2 permanent revocation of the violator's license to practice medicine.

3 NEW SECTION. **Sec. 8.** A violation of this chapter may be the basis
4 for denying an application for, for denying an application for the
5 renewal of, or revoking any license, permit, certificate, or any other
6 form of permission required to practice or engage in a trade,
7 occupation, or profession.

8 NEW SECTION. **Sec. 9.** If any provision of this act or its
9 application to any person or circumstance is held invalid, the
10 remainder of the act or the application of the provision to other
11 persons or circumstances is not affected.

12 NEW SECTION. **Sec. 10.** This act is necessary for the immediate
13 preservation of the public peace, health, morals, or safety, or support
14 of the state government and its existing public institutions, and takes
15 effect immediately.

16 NEW SECTION. **Sec. 11.** Sections 1 through 10 of this act
17 constitute a new chapter in Title 70 RCW.

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