

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

445J0690

SENATE BILL NO. 184

Introduced by: Senators Schoenbeck, Abdallah, Albers, de Hueck, Diedrich (Larry), Duenwald, Greenfield, Jaspers, Kelly, Kleven, Kloucek, Kooistra, Koskan, McCracken, Moore, Napoli, Olson (Ed), Reedy, and Sutton (Dan) and Representatives Miles, Bartling, Begalka, Bradford, Deadrick (Thomas), Elliott, Frost, Fryslie, Gillespie, Glenski, Hackl, Hanson, Heineman, Hunhoff, Juhnke, Kraus, Lange, Madsen, McCaulley, McCoy, Novstrup, Olson (Ryan), Pederson (Gordon), Rave, Rhoden, Rounds, Schafer, Sebert, Smidt, Solum, Teupel, Van Etten, Weems, and Wick

1 FOR AN ACT ENTITLED, An Act to prohibit human cloning.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. Terms used in this Act mean:

4 (1) "Human cloning," human asexual reproduction accomplished by introducing the
5 nuclear material of a human somatic cell into a fertilized or unfertilized oocyte whose
6 nucleus has been removed or inactivated to produce a living organism, at any stage
7 of development, with a human or predominantly human genetic constitution;

8 (2) "Human somatic cell," a diploid cell, having a complete set of chromosomes,
9 obtained or derived from a living or deceased human body at any stage of
10 development;

11 (3) "Nuclear transplantation," transferring the nucleus of a human somatic cell into an
12 oocyte from which the nucleus or all chromosomes have been or will be removed or



1 rendered inert;

2 (4) "Nucleus," the cell structure that houses the chromosomes, and thus the genes;

3 (5) "Oocyte," the female germ cell, the egg.

4 Section 2. No person or entity, public or private, may:

5 (1) Perform or attempt to perform human cloning;

6 (2) Participate in an attempt to perform human cloning;

7 (3) Transfer or receive the product of human cloning; or

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

10 Any person that knowingly or recklessly violates this section is guilty of a Class 6 felony.

11 Any person or entity that violates this section and derives a pecuniary gain from such violation
12 is subject to a civil penalty of two thousand dollars or twice the amount of gross gain, or any
13 intermediate amount at the discretion of the court.

14 Section 3. Nothing in this Act restricts areas of scientific research not specifically prohibited
15 by this Act, including research in the use of nuclear transfer or other cloning techniques to
16 produce molecules, deoxyribonucleic acid, cells other than human embryos, tissues, organs,
17 plants, or animals other than humans.