

## 2005 ASSEMBLY BILL 499

1 AN ACT *to create* 146.347 of the statutes; **relating to:** human cloning and  
2 providing penalties.

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*Analysis by the Legislative Reference Bureau*

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

3 SECTION 1. 146.347 of the statutes is created to read:

4 **146.347 Human cloning. (1)** In this section:

5 (a) “Asexual reproduction” means reproduction not initiated by the union of an  
6 oocyte and a sperm.

7 (b) “Enucleated oocyte” means a fertilized or unfertilized oocyte, the nuclear  
8 material of which has been removed or inactivated.

9 (c) “Human cloning” means asexual reproduction accomplished by introducing  
10 nuclear material from one or more human somatic cells into an enucleated oocyte so

**ASSEMBLY BILL 499****SECTION 1**

1 as to produce a living organism having genetic material that is virtually identical to  
2 the genetic material of an existing or previously existing human organism.

3 (d) “Human embryo” means a human organism derived by fertilization,  
4 cloning, or any other means from one or more human gametes or human diploid cells.  
5 “Human embryo” includes a zygote but does not include a human organism at or  
6 beyond the stage of development at which the major body structures are present.

7 (f) “Living organism” includes a human embryo.

8 (g) “Somatic cell” means a cell that has a complete set of chromosomes and that  
9 is obtained or derived from a living or dead human organism at any stage of  
10 development.

11 **(2)** No person may knowingly do any of the following:

12 (a) Perform or attempt to perform human cloning.

13 (b) Transfer or acquire for any purpose a human embryo produced by human  
14 cloning or any embryo, cell, tissue, or product derived from a human embryo  
15 produced by human cloning. For purposes of this paragraph, a person does not  
16 acquire an embryo, cell, tissue, or product if the embryo, cell, tissue, or product is  
17 implanted in the person’s body.

18 **(3)** (a) Any person who violates sub. (2) is guilty of a Class G felony, except that,  
19 notwithstanding the maximum fine specified in s. 939.50 (3) (g), the person may be  
20 fined under par. (b).

21 (b) 1. The maximum fine for a person other than an individual who violates sub.  
22 (2) is \$500,000 or, if the person derives a pecuniary gain from the violation, an  
23 amount equal to twice the gross amount of the person’s pecuniary gain, whichever  
24 is greater.

