

ASSEMBLY BILL 499 (LRB -1632)

An Act to create 146.347 of the statutes; relating to: human cloning and parthenogenesis and providing penalties. (FE)

2005

06-23.	A.	Introduced by Representatives Kestell, Kleefisch, LeMahieu, Suder, Towns, Moulton, Krawczyk, Strachota, Gielow, Nass, Ott, Van Roy, Kreibich, Pettis, Gundrum, Townsend, Owens, Gunderson, J. Fitzgerald and Hahn ; cosponsored by Senators Leibham, S. Fitzgerald, Lazich, A. Lasee, Reynolds, Kanavas, Kedzie, Roessler and Grothman .	
06-16.	A.	Read first time and referred to committee on Children and Families	292
06-20.	A.	Public hearing held.	
06-21.	A.	Executive action taken.	
06-21.	A.	Report passage recommended by committee on Children and Families, Ayes 5, Noes 2	307
06-21.	A.	Referred to committee on Rules	307
06-21.	A.	Made a special order of business at 10:04 A.M. on 6-23-2005 pursuant to Assembly Resolution 19	322
06-23.	A.	Withdrawn from calendar and taken up	334
06-23.	A.	Read a second time	334
06-23.	A.	Assembly amendment 1 offered by Representatives Underheim and Musser (LRB a0799)	334
06-23.	A.	Assembly amendment 1 placed after Assembly amendment 4	335
06-23.	A.	Assembly amendment 2 offered by Representative Kestell (LRB a0790)	335
06-23.	A.	Assembly amendment 2 adopted	335
06-23.	A.	Assembly amendment 3 offered by Representative Kestell (LRB a0791)	335
06-23.	A.	Assembly amendment 3 adopted , Ayes 63, Noes 35	335
06-23.	A.	Assembly amendment 4 offered by Representative Kestell (LRB a0792)	335
06-23.	A.	Assembly amendment 4 adopted , Ayes 95, Noes 3	335
06-23.	A.	Assembly amendment 1 laid on table, Ayes 56, Noes 42	335
06-23.	A.	Ordered to a third reading	335
06-23.	A.	Rules suspended	335
06-23.	A.	Read a third time and passed , Ayes 59, Noes 38, Paired 2	335
06-23.	A.	Ordered immediately messaged	336
06-27.	S.	Received from Assembly	275
06-27.	S.	Read first time and referred to committee on Judiciary, Corrections and Privacy	276
09-13.	S.	Fiscal estimate received.	
09-13.	S.	Fiscal estimate received.	
09-20.	S.	Executive action taken.	
09-21.	S.	Report concurrence recommended by committee on Judiciary, Corrections and Privacy, Ayes 3, Noes 2	360
09-21.	S.	Available for scheduling.	
09-21.	S.	Placed on calendar 9-27-2005 pursuant to Senate Rule 18(1).	
09-27.	S.	Read a second time.	
09-27.	S.	Senate amendment 1 offered by Senator Darling (LRB a1084).	
09-27.	S.	Senate amendment 1 laid on table, Ayes 17, Noes 16.	
09-27.	S.	Refused to adjourn and make special order of business at 9:01 A.M. tomorrow.	
09-27.	S.	Ordered to a third reading.	
09-28.	S.	Read a third time.	
09-28.	S.	Concurred in , Ayes 21, Noes 12.	
09-28.	S.	Ordered immediately messaged.	

**2005
ENROLLED BILL**

05en AB-499

ADOPTED DOCUMENTS:

Orig Engr SubAmdt

05-16321-2

Amendments to above (if none, write "NONE"): AA2, AA3, AA4

Corrections - show date (if none, write "NONE"): none ~~none~~ enrolling

Topic relax

9/29/05 [Signature]
Date Enrolling Drafter

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2005 ASSEMBLY BILL 499

June 16, 2005 - Introduced by Representatives KESTELL, KLEEFISCH, LEMAHIEU, SUDER, TOWNS, MOULTON, KRAWCZYK, STRACHOTA, GIELOW, NASS, OTT, VAN ROY, KREIBICH, PETTIS, GUNDRUM, TOWNSEND, OWENS, GUNDERSON, J. FITZGERALD and HAHN, cosponsored by Senators LEIBHAM, S. FITZGERALD, LAZICH, A. LASEE, REYNOLDS, KANAVAS, KEDZIE, ROESSLER and GROTHMAN. Referred to Committee on Children and Families.

1 AN ACT to create 146.347 of the statutes; relating to: human cloning and
2 AA4 parthenogenesis and providing penalties.

Analysis by the Legislative Reference Bureau

This bill prohibits human cloning and parthenogenesis; attempting to perform human cloning or parthenogenesis; transferring or acquiring a human embryo produced by human cloning or parthenogenesis; and transferring or acquiring any embryo, cell, tissue, or product derived from a human embryo produced by human cloning or parthenogenesis. The bill defines "human cloning" as introducing nuclear material from one or more human somatic cells (a human cell with a complete set of chromosomes) into an egg cell, the nuclear material of which has been removed or inactivated, so as to produce a living organism, including a human embryo, having genetic material that is virtually identical to the genetic material of an existing or previously existing human organism. The bill defines "human parthenogenesis" as the process of manipulating the genetic material of a human egg cell, without introducing into it the genetic material from any other cell, in a way that causes the egg cell to become a human embryo.

A person who violates one of the prohibitions relating to human cloning or parthenogenesis is subject to either or both of the following penalties: 1) a sentence of imprisonment of up to ten years, which, if the sentence is for more than one year, includes a term of confinement and a term of extended supervision; or 2) a fine of up to: a) \$500,000 or, if the person derives a pecuniary gain from the violation, an amount equal to twice the gross amount of the person's pecuniary gain, whichever is greater, if the violation was committed by a corporation, partnership, association,

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government, government agency, or any other entity; or b) \$250,000 or, if the person derives a pecuniary gain from the violation, an amount equal to twice the gross amount of the person's pecuniary gain, whichever is greater, if the violation was committed by an individual. A person who violates one of the prohibitions is also subject to a civil monetary penalty (a forfeiture) of \$1,000,000 if the person derives a pecuniary gain from the violation, unless the person's gross pecuniary gain exceeds \$500,000. In that case, the amount of the forfeiture must be between \$1,000,000 and twice the amount of the person's gross pecuniary gain.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 146.347 of the statutes is created to read: AA 4

2 **146.347 Human cloning and parthenogenesis.** (1) In this section:

3 (a) "Asexual reproduction" means reproduction not initiated by the union of an
4 oocyte and a sperm.

5 (b) "Enucleated oocyte" means a fertilized or unfertilized oocyte, the nuclear
6 material of which has been removed or inactivated.

7 (c) "Human cloning" means asexual reproduction accomplished by introducing
8 nuclear material from one or more human somatic cells into an enucleated oocyte so
9 as to produce a living organism having genetic material that is virtually identical to
10 the genetic material of an existing or previously existing human organism.

11 (d) "Human embryo" means a human organism derived by fertilization,
12 parthenogenesis, cloning, or any other means from one or more human gametes or
13 human diploid cells. "Human embryo" includes a zygote but does not include a

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1 human organism at or beyond the stage of development at which the major body
2 structures are present.

3 ~~(e) "Human parthenogenesis" means the process of manipulating the genetic
4 material of a human oocyte, without introducing into the oocyte the genetic material
5 from any other cell, in a way that causes the oocyte to become a human embryo.~~

6 (f) "Living organism" includes a human embryo.

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

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

11 (a) Perform or attempt to perform human cloning or human parthenogenesis.

12 (b) Transfer or acquire for any purpose a human embryo produced by human
13 cloning or human parthenogenesis or any embryo, cell, tissue, or product derived
14 from a human embryo produced by human cloning or human parthenogenesis.

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

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

22 2. The maximum fine for an individual who violates sub. (2) is \$250,000 or, if
23 the individual derives a pecuniary gain from the violation, an amount equal to twice
24 the gross amount of the individual's pecuniary gain, whichever is greater.

AA4

3-14

AA2

AA4

AA4

AA4

**ASSEMBLY AMENDMENT 2,
TO 2005 ASSEMBLY BILL 499**

June 23, 2005 - Offered by Representative KESTELL.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 3, line 14: after "parthenogenesis." insert "For purposes of this
3 paragraph, a person does not acquire an embryo, cell, tissue, or product if the embryo,
4 cell, tissue, or product is implanted in the person's body.".

3-14

5 (END)

**ASSEMBLY AMENDMENT 3,
TO 2005 ASSEMBLY BILL 499**

June 23, 2005 - Offered by Representative KESTELL.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 4, line 6: after that line insert:

3 **(5)** Nothing in this section restricts areas of scientific research not specifically
4 prohibited by this section, including research in the use of nuclear transfer or other
5 cloning techniques to produce molecules, deoxyribonucleic acid, cells other than
6 human embryos, tissues, organs, plants, or animals other than humans".

7

(END)

**ASSEMBLY AMENDMENT 4,
TO 2005 ASSEMBLY BILL 499**

June 23, 2005 - Offered by Representative KESTELL.

- 1 At the locations indicated, amend the bill as follows:
- 2 **1.** Page 1, line 2: delete "parthenogenesis and".
- 3 **2.** Page 2, line 2: delete "**and parthenogenesis**".
- 4 **3.** Page 2, line 12: delete "parthenogenesis,".
- 5 **4.** Page 3, line 3: delete lines 3 to 5.
- 6 **5.** Page 3, line 11: delete "or human parthenogenesis".
- 7 **6.** Page 3, line 13: delete "or human parthenogenesis".
- 8 **7.** Page 3, line 14: delete "or human parthenogenesis".

9

(END)