

2005 Assembly Bill 499

Date of enactment:
Date of publication*:

2005 WISCONSIN ACT

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

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

SECTION 1. 146.347 of the statutes is created to read:
146.347 Human cloning. (1) In this section:

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

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

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

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

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

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

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

(a) Perform or attempt to perform human cloning.

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

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

(b) 1. The maximum fine for a person other than an individual who violates sub. (2) is \$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.

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

(4) (a) Except as provided in par. (b), any person who violates sub. (2) and who derives a pecuniary gain from the violation shall be required to forfeit \$1,000,000.

(b) Any person who violates sub. (2) and who derives a pecuniary gain of more than \$500,000 from the violation shall be required to forfeit not less than \$1,000,000

* Section 991.11, WISCONSIN STATUTES 2003-04 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

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nor more than an amount equal to twice the gross amount of the person's pecuniary gain.

(5) Nothing in this section restricts areas of scientific research not specifically prohibited by this section, including research in the use of nuclear transfer or other

cloning techniques to produce molecules, deoxyribonucleic acid, cells other than human embryos, tissues, organs, plants, or animals other than humans.

SECTION 2. Effective date.

(1) This act takes effect on the day after publication.
