

As Introduced

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**Representatives Yuko, Otterman, Chandler, Allen, Cassell, Mitchell, Sayre,
Miller, Brown, Ujvagi, Patton, S., Perry, Sykes, Smith, S.**

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A B I L L

To amend section 3701.99 and to enact sections 1
3701.94, 3701.941, 3701.942, and 3701.943 of the 2
Revised Code to prohibit human cloning. 3

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 3701.99 be amended and sections 4
3701.94, 3701.941, 3701.942, and 3701.943 of the Revised Code be 5
enacted to read as follows: 6

Sec. 3701.94. As used in sections 3701.94 and 3701.941 to 7
3701.943 of the Revised Code: 8

(A) "Institutional review committee" means the local 9
institutional review committee specified in 21 U.S.C. 10
360j(q)(3)(A)(i) and, when applicable, an institutional review 11
board established in accordance with the requirements of 45 C.F.R. 12
46, subpart A. 13

(B) "Cloning of a human being" means inducing or permitting a 14
replicate of a living human being's complete set of genetic 15
material to develop after gastrulation commences. 16

(C) "Gastrulation" means the process immediately following 17
the blastula state when the hollow ball of cells representing the 18

early embryo undergoes a complex and coordinated series of 19
movements that results in the formation of the three primary germ 20
layers, the ectoderm, mesoderm, and endoderm. 21

(D) "Embryonic stem cells" means cells derived from the inner 22
cell mass of a blastula-stage embryo created either through fusion 23
of sperm and egg or through nuclear transfer, and that are 24
sufficiently undifferentiated such that they do not have the 25
complete characteristics of any specific cell type, but can become 26
any cell type. 27

(E) "Nuclear transfer" means the replacement of the nucleus 28
of a human egg with a nucleus from another human cell. 29

Sec. 3701.941. No person shall do any of the following: 30

(A) Knowingly engage or assist, directly or indirectly, in 31
the cloning of a human being; 32

(B) Implant human embryos created by nuclear transfer into a 33
uterus or a device similar to a uterus; 34

(C) Facilitate human reproduction through clinical or other 35
use of human embryos created by nuclear transfer. 36

Sec. 3701.942. (A) A physician or other health care provider 37
who is treating a patient for infertility shall provide the 38
patient with information on the option of storing, donating to 39
another person, donating for research purposes, or otherwise 40
disposing of any unused embryos or embryonic stem cells. The 41
information shall be provided in a timely, relevant, and 42
appropriate manner so as to allow the patient to make an informed 43
and voluntary choice regarding the disposition of any embryos or 44
embryonic stem cells remaining following an infertility treatment. 45

(B) A person shall provide written consent when that person 46
elects to donate, for stem cell research purposes, any human 47
embryos, embryonic stem cells, human eggs, or human sperm 48

remaining after receiving infertility treatment or human eggs or 49
human sperm. The person shall not receive direct or indirect 50
payment for donating human embryos, embryonic stem cells, human 51
eggs, or human sperm. 52

Sec. 3701.943. A person may conduct research involving 53
embryonic stem cells, provided all of the following conditions are 54
met: 55

(A) The general research program under which the research is 56
conducted has been reviewed and approved by an institutional 57
review committee and the director of health. 58

(B) The specific protocol used to derive embryonic stem cells 59
from an embryo has been reviewed and approved by an institutional 60
review committee and the director of health. 61

(C) Prior to conducting the research, the person provides to 62
the director of health, on or incorporated by reference into and 63
attached to a form and in the manner prescribed by the director of 64
health, documentation verifying that any human embryos, embryonic 65
stem cells, human eggs, or human sperm used in the research have 66
been donated voluntarily in accordance with section 3701.942 of 67
the Revised Code. 68

(D) The research is conducted before gastrulation occurs. 69

(E) The research is conducted with full consideration for the 70
ethical and medical implications of research of the type. 71

Sec. 3701.99. (A) Whoever violates division (C) of section 72
3701.23, division (C) of section 3701.232, division (C) of section 73
3701.24, division (B) of section 3701.25, division (I) of section 74
3701.262, division (D) of section 3701.263, or sections 3701.46 to 75
3701.55 of the Revised Code is guilty of a minor misdemeanor on a 76
first offense; on each subsequent offense, the person is guilty of 77

a misdemeanor of the fourth degree. 78

(B) Whoever violates section 3701.82 of the Revised Code is 79
guilty of a misdemeanor of the first degree. 80

(C) Whoever violates section 3701.352 or 3701.81 of the 81
Revised Code is guilty of a misdemeanor of the second degree. 82

(D) Whoever violates section 3701.941 of the Revised Code is 83
subject to both of the following: 84

(1) A term of imprisonment of not more than ten years; and 85

(2) A fine of not more than one hundred thousand dollars. 86

(E) Whoever violates division (A) of section 3701.942 of the 87
Revised Code is subject to a fine of five thousand dollars for 88
each violation. 89

(F) Whoever violates division (B) of section 3701.942 of the 90
Revised Code is subject to both of the following: 91

(1) A term of imprisonment of not more than five years; and 92

(2) A fine of not more than fifty thousand dollars. 93

Section 2. That existing section 3701.99 of the Revised Code 94
is hereby repealed. 95