

LEXSTAT R.I. GEN. LAWS § 23-16.4-1

GENERAL LAWS OF RHODE ISLAND

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*** CURRENT THROUGH THE JANUARY 2003 SESSION ***
*** ANNOTATIONS CURRENT THROUGH NOVEMBER 14, 2003 ***

TITLE 23. HEALTH AND SAFETY
CHAPTER 16.4. HUMAN CLONING

GO TO CODE ARCHIVE DIRECTORY FOR THIS JURISDICTION

R.I. Gen. Laws § 23-16.4-1 (2003)

§ 23-16.4-1. Declaration of intent and purpose

Whereas, recent medical and technological advances have had tremendous benefit to patients, and society as a whole, and biomedical research for the purpose of scientific investigation of disease or cure of a disease or illness should be preserved and protected and not be impeded by regulations involving the cloning of an entire human being; and

Whereas, molecular biology, involving human cells, genes, tissues, and organs, has been used to meet medical needs globally for twenty (20) years, and has proved a powerful tool in the search for cures, leading to effective medicines to treat cystic fibrosis, diabetes, heart attack, stroke, hemophilia, and HIV/AIDS;

The purpose of this legislation is to place a ban on the creation of a human being through division of a blastocyst, zygote, or embryo or somatic cell nuclear transfer, and to protect the citizens of the state from potential abuse deriving from cloning technologies. This ban is not intended to apply to the cloning of human cells, genes, tissues, or organs that would not result in the replication of an entire human being. Nor is this ban intended to apply to in vitro fertilization, the administration of fertility enhancing drugs, or other medical procedures used to assist a woman in becoming or remaining pregnant, so long as that procedure is not specifically intended to result in the gestation or birth of a child who is genetically identical to another conceptus, embryo, fetus, or human being, living or dead.

HISTORY: P.L. 1998, ch. 189, § 1.

NOTES:

LAW REVIEWS. Legislation Survey Section: Health and Safety, see 4 R.W.U.L. Rev. 840 (1999).

LEXSTAT R.I. GEN. LAWS § 23-16.4-2

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R.I. Gen. Laws § 23-16.4-2 (2003)

§ 23-16.4-2. Cloning of human beings prohibited

(a) *Prohibition.* No person or entity shall utilize somatic cell nuclear transfer for the purpose of initiating or attempting to initiate a human pregnancy nor shall any person create genetically identical human beings by dividing a blastocyst, zygote, or embryo.

(b) *Definitions.*

- (1) "Nucleus" means the cell structure that houses the chromosomes, and thus the genes;
- (2) "Oocyte" means the female germ cell, the egg;
- (3) "Somatic cell" means any cell of a conceptus, embryo, fetus, child, or adult not biologically determined to become a germ cell; and
- (4) "Somatic cell nuclear transfer" means transferring the nucleus of a human somatic cell into an oocyte from which the nucleus has been removed.

(c) *Protected research and practices.*

- (1) Nothing in this section shall be construed to restrict areas of biomedical, microbiological, and agricultural research or practices not expressly prohibited in this section, including research or practices that involve the use of:
 - (i) Somatic cell nuclear transfer or other cloning technologies to clone molecules, DNA, cells, and tissues;
 - (ii) Mitochondrial, cytoplasmic, or gene therapy; or
 - (iii) Somatic cell nuclear transfer techniques to create animals.
- (2) Nothing in this section shall be construed to prohibit:
 - (i) In vitro fertilization, the administration of fertility-enhancing drugs, or other medical procedures used to assist a woman in becoming or remaining pregnant, so long as that pregnancy is not specifically intended to result in the production of a child who is genetically identical to another human being, living or dead;
 - (ii) Any activity or procedure that results, directly or indirectly in two (2) or more natural identical twins.

HISTORY: P.L. 1998, ch. 189, § 1.

NOTES:

REENACTMENTS. The 2001 Reenactment redesignated subdivisions (b)(1) — (b)(4) for alphabetical sequence.

CROSS REFERENCES.

For expiration of the prohibition in this section, see § 23-16.4-4.

LEXSTAT R.I. GEN. LAWS § 23-16.4-3

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R.I. Gen. Laws § 23-16.4-3 (2003)

§ 23-16.4-3. Penalties

(a) For violations of § 23-16.4-1 the director of the department of health may, after appropriate notice and opportunity for a hearing, by order, levy administrative penalties as follows:

(1) If the violator is a corporation, firm, clinic, hospital, laboratory, or research facility, by a civil penalty of not more than one million dollars (\$ 1,000,000), or the applicable amount under subdivision (a)(3), whichever is greater.

(2) If the violator is an individual or an employee of the firm, clinic, hospital, laboratory, or research facility acting without the authorization of the firm, clinic, hospital, or research facility, by a civil penalty of not more than two hundred fifty thousand dollars (\$ 250,000) or the applicable amount under subdivision (a)(3), whichever is greater.

(3) If any violator derives pecuniary gain from a violation of this section, the violator may be assessed a civil penalty of not more than an amount equal to the amount of the gross gain multiplied by two (2).

(c) The administrative penalties provided in this section shall be paid to the general fund.

(c) Nothing in this chapter shall be construed to give any person a private right of action.

HISTORY: P.L. 1998, ch. 189, § 1.

NOTES:

REENACTMENTS. The 2001 Reenactment redesignated subsections and subdivisions, correcting internal references accordingly.

LEXSTAT R.I. GEN. LAWS § 23-16.4-4

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R.I. Gen. Laws § 23-16.4-4 (2003)

§ 23-16.4-4. Sunset clause

The prohibition in § 23-16.4-2 shall expire on July 7, 2010.

HISTORY: P.L. 1998, ch. 189, § 1; P.L. 2002, ch. 228, § 1.

NOTES:

REENACTMENTS. The 2001 Reenactment gave specific external reference.