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6 **HOUSE BILL No. 2737**

7
8 By Representatives Cook, Campbell, Dahl, DeCastro, DiVita, Faber,
9 Freeborn, Hayzlett, Howell, Huebert, Hutchins, Huy, Kauffman,
10 Landwehr, Larkin, Lightner, Lloyd, P. Long, Mason, Mayans, Mays,
11 McClure, McCreary, McKinney, McLeland, Miller, Jim Morrison,
12 Judy Morrison, Myers, Neufeld, Novascone, O'Neal, Osborne, Ost-
13 meyer, Patterson, Pauls, L. Powell, T. Powell, Powers, Pyle, Thimesch,
14 Toplikar, Vickrey and D. Williams

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16 1-29

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18 AN ACT concerning human embryos; relating to criminal penalties.

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20 ~~WHEREAS, Human embryos are human beings at the earliest stage~~
21 ~~of development, and~~

22 ~~—WHEREAS, Some human embryos are being created and then de-~~
23 ~~stroyed to obtain stem cells for research, and~~

24 ~~—WHEREAS, Destructive human embryo research to obtain embry-~~
25 ~~onic stem cells raises grave moral, ethical, scientific and medical issues~~
26 ~~that must be addressed, and~~

27 ~~—WHEREAS, The moral justification for medical or scientific research~~
28 ~~cannot be based upon the dehumanizing and utilitarian premise that the~~
29 ~~end justifies any means; and~~

30 ~~—WHEREAS, Medical research and treatment does not require the de-~~
31 ~~struction of human life, because it can be ethically pursued in other ways,~~
32 ~~including the use of adult stem cells: Now, therefore,~~

33 *Be it enacted by the Legislature of the State of Kansas:*

34 Section 1. (a) It shall be unlawful for any person to:

35 (1) Intentionally or knowingly conduct destructive research on a hu-
36 man embryo;

37 (2) buy, sell, receive or otherwise transfer a human embryo with the
38 knowledge that such embryo will be subjected to destructive research; or

39 (3) buy, sell, receive or otherwise transfer gametes with the knowl-
40 edge that a human embryo will be produced from such gametes to be
41 used in destructive research.

42 (b) Upon conviction of a violation of subsection (a), a person shall be
43 guilty of a severity level 5, person felony.

1 (c) As used in this section:

2 (1) “Destructive research” means medical procedures, scientific or
3 laboratory research or other kinds of investigation that kills or injures the
4 subject of such research. It does not include:

5 (A) In vitro fertilization and accompanying embryo transfer to a
6 woman’s body; or

7 (B) any ~~diagnostic~~ procedure that may benefit the human embryo
8 subject to such tests.

9 (2) “Gamete” means a human sperm or unfertilized human ovum.

10 (3) “Human embryo” means a genetically complete living organism
11 of the species homosapiens, from the single cell stage to eight weeks
12 development, that is not located in a woman’s body.

13 **[(4) “Injury” means an act that would cause physical harm or**
14 **damage to the embryo such as:**

15 **[(A) Damaging the embryo in such a way that the embryo could**
16 **not survive (severe damage);**

17 **[(B) damage to the outer layer such that the embryo could not**
18 **be implanted; and**

19 **[(C) damage or removal of the cells inside of the embryo such**
20 **that the embryo could not develop.**

21 **Injury does not preclude “preimplantation genetic diagnosis**
22 **(PGD)” in which only one or two cells are removed from an early**
23 **embryo to check the genetic makeup of the embryo for genetic**
24 **disease.]**

25 Sec. 2. This act shall take effect and be in force from and after its
26 publication in the statute book.

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