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## 1998 Survey of Rhode Island Law: Legislation: Health and Safety: An Act Relating to Health and Safety - Human Cloning

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**Health and Safety. *An Act Relating to Health and Safety – Human Cloning.*** Provides a prohibition against human cloning. Effective, July 7, 1998. R.I. Pub. Laws ch. 189.

This legislation (the Act) prohibits human cloning. The Act's stated purpose is two-fold: 1) to ban the generation of a human being through cloning processes, and 2) to protect Rhode Islanders from potential indignity resulting from cloning industries.<sup>1</sup> This restriction is not intended to apply to the various cloning processes that would not conclude in the copying of a complete human being.<sup>2</sup> Likewise, it is not intended to apply to those medical procedures employed to assist a woman with pregnancy, as long as such a procedure is not specifically intended to produce a human clone.<sup>3</sup>

The Act provides that "[n]o 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."<sup>4</sup> Yet, it protects certain research and practices. The Act shall not be construed "to restrict areas of biomedical, microbiological, and agricultural research or practices not expressly prohibited in this section."<sup>5</sup> Additionally, the Act shall not be construed to prohibit "[i]n vitro fertilization, the administration of fertility-enhancing drugs, or other medical procedures used to assist a woman in becoming or remaining pregnant."<sup>6</sup>

For violations of the Act it provides for a maximum civil penalty of one million dollars (\$1,000,000) against business organizations or two hundred fifty thousand dollars (\$250,000) against individuals.<sup>7</sup> Unless the violator derives pecuniary gain from such prohibited activities, then "a civil penalty of not more than an amount equal to the amount of the gross gain multiplied by two

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1. See R.I. Gen. Laws § 23-16.4-1 (1956) (1996 Reenactment & Supp. 1998).

2. See *id.*

3. See *id.*

4. *Id.* § 23-16.4-2(a).

5. *Id.* § 23-16.4-2(c)(1).

6. *Id.* § 23-16.4-2(c)(2).

7. See *id.* § 23-16.4-3(a), (b).

(2)" can be assessed.<sup>8</sup> Finally, the prohibition in this Act will "expire five (5) years from [July 7, 1998]."<sup>9</sup>

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8. *Id.* § 23-16.4-3(c).

9. *Id.* § 23-16.4-4.