

CHAPTER 12.1-39 HUMAN CLONING

12.1-39-01. Definitions.

As used in this chapter, unless the context otherwise requires:

1. "Fetus" means a living organism of the species homo sapiens from eight weeks' development until complete expulsion or extraction from a woman's body, or until removal from an artificial womb or other similar environment designed to nurture the development of such organism.
2. "Human cloning" means human asexual reproduction, accomplished by introducing the genetic material of a human somatic cell into a fertilized or unfertilized oocyte, the nucleus of which has been or will be removed or inactivated, to produce a living organism with a human or predominantly human genetic constitution.
3. "Human embryo" means a living organism of the species homo sapiens from the single-celled state to eight weeks' development.
4. "Human somatic cell" means a cell having a complete set of chromosomes obtained from a living or deceased human organism of the species homo sapiens at any stage of development.
5. "Oocyte" means a human female germ cell, also known as an egg.

12.1-39-02. Human cloning - Prohibition - Penalty.

1. A person may not intentionally or knowingly:
 - a. Perform or attempt to perform human cloning;
 - b. Participate in performing or attempting to perform human cloning;
 - c. Transfer or receive the product of a human cloning for any purpose; or
 - d. Transfer or receive, in whole or in part, any oocyte, human embryo, human fetus, or human somatic cell, for the purpose of human cloning.
2. Nothing in subsection 1 restricts areas of scientific research not specifically prohibited, including in vitro fertilization, the administration of fertility-enhancing drugs, or research in the use of nuclear transfer or other cloning techniques to produce molecules, deoxyribonucleic acid, tissues, organs, plants, animals other than humans, or cells other than human embryos.
3. A person who violates subdivision a or b of subsection 1 is guilty of a class C felony. A person who violates subdivision c or d of subsection 1 is guilty of a class A misdemeanor.