

10 AN ACT CONCERNING

20 The Use of Genetic Engineering

30 FOR the purpose of the prevention of selective eugenics

40 By enacting,

50 Article-Health-General Law

60 Section §20-1301

70 Annotated Code of Maryland (2009)

80 SECTION ONE: BE IT ENACTED BY THE MARYLAND STUDENT LEGISLATURE,

90 that the law of Maryland read as follows:

100 §20-1301

110 (A). (1). IN THIS SUBTITLE, THE FOLLOWING WORDS HAVE THE MEANINGS
120 INDICATED.

130 (2). “GENETIC ENGINEERING” MEANS ANY PROCEDURE WHICH INVOLVES
140 SCIENTIFIC AND/OR MEDICAL INTERFERENCE IN THE GENOME OR
150 GENETIC MAKEUP OF A HUMAN BEING OR HUMAN EMBRYO FROM
160 THE POINT OF CONCEPTION TO THE POINT OF DEATH.

170 (3). “ELECTIVE” MEANS ANY PROCEDURE WHICH WOULD HAVE SOLELY
180 COSMETIC EFFECTS, OR WOULD BE FOR THE EXPRESSED, SOLE, OR
190 PRIMARY PURPOSE OR AIM OF DETERMING COSMETIC, PERSONALITY,
200 ATHLETIC ABILITY, GENDER, OR NON-LIFE-THREATENING PHYSICAL
210 TRAITS, INCLUDING “PRE-MPLANTATION GENETIC DIAGNOSIS.”

220 (4). “REQUIRED” MEANS ANY PROCEDURE NECESSARY FOR MAINTAINING
230 THE LIFE OF THE INDIVIDUAL IN QUESTION, AS DEFINED BY §20-1301
240 SUBSECTION (2).

250 (B). (1). NO PERSON MAY SOLICIT AN ELECTIVE GENETIC ENGINEERING PROCEDURE
260 AS DESCRIBED IN §20-1301 PARAGRAPH (A)(3), ON BEHALF OF ANYONE WITHIN
270 THE CARE OR CUSTODY OF THAT INDIVIDUAL, INCLUDING HUMAN EMBRYOS.

280 (2). A PERSON VIOLATING §20-1301 PARAGRAPH (B)(1) IS GUILTY OF A MISDEMEANOR
290 AND UPON CONVICTION IS SUBJECT TO IMPRISONMENT OF NOT MORE THAN ONE
300 YEAR AND/OR A FINE NOT EXCEEDING \$5,000.

310 (3). NO PERSON MAY HAVE PERFORMED, OR PAY FOR THE PERFORMANCE OF, AN
320 ELECTIVE GENETIC ENGINEERING PROCEDURE AS DESCRIBED IN §20-1301
330 PARAGRAPH (A)(3), ON ANYONE WITHIN THE CARE OR CUSTODY OF THAT
340 INDIVIDUAL, INCLUDING HUMAN EMBRYOS.

350 (4). A PERSON VIOLATING §20-1301 PARAGRAPH (B)(3) IS GUILTY OF A FELONY AND
360 UPON CONVICTION IS SUBJECT TO IMPRISONMENT OF NOT LESS THAN FIVE
370 YEARS AND A FINE NOT TO EXCEED \$10,000, AND NO LESS THAN THREE YEARS
380 MUST BE SERVED BEFORE PAROLE IS GRANTED.

390 (5). NO PERSON MAY, WHETHER OR NOT IN A CAPACITY AS A MEDICAL
400 PRACTITIONER OR RESEARCHER, ADVERTISE THE PERFORMANCE OF
410 ELECTIVE GENETIC ENGINEERING PROCEDURES AS DEFINED BY SECTION
420 ABOVE.

430 (6). A PERSON VIOLATING §20-1301 PARAGRAPH (B)(5) IS GUILTY OF A MISDEMEANOR
440 AND UPON CONVICTION IS SUBJECT TO IMPRISONMENT OF NOT MORE THAN ONE
450 YEAR AND A FINE NOT TO EXCEED \$3,000.

460 (7). NO PERSON MAY, WHETHER OR NOT IN A CAPACITY AS A MEDICAL
470 PRACTITIONER OR RESEARCHER, PERFORM ANY ELECTIVE GENETIC
480 ENGINEERING AS DESCRIBED IN §20-1301 PARAGRAPH (A)(3).

490 (8). A PERSON VIOLATING §20-1301 PARAGRAPH (B)(8) IS GUILTY OF A FELONY AND
500 UPON CONVICTION IS SUBJECT TO IMPRISONMENT OF NOT LESS THAN TEN
510 YEARS AND A FINE OF NOT LESS THAN \$15,000, AND NO FEWER THAN SEVEN
520 YEARS MAY BE SERVED BEFORE PAROLE IS GRANTED.

530 (C). (1). NO PART OF §20-1301 SUB-SECTIONS (A) OR (B) SHALL BE CONSTRUED TO
540 PROHIBIT REQUIRED PROCEDURES, AS DEFINED BY §20-1301 PARAGRAPH (A)(4).

550 (2). REQUIRED PROCEDURES, AS DEFINED BY §20-1301 PARAGRAPH (A)(4), SHALL
560 NOT BE PROHIBITED SHOULD THEY HAVE UNINTENDED COSMETIC
570 CONSEQUENCES.

580 SECTION 2: AND BE IT FURTHER ENACTED, that this act shall take effect June 1, 2009.

590 **MANDATES:**

600 Martin O' Malley, Governor
610 Anthony Brown, Lieutenant Governor
620 Members of the Maryland State Senate
630 Members of the Maryland House of Delegates

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