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**AN BILLE UM THAIGHDE GASCHILLE (SUTHANNA  
DAONNA A CHOSAINT) 2008  
STEM-CELL RESEARCH (PROTECTION OF HUMAN  
EMBRYOS) BILL 2008**

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*Mar a tionscnaíodh  
As initiated*

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Section

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  3. Embryo-destructive research.
  4. Creation and use of human-animal hybrids.
  5. Donation and procurement of oocytes and human embryos.
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# BILL

*entitled*

AN ACT TO PROHIBIT THE CREATION OF HUMAN  
EMBRYOS FOR RESEARCH, TO PROHIBIT ALL  
RESEARCH INVOLVING OR DERIVING FROM THE  
DESTRUCTION OF HUMAN EMBRYOS AND TO  
PROVIDE FOR RELATED MATTERS.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—In this Act:

Interpretation.

“embryo-destructive research” means any scientific or laboratory  
research, or any other investigation, which—

(a) involves damage to or destruction of a human embryo, or

(b) makes use of cells derived from any scientific or laboratory  
research, or any other investigation, which involved  
damage to or destruction of a human embryo whether  
such research or investigation occurred outside the State  
or otherwise. “Embryo-destructive research” does not  
include—

(i) in vitro fertilisation and accompanying embryo  
transfer to a woman’s body, or

(ii) any diagnostic procedure carried out for the benefit  
of the human embryo which is subject to such test;

“facilitate” means direct, sponsor, materially assist or otherwise participate in;

“fertilisation” means the biological process that begins when a spermatozoon makes contact with an oocyte, and ends with the formation of a human embryo;

“human-animal hybrid” means—

(a) an embryo produced by fertilising a human oocyte with non-human sperm or by fertilising a non-human oocyte with human sperm,

- (b) an embryo produced by introducing a non-human nucleus into a human oocyte or by introducing a human nucleus into a non-human oocyte,
- (c) an embryo containing genetically distinct populations of human pluripotent or totipotent cells and non-human pluripotent or totipotent cells, 5
- (d) an embryo containing at least haploid sets of chromosomes from both a human and a non-human life form,
- (e) a non-human life form engineered such that human gametes develop within the body of a non-human life form, or 10
- (f) a non-human life form engineered such that it contains a human brain or brain derived wholly or predominantly from human neural tissues;

“human cloning” means the creation of a human embryo by a process other than fertilisation, including by somatic cell nuclear transfer; 15

“human embryo” means—

- (a) a developing organism of the species *Homo sapiens* however generated, beginning with the single diploid cell resulting from the fusion of the male and female pronuclei, or from somatic cell nuclear transfer, or from another means, until the end of the eighth week of development, or 20
- (b) an oocyte that is in the process of fertilisation or undergoing any other process capable of resulting in an embryo; 25

“oocyte” means a human female gamete;

“pluripotent cells” means cells that can generate all cell types in an organism but are not capable of developing into an entire organism;

“responsible body” means any organisation, corporate body or other entity in charge of or responsible for the setting up, financing, direction or continued existence of any laboratory or other research involving any of the activities proscribed in sections 2, 3, 4 or 5; 30

“somatic cell” means a cell, other than a spermatozoon or oocyte, having a complete set of chromosomes obtained from a living or deceased human body at any stage of development; 35

“somatic cell nuclear transfer” means the introduction of the genetic material from one or more somatic cells into a fertilised or unfertilised oocyte, whose nuclear material has been removed or inactivated, so as to produce an embryo or other organism; 40

“spermatozoon” means a human male gamete;

“totipotent cells” means cells that can generate all cell types in an organism and are capable of developing into an entire organism.

Creation of human embryos.

**2.—(1)** It shall be unlawful to bring into being, or facilitate bringing into being, a human embryo for the purpose of carrying out embryo-destructive research. 45

- (2) It shall be unlawful to carry out, or facilitate, human cloning.
- 3.—It shall be unlawful to carry out, or facilitate, embryo-destructive research. Embryo-destructive research.
- 4.—(1) It shall be unlawful to bring into being, or facilitate bringing into being, a human-animal hybrid. Creation and use of human-animal hybrids.
- (2) It shall be unlawful to carry out, or facilitate, scientific or laboratory research or any other investigation involving the use of human-animal hybrids.
- 5.—(1) It shall be unlawful to donate, or otherwise transfer, or facilitate donation or transfer of, any oocyte or human embryo, whether for financial or other reward or otherwise, with the knowledge that such oocyte or human embryo is intended for use, whether within or outside the State, in human cloning, embryo-destructive research or the creation of a human-animal hybrid. Donation and procurement of oocytes and human embryos.
- (2) It shall be unlawful to knowingly procure, attempt to procure, or facilitate the procurement of, any oocyte or human embryo, whether by offering financial or other reward or otherwise, for the purpose, whether within or outside of the State, of human cloning, embryo-destructive research or the creation of a human-animal hybrid.
- (3) It shall be unlawful to procure, or to attempt to procure, or to facilitate the procurement of cells derived from embryo-destructive research.
- 6.—(1) Contravention of *sections 2, 3, 5, 5(2) or 5(3)*— Offences.
- (a) by a responsible body is an offence punishable on conviction on indictment by a fine of up to €250,000,
- (b) by any other person is an offence punishable on summary conviction by a fine of up to €5,000.
- (2) Contravention of *section 5(1)*—
- (a) by a responsible body is an offence punishable on conviction on indictment by a fine of up to €50,000,
- (b) by any other person is an offence punishable on summary conviction by a fine of up to €5,000.
- (3) Where an offence under this Act has been committed by a responsible body and is proved to have been committed with the consent or connivance of or to be attributable to any neglect on the part of the person being a director, manager, secretary or other officer of the responsible body, or a person who was purporting to act in any such capacity, that person as well as the responsible body shall be guilty of an offence and be liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.
- (4) Where the affairs of a responsible body are managed by its members, *subsection (3)* shall apply in relation to the acts and

defaults of a member in connection with his or her functions of management as if he or she were a director or manager of the responsible body.

Short title.

**7.**—This Act may be cited as the Stem-Cell Research (Protection of Human Embryos) Act 2008.

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