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PROHIBIT HUMAN CLONING

Senate Bill 864 (Substitute S-1)

Sponsor: Sen. Loren Bennett

**Senate Committee: Health Policy and
Senior Citizens**

House Committee: Health Policy

First Analysis (5-13-98)

THE APPARENT PROBLEM:

The startling news from a year ago that a Scottish scientist had successfully cloned a sheep from an adult animal, coupled with the announcement by a Chicago physicist of his intentions to set up a clinic to clone humans, has spurred efforts in this and other states and on a federal level to ban the cloning of human beings. (For more information, see the House Legislative Analysis Section's analysis on House Bills 4846, 4962, and 5475 dated 1-27-98.) Legislation has been proposed to define human cloning and other relevant terminology and to ban health professionals and employees of health facilities and agencies from attempts at cloning humans.

THE CONTENT OF THE BILL:

The bill is part of a package of bills to ban human cloning in the state. (The other bills, House Bills 4846, 4962, and 5475, have been passed by both chambers and are now awaiting House concurrence with Senate amendments.) Senate Bill 864 would amend the Public Health Code to prohibit persons licensed or registered under the code to clone or attempt to clone human beings, and would require health facilities and agencies to ban such persons or any other person from such work in a facility owned or operated by the health facility or agency. "Human cloning" would be defined as "the use of human somatic cell nuclear transfer technology to produce a human embryo." The term "human embryo" would be defined as "a human egg cell with a full genetic composition capable of differentiation and maturing into a complete human being." A somatic cell would mean a human cell that was not and would not become a sperm or egg cell. "Human somatic cell nuclear transfer" refers to the procedure used in transferring the nucleus of a human somatic cell into an egg cell from which the nucleus had been removed or rendered inert. The bill specifies that scientific research or cell-

based therapies not specifically prohibited by the bill would be allowed.

A health professional violating the prohibition on human cloning would be subject to the civil and administrative penalties contained in House Bill 4846 as passed by the Senate (a civil fine of \$10 million and license revocation for at least five years.) A health facility or agency found in violation of the bill's provisions would be subject to license or registration sanctions and an administrative fine of \$5 million. The bill would not give a private right of action to any person.

The bill is tie-barred to House Bills 4846, 4962, and 5475.

MCL 333.16274, 333.20165, and 333.20197

FISCAL IMPLICATIONS:

According to the Senate Fiscal Agency, it is not possible to determine the fiscal impact of the bill on the Department of Consumer and Industry Services without being able to predict the number of cloning violations or the extent to which the DCIS would choose to impose a fine instead of the existing punitive measures. (4-17-98)

ARGUMENTS:

For:

Technologies are advancing so rapidly that practices once thought to be only possible in science fiction stories are now becoming possibilities in the present or near future. Though the majority of medical and scientific researchers work within guidelines established by national and international societies and professional groups, there are those who are guided

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only by their own consciences. Since human cloning opens up a conundrum of moral, ethical, and legal questions, legislation must be enacted to protect the sanctity of human life and to set limits on the types of research and experimentation that can be done. Some would argue that it is too soon to set such parameters, since the implications of the latest animal cloning experiments are still being debated. But sometimes it is necessary to draw a line in the sand before an important line is crossed. This is just such a time. The bill and its companion bills will not stop the dialogue on human cloning, but it will prevent or deter experimentation on human cloning until a consensus can be reached on the subject. More importantly, the definitions in the bill have been carefully crafted so to respect the sanctity of human life without imposing undue restrictions on legitimate scientific research. Many pharmaceutical researchers feel they can continue to conduct important and potentially lifesaving research that involves the use of various cloning technologies within the parameters of the bill. The bill may not be a final answer, but it represents an important first step.

Against:

Though the definitions contained in the bill are a vast improvement over the language contained in the bill as introduced, some members of the research community still feel that the legislation may have a chilling effect on research.

POSITIONS:

The Department of Community Health supports the bill. (5-12-98)

Right to Life of Michigan supports the bill. (5-12-98)

The Michigan Catholic Conference supports the bill. (5-12-98)

Pharmaceutical Research and Manufacturers of America (PHARMA) is neutral on the bill. (5-12-98)

Analyst: S. Stutzky

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.