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PROHIBIT CLONING

House Bill 4846

Sponsor: Rep. Profit

Committee: Health Policy

Complete to 1-15-98

A SUMMARY OF HOUSE BILL 4846 AS INTRODUCED 5-28-97

The bill would amend the Public Health Code to prohibit a person licensed or registered under the provisions of the code, or any individual, from cloning or attempting to clone a human being. "Clone" or "cloning" would be defined as "the asexual growing of a genetically identical human being from a single somatic cell of an individual." Under the bill, a licensee, registrant, or other person who violated the ban on cloning would be subject to a civil penalty of up to \$10 million.

In addition to the civil penalty, a licensee or registrant would also be subject to administrative penalties as prescribed in the code. Under the code, the boards governing the health professions appoint disciplinary subcommittees who have the authority to impose license sanctions and other penalties if certain grounds exist. The bill would add cloning or attempting to clone a human to the list of activities that constitute unprofessional conduct which in turn would be grounds for a disciplinary subcommittee to permanently revoke a health care professional's license or registration. Further, the bill would prohibit a board or task force from reinstating the license or registration of a person whose license or registration was revoked because of engaging in cloning activities. A person whose license or registration was revoked could not reapply for reinstatement, and so could not be granted a hearing to contest the revocation. The Department of Consumer and Industry Services would have to return any application for reinstatement from a person whose license or registration had been revoked for cloning.

The bill would also specify that the ban on cloning would not prohibit a licensed health professional from engaging in assisted reproductive technology. "Assisted reproductive technology" would be defined as a treatment or procedure to enhance the reproductive capability of a human through the manipulation of human oocytes (eggs that have not reached full development) or embryos, and would include in vitro fertilization, gamete intra fallopian transfer, and zygote intra fallopian transfer. Assisted reproductive technology would not include human cloning. (Note: In vitro fertilization (IVF) refers to fertilization outside of the body in a laboratory. Gamete intra fallopian transfer (GIFT) is a procedure where eggs and sperm (the gametes) are combined outside of the body and immediately placed into the fallopian tubes to achieve fertilization. Zygote intra fallopian transfer (ZIFT) is in vitro fertilization with a transfer of the zygote (the product of a union between an egg and a sperm) into the fallopian tube -- a combination of in vitro fertilization and gamete intra fallopian transfer.)

Further, the bill would add failure to comply with the child immunization reporting requirements instituted by Public Act 540 of 1996 (for more information, see the House Legislative Analysis Sections' analysis of House Bill 5477 dated 1-14-97) to the list of activities

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constituting grounds for license and registration sanctions. Sanctions could include license or registration denial, revocation, restitution, probation, suspension, limitation, reprimand, or a fine.

MCL 333.16221 et al.

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■ 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.