

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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Senate Bill 864 (Substitute S-1 as reported)
Sponsor: Senator Loren Bennett
Senate Committee: Health Policy and Senior Citizens

CONTENT

The bill would amend the Public Health Code to prohibit a health profession licensee or registrant from engaging in or attempting to engage in “human cloning”, that is, the use of “human somatic cell nuclear transfer” technology to produce a human embryo. A health profession licensee or registrant who violated the prohibition would be subject to the civil and administrative penalties described in House Bill 4846 (S-1); that is, a civil fine of \$10 million and license revocation for at least five years. The prohibition would not prohibit scientific research or cell-based therapies not specifically prohibited by the bills. (“Human somatic cell” would mean a cell of a developing or fully developed human being that was not and would not become a sperm or egg cell. “Human somatic cell nuclear transfer” would mean transferring the nucleus of a human somatic cell into an egg cell from which the nucleus had been removed or rendered inert.)

The bill also would prohibit a health facility or agency from allowing a licensed or registered health professional, or any other individual, from engaging in or attempting to engage in human cloning in a facility owned or operated by the facility or agency. If the Department of Consumer and Industry Services (DCIS) determined that a health facility or agency had violated this prohibition, the Department would have to impose an administrative fine of \$5 million. The DCIS also could deny, limit, suspend, or revoke the facility’s or agency’s license or license application.

Currently, the DCIS may deny, limit, suspend, or revoke a health facility’s or agency’s license or registration, if the Department finds that the facility or agency has violated certain provisions listed in the Code. The bill would further allow the DCIS to impose an administrative fine for violation of the provisions.

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

MCL 333.20165 et al.

Legislative Analyst: G. Towne

FISCAL IMPACT

This bill would allow the Department of Consumer and Industry Services to impose administrative fines on both an individual licensee and a licensed health facility or agency that engaged in or attempted to engage in human cloning. Additionally, this bill would allow the Department to impose an indeterminate administrative fine on licensed agencies or facilities found to be in violation of existing standards. It is not possible to determine what the fiscal impact of this bill would be on the Department 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.

Date Completed: 4-17-98

Fiscal Analyst: M. Tyszkiewicz