

BILL ANALYSIS

Senate Research Center
77R7256 JAT-F

S.B. 1209
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Jurisprudence
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DIGEST AND PURPOSE

Currently, there are no statutes that address the recent advancements in the science of cloning. As proposed, S.B. 1209 prohibits the cloning of human beings and provides a civil and criminal penalty cloning.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 161, Health and Safety Code, by adding Subchapter Q, as follows:

SUBCHAPTER Q. HUMAN CLONING

Sec. 161.401. DEFINITIONS. Defines “human cloning,” “human embryo,” “human somatic cell,” and “human somatic cell nuclear transfer.”

Sec. 161.402. HUMAN CLONING PROHIBITED. (a) Prohibits a person from engaging in or attempting to engage in human cloning.

(b) Provides that this subchapter does not restrict scientific research or a cell-based therapy unless the research or therapy is expressly prohibited by this subchapter.

Sec. 161.403. HEALTH FACILITIES. (a) Prohibits a health facility from permitting a person to violate Section 161.402 in or on the premises of the facility.

(b) Provides that a health care facility that violates this section, in addition to the penalties provided by this subchapter, is subject to the same consequences that the facility would be subject to if the facility had violated the regulatory law applicable to the facility, including any applicable regulatory rules.

Sec. 161.404. CIVIL PENALTY. (a) Provides that a person that violates this subchapter is liable for a civil penalty of not more than \$10 million for each violation.

(b) Authorizes the attorney general to sue to collect the penalty.

Sec. 161.405. CRIMINAL OFFENSE. (a) Provides that a person commits an offense if the person intentionally engages in human cloning.

(b) Provides that an offense under this section is a felony of the second degree.

SECTION 2. Effective date: September 1, 2001.