

BILL ANALYSIS

Senate Research Center
78R758 JTS-D

S.B. 156
By: Nelson
Jurisprudence
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As Filed

DIGEST AND PURPOSE

Currently, Texas law does not address the issue of human cloning. As proposed, S.B. 156 bans human cloning for any purpose, allows for other types of cloning research, and provides that anyone who intentionally engages in human cloning commits a felony of the first degree.

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 R, as follows:

SUBCHAPTER R. HUMAN CLONING

Sec. 161.451. DEFINITIONS. Defines “human cloning,” “human embryo,” “human somatic cell,” and “human somatic cell nuclear transfer.”

Sec. 161.452. 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 therapies using cloning technologies not expressly prohibited by this subchapter.

Sec. 161.453. LICENSED VIOLATORS. Provides that a person licensed by a state agency as a health care practitioner or health care facility who violates Section 161.452 is subject to the same consequence, other than a civil penalty, that the person would be subject to if the person had violated the licensing law applicable to the person or rules adopted under that law.

Sec. 161.454. CIVIL PENALTY. (a) Provides that a person who violates Section 161.452 is liable to the state for a civil penalty of not less than \$5 million or more than \$10 million for each violation.

(b) Requires the amount of the penalty to be based on certain criteria.

(c) Authorizes the attorney general to sue to collect a civil penalty under this section. Authorizes the commissioner of public health (commissioner) or the attorney general, in the suit, to each recover the reasonable expenses the officer incurred in obtaining the penalty, including investigation and court costs, reasonable attorney’s fees, witness fees, and other expenses. Requires the expenses recovered by the commissioner under this section to be used for the administration and enforcement of this subchapter. Requires the expenses recovered by the attorney general to be used by the attorney general.

Sec. 161.455. 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 first degree.

SECTION 2. Effective date: September 1, 2003.