

## BILL ANALYSIS

Senate Research Center  
79R5577 JTS-D

S.B. 1164  
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Health & Human Services  
5/17/2005  
As Filed

### AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Despite the growing controversy regarding stem cell research, both opponents and advocates agree that human reproduction through cloning is scientifically problematic and morally objectionable.

According to the Human Genome Project, experiments involving nonhuman animals have resulted in numerous problems. In addition to low success rates, cloned animals tend to have more compromised immune function and higher rates of infection, tumor growth, and other disorders. Some studies have shown that cloned mice live in poor health and die earlier than noncloned mice. About a third of the cloned calves born alive have died young, and many of them were abnormally large. Additionally, clones have been known to die mysteriously.

S.B. 1164 prohibits public institutions of higher education from engaging or attempting to engage in human 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 51, Education Code, by adding Subchapter I, as follows:

#### SUBCHAPTER I. PROHIBITION AGAINST HUMAN CLONING AND OTHER USES OF HUMAN TISSUE

Sec. 51.451. DEFINITIONS. Defines "human cloning," "human somatic cell," "institution of higher education," "nuclear transplantation," "nucleus," "oocyte," "regenerative or reparative medical therapy or treatment," and "unfertilized blastocyst."

Sec. 51.452. HUMAN CLONING PROHIBITED. Prohibits an institution of higher education from engaging in or attempting to engage in human cloning. Prohibits an institution of higher education from maintaining an unfertilized blastocyst for longer than a specified period of time.

Sec. 51.453. PROTECTION OF RESEARCH. Provides that this chapter does not restrict or prohibit certain research.

Sec. 51.454. RESEARCH OVERSIGHT. Sets forth requirements to be met regarding research under Section 51.453(1).

Sec. 51.455. VOLUNTARY DONATION OF OOCYTES. Prohibits an institution of higher education from using an oocyte in nuclear transplantation research unless specific circumstances exist.

Sec. 51.456. PURCHASE OR SALE OF OOCYTE OR BLASTOCYST. Prohibits an institution of higher education from purchasing, selling, or otherwise transferring for valuable consideration a human oocyte or unfertilized blastocyst. Sets forth reasonable payments not included as valuable consideration, in this section.

Sec. 51.457. LOSS OF STATE FUNDING. Provides that an institution of higher education that violates this subchapter is ineligible to receive state funds.

Sec. 51.458. CIVIL PENALTY. Provides that a person who violates this subchapter is liable to the state for a civil penalty of not more than \$10 million for each violation. Sets forth the required criteria that the amount of the penalty is based on. Authorizes the attorney general to sue in order to collect a civil penalty under this section. Authorizes the attorney general to recover certain reasonable expenses.

SECTION 2. Effective date: September 1, 2005.