

BILL ANALYSIS

Senate Research Center
79R5623 JTS-D

S.B. 943
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Health & Human Services
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AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

The purpose of the Human Cloning Prohibition Act (Act), S.B. 943, is to prohibit the creation of cloned humans in Texas, whether the cloned humans are intended for research or reproductive purposes.

The Act will define human cloning in statute as human asexual reproduction that produces a living and complete human organism that is virtually identical genetically to an existing or previously existing human. Asexual reproduction is described in the Act as the fusion of an enucleated donor egg and a somatic cell of the person to be cloned. At the moment of fusion, a cloned human embryo is created; all chromosomes are present for the embryo to continue development. This form of asexual reproduction is often referred to as somatic cell nuclear transfer and is the identical reproductive process by which animal clones are successfully created in the laboratory, implanted in a womb, and are birthed.

The Act imposes a civil and criminal penalty on a person or an entity that performs or attempts to perform human cloning; participates in an attempt to perform human cloning; ships, transfers, or receives, for any purpose, a human embryo or fetus produced by human cloning; ships, transfers, or receives, in whole or in part, any human egg, embryo, fetus, or human somatic cell for the purpose of human cloning; or performs or attempts to perform research on a human embryo or fetus created by human cloning. A person or entity that violates this Act is liable to the state for a civil penalty not less than \$500,000, or more than \$1 million, and commits a felony of the first degree.

It is not a violation of the Act to practice cloning techniques to produce molecules, deoxyribonucleic acid, tissue, organs, or any other cell, as long as the cloning does not produce a human embryo; to practice in vitro fertilization; to conduct stem-cell research involving embryos produced by in vitro fertilization; to administer fertility-enhancing drugs or practice other medical procedures to assist a woman in becoming or remaining pregnant so long as that procedure is not specifically intended to result in the gestation or birth of a child who is genetically identical to another conceptus, embryo, fetus, or human being, living or dead; or to produce plants or animals through asexual reproduction.

A person does not violate this Act if he or she is the recipient of a treatment involving stem cells extracted from a cloned human embryo.

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 Subtitle H, Title 2, Health and Safety Code, by adding Chapter 168, as follows:

CHAPTER 168. USE OF HUMAN CELLS AND TISSUE

Sec. 168.001. DEFINITIONS. Defines "embryo," "fetus," "human cloning," "oocyte," and "somatic cell."

Sec. 168.002. HUMAN CLONING PROHIBITED. Prohibits a person from knowingly engaging in certain acts related to human cloning. Provides that this section does not restrict areas of scientific research not specifically prohibited by this chapter and does not apply to certain medical procedures to assist a woman in becoming or remaining pregnant.

Sec. 168.003. CIVIL PENALTY. Provides that a person who violates this chapter is liable to the state for a civil penalty of not less than \$500,000 or more than \$1 million for each violation and sets forth criteria for determining the amount of the penalty. Authorizes the attorney general to sue to collect a civil penalty under this section and to recover the reasonable expenses incurred in obtaining the penalty, including investigation and court costs, reasonable attorney's fees, witness fees, and other expenses. Authorizes money recovered by the attorney general under this section to be appropriated only to the office of the attorney general to administer and enforce this chapter.

Sec. 168.004. CRIMINAL OFFENSE. Provides that a person commits an offense if the person violates Section 168.002 and that an offense under this section is a felony of the first degree.

SECTION 2. Effective date: September 1, 2005.