

## NONTHERAPEUTIC RESEARCH AND CLONING

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### House Bills 4900-4902

Sponsor: Rep. Andrew Meisner

Committee: Health Policy

Complete to 3-20-06

### A SUMMARY OF HOUSE BILLS 4900 - 4902 AS INTRODUCED 6-8-05

House Bill 4900 would remove references to "a human embryo" from several sections of the Public Health Code (MCL 333.2685) dealing with nontherapeutic research and human cloning. Generally speaking, the bill would remove certain prohibitions on nontherapeutic research on human embryos, revise the definition of "human cloning," and increase penalties for engaging in human cloning.

The following provisions would be affected.

\*\* The code prohibits a person from using a live human embryo, fetus, or neonate for nontherapeutic research if the research substantially jeopardizes the life or health of the embryo, fetus, or neonate. The bill would strike "human embryo" from that provision.

\*\* The code prohibits nontherapeutic research from being performed on an embryo or a fetus known by the researcher to be the subject of a planned abortion performed for any purpose other than to save the life of the mother. The term "embryo" would be removed from that provision.

\*\* The code prohibits research from being knowingly performed on a dead embryo, fetus, or neonate unless the consent of the mother is first obtained (except for routine pathological studies). The bill would remove the term "embryo" from that provision.

\*\* The current definition in the code of "human cloning" is *the use of human somatic cell nuclear transfer technology to produce a human embryo*. The bill would remove the term "human embryo" and would define "human cloning" as *creating or attempting to create a human being by using the somatic cell nuclear transfer procedure for the purpose of, or to implant, the resulting product to initiate a pregnancy that could result in the birth of a human being*.

The bill would also provide definitions of the term "fetus" and "neonate." A neonate would be *a newborn*. A fetus would be *the product of conception from implantation until delivery*. The current definition of "human embryo" would be deleted.

House Bill 4901 would amend the Michigan Penal Code (MCL 750.430a) in increase the maximum term of imprisonment for intentionally engaging in or attempting to engage in human cloning from a maximum of 10 years to a maximum of 15 years. House Bill 4902

would make the same change to the sentencing guidelines in the Code of Criminal Procedure (MCL 777.16v).

**FISCAL IMPACT:**

By constricting application of the cloning law while increasing penalties for its violation, the bills would have an indeterminate fiscal impact on the state and local units of government; any impact would depend on how the bills affected felony convictions and sentences.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.