

HOUSE BILL No. 4858

July 27, 2011, Introduced by Reps. Agema, Poleski, Shirkey, Price, Heise, Callton, McMillin, Kowall, Kurtz, Haveman, Hooker, MacGregor, Damrow, O'Brien, Horn, Jenkins, Gilbert, Hughes, Johnson, LaFontaine, Muxlow, Goike, Somerville and Cotter and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 16274 (MCL 333.16274), as added by 1998 PA 108.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16274. (1) A licensee or registrant shall not engage in
2 or attempt to engage in human cloning.

3 (2) Subsection (1) does not prohibit scientific research or
4 cell-based therapies not specifically prohibited by that
5 subsection.

6 (3) A licensee or registrant who violates subsection (1) is
7 subject to the administrative penalties prescribed in sections
8 16221 and 16226 and to the civil penalty prescribed in section
9 16275.

10 (4) This section does not give a person a private right of

1 action.

2 (5) As used in this section:

3 (a) ~~"Human cloning" means the use of human somatic cell~~
4 ~~nuclear transfer technology to produce a human embryo.~~ **THE ASEXUAL**
5 **CREATION OR ATTEMPTED CREATION OF A HUMAN BEING AT ANY STAGE OF**
6 **DEVELOPMENT WHO IS SUBSTANTIALLY IDENTICAL GENETICALLY TO ANOTHER**
7 **HUMAN BEING AT ANY STAGE OF DEVELOPMENT, WHETHER LIVING OR**
8 **DECEASED, BY ANY TECHNOLOGICAL MEANS.**

9 (b) ~~"Human embryo" means a human egg cell with a full genetic~~
10 ~~composition capable of differentiating and maturing into a complete~~
11 ~~human being.~~ **"SUBSTANTIALLY IDENTICAL GENETICALLY" MEANS EITHER OF**
12 **THE FOLLOWING:**

13 (i) **SHARING IDENTICAL NUCLEAR GENETIC COMPOSITION THAT MAY OR**
14 **MAY NOT INCLUDE IDENTICAL GENETIC COMPOSITION OF MITOCHONDRIAL DNA**
15 **OR OTHER CELLULAR STRUCTURES NECESSARY TO OR ASSOCIATED WITH THE**
16 **EXPRESSION OF GENETIC FUNCTION OR TRAITS.**

17 (ii) **SHARING A GENETIC COMPOSITION WHERE AN INERT OR**
18 **INCONSEQUENTIAL PORTION OF GENETIC COMPOSITION HAS BEEN**
19 **INTENTIONALLY ALTERED FOR THE PURPOSE OF CIRCUMVENTING THE**
20 **PROHIBITIONS OF THIS SECTION.**

21 ~~—— (c) "Human somatic cell" means a cell of a developing or fully~~
22 ~~developed human being that is not and will not become a sperm or~~
23 ~~egg cell.~~

24 ~~—— (d) "Human somatic cell nuclear transfer" means transferring~~
25 ~~the nucleus of a human somatic cell into an egg cell from which the~~
26 ~~nucleus has been removed or rendered inert.~~