

BILL ANALYSIS

C.S.H.B. 1175
By: King
Regulated Industries
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, no state law exists regulating human cloning. As it stands anyone is free to perform any type of research on human embryos. CSHB 1175 will ban human cloning and some types of related research.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1 amends Chapter 161 of the Health and Safety Code by adding Subchapter R.

Section 161.451 provides definitions for "human cloning," "human embryo," "human somatic cell," and "human somatic cell nuclear transfer."

Section 161.452, subsection (a), bans human cloning. Subsection (b) specifies that this subchapter does not restrict scientific research using nuclear transfer or other cloning techniques in the areas of molecules, DNA, cells other than human embryos, tissues, organs, plants, animals other than humans, or any other research not specifically prohibited by this subchapter.

Section 161.453 deals with licensed violators, stating that a violation of Section 161.452 is treated as a violation of the licensing law under which they operate, with the exception of civil penalties.

Section 161.454 deals with civil penalties. Subsection (a) specifies that a person that violates section 161.452 is liable to the state for a civil penalty of \$5-\$10 million for each violation. Subsection (b) provides guidelines for determining the severity of the penalty. Subsection (c) authorizes the attorney general to sue to collect a civil penalty under this section as well as other expenses and fees related to the suit.

Section 161.455 deals with criminal offenses. Subchapter (a) specifies that a person commits an offense if the person intentionally engages in human cloning. Subsection (b) specifies that an offense is a first-degree felony.

EFFECTIVE DATE

September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The committee substitute for HB 1175 makes changes to SECTION 1 of this bill. Section 161.451 is amended to change the definitions of the terms "human embryo," "human somatic cell," and "humansomatic cell nuclear transfer." Section 161.452, subsection (b) is amended to include types of research that are not prohibited by this bill, which include research on molecules, DNA, cells other than human embryos, tissues, organs, plants, or animals other than humans.

