

NONTHERAPEUTIC STEM CELL RESEARCH

Mitchell Bean, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 4616

Sponsor: Rep. Andy Meisner

House Bill 4617 and 4618

Sponsor: Rep. Mark Meadows

Committee: Judiciary

Complete to 9-21-07

A SUMMARY OF HOUSE BILLS 4616-4618 AS INTRODUCED 4-19-07

In general, it is a felony, punishable by up to five years imprisonment, for a person to use a live human embryo, fetus, or neonate for nontherapeutic research, if the research substantially jeopardizes the life or health of that embryo, fetus, or neonate. Nontherapeutic research is also prohibited on an embryo or fetus that is the subject of a planned abortion unless the abortion was for the purpose of protecting the life of the mother.

House Bills 4616-4718 would amend various laws to allow stem cells to be derived for nontherapeutic research from leftover embryos from in vitro fertilization procedures and nuclear transfer blastocysts, and to increase penalties for human cloning. Specifically, each bill would do the following:

House Bill 4616

House Bill 4616 would amend the Public Health Code (MCL 333.2685). The bill would allow a person to use a live human embryo to derive stem cells for nontherapeutic research (currently defined as "scientific or laboratory research, or other kind of experimentation or investigation not designed to improve the health of the research subject"), if those embryos were from either of the following sources:

1) The embryos were created for the purpose of fertility treatment, were in excess of the clinical need of the individuals seeking the fertility treatment or not suitable for implantation, and had been donated by the in vitro fertilization clinic. In such cases, each of the following would have to be satisfied:

- Before consideration of donating the human embryos, it was determined through consultation with the individuals seeking fertility treatment that the remaining, unused, or unsuitable human embryos were to be discarded or otherwise disposed of.
- The individuals seeking fertility treatment donated the human embryos for nontherapeutic research with written informed consent and without receiving any financial or other inducements to make the donation.

2) The embryos resulted from the utilization of a somatic cell nuclear transplantation procedure that was for the sole purpose of creating nuclear transfer blastocysts for the

extraction of embryonic stem cells. (The bill says this would apply notwithstanding the code's prohibition on human cloning by a person licensed or registered under the health code.) As used in the bill, "blastocysts" would mean an embryo that developed to a stage where it consisted of a sphere made up of an outer layer of cells, a fluid-filled cavity, and an inner cell mass.

("Human somatic cell nuclear transfer" is currently defined in the code to mean transferring the nucleus of a human somatic cell into an egg cell from which the nucleus had been removed or rendered inert. "Human somatic cell" is defined as a cell of a developing or fully developed human being that is not and will not become a sperm or egg cell. "Human cloning" means the use of human somatic cell nuclear transfer technology to produce a human embryo.)

House Bill 4617

The bill would amend the Michigan Penal Code (MCL 750.430a) to 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. The bill is tie-barred to House Bills 4616 and 4618, meaning that it could not take effect unless those two bills were also enacted.

House Bill 4618

The bill would amend the Code of Criminal Procedure (MCL 777.16v) to change human cloning from a Class D felony to a Class C felony and increase the maximum term of imprisonment from 10 to 15 years. The bill is tie-barred to House Bills 4616 and 4617.

FISCAL IMPACT:

House Bill 4616 would have no fiscal impact on the state or local units of government.

House Bills 4617-4618 could increase state and local correctional costs; any cost increases would depend on the degree to which the bills increased the severity of sentences for convicted offenders. However, there apparently has been no one sentenced for a violation of the statute since it took effect in March 1999.

The average appropriated cost of incarceration in a state prison is about \$31,000 per prisoner, a figure that includes allocated portions of various fixed costs. The state's average cost of parole and probation supervision is about \$2,000 per offender per year. Costs of any jail incarceration would be borne by the affected counties; those costs vary by county.

Changing the offense of human cloning from a Class D to a Class C offense would tend to increase recommended minimum sentences and shift sentencing ranges away from those for which local sanctions are indicated and toward prison sentences.

Legislative Analyst: Susan Stutzky
Fiscal Analyst: Susan Frey
Marilyn Peterson

■ 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.