

STORAGE NAME: h1237s1.cp

DATE: April 11, 1997

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
CRIME AND PUNISHMENT
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: CS/HB 1237

RELATING TO: Cloning of human beings

SPONSOR(S): Representative Villalobos

STATUTE(S) AFFECTED: None

COMPANION BILL(S): None

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

(1) CRIME AND PUNISHMENT YEAS 9 NAYS 0

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I. SUMMARY:

A clone is a cell or group of cells that share the identical genetic makeup of a single organism or cell from which it is derived. While a tadpole was first cloned 20 years ago, the recent cloning of a sheep in Scotland has created the general belief that the cloning of a human being may now be possible.

There is a bill in the United States Senate to prohibit the use of Federal funds for research with respect to the cloning of a human individual. There are no laws on either the State or Federal level relating to the cloning of human beings.

The bill makes it a first degree felony to clone or attempt to clone a "human being." The cloning of human DNA is expressly not prohibited by the bill. The bill also establishes a committee to advise the legislature on human genetics and related research.

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

A clone is a cell or group of cells that share the identical genetic makeup of a single organism or cell from which it is derived. While a tadpole was first cloned 20 years ago, the recent cloning of a sheep in Scotland has created the general belief that the cloning of a human being may now be possible.

There is a bill in the United States Senate to prohibit the use of Federal funds for research with respect to the cloning of a human individual. There are no laws on either the State or Federal level relating to the cloning of human beings. However, section 873.05, Florida Statutes, prohibits the sale or advertisement of human embryos. This section would apply to cloned human embryos as well.

How Scientists Cloned a Sheep

The cloning of the sheep took four basic steps:

1. The nucleus of an adult sheep's mammary cell was starved of nutrients to make it dormant and nondividing.
2. The nucleus of an unfertilized sheep egg was extracted and the dormant mammary cell nucleus was inserted in the place of the extracted egg nucleus. The inserted nucleus contains all the DNA and genetic makeup of the animal that it was taken from.
3. An electric current jump-started the egg cell into behaving like a fertilized cell.
4. The cell grew and divided to form an embryo, which was implanted in a surrogate mother.

The surrogate mother then gave birth to a lamb that was genetically identical to the sheep that contributed the nucleus of the mammary cell. Cloning of plants and less developed animals previously existed for research and agricultural advances.

B. EFFECT OF PROPOSED CHANGES:

The bill makes it a first degree felony to clone or attempt to clone a "human being." The cloning of human DNA is expressly not prohibited by the bill.

The bill also establishes a committee to advise the legislature on matters concerning human genetics and related research developments. The membership of the committee is to include five experts in genetics from the State's three universities with allopathic medical schools. The vice presidents of those schools are to appoint the members, and a report from the committee is due on or before January 1, 1998.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

No.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

The bill creates a new committee to advise the legislature.

(3) any entitlement to a government service or benefit?

No.

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

Not Applicable.

(2) what is the cost of such responsibility at the new level/agency?

Not Applicable.

(3) how is the new agency accountable to the people governed?

Not Applicable.

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

No.

b. Does the bill require or authorize an increase in any fees?

No.

c. Does the bill reduce total taxes, both rates and revenues?

No.

d. Does the bill reduce total fees, both rates and revenues?

No.

e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No.

b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

Not Applicable.

4. Individual Freedom:

a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

The bill bans the cloning or attempted to cloning of a human being.

b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

The bill bans the cloning or attempted to cloning of a human being.

5. Family Empowerment:

a. If the bill purports to provide services to families or children:

(1) Who evaluates the family's needs?

Not Applicable.

(2) Who makes the decisions?

Not Applicable.

(3) Are private alternatives permitted?

Not Applicable.

(4) Are families required to participate in a program?

Not Applicable.

(5) Are families penalized for not participating in a program?

Not Applicable.

b. Does the bill directly affect the legal rights and obligations between family members?

Not Applicable.

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

Not Applicable.

(2) service providers?

Not Applicable.

(3) government employees/agencies?

Not Applicable.

D. SECTION-BY-SECTION RESEARCH:

Section 1.: Makes it illegal to clone or attempt to clone a human being.

Section 2.: Establishes a committee to advise the legislature on matters concerning the cloning of human beings and human DNA.

Section 3.: Provides an effective date of October 1, 1997.

III. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

See Fiscal Comments.

2. Recurring Effects:

See Fiscal Comments.

3. Long Run Effects Other Than Normal Growth:

See Fiscal Comments.

4. Total Revenues and Expenditures:

See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

See Fiscal Comments.

2. Recurring Effects:

See Fiscal Comments.

3. Long Run Effects Other Than Normal Growth:

See Fiscal Comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

See Fiscal Comments.

2. Direct Private Sector Benefits:

See Fiscal Comments.

3. Effects on Competition, Private Enterprise and Employment Markets:

Industry supports making it illegal to clone a human being. It is unlikely that the bill could have an effect on the competitiveness of local industry.

D. FISCAL COMMENTS:

The Criminal Justice Estimating Conference has not evaluated this bill for its impact on prison populations, however, it is likely that the bill will have an insignificant impact. No money is allocated to the committee established by the bill. Therefore, the bill should have no fiscal impact.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

Criminal laws are exempt from the provisions of Article VII, Section 18 of the Florida Constitution. The bill contains no other mandates.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

The bill does not impair local government revenue raising authority.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

The bill does not significantly reduce the amount of state tax shared with local governments.

V. COMMENTS:

The bill makes it illegal for a person to clone or attempt to clone a human being. The term "human being" is usually interpreted to mean one who is born alive. State v. McCall, 458 So. 2d 875 (2nd DCA 1984). Thus the cloning of embryos and fetuses would still be allowed as long as there was no attempt to have a live birth of a cloned person.

A host of complex ethical questions arise from the cloning of human beings. One female scientist quipped "there is no need for men." Scientists and researchers will again have to ask themselves what point in the development of a human cell, embryo, or fetus does experimentation become unethical. People who believe that life begins at conception must ask what happens when conception is not necessary. While the general consensus from industry and the public is that the cloning of human beings would be wrong, some have suggested that there may be situations where it would be acceptable. For example, a person could be cloned if a perfect match is needed for a bone marrow-transplant.

The committee and the report established by the bill are only voluntary since no funding was provided.

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VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

The original bill makes it a first degree felony to clone or attempt to clone human DNA. The committee substitute provides a specific exception for the cloning of human DNA as long as a human being is not cloned. The original bill does not establish the committee to advise the legislature on these matters.

VII. SIGNATURES:

COMMITTEE ON CRIME AND PUNISHMENT:

Prepared by:

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