



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB4156

Introduced 10/26/2005, by Rep. David Reis - Mike Bost - Terry R. Parke - Art Tenhouse - Dave Winters, et al.

SYNOPSIS AS INTRODUCED:

New Act

Creates the Public Support Standards for Biomedical Research Act. Provides that the State, units of local government, school districts, and community college districts may not use or allow the use of public funds, property, or credit for certain human cloning activities. Preempts home rule. Effective immediately.

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FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

1 AN ACT concerning finance.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Public
5 Support Standards for Biomedical Research Act.

6 Section 3. Legislative findings.

7 (a) The General Assembly finds that:

8 (1) at least one company has announced that it has
9 successfully cloned a human being at the early embryonic
10 stage of life, and others have announced that they will
11 attempt to clone a human being using the technique known as
12 somatic cell nuclear transfer;

13 (2) efforts to create human beings by cloning mark a
14 new and decisive step toward turning human reproduction
15 into a manufacturing process in which human beings are made
16 in laboratories to preordained specifications and,
17 potentially, in multiple copies;

18 (3) creating cloned live-born human children,
19 "cloning-to-produce-children", begins by creating cloned
20 human beings at the embryonic stage of life, a process
21 which some also propose as a way of creating human embryos
22 for destructive research as sources of stem cells and
23 tissues for possible treatment of other humans,
24 "cloning-for-biomedical-research";

25 (4) many scientists agree that attempts at
26 "cloning-to-produce-children" pose a massive risk of
27 either producing children who are stillborn, unhealthy, or
28 severely disabled, and that attempts
29 "cloning-for-biomedical-research" always results in the
30 destruction of human beings at the embryonic stage of life
31 when their stem cells are harvested;

32 (5) the prospect of creating new human life solely to

1 be exploited ("cloning-to-produce-children") or destroyed
2 ("cloning-for-biomedical-research") in these ways have
3 been condemned on moral grounds by many, as displaying a
4 profound disrespect for life;

5 (6) the distinction between "therapeutic" and
6 "reproductive" cloning is a false distinction
7 scientifically because both begin with the reproduction of
8 a human being at the embryonic stage of life, one destined
9 for implantation in a womb, one destined for destructive
10 farming of its stem cells, and regardless of their ultimate
11 destiny, all human embryos are simultaneously human
12 beings; and

13 (7) it will be nearly impossible to ban only attempts
14 at "cloning-to-produce-children" if "cloning
15 for-biomedical-research" is allowed because (i) cloning
16 would take place within the privacy of a doctor-patient
17 relationship; (ii) the implantation of embryos to begin a
18 pregnancy is a simple procedure; and (iii) any government
19 effort to prevent the implantation of an existing cloned
20 embryo, or to prevent birth once implantation has occurred
21 would raise substantial moral, legal, and practical
22 issues.

23 (b) Based on the findings specified in subsection (a), it
24 is the purpose of this Act to prohibit the use of public funds,
25 property, or credit to support cloning technology to initiate
26 the development of new human beings at the embryonic stage of
27 life for any purpose.

28 Section 5. Definitions. In this Act:

29 "Human cloning" means human asexual reproduction,
30 accomplished by introducing the genetic material of a human
31 somatic cell into an oocyte (ovum) whose nucleus has been
32 removed or inactivated to produce a living organism with a
33 human or predominantly human genetic constitution.

34 "Somatic cell" means a cell having a complete set of
35 chromosomes obtained from a living or deceased human body at

1 any stage of development.

2 "Embryo" means an organism of the species homo sapiens from
3 the single cell stage to 8 weeks development.

4 "Fetus" means an organism of the species homo sapiens from
5 8 weeks development until complete expulsion or extraction from
6 a woman's body, or removal from an artificial womb or other
7 similar environment designed to nurture the development of such
8 organism.

9 Section 10. Ban on the use of State assets in human cloning
10 activities.

11 (a) Notwithstanding any other provision of law, the State,
12 units of local government, school districts, and community
13 college districts may not use or allow the use of public funds,
14 property, or credit for any of the following human cloning
15 activities:

16 (1) the performance or attempted performance of human
17 cloning;

18 (2) the participation in an attempt to perform human
19 cloning;

20 (3) the transfer or receipt of the product of human
21 cloning for any purpose; or

22 (4) the transfer or receipt, in whole or in part, of
23 any oocyte, embryo, fetus, or human somatic cell for the
24 purpose of human cloning.

25 (b) Nothing in this Section restricts the use of public
26 funds, property, or credit in areas of scientific research that
27 are not specifically prohibited under subsection (a),
28 including in vitro fertilization, the administration of
29 fertility enhancing drugs, research in the use of nuclear
30 transfer or other cloning techniques to produce molecules, DNA,
31 tissues, organs, plants, or animals other than humans, or cells
32 other than human embryos.

33 Section 15. Home rule preemption. The regulation of the use
34 of public funds, property, or credit for human cloning

1 activities is the exclusive power and function of the State. A
2 home rule unit may not act in a manner inconsistent with this
3 Act. This subsection is a denial and limitation of home rule
4 powers and function under subsection (h) of Section 6 of
5 Article VII of the Illinois Constitution.

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.