DESTRUCTIVE HUMAN EMBRYO RESEARCH ACT

Model Legislation & Policy Guide
For the 2017 Legislative Year

Accumulating Victories, Building Momentum,
Advancing a Culture of Life in America
INTRODUCTION

Embryonic stem-cell research is routinely touted by supporters as having the potential to cure a number of diseases and medical conditions. However, the procedure for obtaining embryonic stem cells is fraught with ethical and scientific pitfalls and, importantly, such research has yet to yield an effective treatment for any disease or condition.

Living human embryos are destroyed in embryonic stem-cell research and human cloning. Specifically, embryonic stem-cell research is done by taking a days-old embryo that has grown to the several hundred-cell stage, breaking it apart, and taking the cells from the embryo’s inner mass. These unspecialized cells are then grown and used for research.

More than 15 years after the first isolation of embryonic stem cells, there is not a single disease that these cells can cure, regardless of whether the embryonic cells are created through the fusion of a human sperm and egg or through cloning. In fact, Geron Corporation, the company that received governmental approval for the first clinical trials using stem cells derived from human embryos, discontinued “further stem cell work” after “a strategic review of the costs… timelines and clinical, manufacturing and regulatory complexities associated with the company’s research and clinical-stage assets.”

Conversely, there are proven, ethical alternatives to research using stem cells from human embryos. One important source is umbilical cord blood—a very rich source of stem cells. Another is adult stem cells, which can be obtained from various organs. For example, researchers know that bone marrow cells can form into fat, cartilage, and bone tissue. A third promising source is neural stem cells. These stem cells have been successfully isolated and cultured from living human neural tissue and even from adult cadavers.

Moreover, since 2007, research breakthroughs are opening the door for the “reprogramming” of adult stem cells into the embryonic state—without the use or destruction of human embryos.

In sum, any alleged “therapeutic” purposes for destructive embryo research have proven to be speculative, while simultaneously crossing ethical boundaries and taking human life. As such, states should prohibit this ethically problematic research that has proven completely unnecessary.

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For legislators and policy makers, it is vitally important that proposed state bans on destructive embryo research and human cloning do not block important ethical avenues for needed research. Further, careful attention should be exercised to avoid bans on some types of research (especially in the area of cloning) that are ineffective or that create incentives for researchers to destroy nascent human life.

In this regard, AUL has developed the *Destructive Human Embryo Research Act*, banning destructive forms of embryo research. For more information and drafting assistance, please contact AUL’s Legislative Coordinator at (202) 289-1478 or Legislation@AUL.org.

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DESTRUCTIVE HUMAN EMBRYO RESEARCH ACT

HOUSE/SENATE BILL No. ______
By Representatives/Senators ____________

Section 1. Title.

This Act may be known and cited as the “Destructive Human Embryo Research Act.”

Section 2. Legislative Findings and Purpose.

(a) The [Legislature] of the State of [Insert name of State] finds that:

(1) Human embryos are human beings at the earliest stage of development.

(2) Some human embryos are being created and then destroyed to obtain stem cells for research.

(3) Destructive human embryo research to obtain embryonic stem cells raises grave moral, ethical, scientific, and medical issues that must be addressed.

(4) The moral justification of medical or scientific research cannot be based upon the dehumanizing and utilitarian premise that the ends justify any means. Medical research and treatment does not require the destruction of human life because it can be ethically pursued in other ways, including the use of adult stem cells or induced pluripotent stem cells.

(b) Based on the findings in subsection (a), it is the purpose of this Act to prohibit destructive human embryo research.

Section 3. Definitions.

As used in this Act only:

(a) “Destructive research” means medical procedures, scientific or laboratory research, or other kinds of investigation that kill or injure the subject of such research. It does not include:

(1) In vitro fertilization and accompanying embryo transfer to a woman’s body;
(2) Research in the use of nuclear transfer or other cloning techniques to produce molecules, deoxyribonucleic acid (DNA), cells other than human embryos, tissues, organs, plants, or animals other than humans; or

(3) Any diagnostic procedure that benefits the human embryo subject to such tests, while not imposing risks greater than those considered acceptable for other human research subjects.

(b) “Gamete” means a human sperm or unfertilized human ovum.

(c) “Human embryo” means an organism with a human or predominately human genetic constitution, from a single cell up to eight (8) weeks of development, that is derived by fertilization, parthenogenesis, cloning (also known as “somatic cell nuclear transfer”), or any other means from one or more human gametes or human diploid cells.

Section 4. Prohibitions.

It shall be unlawful for any person to:

(a) Intentionally or knowingly conduct destructive research on a human embryo;

(b) Buy, sell, receive, or otherwise transfer a human embryo with the knowledge that such embryo will be subjected to destructive research; or

(c) Buy, sell, receive, or otherwise transfer gametes with the knowledge that a human embryo will be produced from such gametes to be used in destructive research.

Section 5. Criminal Penalties.

(a) Whoever violates Section 4(a) shall be guilty of a [Insert appropriate penalty/offense classification] for each violation.

(b) Whoever violates Section 4(b) shall be guilty of a [Insert appropriate penalty/offense classification] for each violation.

(c) Whoever violates Section 4(c) shall be guilty of a [Insert appropriate penalty/offense classification] for each violation.


Section 6. Severability.

Any provision of this Act held to be invalid or unenforceable by its terms, or as applied to any person or circumstance, shall be construed so as to give it the maximum effect permitted by law, unless such holding shall be one of utter invalidity or unenforceability, in which event such provision shall be deemed severable herefrom and shall not affect the remainder hereof or the application of such provision to other persons not similarly situated or to other, dissimilar circumstances.

Section 7. Right of Intervention.

The [Legislature], by joint resolution, may appoint one or more of its members who sponsored or co-sponsored this Act, as a matter of right and in his or her official capacity, to intervene to defend this law in any case in which its constitutionality is challenged.

Section 8. Effective Date.

This Act takes effect on [Insert date].
At least seven states either expressly or implicitly ban destructive human embryo research on IVF-created embryos and/or cloned human embryos: AZ, IN, LA, ME, OK, PA, and SD.

At least nine states expressly or implicitly permit destructive experimentation on IVF-created embryos: CA, CT, IL, IA, MD, MA, MO, MI, and NJ.