PROHIBITION ON PUBLIC FUNDING OF HUMAN CLONING AND DESTRUCTIVE EMBRYO RESEARCH

Model Legislation & Policy Guide
For the 2013 Legislative Year

AMERICANS UNITED FOR LIFE
Changing Law to Protect Human Life, State by State
INTRODUCTION

In August 2001, President George W. Bush announced that federal funding would be allowed only for research on then-existing embryonic stem-cell lines. Unfortunately, President Barack Obama has since reversed this policy, permitting the use of taxpayer funds for immoral, unethical, and unnecessary research that destroys nascent human life.

Embryonic stem-cell research, specifically federal and state funding for this destructive and immoral research, has been a much larger than anticipated issue in recent elections. Proponents of embryonic stem-cell research disingenuously criticized the Bush Administration’s policies—referring to them collectively as a “ban” on stem-cell research—and have continued to agitate for unrestricted funding of research that destroys human life at its earliest stages. In truth, the Bush Administration’s policies supported adult stem-cell and other promising, nondestructive forms of research.

Notably, there are numerous alternatives to using human embryos as a source of stem cells for research and therapeutic purposes. One important source is umbilical cord blood—a very rich source of stem cells.1 Another is adult stem cells from various organs. Researchers have long known, for example, that bone marrow can form into blood cells, and we now know that bone-marrow cells can form into fat, cartilage, and bone tissue.2 A third promising source is neural stem-cells, which have been successfully isolated and cultured from living human neural tissue3 and even from adult cadavers.4 Moreover, recent research breakthroughs are opening the door for the “reprogramming” of adult stem-cells into the embryonic stem-cell state—without the use or destruction of human embryos.

Adult stem-cells have a proven record of effective clinical remedies, which cannot be said for embryonic stem-cells. No clinical use of human embryonic-stem cells has yet been published in the scientific literature. In fact, the only company to receive government approval for human clinical trials using human embryonic cell—Geron Corp.—announced in 2011 that it was discontinuing “further stem cell work.”5 Thus, medical remedies involving embryonic stem-cells

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are still conjectural. In contrast, adult stem-cells are being used in numerous therapeutic procedures.

Yet proponents of embryonic stem-cell research have created a false impression that these cells have a proven therapeutic use. In fact, there is no published evidence (i.e., peer-reviewed study) in favor of stem cells helping a single human patient; any claim that they may someday do so is mere speculation.

Given the lack of medical evidence to support the claims being made by proponents of embryonic stem-cell research and other forms of life-destroying research, bans on public funding of such procedures—including the practice of human cloning—have the indirect benefit of allowing research money and effort to be directed to the already productive field of adult stem-cell transplantation and somatic cell gene therapies. Importantly, these procedures are free of the ethical dilemmas associated with destructive human embryo research.

The time is ripe for states to take action in this critical debate. In this regard, AUL has developed the “Prohibition on Public Funding of Human Cloning and Destructive Embryo Research Act,” banning public (state) funding of these destructive and unnecessary practices. For more information and drafting assistance, please contact AUL’s Legislative Coordinator at (202) 741-4907 or Legislation@AUL.org.

DENISE M. BURKE, ESQ.
Vice President of Legal Affairs
Americans United for Life
PROHIBITION ON PUBLIC FUNDING OF HUMAN CLONING AND DESTRUCTIVE EMBRYO RESEARCH ACT

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

Section 1. Short Title.

This Act may be cited as the “Prohibition on Public Funding of Human Cloning and Destructive Embryo Research Act.”

Section 2. Legislative Findings and Purpose.

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

(1) The prospect of creating new human life solely to be exploited or destroyed has been condemned on moral grounds as displaying a profound disrespect for human life.

(2) Destructive human embryo research reduces the status of human beings from ends in themselves to a mere means to another’s possible benefit.

(3) The moral justification of medical or scientific research cannot be based upon the dehumanizing and utilitarian premise that the ends justify any means.

(4) Ethical research—research not involving human cloning and destructive embryonic stem-cell research—has proven more promising than destructive research. For example, so-called “therapeutic cloning” has thus far made no valuable therapeutic advancements, while research with ethically-obtained adult stem-cells has already produced significant and valuable contributions and improved patient health. Adult stem-cell contributions have included heart tissue regeneration; corneal reconstruction; treatment for autoimmune diseases such as diabetes, lupus, Crohn’s disease, and multiple sclerosis; and treatment for leukemia and other related bone and blood cancers.
Moreover, recent and promising advances in “reprogramming” human cells to behave as if in an embryonic state render controversial cloned human embryos unnecessary for use in embryonic stem-cell research.

Cloning embryos and destructive embryonic stem-cell research require human egg cells, which are highly expensive to obtain.

Harvesting human egg cells also poses significant health risks to women. Such risks include ovarian hyperstimulation syndrome, damage to internal organs or blood vessels, infertility, depression, and death.

Harvesting human egg cells for research, whether women are compensated or not, results in the commoditization and exploitation of women.

Public opinion is divided over the deep, conflicting moral and ethical concerns on matters related to payment to women for access to their human egg cells. Providing public funds to be exchanged in these transactions would be a misuse of revenue collected by this State.

Public opinion is similarly divided over the deep, conflicting moral and ethical concerns surrounding the creation and destruction of human embryos. Providing public funds to such research would be a misuse of revenue collected by this State.

The [Legislature]’s purpose in enacting this ban on taxpayer funding is to further the important and compelling state interests of:

- Respecting life and fostering a culture of life;
- Limiting public expenditures;
- Directing public expenditures away from funding research that has not yielded any significant scientific contributions;
- Directing public expenditures toward funding research that has already yielded significant contributions for patients;
(5) Relieving the consciences of taxpayers concerned about the possible exploitation of women that may result from payment for human egg cells; and

(6) Relieving the consciences of those taxpayers who object to human cloning and destructive embryonic stem-cell research.

Section 3. Definitions.

For the purposes of this Act:

(a) “Human cloning” means human asexual reproduction, accomplished by (1) introducing the genetic material from one or more human somatic or embryonic cells into a fertilized or unfertilized oocyte whose nuclear material has been removed or inactivated before or after introduction, so as to produce an organism at any stage of development with a human or predominantly human genetic constitution; (2) artificially subdividing a human embryo at any time from the two-cell stage onward, such that more than one human organism results; or (3) introducing pluripotent cells from any source into a human embryo, nonhuman embryo, or artificially-manufactured human embryo or trophoblast, under conditions where the introduced cells generate all or most of the body tissues of the developing organism.

(b) “Somatic cell” means a cell having a complete or nearly complete set of chromosomes obtained from a living or deceased human body at any stage of development.

(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.

(d) “Embryonic stem-cell” means a stem cell obtained from an embryo of the same species.

(e) “Destructive research” means medical procedures, scientific, or laboratory research, or other kinds of investigation that kills or injures 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; 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.

(f) “Pluripotent cells” means stem cells possessing the ability to give rise to most or all of the various cell types that make up the body. One demonstration of pluripotency is the ability, even after prolonged existence in culture, to form derivatives of all three embryonic germ layers from the progeny of a single cell.

(g) “Public funds” means, but is not limited to:

(1) Any monies received or controlled by the state or any official, department, division, agency, or educational or political subdivision thereof, including but not limited to monies derived from federal, state, or local taxes, gifts, or grants from any source; settlements of any claims or causes of action, public or private; bond proceeds or investment income; federal grants or payments; or intergovernmental transfers; and

(2) Any monies received or controlled by an official, department, division, or agency of state government or any educational or political subdivision thereof, or to any person or entity pursuant to appropriation by the legislature or governing body of any political subdivision of this State.

Section 4. Human Cloning and Destructive Embryonic Stem-Cell Research Against Public Policy.

The legislature declares that public funding of human cloning and destructive embryonic stem-cell research is against public policy.

Section 5. Prohibition.

(a) No public funds shall be used to finance human cloning or destructive embryonic stem-cell research. The State, a state educational institution, or a political subdivision of the State may
not use public funds, facilities, or employees to knowingly destroy human embryos for the purpose of research or knowingly participate in human cloning or attempted human cloning.

(b) No public funds shall be used to buy, receive, or otherwise transfer a human embryo with the knowledge that such embryo will be subjected to destructive research.

(c) No public funds shall be used to buy, receive, or otherwise transfer gametes with the knowledge that a human embryo will be produced from such gametes to be used in destructive research.

This Section will go into effect notwithstanding any other law in the State.

Section 6. Exceptions.

Nothing in this Act shall restrict the funding of areas of scientific research not specifically prohibited by this Act, including:

(a) In vitro fertilization and accompanying embryo transfer to a woman’s body;

(b) The administration of fertility enhancing drugs;

(c) Research in the use of nuclear transfer or other cloning techniques to produce molecules; deoxyribonucleic acid; tissues, organs, plants, or animals other than humans, or cells other than human embryos; and

(d) 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.

Section 7. Penalties.

(a) Criminal Penalty. Any person or entity that knowingly fails or refuses to comply with this Act is guilty of a [Insert appropriate penalty/offense classification].

(b) Civil Penalty. Any person or entity that knowingly fails or refuses to comply with this Act shall be fined [Insert amount].

(c) Trade, Occupation, or Profession. Any violation of this Act may be the basis for denying an application for, denying an application for the renewal of, or revoking any license, permit,
certificate, or any other form of permission required to practice or engage in a trade, occupation, or profession.
Section 8. 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 9. Right of Intervention.

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

Section 10. Standing.

The provisions of this Act shall inure to the benefit of all residents of this State. Any taxpayer of this State or any political subdivision of this State shall have standing to bring suit against the State or any official, department, division, agency, or political subdivision of this State, and any recipient of public funds who or which is in violation of this Act in any court with jurisdiction to enforce the provisions of this Act.

Section 11. Effective Date.

This Act takes effect on [Insert date].
**STATE OF THE STATES: WHERE ARE WE NOW?**

**FUNDING OF CLONING AND STEM CELL RESEARCH**

At least eight states use or statutorily allow the use of state tax dollars to fund human cloning and/or destructive human embryo research: CA, CT, IL, MD, MA, NJ, NY, and WI.

At least six states restrict the funding or use of state facilities or tax credits for human cloning and/or destructive human embryo research: AZ, IN, KS, LA, NE, and VA.
More detailed information about the need and justification for state bans on the funding of destructive embryo research and funding of ethical alternatives can be found in AUL’s annual publication *Defending Life 2012: Building a Culture of Life, Deconstructing the Abortion Industry*.

*Defending Life 2012* is available online at AUL.org.

For further information regarding this or other AUL policy guides, please contact:

AMERICANS UNITED FOR LIFE
655 15th Street NW, Suite 410
Washington DC  20005
202.289.1478 | Fax 202.289.1473 | Legislation@AUL.org

www.AUL.org

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