

SENATE BILL No. 411

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-18-2-56.5; IC 16-21-3-4; IC 16-46-12; IC 25-22.5-8-5.

Synopsis: Prohibition against human cloning. Defines cloning as the growing or creation of a human being from a single cell or cells of a genetically identical human being through asexual reproduction. Provides that the term does not apply to techniques of assisted reproductive technology. Prohibits the state department of health from using money appropriated to or administered by the state department of health, or allowing employees or facilities of the state department of health to be used to participate in or otherwise support research or other activities relating to the cloning or attempted cloning of a human being. Requires the state department of health to revoke the license of a hospital if the state health commissioner proves by a preponderance
(Continued next page)

Effective: Upon passage.

Miller

January 13, 1998, read first time and referred to Committee on Health and Environmental Affairs.

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Digest Continued

of the evidence that the hospital participates in or otherwise supports research or other activities facilitating the cloning or attempted cloning of a human being. Requires the medical licensing board to revoke a physician's license if, after notice and an opportunity for a hearing, the attorney general proves by a preponderance of the evidence that the physician participates in or otherwise supports research or other activities facilitating the cloning or attempted cloning of a human being. Prohibits funds appropriated under the biennial budget enacted in 1997 from being used for research or any other activity relating to cloning or attempting to clone a human being.

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Introduced

Second Regular Session 110th General Assembly (1998)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

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SENATE BILL No. 411

A BILL FOR AN ACT to amend the Indiana Code concerning human genetic research.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 16-18-2-56.5 IS ADDED TO THE INDIANA
2 CODE AS A NEW SECTION TO READ AS FOLLOWS
3 [EFFECTIVE UPON PASSAGE]: **Sec. 56.5. "Cloning", for purposes**
4 **of IC 16-21-3-4 and IC 16-46-12, means the growing or creation of**
5 **a human being from a single cell or cells of a genetically identical**
6 **human being through asexual reproduction. The term does not**
7 **include a treatment or procedure to enhance human reproductive**
8 **capability through the manipulation of human oocytes or embryos,**
9 **including the following:**

- 10 (1) **In vitro fertilization.**
11 (2) **Gamete intrafallopian transfer.**
12 (3) **Zygote intrafallopian transfer.**

13 SECTION 2. IC 16-21-3-4 IS ADDED TO THE INDIANA CODE
14 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
15 UPON PASSAGE]: **Sec. 4. Notwithstanding section 1 of this**



1 chapter, the state department shall revoke the license of a hospital
 2 licensed under this article if the state health commissioner proves
 3 by a preponderance of the evidence that the hospital:

4 (1) participates in research regarding; or

5 (2) allows:

6 (A) the hospital's facilities to be used for; or

7 (B) the hospital's employees to participate in or support;

8 an activity facilitating;

9 the cloning or attempted cloning of a human being.

10 SECTION 3. IC 16-46-12 IS ADDED TO THE INDIANA CODE
 11 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 12 UPON PASSAGE]:

13 **Chapter 12. Prohibition Against Funding Human Cloning**
 14 **Activities**

15 **Sec. 1. Funds appropriated to or administered by the state**
 16 **department shall not be used for:**

17 (1) research regarding; or

18 (2) an activity facilitating;

19 the cloning or attempted cloning of a human being.

20 **Sec. 2. Employees of the state department shall not participate**
 21 **in or support:**

22 (1) research regarding; or

23 (2) an activity facilitating;

24 the cloning or attempted cloning of a human being.

25 **Sec. 3. Facilities used by the state department shall not be used**
 26 **for or otherwise support:**

27 (1) research regarding; or

28 (2) an activity facilitating;

29 the cloning or attempted cloning of a human being.

30 SECTION 4. IC 25-22.5-8-5 IS ADDED TO THE INDIANA CODE
 31 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 32 UPON PASSAGE]: **Sec. 5. (a) As used in this section, "cloning"**

33 **means the growing or creation of a human being from a single cell**
 34 **or cells of a genetically identical human being through asexual**
 35 **reproduction. The term does not include a treatment or procedure**
 36 **to enhance human reproductive capability through the**
 37 **manipulation of human oocytes or embryos, including the**
 38 **following:**

39 (1) In vitro fertilization.

40 (2) Gamete intrafallopian transfer.

41 (3) Zygote intrafallopian transfer.

42 (b) Notwithstanding IC 25-1-9, the license of a physician shall be

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1 **revoked if, after appropriate notice and an opportunity for a**
2 **hearing, the attorney general proves by a preponderance of the**
3 **evidence that the physician participates in or supports:**
4 **(1) research regarding; or**
5 **(2) an activity facilitating;**
6 **the cloning or attempted cloning of a human being.**
7 SECTION 5. [EFFECTIVE UPON PASSAGE] (a) **As used in this**
8 **SECTION, "cloning" has the meaning set forth in IC 16-18-2-56.5,**
9 **as added by this act.**
10 (b) **Funds appropriated under P.L.260-1997(ss) may not be used**
11 **for:**
12 (1) **research regarding; or**
13 (2) **an activity facilitating;**
14 **the cloning or attempted cloning of a human being.**
15 (c) **This SECTION expires July 1, 1999.**
16 SECTION 6. **An emergency is declared for this act.**

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