

January 30, 1998

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## SENATE BILL No. 411

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DIGEST OF SB 411 (Updated January 29, 1998 8:58 am - DI 88)

**Citations Affected:** IC 16-18; IC 16-21; IC 16-46; IC 25-22.5; IC 35-46; noncode.

**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 or to the cloning or research into cloning of autonomous human organs or other body parts for medical purposes. 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 of the evidence that the hospital participates in or otherwise supports research or other  
(Continued next page)

**Effective:** Upon passage.

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**Miller**

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January 13, 1998, read first time and referred to Committee on Health and Environmental Affairs.  
January 29, 1998, amended, reported favorably — Do Pass.

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SB 411—LS 7282/DI 88



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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. Provides that a person who knowingly or intentionally participates in research or other activities facilitating the cloning or attempted cloning of a human being commits a Class D felony. 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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January 30, 1998

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 the following:**  
8 (1) **A treatment or procedure to enhance human reproductive**  
9 **capability through the manipulation of human oocytes or**  
10 **embryos, including the following:**  
11 (A) **In vitro fertilization.**  
12 (B) **Gamete intrafallopian transfer.**  
13 (C) **Zygote intrafallopian transfer.**  
14 (2) **The cloning, or research into cloning, of autonomous**  
15 **human organs or other body parts for medical purposes,**

SB 411—LS 7282/DI 88



1 including the following:

2 (A) Disease prevention or eradication.

3 (B) Cell regeneration or reverse degeneration.

4 (C) Transplants.

5 SECTION 2. IC 16-21-3-4 IS ADDED TO THE INDIANA CODE  
6 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
7 UPON PASSAGE]: **Sec. 4. Notwithstanding section 1 of this**  
8 **chapter, the state department shall revoke the license of a hospital**  
9 **licensed under this article if the state health commissioner proves**  
10 **by a preponderance of the evidence that the hospital:**

11 (1) participates in research regarding; or

12 (2) allows:

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

14 (B) the hospital's employees to participate in or support;  
15 an activity facilitating;

16 the cloning or attempted cloning of a human being.

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

20 **Chapter 12. Prohibition Against Funding Human Cloning**  
21 **Activities**

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

24 (1) research regarding; or

25 (2) an activity facilitating;

26 the cloning or attempted cloning of a human being.

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

29 (1) research regarding; or

30 (2) an activity facilitating;

31 the cloning or attempted cloning of a human being.

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

34 (1) research regarding; or

35 (2) an activity facilitating;

36 the cloning or attempted cloning of a human being.

37 SECTION 4. IC 25-22.5-8-5 IS ADDED TO THE INDIANA CODE  
38 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
39 UPON PASSAGE]: **Sec. 5. (a) As used in this section, "cloning"**  
40 **means the growing or creation of a human being from a single cell**  
41 **or cells of a genetically identical human being through asexual**  
42 **reproduction. The term does not include the following:**

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1 (1) A treatment or procedure to enhance human reproductive  
 2 capability through the manipulation of human oocytes or  
 3 embryos, including the following:

- 4 (A) In vitro fertilization.  
 5 (B) Gamete intrafallopian transfer.  
 6 (C) Zygote intrafallopian transfer.

7 (2) The cloning, or research into cloning, of autonomous  
 8 human organs or other body parts for medical purposes,  
 9 including the following:

- 10 (A) Disease prevention or eradication.  
 11 (B) Cell regeneration or reverse degeneration.  
 12 (C) Transplants.

13 (b) Notwithstanding IC 25-1-9, the license of a physician shall be  
 14 revoked if, after appropriate notice and an opportunity for a  
 15 hearing, the attorney general proves by a preponderance of the  
 16 evidence that the physician participates in or supports:

- 17 (1) research regarding; or  
 18 (2) an activity facilitating;

19 the cloning or attempted cloning of a human being.

20 SECTION 5. IC 35-46-5-2 IS ADDED TO THE INDIANA CODE  
 21 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
 22 UPON PASSAGE]: Sec. 2. (a) As used in this section, "cloning"  
 23 means the growing or creation of a human being from a single cell  
 24 or cells of a genetically identical human being through asexual  
 25 reproduction. The term does not include the following:

- 26 (1) A treatment or procedure to enhance human reproductive  
 27 capability through the manipulation of human oocytes or  
 28 embryos, including the following:  
 29 (A) In vitro fertilization.  
 30 (B) Gamete intrafallopian transfer.  
 31 (C) Zygote intrafallopian transfer.

32 (2) The cloning, or research into cloning, of autonomous  
 33 human organs or other body parts for medical purposes,  
 34 including the following:

- 35 (A) Disease prevention or eradication.  
 36 (B) Cell regeneration or reverse degeneration.  
 37 (C) Transplants.

38 (b) A person who knowingly or intentionally participates in:

- 39 (1) research regarding; or  
 40 (2) an activity facilitating;

41 the cloning or attempted cloning of a human being commits  
 42 unlawful cloning, a Class D felony.

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1           SECTION 6. [EFFECTIVE UPON PASSAGE] (a) As used in this  
2 SECTION, "cloning" has the meaning set forth in IC 16-18-2-56.5,  
3 as added by this act.  
4           (b) Funds appropriated under P.L.260-1997(ss) may not be used  
5 for:  
6           (1) research regarding; or  
7           (2) an activity facilitating;  
8 the cloning or attempted cloning of a human being.  
9           (c) This SECTION expires July 1, 1999.  
10          SECTION 7. An emergency is declared for this act.

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## COMMITTEE REPORT

Mr. President: The Senate Committee on Health and Environmental Affairs, to which was referred Senate Bill 411, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 7, after "include" insert "**the following**":

Page 1, line 7, delete "a", begin a new line block indented and insert:

**"(1) A".**

Page 1, delete lines 10 through 12, begin a new line double block indented and insert:

**"(A) In vitro fertilization.**

**(B) Gamete intrafallopian transfer.**

**(C) Zygote intrafallopian transfer.**

**(2) The cloning, or research into cloning, of autonomous human organs or other body parts for medical purposes, including the following:**

**(A) Disease prevention or eradication.**

**(B) Cell regeneration or reverse degeneration.**

**(C) Transplants."**

Page 2, line 35, after "include" insert "**the following**":

Page 2, line 35, delete "a", begin a new line block indented and insert:

**"(1) A".**

Page 2, delete lines 39 through 41, begin a new line double block indented and insert:

**"(A) In vitro fertilization.**

**(B) Gamete intrafallopian transfer.**

**(C) Zygote intrafallopian transfer.**

**(2) The cloning, or research into cloning, of autonomous human organs or other body parts for medical purposes, including the following:**

**(A) Disease prevention or eradication.**

**(B) Cell regeneration or reverse degeneration.**

**(C) Transplants."**

Page 3, between lines 6 and 7, begin a new paragraph and insert:

"SECTION 5. IC 35-46-5-2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2. (a) As used in this section, "cloning" means the growing or creation of a human being from a single cell or cells of a genetically identical human being through asexual reproduction. The term does not include the following:**

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**(1) A treatment or procedure to enhance human reproductive capability through the manipulation of human oocytes or embryos, including the following:**

- (A) In vitro fertilization.**
- (B) Gamete intrafallopian transfer.**
- (C) Zygote intrafallopian transfer.**

**(2) The cloning, or research into cloning, of autonomous human organs or other body parts for medical purposes, including the following:**

- (A) Disease prevention or eradication.**
- (B) Cell regeneration or reverse degeneration.**
- (C) Transplants.**

**(b) A person who knowingly or intentionally participates in:**

- (1) research regarding; or**
- (2) an activity facilitating;**

**the cloning or attempted cloning of a human being commits unlawful cloning, a Class D felony."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to Senate Bill 411 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 7, Nays 0.

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