

CONFERENCE COMMITTEE REPORT DIGEST FOR SB 212

Citations Affected: IC 4-7; IC 16; IC 25; IC 35-46-5-2; IC 36-2.

Synopsis: Health professions. Proposed conference committee report to ESB 212. Provides that cloning a human being is against the public policy of Indiana. Prohibits the auditor of state and each county auditor from releasing or transferring funds to any person that performs research regarding or an activity facilitating the cloning or attempted cloning of a human being. Provides that this prohibition is retroactive to the date on which the prohibited activity began and ends two years after the person stops performing the prohibited activity. Prohibits hospitals and health care practitioners from participating in illegal human cloning. Subjects certain health care practitioners to disciplinary sanctions if the practitioner continues to practice the practitioner's profession although the practitioner has become unfit to practice due to professional incompetence that includes the undertaking of activities that the practitioner is not qualified by training or experience to undertake. Authorizes the Indiana state board of nursing to license by endorsement an applicant who has completed and achieved a passing score on the English version of the Canadian Nurse Association Testing Service Examination, is currently licensed as a registered nurse in a Canadian province or another state, and meets all other requirements for receiving a license to practice as a registered nurse under Indiana law. Establishes continuing education requirements for advanced practice nurses to renew their authority to prescribe legend drugs. (This conference committee report removes the following provisions: (1) Deletion of provision that makes it a Class D felony to practice midwifery without a license issued under the article governing the licensing of physicians. (2) Providing that an individual who is certified by an organization that is affiliated with the National Association of Alcoholism and Drug Abuse Counselors or the International Certification and Reciprocity Consortium - Alcohol and Other Drug Abuse, Inc., as a drug abuse counselor, an alcoholism counselor, or a drug abuse and alcoholism counselor and who is eligible to act as a drug abuse counselor, an alcoholism counselor, or a drug abuse and alcoholism counselor in a program approved by the division of mental health is subject to the same standards of practice and investigation procedures that govern a licensed mental health counselor. (3) Providing for a Class A infraction for a certified counselor to counsel or practice hypnotism to recover an alleged memory of child abuse. (4) Establishing the drug abuse and alcoholism advisory committee.)

Effective: July 1, 1998; Upon passage.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT:

Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill No. 212 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

- 1 Page 2, delete lines 2 through 4, begin a new line block indented
- 2 and insert:
- 3 " (2) **The cloning, or research into cloning, of autonomous**
- 4 **human organs or other body parts for medical purposes,**
- 5 **including the following:**
- 6 (A) **Disease prevention or eradication.**
- 7 (B) **Cell regeneration or reverse degeneration.**
- 8 (C) **Transplants."**
- 9 Page 2, delete lines 17 through 42.
- 10 Page 3, delete lines 1 through 33.
- 11 Page 3, between lines 33 and 34 begin a new paragraph and insert:
- 12 "SECTION 2. IC 16-18-2-56.5 IS ADDED TO THE INDIANA
- 13 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 14 [EFFECTIVE UPON PASSAGE]: **Sec. 56.5. "Cloning", for purposes**
- 15 **of IC 16-21-3-4, means the growing or creation of a human being**
- 16 **from a single cell or cells of a genetically identical human being**
- 17 **through asexual reproduction. The term does not include the**
- 18 **following:**
- 19 (1) **A treatment or procedure to enhance human reproductive**
- 20 **capability through the manipulation of human oocytes or**
- 21 **embryos, including the following:**
- 22 (A) **In vitro fertilization.**
- 23 (B) **Gamete intrafallopian transfer.**
- 24 (C) **Zygote intrafallopian transfer.**
- 25 (2) **The cloning, or research into cloning, of autonomous**

1 **human organs or other body parts for medical purposes,**
 2 **including the following:**

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

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

5 **(C) Transplants.**

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

12 **(1) participates in research regarding; or**

13 **(2) allows:**

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

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

17 **the cloning or attempted cloning of a human being."**

18 Page 4, line 38, strike "or".

19 Page 4, line 41, delete "." and insert "; or".

20 Page 4, between lines 41 and 42, begin a new line block indented
 21 and insert:

22 **"(10) a practitioner has participated in cloning in violated of**
 23 **IC 35-46-5-2."**

24 Page 5, delete lines 3 through 10.

25 Page 5, between lines 10 and 11, begin a new paragraph and insert:

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

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

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

36 **(B) Gamete intrafallopian transfer.**

37 **(C) Zygote intrafallopian transfer.**

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

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

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

43 **(C) Transplants.**

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

48 **(1) research regarding; or**

49 **(2) an activity facilitating;**

50 **the cloning or attempted cloning of a human being."**

51 Page 8, delete lines 10 through 42.

- 1 Page 9, delete lines 1 through 27.
 2 Page 9, between lines 27 and 28, begin a new paragraph and insert:
 3 "SECTION 8. IC 35-46-5-2 IS ADDED TO THE INDIANA CODE
 4 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 5 UPON PASSAGE]: **Sec. 2. (a) As used in this section, "cloning"**
 6 **means the growing or creation of a human being from a single cell**
 7 **or cells of a genetically identical human being through asexual**
 8 **reproduction. The term does not include the following:**
 9 (1) A treatment or procedure to enhance human reproductive
 10 capability through the manipulation of human oocytes or
 11 embryos, including the following:
 12 (A) In vitro fertilization.
 13 (B) Gamete intrafallopian transfer.
 14 (C) Zygote intrafallopian transfer.
 15 (2) The cloning, or research into cloning, of autonomous
 16 human organs or other body parts for medical purposes,
 17 including the following:
 18 (A) Disease prevention or eradication.
 19 (B) Cell regeneration or reverse degeneration.
 20 (C) Transplants.
 21 (b) A person who knowingly or intentionally participates in:
 22 (1) research regarding; or
 23 (2) an activity facilitating;
 24 the cloning or attempted cloning of a human being commits
 25 unlawful cloning, a Class D felony."
 26 Page 10, between lines 13 and 14, begin a new paragraph and insert:
 27 "SECTION 10. [EFFECTIVE UPON PASSAGE] (a) As used in
 28 this SECTION, "cloning" has the meaning set forth in
 29 IC 16-18-2-56.5, as added by this act.
 30 (b) Funds appropriated under P.L.260-1997(ss) may not be used
 31 for:
 32 (1) research regarding; or
 33 (2) an activity facilitating;
 34 the cloning or attempted cloning of a human being.
 35 (c) This SECTION expires July 1, 1999."
 36 Renumber all SECTIONS consecutively.
 (Reference is to ESB 212 as printed February 18, 1998.)

Conference Committee Report
on
Senate Bill 212

Signed by:

Senator Miller

Representative C. Brown

Senator Sipes

Representative Goeglein

Senate Conferees

House Conferees