

BILL ANALYSIS

Senate Research Center
78R6235 DLF-D

S.B. 1034
By: Shapleigh
Jurisprudence
4/5/2003
As Filed

DIGEST AND PURPOSE

An estimated 128 million Americans suffer from the crippling economic and psychological burden of chronic, degenerative, and acute diseases, including Alzheimer's disease, cancer, diabetes, and Parkinson's disease. Treating these conditions and the resulting loss of work constitutes hundreds of billions of dollars annually, in addition to the human loss and suffering associated with these conditions. As proposed, S.B. 1034 authorizes human stem cell research under certain conditions and sets forth requirements governing informed and written consent of a donor. This bill also prohibits human cloning and establishes a violation of this prohibition as a third degree felony.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Title 2H, Health and Safety Code, by adding Chapter 168, as follows:

CHAPTER 168. USE OF HUMAN CELLS AND TISSUE

SUBCHAPTER A. STEM CELL RESEARCH

Sec. 168.001. USE OF HUMAN CELLS PERMITTED. (a) Authorizes a person to conduct research involving the derivation and use of human embryonic stem cells, human embryonic germ cells, and human adult stem cells, including cells from somatic cell nuclear transplantation.

(b) Requires research authorized by this section to meet certain standards.

Sec. 168.002. DUTY OF HEALTH CARE PROVIDER. Requires a physician or other health care provider who is treating a patient for infertility to provide the patient with timely, relevant, and appropriate information sufficient to allow the patient to make an informed and voluntary choice regarding the disposition of any human embryos remaining following the infertility treatment in accordance with Section 168.003.

Sec. 168.003. PATIENT OPTIONS. (a) Authorizes the patient, if following a patient's treatment for infertility unused human embryos remain, to perform certain acts.

(b) Requires a patient who donates, for research purposes, embryos remaining after infertility treatment to consent in writing to the donation.

[Reserves Sections 168.004-168.050 reserved for expansion.]

SUBCHAPTER B. HUMAN CLONING

Sec. 168.051. HUMAN CLONING PROHIBITED; OFFENSE. (a) Provides that a person commits an offense if the person, directly or indirectly, knowingly engages in or

assists in the replication of a human individual by cultivating a cell with the individual's genetic material through the egg, embryo, fetal, and newborn stages into a new human individual.

(b) Provides that an offense under this section is a third degree felony.

SECTION 2. Amends Section 48.002(c), Penal Code, to provided that it is an exception to the application of this section that the valuable consideration is: a fee paid to a physician or to other medical personnel for services rendered in the usual course of medical practice or a fee paid for hospital or other clinical services; reimbursement of legal or medical expenses incurred for the benefit of the ultimate receiver of the organ; reimbursement of expenses for removal, processing, disposal, preservation, quality control, storage, transplantation, or implantation of fetal tissue; or reimbursement of expenses of travel, housing, and lost wages incurred by the donor of a human organ in connection with the donation of the organ.

SECTION 3. (a) and (b) Make an application of this Act prospective.

SECTION 4. Effective date: upon passage or September 1, 2003.