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Folder Title:

[Folder 2]: Human Cloning - 1998 State Legislation on Cloning [1]

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1998 State Legislation on Cloning

Updated 11/23/98 (Lexis: "STTRCK"); last update 5/16/97
 Didn't include "DEAD"'s from the 1997 list.

State	Bill #	Sponsor	Summary	Status
Alabama	SB 8 (1/13/98)	Windom	Act to prohibit the the cloning of human beings	DEAD (5/98)
Alabama	SB 68 (1/13/98)	Amari	Act to prohibit the the cloning of human beings	DEAD (5/98)
Alabama	SJR 6 (1/13/98)	Windom	Resolution urging Congress to pass and President to sign federal legislation prohibiting human cloning or genetic duplication	DEAD (5/98)
California	SB 1344 (3/11/97)	Johnston, et al.	Prohibits a person from cloning, as defined, a human being, as defined, and from purchasing or selling a ovum, zygote, embryo, or fetus for the purpose of cloning a human being. Authorizes the State Director of Health Services to levy administrative penalties for violation of a specified amount on a corporation, firm, clinic, hospital, laboratory, or research facility and a specified amount on an individual, or twice the amount of pecuniary gain from the violation to be paid into General Fund. Five-year moratorium.	SIGNED by Gov. (10/4/97)*

*Copy of text provided

California	SJR 14 (3/4/97)	Kelley	A resolution to memorialize the President and Congress to outlaw and take all necessary means to prevent the cloning of humans	Has not moved. <i>(Failed passage in Senate 4/97, reconsideration granted)*</i>
California	SCR 39 (4/8/97)	Johnston	Urges the State Director of Health Services to establish a panel to advise the Legislature and the Governor on human cloning, and to make recommendations on how to proceed by 12/31/2001.	Has not moved. (9/12/97 <i>chaptered with Sec. of State)*</i>
Conneticut	HB 5475 (2/19/98)	Comm. on Judiciary	Bans cloning of human beings	DEAD (5/98)
Delaware	SB 241 (3/7/97)	Reed	Bans cloning of humans, sunset provision for 2003	DEAD (6/98)
Florida	HB 1237 (3/7/97)	Villalobos	An act to prohibit the cloning of human DNA in the state; establishes penalties	DEAD (7/98)
Georgia	HB 1508 (2/2/98)	Mills, et al.	Act to prohibit human cloning and provide for penalties	DEAD (5/98)
Hawaii	HB 3206 (2/2/98)	Ward, et al	Prohibits any person, whether in a research or clinical setting, from attempting to create a human being through somatic cell nuclear transfer cloning; prohibits any person, whether in a research or clinical setting, from attempting to implant an embryo created by somatic cell nuclear transfer into the body of a woman.	DEAD (9/98)

*Copy of text provided

Illinois	SB 1230 (1/14/98)	Severns	"Human Cloning Prohibition Act." Prohibits the cloning of human beings. Makes intentional violation a Class 3 felony. Amends the State Finance Act to provide that an appropriation Act shall be construed to authorize the expenditure of public funds for human cloning or for the support of any project or institution that engages in human cloning. Amends the Unified Code of Corrections to make a person who intentionally violates the Act-ineligible for parole.	3/25/98, <i>Tabled by Sponsor*</i>
Illinois	SB 1243 (1/14/98)	Burzynski & O'Malley	"Human Cloning Act." Makes it illegal to clone human beings, or sell/purchase ovum, zygotes, etc. . .for purposes of cloning; makes cloning a Class 4 felony; moratorium	<i>Referred to Senate Comm. on Rules 3/13/98*</i>
Illinois	HB 1829 (3/7/97)	Krause	"Human Cloning Prohibition Act." Prohibits cloning of human beings and the use for public funds or property to clone human beings.	Has not moved. <i>(Referred to House Comm. on Rules 3/21/97)*</i>
Illinois	HB 2235 (3/10/98)	Krause	"Human Cloning Prohibition Act." Prohibits cloning of human beings and the use for public funds or property to clone human being or support any institution that clones human beings. Differs from HB 1829 in language defining cloning.	Has not moved. <i>(Referred to House Comm. on Rules 4/25/97)*</i>

Indiana	SB 411 (1/13/98)	Miller	Defines cloning as growing or creation of human being from single cell or cells of genetically identical human being through asexual reproduction; provides that term does not apply to techniques of assisted reproductive technology; prohibits state Department of Health from using money, or allowing employees or facilities to be used to participate in or support research relating to cloning of human being.	DEAD (5/98)
Indiana	HB 1408 (1/13/98)	Heeke	Prohibition against issuance of warrants or electronic fund transfers by state or local authorities to promote cloning or cloning research; except for some infertility research.	DEAD (5/98)
Kansas	HB 2846 (2/6/98)	Comm. on Federal Affairs	Concerns crime and punishment related to human cloning	DEAD (5/98)
Maryland	HB 932 (2/12/98)	Valderrama	Act prohibiting state funds for human cloning	DEAD (6/98)
Maryland	HJR 11 (2/12/98)	Valderrama	Resolution to ban state funding for cloning and cloning research that would replicate a human being.	DEAD (6/98)

Michigan	HB 4962 (6/25/97)	McManus, et al	Prohibits cloning of human beings; prescribes criminal penalties; provides immunity from prosecution for certain witnesses appearing at such trials. Permanent ban.	SIGNED by Gov. (6/3/98); Public Act No. 110*
Michigan	HB 5475 (1/14/98)	Mans, et al	"Human Cloning Funding Prohibition Act." Prohibits use of state funds for cloning of a human being or for conducting research on the cloning of human beings.	SIGNED by Gov. (6/3/98); Public Act No. 111*
Michigan	SB 864 (2/5/98)	Bennett, et al	Prohibits health care providers (licensees and registrants) from engaging in human cloning for a period of 5 years; provides for civil and criminal penalties; permits scientific research; does not provide a private right of action.	SIGNED by Gov. (6/3/98) Public Act No. 108*
Michigan	HCR 80 (1/14/98)	Palamra, et al	Memorializes to the U.S. Congress to enact legislation to prevent cloning of human beings	<i>1/29/98 Referred to Senate Committee on Health Policy and Senior Citizens*</i>
Michigan	HR 197 (1/14/98)	Palamra, et al.	Memorializes to the U.S. Congress to enact legislation to prevent cloning of human beings	<i>1/28/98, Passed House*</i>
Minnesota	SB 2423 (1/26/98)	Scheevel, et al	Relates to health; prohibits human cloning; provides criminal penalties; proposes coding for new laws in Minnesota Statutes. Act prohibiting human cloning	DEAD (5/98)

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Minnesota	HB 2730 (1/26/98)	Davids & Rifenberg	Relates to health; prohibits human cloning; provides criminal penalties; proposes coding for new law in Minnesota Statutes.	DEAD (5/98)
Mississippi	HS 996 (1/14/98)	Green, T., et al.	Act prohibiting human cloning	DEAD (5/98)
Missouri	SB 722 (1/14/98)	Sims	Prohibits insurers from discriminating on the basis of domestic violence; provides financial assistance to agencies that provide domestic violence or sexual assault direct services, emergency services, crisis intervention and victim advocacy; relates to the Director of Insurance and genetic testing; prohibits certain payment of state funds for human cloning research; relates to health plans [Section 17].	SIGNED by Gov (7/10/98)*
New Hampshire	HB 1658 (1/22/98)	Cushing	Act prohibiting the cloning of human beings; five year moratorium; form committee to study ethical, medical and social issues, report to governor and legislature	5/98, Failed Senate*
New Jersey	AB 329 (1/13/98)	Gill & Doria	Makes cloning a human being a crime of the first degree and creates a property right for genetic information.	1/13/98, Assembly Comm. on Health*
New York	SB 2877 (2/26/97)	Marchi	Act to prohibit cloning human beings; makes cloning a Class D felony [same as AB 5383]	6/19/98; Referred to Senate Comm. on Rules*

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New York	AB 5383 (6/27/97)	Connelly	Act to prohibit cloning human beings; makes cloning a Class D felony [same as SB 2877]	1/7/98 <i>Recommitted to Assoc. Comm. on Codes*</i>
New York	SB 5993 (1/7/98)	Marchi	Prohibits a person from cloning a human being and from purchasing or selling an ovum, zygote, embryo, or fetus for the purpose of cloning a human being and establishes; establishes 5-year moratorium to study issues	6/19/98 <i>Referred to Senate Comm. on Rules*</i>
New York	SB 6071 (2/19/98)	Goodman	Enacts the "Cloning Prohibition and Research Protection Act"; three-year sunset provision	2/98, <i>Amended to Senate Comm. on Health*</i>
New York	SB 9116 (1/27/98)	Connelly, et al.	Makes provisions with respect to human cloning to prohibit a person from cloning a human being and from purchasing or selling an ovum, zygote, embryo, or fetus for the purpose of cloning a human being and establishes civil penalties therefor. Act to amend public health law in relation to human cloning, and providing for repeal of such provisions	1/27/98; <i>To Assembly Committee on Health*</i>
New York	SB 9183 (2/3/98)	Becker, et al.	Prohibits human cloning and the use of public funds, resources, property, employees, or those of political subdivisions or public corporations in furtherance thereof; makes violation a felony and grounds for license revocation.	1/27/98; <i>To Assembly Committee on Health*</i>

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North Carolina	SB 782 (4/10/97)	Carrington	Prohibits cloning of human being; makes cloning a class E felony	DEAD (7/98)
Ohio	HB 675 (1/15/98)	Kasputis	Act to prohibit human cloning and establish Human Cloning Advisory Council and terminate after 5 years	<i>1/21/98; referred to House Comm. on Health, Retirement & Aging*</i>
Ohio	SB 218 (1/22/98)	Ray	Act to prohibit human cloning	<i>3/24/98; referred to Senate Comm. on Judiciary*</i>
Oregon	SB 1017	Lim	An act to prohibit the creation of a human being through cloning	DEAD (8/97)
Pennsylvania	HB 2128 (1/21/98)	Yewcic, et al	Act banning the cloning of human beings and imposing penalties	<i>1/22/98, To House Comm. on Judiciary*</i>
Pennsylvania	SB 1285 (2/6/98)	Greenleaf, et al.	"Human Cloning Moratorium Act" Establishing moratorium on cloning, prohibiting use of state funds for human cloning; requires DOH to conduct study; imposes penalties, expires 2003	<i>2/6/98; referred to Senate Comm. on Public Health and Welfare*</i>
Rhode Island	HB 7123 (1/9/98)	Cambio, et al.	Prohibits cloning of human beings, but protecting cloning of cells, tissues, etc. . . that would not result in the replication of an entire human being	IN EFFECT without Gov.'s signature (7/7/98)*

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South Carolina	HB 3617 (3/11/97)	Mason	Makes it unlawful for any person through "cloning" to grow or create a human being or to conspire to do so	<i>2/4/98, Passed House to Senate*</i>
Tennessee	HB 2198 (1/15/98)	Givens	Prohibits cloning of human beings	DEAD (6/98)
Tennessee	SB 2208 (1/15/98)	Williams	Prohibits cloning of human beings	DEAD (6/98)
Tennessee	SB 2281 (1/20/98)	Goins, et al	Makes cloning a felony offense	DEAD (6/98)
Tennessee	SB 2295 (1/20/98)	McNally	Makes cloning a felony offense	DEAD (6/98)
Virginia	HB 752 (1/23/98)	Stump	Prohibits human cloning; establishes civil penalties up to \$50,000	<i>6/18/98; Carried over to 1999 Regular Session*</i>
Wisconsin	AB 769 (2/5/98) (2/5/98)	Meyer, et al	Act banning cloning of humans	DEAD (7/98)

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THE STATE OF CALIFORNIA
BILL TEXT
STATENET

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CALIFORNIA 1997-98 REGULAR SESSION

SENATE BILL 1344

CHAPTER 688

FILED WITH SECRETARY OF STATE OCTOBER 6, 1997

APPROVED BY GOVERNOR OCTOBER 4, 1997

PASSED THE SENATE SEPTEMBER 10, 1997

PASSED THE ASSEMBLY SEPTEMBER 2, 1997

AMENDED IN ASSEMBLY AUGUST 25, 1997

AMENDED IN SENATE APRIL 21, 1997

SENATE BILL NO. 1344

CHAPTER 0

1997 CA S.B. 1344

VERSION: Enacted

VERSION-DATE: October 6, 1997

SYNOPSIS:

An act to add and repeal Sections 2260.5, 16004, and 16105 to the Business and Professions Code, and to add and repeal Chapter 1.4 (commencing with Section 24185) to Division 20 of the Health and Safety Code, relating to human cloning.

DIGEST:

LEGISLATIVE COUNSEL'S DIGEST

SB 1344, Johnston. Human cloning.

Existing law regulates medical experimentation on humans.

This bill would prohibit a person from cloning, as defined, a human being, and from purchasing or selling an ovum, zygote, embryo, or fetus for the purpose of cloning a human being. The bill would authorize the State Director of Health Services to levy administrative penalties for violation of \$ 1,000,000 on a corporation, firm, clinic, hospital, laboratory, or research facility and \$ 250,000 on an individual, or twice the amount of pecuniary gain from the violation, if greater, to be paid into the General Fund.

The bill would provide that violation of the prohibition constitutes unprofessional conduct for purposes of the Medical Practice Act. The bill would require city business licenses and county business licenses to be revoked for violation of the prohibition.

The bill would repeal its provisions on January 1, 2003.

1997 CA S.B. 1344

TEXT: THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. It is the intent of the Legislature to place a five-year moratorium on the cloning of an entire human being in order to evaluate the profound medical, ethical, and social implications that such a possibility raises. It is not the intent of the Legislature that this moratorium apply to the cloning of human cells, human tissue, or human organs that would not result in the replication of an entire human being. During this moratorium period, the State Director of Health Services should be called upon to establish a panel of representatives from the fields of medicine, religion, biotechnology, genetics, law, bioethics, and the general public to evaluate those implications, review public policy, and advise the Legislature and the Governor in this area.

SEC. 2. Section 2260.5 is added to the Business and Professions Code, to read:

2260.5. (a) A violation of Section 24185 of the Health and Safety Code, relating to human cloning, constitutes unprofessional conduct.

(b) This section shall remain in effect only until January 1, 2003, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2003, deletes or extends that date.

SEC. 3. Section 16004 is added to the Business and Professions Code, to read:

16004. (a) Any license issued to a business pursuant to this chapter shall be revoked for a violation of Section 24185 of the Health and Safety Code, relating to human cloning.

(b) This section shall remain in effect only until January 1, 2003, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2003, deletes or extends that date.

SEC. 4. Section 16105 is added to the Business and Professions Code, to read:

16105. (a) Any license issued to a business pursuant to this chapter shall be revoked for violation of Section 24185 of the Health and Safety Code, relating to human cloning.

(b) This section shall remain in effect only until January 1, 2003, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2003, deletes or extends that date.

SEC. 5. Chapter 1.4 (commencing with Section 24185) is added to Division 20 of the Health and Safety Code, to read: CHAPTER 1.4. HUMAN CLONING

24185. (a) No person shall clone a human being.

(b) No person shall purchase or sell an ovum, zygote, embryo, or fetus for the purpose of cloning a human being.

(c) For purposes of this section, "clone" means the practice of creating or attempting to create a human being by transferring the nucleus from a human

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cell from whatever source into a human egg cell from which the nucleus has been removed for the purpose of, or to implant, the resulting product to initiate a pregnancy that could result in the birth of a human being.

24187. For violations of Section 24185, the State Director of Health Services may, after appropriate notice and opportunity for hearing, by order, levy administrative penalties as follows:

(a) If the violator is a corporation, firm, clinic, hospital, laboratory, or research facility, by a civil penalty of not more than one million dollars (\$ 1,000,000) or the applicable amount under subdivision (c), whichever is greater.

(b) If the violator is an individual, by a civil penalty of not more than two hundred fifty thousand dollars (\$ 250,000) or the applicable amount under subdivision (c), whichever is greater.

(c) If any violator derives pecuniary gain from a violation of this section, the violator may be assessed a civil penalty of not more than an amount equal to the amount of the gross gain multiplied by two.

(d) The administrative penalties shall be paid to the General Fund.

24189. This chapter shall remain in effect only until January 1, 2003, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2003, deletes or extends that date.

SPONSOR:
Johnston

LOAD-DATE: October 11, 1997

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CALIFORNIA 1997-98 REGULAR SESSION

SENATE JOINT RESOLUTION 14

SENATE JOINT RESOLUTION

NO. 14

INTRODUCED BY SENATOR KELLEY
MARCH 4, 1997

1997 CA S.J.R. 14

VERSION: Introduced

VERSION-DATE: March 4, 1997

SYNOPSIS:

Senate Joint Resolution No. 14--Relative to human cloning.

DIGEST:

LEGISLATIVE COUNSEL'S DIGEST

SJR 14, as introduced, Kelley. Human cloning.

This measure would memorialize the President and Congress to ban, outlaw, and take all necessary means to prevent the cloning of human beings.

Fiscal committee: no.

TEXT: WHEREAS, Mr. Ina Wilmut, 52, a Scottish scientist, took the nucleus from a mammary cell of an adult sheep and successfully fused it into the egg of another sheep, resulting in the DNA fusing with the egg and becoming an embryo; and

WHEREAS, The embryo was then implanted into a third sheep who gave birth to a baby lamb in July; and

WHEREAS, The baby lamb, otherwise known as Dolly, is a clone, or in other words an identical genetic twin of the adult sheep that actually provided the DNA coding; and

WHEREAS, In theory, this major scientific breakthrough could result in the cloning of human beings; and

WHEREAS, Cloning of human beings raises serious moral, ethical, legal, and other questions; and

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WHEREAS, Currently, a number of foreign countries have considered this issue and passed laws prohibiting cloning of human beings and work leading to the cloning of human beings; and

WHEREAS, State Senator Dave Kelley plans to introduce legislation during the next session that would outlaw the cloning of human beings in the State of California; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California memorializes the President and the Congress of the United States to act immediately and swiftly to ban, outlaw, and take all necessary means to prevent the cloning of human beings; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California.

SPONSOR:
Kelley

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CALIFORNIA 1997-98 REGULAR SESSION

SENATE CONCURRENT RESOLUTION 39

RESOLUTION CHAPTER 105
FILED WITH SECRETARY OF STATE SEPTEMBER 12, 1997
ADOPTED IN ASSEMBLY SEPTEMBER 2, 1997
ADOPTED IN SENATE JUNE 2, 1997
AMENDED IN SENATE MAY 14, 1997

SENATE CONCURRENT RESOLUTION

NO. 39

INTRODUCED BY SENATOR JOHNSTON
APRIL 8, 1997

1997 CA S.C.R. 39

VERSION: Adopted

VERSION-DATE: September 12, 1997

SYNOPSIS:

Senate Concurrent Resolution No. 39--Relative to cloning of human beings.

DIGEST:

LEGISLATIVE COUNSEL'S DIGEST

SCR 39, Johnston. Cloning of humans..

This measure would urge the State Director of Health Services to establish a panel to advise the Legislature and the Governor on human cloning and, by December 31, 2001, to make recommendations to them as to how to proceed.

TEXT: WHEREAS, The cloning of a sheep in Scotland may lead the way to the cloning of human beings; and

WHEREAS, California is a state in which scientific achievement and biotechnical capability outstrips the rest of the country; and

WHEREAS, There may be beneficial medical applications of some aspects of human cloning research, such as research designed to address disease prevention or eradication, which should not be prohibited; and

WHEREAS, The cloning of an entire human being -- that is a living being with all the physical and mental qualities that make up a person -- raises profound medical, social, legal, and ethical implications; and

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WHEREAS, There is a need for evaluation of those implications and a review of public policy related to human cloning; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature of the State of California urges the State Director of Health Services to establish a panel to advise the Legislature and the Governor on human cloning. The panel should be composed of at least seven members, to be appointed by the director, each of whom would serve without compensation. One representative should be included from medicine, religion, biotechnology, genetics, law, bioethics, and from the general public.

Upon completing their evaluation of implications of human cloning for society, but not later than December 31, 2001, the advisory panel should make recommendations to the Legislature and the Governor as to how to proceed; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the State Director of Health Services, and to the Governor.

SPONSOR:
Johnston

LOAD-DATE: September 18, 1997

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THE STATE OF ILLINOIS
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ILLINOIS 90TH GENERAL ASSEMBLY -- 1997-98 REGULAR SESSION

SENATE BILL 1230

1997 IL S.B. 1230

VERSION: Introduced

VERSION-DATE: January 14, 1998

SYNOPSIS:

AN ACT in relation to human cloning.

NOTICE:

[A> UPPERCASE TEXT WITHIN THESE SYMBOLS IS ADDED <A]

TEXT: Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Human Cloning Prohibition Act.

Section 5. Definition. For the purposes of this Act, "human cloning" means the intentional production of a newly fertilized human egg cell that is genetically identical to another human being, living or dead. "Human cloning" does not include:

(1) In vitro fertilization, the administration of fertility-enhancing drugs, or other medical procedures used to assist a woman in becoming or remaining pregnant, so long as that pregnancy is not specifically intended to result in the production of a child who is genetically identical to another human being, living or dead.

(2) Any activity or procedure that results, directly or indirectly, in 2 or more natural identical twins.

Section 10. Prohibitions; penalty.

(a) It is unlawful to engage in human cloning within this State.

(b) It is unlawful to allow any public funds or property to be used for human cloning.

(c) A person who intentionally violates subsection (a) or (b) of this Section commits a Class 3 felony and shall be sentenced to a term of imprisonment of not less than 3 years and not more than 10 years; the fine for which shall be \$ 250,000. A person convicted of violating subsection (a) or (b) of this Section shall not be eligible to receive a sentence of probation, conditional discharge, or periodic imprisonment.

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Section 50. The State Finance Act is amended by adding Section 24.10 as follows:

(30 ILCS 105/24.10 new)

[A> SEC. 24.10. USE OF PUBLIC FUNDS FOR HUMAN CLONING. AN APPROPRIATION ACT ENACTED AFTER THE EFFECTIVE DATE OF THIS SECTION SHALL NOT BE CONSTRUED TO AUTHORIZE THE EXPENDITURE OF PUBLIC FUNDS FOR HUMAN CLONING, AS THAT TERM IS DEFINED IN THE HUMAN CLONING PROHIBITION ACT, OR FOR THE SUPPORT OF ANY PROJECT OR INSTITUTION THAT ENGAGES IN HUMAN CLONING. <A]

Section 90. The Unified Code of Corrections is amended by changing Section 5-5-3 as follows:

(730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

Sec. 5-5-3. Disposition.

(a) Every person convicted of an offense shall be sentenced as provided in this Section.

(b) The following options shall be appropriate dispositions, alone or in combination, for all felonies and misdemeanors other than those identified in subsection (c) of this Section:

(1) A period of probation.

(2) A term of periodic imprisonment.

(3) A term of conditional discharge.

(4) A term of imprisonment.

(5) An order directing the offender to clean up and repair the damage, if the offender was convicted under paragraph (h) of Section 21-1 of the Criminal Code of 1961.

(6) A fine.

(7) An order directing the offender to make restitution to the victim under Section 5-5-6 of this Code.

(8) A sentence of participation in a county impact incarceration program under Section 5-8-1.2 of this Code.

Whenever an individual is sentenced for an offense based upon an arrest for a violation of Section 11-501 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and the professional evaluation recommends remedial or rehabilitative treatment or education, neither the treatment nor the education shall be the sole disposition and either or both may be imposed only in conjunction with another disposition. The court shall monitor compliance with any remedial education or treatment recommendations contained in the professional evaluation. Programs conducting alcohol or other drug evaluation or remedial education must be licensed by the Department of Human Services. However, if the individual is not a resident of Illinois, the court may accept

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an alcohol or other drug evaluation or remedial education program in the state of such individual's residence. Programs providing treatment must be licensed under existing applicable alcoholism and drug treatment licensure standards.

In addition to any other fine or penalty required by law, any individual convicted of a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of local ordinance, whose operation of a motor vehicle while in violation of Section 11-501 or such ordinance proximately caused an incident resulting in an appropriate emergency response, shall be required to make restitution to a public agency for the costs of that emergency response. Such restitution shall not exceed \$ 500 per public agency for each such emergency response. For the purpose of this paragraph, emergency response shall mean any incident requiring a response by: a police officer as defined under Section 1-162 of the Illinois Vehicle Code; a fireman carried on the rolls of a regularly constituted fire department; and an ambulance as defined under Section 4.05 of the Emergency Medical Services (EMS) Systems Act.

Neither a fine nor restitution shall be the sole disposition for a felony and either or both may be imposed only in conjunction with another disposition.

(c)(1) When a defendant is found guilty of first degree murder the State may either seek a sentence of imprisonment under Section 5-8-1 of this Code, or where appropriate seek a sentence of death under Section 9-1 of the Criminal Code of 1961.

(2) A period of probation, a term of periodic imprisonment or conditional discharge shall not be imposed for the following offenses. The court shall sentence the offender to not less than the minimum term of imprisonment set forth in this Code for the following offenses, and may order a fine or restitution or both in conjunction with such term of imprisonment:

(A) First degree murder where the death penalty is not imposed.

(B) Attempted first degree murder.

(C) A Class X felony.

(D) A violation of Section 401.1 or 407 of the Illinois Controlled Substances Act, or a violation of subdivision (c)(2) of Section 401 of that Act which relates to more than 5 grams of a substance containing cocaine or an analog thereof.

(E) A violation of Section 5.1 or 9 of the Cannabis Control Act.

(F) A Class 2 or greater felony if the offender had been convicted of a Class 2 or greater felony within 10 years of the date on which he committed the offense for which he is being sentenced.

(G) Residential burglary.

(H) Criminal sexual assault, except as otherwise provided in subsection (e) of this Section.

(I) Aggravated battery of a senior citizen.

1997 IL S.B. 1230

(J) A forcible felony if the offense was related to the activities of an organized gang. Before July 1, 1994, for the purposes of this paragraph, "organized gang" means an association of 5 or more persons, with an established hierarchy, that encourages members of the association to perpetrate crimes or provides support to the members of the association who do commit crimes. Beginning July 1, 1994, for the purposes of this paragraph, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(K) Vehicular hijacking.

(L) A second or subsequent conviction for the offense of hate crime when the underlying offense upon which the hate crime is based is felony aggravated assault or felony mob action.

(M) A second or subsequent conviction for the offense of institutional vandalism if the damage to the property exceeds \$ 300.

(N) A Class 3 felony violation of paragraph

(1) of subsection (a) of Section 2 of the Firearm Owners Identification Card Act.

(O) A violation of Section 12-6.1 of the Criminal Code of 1961.

(P) A violation of paragraph (1), (2), (3), (4), (5), or (7) of subsection (a) of Section 11-20.1 of the Criminal Code of 1961.

[A> (Q) HUMAN CLONING AS DEFINED IN THE HUMAN CLONING PROHIBITION ACT. <A]

(3) A minimum term of imprisonment of not less than 48 consecutive hours or 100 hours of community service as may be determined by the court shall be imposed for a second or subsequent violation committed within 5 years of a previous violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance.

(4) A minimum term of imprisonment of not less than 7 consecutive days or 30 days of community service shall be imposed for a violation of paragraph (c) of Section 6-303 of the Illinois Vehicle Code.

(4.1) A minimum term of 30 consecutive days of imprisonment, 40 days of 24 hour periodic imprisonment or 720 hours of community service, as may be determined by the court, shall be imposed for a violation of Section 11-501 of the Illinois Vehicle Code during a period in which the defendant's driving privileges are revoked or suspended, where the revocation or suspension was for a violation of Section 11-501 or Section 11-501.1 of that Code.

(5) The court may sentence an offender convicted of a business offense or a petty offense or a corporation or unincorporated association convicted of any offense to:

(A) a period of conditional discharge;

(B) a fine;

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(C) make restitution to the victim under Section 5-5-6 of this Code.

(6) In no case shall an offender be eligible for a disposition of probation or conditional discharge for a Class 1 felony committed while he was serving a term of probation or conditional discharge for a felony.

(7) When a defendant is adjudged a habitual criminal under Article 33B of the Criminal Code of 1961, the court shall sentence the defendant to a term of natural life imprisonment.

(8) When a defendant, over the age of 21 years, is convicted of a Class 1 or Class 2 felony, after having twice been convicted of any Class 2 or greater Class felonies in Illinois, and such charges are separately brought and tried and arise out of different series of acts, such defendant shall be sentenced as a Class X offender. This paragraph shall not apply unless (1) the first felony was committed after the effective date of this amendatory Act of 1977; and (2) the second felony was committed after conviction on the first; and (3) the third felony was committed after conviction on the second.

(9) A defendant convicted of a second or subsequent offense of ritualized abuse of a child may be sentenced to a term of natural life imprisonment.

(10) Beginning July 1, 1994, unless sentencing under Section 33B-1 is applicable, a term of imprisonment of not less than 15 years nor more than 50 years shall be imposed on a defendant who violates Section 33A-2 of the Criminal Code of 1961 with a firearm, when that person has been convicted in any state or federal court of 3 or more of the following offenses: treason, first degree murder, second degree murder, aggravated criminal sexual assault, criminal sexual assault, robbery, burglary, arson, kidnaping, aggravated battery resulting in great bodily harm or permanent disability or disfigurement, or a violation of Section 401(a) of the Illinois Controlled Substances Act, when the third offense was committed after conviction on the second, the second offense was committed after conviction on the first, and the violation of Section 33A-2 of the Criminal Code of 1961 was committed after conviction on the third.

(11) Beginning July 1, 1994, a term of imprisonment of not less than 10 years and not more than 30 years shall be imposed on a defendant who violates Section 33A-2 with a Category I weapon where the offense was committed in any school, or any conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity, on the real property comprising any school or public park, and where the offense was related to the activities of an organized gang. For the purposes of this paragraph (11), "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(d) In any case in which a sentence originally imposed is vacated, the case shall be remanded to the trial court. The trial court shall hold a hearing under Section 5-4-1 of the Unified Code of Corrections which may include evidence of the defendant's life, moral character and occupation during the time since the original sentence was passed. The trial court shall then impose sentence upon the defendant. The trial court may impose any sentence which could have been imposed at the original trial subject to Section 5-5-4 of the Unified Code of Corrections.

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(e) In cases where prosecution for criminal sexual assault or aggravated criminal sexual abuse under Section 12-13 or 12-16 of the Criminal Code of 1961 results in conviction of a defendant who was a family member of the victim at the time of the commission of the offense, the court shall consider the safety and welfare of the victim and may impose a sentence of probation only where:

(1) the court finds (A) or (B) or both are appropriate:

(A) the defendant is willing to undergo a court approved counseling program for a minimum duration of 2 years; or

(B) the defendant is willing to participate in a court approved plan including but not limited to the defendant's:

(i) removal from the household;

(ii) restricted contact with the victim;

(iii) continued financial support of the family;

(iv) restitution for harm done to the victim; and

(v) compliance with any other measures that the court may deem appropriate; and

(2) the court orders the defendant to pay for the victim's counseling services, to the extent that the court finds, after considering the defendant's income and assets, that the defendant is financially capable of paying for such services, if the victim was under 18 years of age at the time the offense was committed and requires counseling as a result of the offense.

Probation may be revoked or modified pursuant to Section 5-6-4; except where the court determines at the hearing that the defendant violated a condition of his or her probation restricting contact with the victim or other family members or commits another offense with the victim or other family members, the court shall revoke the defendant's probation and impose a term of imprisonment.

For the purposes of this Section, "family member" and "victim" shall have the meanings ascribed to them in Section 12-12 of the Criminal Code of 1961.

(f) This Article shall not deprive a court in other proceedings to order a forfeiture of property, to suspend or cancel a license, to remove a person from office, or to impose any other civil penalty.

(g) Whenever a defendant is convicted of an offense under Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961, the defendant shall undergo medical testing to determine whether the defendant has any sexually transmissible disease, including a test for infection with human immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS). Any such medical test shall be performed only by appropriately licensed medical practitioners and may include an analysis of any bodily fluids as well as an examination of the defendant's person. Except as otherwise provided by law, the results of such test shall be kept strictly confidential by all medical personnel involved in the testing and must be

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personally delivered in a sealed envelope to the judge of the court in which the conviction was entered for the judge's inspection in camera. Acting in accordance with the best interests of the victim and the public, the judge shall have the discretion to determine to whom, if anyone, the results of the testing may be revealed. The court shall notify the defendant of the test results. The court shall also notify the victim if requested by the victim, and if the victim is under the age of 15 and if requested by the victim's parents or legal guardian, the court shall notify the victim's parents or legal guardian of the test results. The court shall provide information on the availability of HIV testing and counseling at Department of Public Health facilities to all parties to whom the results of the testing are revealed and shall direct the State's Attorney to provide the information to the victim when possible. A State's Attorney may petition the court to obtain the results of any HIV test administered under this Section, and the court shall grant the disclosure if the State's Attorney shows it is relevant in order to prosecute a charge of criminal transmission of HIV under Section 12-16.2 of the Criminal Code of 1961 against the defendant. The court shall order that the cost of any such test shall be paid by the county and may be taxed as costs against the convicted defendant.

(g-5) When an inmate is tested for an airborne communicable disease, as determined by the Illinois Department of Public Health including but not limited to tuberculosis, the results of the test shall be personally delivered by the warden or his or her designee in a sealed envelope to the judge of the court in which the inmate must appear for the judge's inspection in camera if requested by the judge. Acting in accordance with the best interests of those in the courtroom, the judge shall have the discretion to determine what if any precautions need to be taken to prevent transmission of the disease in the courtroom.

(h) Whenever a defendant is convicted of an offense under Section 1 or 2 of the Hypodermic Syringes and Needles Act, the defendant shall undergo medical testing to determine whether the defendant has been exposed to human immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS). Except as otherwise provided by law, the results of such test shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the conviction was entered for the judge's inspection in camera. Acting in accordance with the best interests of the public, the judge shall have the discretion to determine to whom, if anyone, the results of the testing may be revealed. The court shall notify the defendant of a positive test showing an infection with the human immunodeficiency virus (HIV). The court shall provide information on the availability of HIV testing and counseling at Department of Public Health facilities to all parties to whom the results of the testing are revealed and shall direct the State's Attorney to provide the information to the victim when possible. A State's Attorney may petition the court to obtain the results of any HIV test administered under this Section, and the court shall grant the disclosure if the State's Attorney shows it is relevant in order to prosecute a charge of criminal transmission of HIV under Section 12-16.2 of the Criminal Code of 1961 against the defendant. The court shall order that the cost of any such test shall be paid by the county and may be taxed as costs against the convicted defendant.

(i) All fines and penalties imposed under this Section for any violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or

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a similar provision of a local ordinance, shall be collected and disbursed by the circuit clerk as provided under Section 27.5 of the Clerks of Courts Act.

(j) In cases when prosecution for any violation of Section 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961, any violation of the Illinois Controlled Substances Act, or any violation of the Cannabis Control Act results in conviction, a disposition of court supervision, or an order of probation granted under Section 10 of the Cannabis Control Act or Section 410 of the Illinois Controlled Substance Act of a defendant, the court shall determine whether the defendant is employed by a facility or center as defined under the Child Care Act of 1969, a public or private elementary or secondary school, or otherwise works with children under 18 years of age on a daily basis. When a defendant is so employed, the court shall order the Clerk of the Court to send a copy of the judgment of conviction or order of supervision or probation to the defendant's employer by certified mail. If the employer of the defendant is a school, the Clerk of the Court shall direct the mailing of a copy of the judgment of conviction or order of supervision or probation to the appropriate regional superintendent of schools. The regional superintendent of schools shall notify the State Board of Education of any notification under this subsection.

(j-5) A defendant at least 17 years of age who is convicted of a felony and who has not been previously convicted of a misdemeanor or felony and who is sentenced to a term of imprisonment in the Illinois Department of Corrections shall as a condition of his or her sentence be required by the court to attend educational courses designed to prepare the defendant for a high school diploma and to work toward a high school diploma or to work toward passing the high school level Test of General Educational Development (GED) or to work toward completing a vocational training program offered by the Department of Corrections. If a defendant fails to complete the educational training required by his or her sentence during the term of incarceration, the Prisoner Review Board shall, as a condition of mandatory supervised release, require the defendant, at his or her own expense, to pursue a course of study toward a high school diploma or passage of the GED test. The Prisoner Review Board shall revoke the mandatory supervised release of a defendant who wilfully fails to comply with this subsection (j-5) upon his or her release from confinement in a penal institution while serving a mandatory supervised release term; however, the inability of the defendant after making a good faith effort to obtain financial aid or pay for the educational training shall not be deemed a wilful failure to comply. The Prisoner Review Board shall recommit the defendant whose mandatory supervised release term has been revoked under this subsection (j-5) as provided in Section 3-3-9. This subsection (j-5) does not apply to a defendant who has a high school diploma or has successfully passed the GED test. This subsection (j-5) does not apply to a defendant who is determined by the court to be developmentally disabled or otherwise mentally incapable of completing the educational or vocational program.

(k) A court may not impose a sentence or disposition for a felony or misdemeanor that requires the defendant to be implanted or injected with or to use any form of birth control.

(1)(A) Except as provided in paragraph (C) of subsection (1), whenever a defendant, who is an alien as defined by the Immigration and Nationality Act, is convicted of any felony or misdemeanor offense, the court after sentencing the

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defendant may, upon motion of the State's Attorney, hold sentence in abeyance and remand the defendant to the custody of the Attorney General of the United States or his or her designated agent to be deported when:

(1) a final order of deportation has been issued against the defendant pursuant to proceedings under the Immigration and Nationality Act, and

(2) the deportation of the defendant would not deprecate the seriousness of the defendant's conduct and would not be inconsistent with the ends of justice.

Otherwise, the defendant shall be sentenced as provided in this Chapter V.

(B) If the defendant has already been sentenced for a felony or misdemeanor offense, or has been placed on probation under Section 10 of the Cannabis Control Act or Section 410 of the Illinois Controlled Substances Act, the court may, upon motion of the State's Attorney to suspend the sentence imposed, commit the defendant to the custody of the Attorney General of the United States or his or her designated agent when:

(1) a final order of deportation has been issued against the defendant pursuant to proceedings under the Immigration and Nationality Act, and

(2) the deportation of the defendant would not deprecate the seriousness of the defendant's conduct and would not be inconsistent with the ends of justice.

(C) This subsection (1) does not apply to offenders who are subject to the provisions of paragraph (2) of subsection (a) of Section 3-6-3.

(D) Upon motion of the State's Attorney, if a defendant sentenced under this Section returns to the jurisdiction of the United States, the defendant shall be recommitted to the custody of the county from which he or she was sentenced. Thereafter, the defendant shall be brought before the sentencing court, which may impose any sentence that was available under Section 5-5-3 at the time of initial sentencing. In addition, the defendant shall not be eligible for additional good conduct credit for meritorious service as provided under Section 3-6-6. (Source: P.A. 89-8, eff. 3-21-95; 89-314, eff. 1-1-96; 89-428, eff. 12-13-95; 89-462, eff. 5-29-96; 89-477, eff. 6-18-96; 89-507, eff. 7-1-97; 89-545, eff. 7-25-96; 89-587, eff. 7-31-96; 89-627, eff. 1-1-97; 89-688, eff. 6-1-97; 90-14, eff. 7-1-97; 90-68, eff. 7-8-97.)

Section 99. Effective date. This Act shall take effect upon becoming law.

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ILLINOIS 90TH GENERAL ASSEMBLY -- 1997-98 REGULAR SESSION

SENATE BILL 1243

1997 IL S.B. 1243

VERSION: Introduced

VERSION-DATE: January 14, 1998

SYNOPSIS:

AN ACT in relation to cloning.

NOTICE:

[A> UPPERCASE TEXT WITHIN THESE SYMBOLS IS ADDED <A]

TEXT: Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Human Cloning Act.

Section 5. Purpose. It is the intent of the General Assembly to place a moratorium on the cloning of an entire human being in order to evaluate the profound medical, ethical, and social implications that such a possibility raises. During this moratorium period, the Director of Public Health shall establish a panel of representatives from the fields of medicine, religion, biotechnology, genetics, law, bioethics, and the general public to evaluate those implications, review public policy, and advise the General Assembly and the Governor in this area and submit a report to the General Assembly by January 1, 2001.

Section 10. Human cloning prohibited.

(a) No person shall clone a human being.

(b) No person shall purchase or sell an ovum, zygote, embryo, or fetus for the purpose of cloning a human being.

(c) For purposes of this Section, "clone" means the practice of creating or attempting to create a human being by transferring the nucleus from a human cell from whatever source into a human egg cell from which the nucleus has been removed for the purpose of, or to implant, the resulting product to initiate a pregnancy that could result in the birth of a human being.

Section 15. For violations of Section 10, the Director of Public Health may, after appropriate notice and opportunity for hearing, by order, levy administrative penalties as follows:

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(a) If the violator is a corporation, firm, clinic, hospital, laboratory, or research facility, by a civil penalty of not more than \$ 1,000,000 or the applicable amount under subsection (c), whichever is greater.

(b) If the violator is an individual, by a civil penalty of not more than \$ 250,000 or the applicable amount under subsection (c), whichever is greater.

(c) If any violator derives pecuniary gain from a violation of Section 10, the violator may be assessed a civil penalty of not more than an amount equal to the amount of the gross gain multiplied by 2.

(d) The administrative penalties shall be paid into the General Revenue Fund.

Section 90. Repeal. This Act may be repealed after January 1, 2003 by an affirmative vote of the General Assembly.

Section 105. The Civil Administrative Code of Illinois is amended by adding Section 55.46-5 as follows:

(20 ILCS 2310/55.46-5 new)

[A> SEC. 55.46-5. REVOCATION OF REGISTRATION OF SPERM BANKS THAT VIOLATE THE HUMAN CLONING ACT. THE DEPARTMENT SHALL REVOKE THE REGISTRATION OF A SPERM BANK THAT VIOLATES THE HUMAN CLONING ACT. THIS SECTION MAY BE REPEALED AFTER JANUARY 1, 2003 BY AN AFFIRMATIVE VOTE OF THE GENERAL ASSEMBLY. <A]

Section 110. The Ambulatory Surgical Treatment Center Act is amended by adding Section 10f-5 as follows:

(210 ILCS 5/10f-5 new)

[A> SEC. 10F-5. REVOCATION OF LICENSE FOR VIOLATING THE HUMAN CLONING ACT. THE DIRECTOR SHALL REVOKE THE LICENSE OF AN AMBULATORY SURGICAL TREATMENT CENTER THAT VIOLATES THE HUMAN CLONING ACT. THIS SECTION MAY BE REPEALED AFTER JANUARY 1, 2003 BY AN AFFIRMATIVE VOTE OF THE GENERAL ASSEMBLY. <A]

Section 115. The Hospital Licensing Act is amended by adding Section 7.5 as follows:

(210 ILCS 85/7.5 new)

[A> SEC. 7.5. REVOCATION OF LICENSE FOR VIOLATION OF THE HUMAN CLONING ACT. THE DIRECTOR SHALL REVOKE THE LICENSE OF A HOSPITAL THAT VIOLATES THE HUMAN CLONING ACT. THIS SECTION MAY BE REPEALED AFTER JANUARY 1, 2003 BY AN AFFIRMATIVE VOTE OF THE GENERAL ASSEMBLY. <A]

Section 120. The Medical Practice Act of 1987 is amended by changing Section 22 as follows:

(225 ILCS 60/22) (from Ch. 111, par. 4400-22)

Sec. 22. Disciplinary action.

(A) The Department may revoke, suspend, place on probationary status, or take any other disciplinary action as the Department may deem proper with regard to

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the license or visiting professor permit of any person issued under this Act to practice medicine, or to treat human ailments without the use of drugs and without operative surgery upon any of the following grounds:

(1) Performance of an elective abortion in any place, locale, facility, or institution other than:

(a) a facility licensed pursuant to the Ambulatory Surgical Treatment Center Act;

(b) an institution licensed under the Hospital Licensing Act; or

(c) an ambulatory surgical treatment center or hospitalization or care facility maintained by the State or any agency thereof, where such department or agency has authority under law to establish and enforce standards for the ambulatory surgical treatment centers, hospitalization, or care facilities under its management and control; or

(d) ambulatory surgical treatment centers, hospitalization or care facilities maintained by the Federal Government; or

(e) ambulatory surgical treatment centers, hospitalization or care facilities maintained by any university or college established under the laws of this State and supported principally by public funds raised by taxation.

(2) Performance of an abortion procedure in a wilful and wanton manner on a woman who was not pregnant at the time the abortion procedure was performed.

(3) The conviction of a felony in this or any other jurisdiction, except as otherwise provided in subsection B of this Section, whether or not related to practice under this Act, or the entry of a guilty or nolo contendere plea to a felony charge.

(4) Gross negligence in practice under this Act.

(5) Engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public.

(6) Obtaining any fee by fraud, deceit, or misrepresentation.

(7) Habitual or excessive use or abuse of drugs defined in law as controlled substances, of alcohol, or of any other substances which results in the inability to practice with reasonable judgment, skill or safety.

(8) Practicing under a false or, except as provided by law, an assumed name.

(9) Fraud or misrepresentation in applying for, or procuring, a license under this Act or in connection with applying for renewal of a license under this Act.

(10) Making a false or misleading statement regarding their skill or the efficacy or value of the medicine, treatment, or remedy prescribed by them at their direction in the treatment of any disease or other condition of the body or mind.

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(11) Allowing another person or organization to use their license, procured under this Act, to practice.

(12) Disciplinary action of another state or jurisdiction against a license or other authorization to practice as a medical doctor, doctor of osteopathy, doctor of osteopathic medicine or doctor of chiropractic, a certified copy of the record of the action taken by the other state or jurisdiction being prima facie evidence thereof.

(13) Violation of any provision of this Act or of the Medical Practice Act prior to the repeal of that Act, or violation of the rules, or a final administrative action of the Director, after consideration of the recommendation of the Disciplinary Board.

(14) Dividing with anyone other than physicians with whom the licensee practices in a partnership, Professional Association, limited liability company, or Medical or Professional Corporation any fee, commission, rebate or other form of compensation for any professional services not actually and personally rendered. Nothing contained in this subsection prohibits persons holding valid and current licenses under this Act from practicing medicine in partnership under a partnership agreement, including a limited liability partnership, in a limited liability company under the Limited Liability Company Act, in a corporation authorized by the Medical Corporation Act, as an association authorized by the Professional Association Act, or in a corporation under the Professional Corporation Act or from pooling, sharing, dividing or apportioning the fees and monies received by them or by the partnership, corporation or association in accordance with the partnership agreement or the policies of the Board of Directors of the corporation or association. Nothing contained in this subsection prohibits 2 or more corporations authorized by the Medical Corporation Act, from forming a partnership or joint venture of such corporations, and providing medical, surgical and scientific research and knowledge by employees of these corporations if such employees are licensed under this Act, or from pooling, sharing, dividing, or apportioning the fees and monies received by the partnership or joint venture in accordance with the partnership or joint venture agreement. Nothing contained in this subsection shall abrogate the right of 2 or more persons, holding valid and current licenses under this Act, to each receive adequate compensation for concurrently rendering professional services to a patient and divide a fee; provided, the patient has full knowledge of the division, and, provided, that the division is made in proportion to the services performed and responsibility assumed by each.

(15) A finding by the Medical Disciplinary Board that the registrant after having his or her license placed on probationary status or subjected to conditions or restrictions violated the terms of the probation or failed to comply with such terms or conditions.

(16) Abandonment of a patient.

(17) Prescribing, selling, administering, distributing, giving or self-administering any drug classified as a controlled substance (designated product) or narcotic for other than medically accepted therapeutic purposes.

(18) Promotion of the sale of drugs, devices, appliances or goods provided for a patient in such manner as to exploit the patient for financial gain of the physician.

(19) Offering, undertaking or agreeing to cure or treat disease by a secret method, procedure, treatment or medicine, or the treating, operating or prescribing for any human condition by a method, means or procedure which the licensee refuses to divulge upon demand of the Department.

(20) Immoral conduct in the commission of any act including, but not limited to, commission of an act of sexual misconduct related to the licensee's practice.

(21) Wilfully making or filing false records or reports in his or her practice as a physician, including, but not limited to, false records to support claims against the medical assistance program of the Department of Public Aid under the Illinois Public Aid Code.

(22) Wilful omission to file or record, or wilfully impeding the filing or recording, or inducing another person to omit to file or record, medical reports as required by law, or wilfully failing to report an instance of suspected abuse or neglect as required by law.

(23) Being named as a perpetrator in an indicated report by the Department of Children and Family Services under the Abused and Neglected Child Reporting Act, and upon proof by clear and convincing evidence that the licensee has caused a child to be an abused child or neglected child as defined in the Abused and Neglected Child Reporting Act.

(24) Solicitation of professional patronage by any corporation, agents or persons, or profiting from those representing themselves to be agents of the licensee.

(25) Gross and wilful and continued overcharging for professional services, including filing false statements for collection of fees for which services are not rendered, including, but not limited to, filing such false statements for collection of monies for services not rendered from the medical assistance program of the Department of Public Aid under the Illinois Public Aid Code.

(26) A pattern of practice or other behavior which demonstrates incapacity or incompetence to practice under this Act.

(27) Mental illness or disability which results in the inability to practice under this Act with reasonable judgment, skill or safety.

(28) Physical illness, including, but not limited to, deterioration through the aging process, or loss of motor skill which results in a physician's inability to practice under this Act with reasonable judgment, skill or safety.

(29) Cheating on or attempt to subvert the licensing examinations administered under this Act.

(30) Wilfully or negligently violating the confidentiality between physician and patient except as required by law.

(31) The use of any false, fraudulent, or deceptive statement in any document connected with practice under this Act.

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(32) Aiding and abetting an individual not licensed under this Act in the practice of a profession licensed under this Act.

(33) Violating state or federal laws or regulations relating to controlled substances.

(34) Failure to report to the Department any adverse final action taken against them by another licensing jurisdiction (any other state or any territory of the United States or any foreign state or country), by any peer review body, by any health care institution, by any professional society or association related to practice under this Act, by any governmental agency, by any law enforcement agency, or by any court for acts or conduct similar to acts or conduct which would constitute grounds for action as defined in this Section.

(35) Failure to report to the Department surrender of a license or authorization to practice as a medical doctor, a doctor of osteopathy, a doctor of osteopathic medicine, or doctor of chiropractic in another state or jurisdiction, or surrender of membership on any medical staff or in any medical or professional association or society, while under disciplinary investigation by any of those authorities or bodies, for acts or conduct similar to acts or conduct which would constitute grounds for action as defined in this Section.

(36) Failure to report to the Department any adverse judgment, settlement, or award arising from a liability claim related to acts or conduct similar to acts or conduct which would constitute grounds for action as defined in this Section.

(37) Failure to transfer copies of medical records as required by law.

(38) Failure to furnish the Department, its investigators or representatives, relevant information, legally requested by the Department after consultation with the Chief Medical Coordinator or the Deputy Medical Coordinator.

(39) Violating the Health Care Worker Self-Referral Act.

(40) Willful failure to provide notice when notice is required under the Parental Notice of Abortion Act of 1995.

(41) Failure to establish and maintain records of patient care and treatment as required by this law.

[A> (42) VIOLATING THE HUMAN CLONING ACT. THIS ITEM <A]

[A> (42) IS INOPERATIVE UPON THE REPEAL OF THE HUMAN CLONING ACT. <A]

All proceedings to suspend, revoke, place on probationary status, or take any other disciplinary action as the Department may deem proper, with regard to a license on any of the foregoing grounds, must be commenced within 3 years next after receipt by the Department of a complaint alleging the commission of or notice of the conviction order for any of the acts described herein. Except for the grounds numbered (8), (9) and (29), no action shall be commenced more than 5 years after the date of the incident or act alleged to have violated this Section. In the event of the settlement of any claim or cause of action in favor of the claimant or the reduction to final judgment of any civil action in favor of the plaintiff, such claim, cause of action or civil action being grounded on the allegation that a person licensed under this Act was negligent

in providing care, the Department shall have an additional period of one year from the date of notification to the Department under Section 23 of this Act of such settlement or final judgment in which to investigate and commence formal disciplinary proceedings under Section 36 of this Act, except as otherwise provided by law. The time during which the holder of the license was outside the State of Illinois shall not be included within any period of time limiting the commencement of disciplinary action by the Department.

The entry of an order or judgment by any circuit court establishing that any person holding a license under this Act is a person in need of mental treatment operates as a suspension of that license. That person may resume their practice only upon the entry of a Departmental order based upon a finding by the Medical Disciplinary Board that they have been determined to be recovered from mental illness by the court and upon the Disciplinary Board's recommendation that they be permitted to resume their practice.

The Department may refuse to issue or take disciplinary action concerning the license of any person who fails to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied as determined by the Illinois Department of Revenue.

The Department, upon the recommendation of the Disciplinary Board, shall adopt rules which set forth standards to be used in determining:

- (a) when a person will be deemed sufficiently rehabilitated to warrant the public trust;
- (b) what constitutes dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud, or harm the public;
- (c) what constitutes immoral conduct in the commission of any act, including, but not limited to, commission of an act of sexual misconduct related to the licensee's practice; and
- (d) what constitutes gross negligence in the practice of medicine.

However, no such rule shall be admissible into evidence in any civil action except for review of a licensing or other disciplinary action under this Act.

In enforcing this Section, the Medical Disciplinary Board, upon a showing of a possible violation, may compel any individual licensed to practice under this Act, or who has applied for licensure or a permit pursuant to this Act, to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The examining physician or physicians shall be those specifically designated by the Disciplinary Board. The Medical Disciplinary Board or the Department may order the examining physician to present testimony concerning this mental or physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communication between the licensee or applicant and the examining physician. The individual to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of the examination. Failure of any individual to submit to mental or physical examination, when directed, shall be grounds for suspension of his or her

license until such time as the individual submits to the examination if the Disciplinary Board finds, after notice and hearing, that the refusal to submit to the examination was without reasonable cause. If the Disciplinary Board finds a physician unable to practice because of the reasons set forth in this Section, the Disciplinary Board shall require such physician to submit to care, counseling, or treatment by physicians approved or designated by the Disciplinary Board, as a condition for continued, reinstated, or renewed licensure to practice. Any physician, whose license was granted pursuant to Sections 9, 17, or 19 of this Act, or, continued, reinstated, renewed, disciplined or supervised, subject to such terms, conditions or restrictions who shall fail to comply with such terms, conditions or restrictions, or to complete a required program of care, counseling, or treatment, as determined by the Chief Medical Coordinator or Deputy Medical Coordinators, shall be referred to the Director for a determination as to whether the licensee shall have their license suspended immediately, pending a hearing by the Disciplinary Board. In instances in which the Director immediately suspends a license under this Section, a hearing upon such person's license must be convened by the Disciplinary Board within 15 days after such suspension and completed without appreciable delay. The Disciplinary Board shall have the authority to review the subject physician's record of treatment and counseling regarding the impairment, to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

An individual licensed under this Act, affected under this Section, shall be afforded an opportunity to demonstrate to the Disciplinary Board that they can resume practice in compliance with acceptable and prevailing standards under the provisions of their license.

The Department may promulgate rules for the imposition of fines in disciplinary cases, not to exceed \$ 5,000 for each violation of this Act. Fines may be imposed in conjunction with other forms of disciplinary action, but shall not be the exclusive disposition of any disciplinary action arising out of conduct resulting in death or injury to a patient. Any funds collected from such fines shall be deposited in the Medical Disciplinary Fund.

(B) The Department shall revoke the license or visiting permit of any person issued under this Act to practice medicine or to treat human ailments without the use of drugs and without operative surgery, who has been convicted a second time of committing any felony under the Illinois Controlled Substances Act, or who has been convicted a second time of committing a Class 1 felony under Sections 8A-3 and 8A-6 of the Illinois Public Aid Code. A person whose license or visiting permit is revoked under this subsection B of Section 22 of this Act shall be prohibited from practicing medicine or treating human ailments without the use of drugs and without operative surgery.

(C) The Medical Disciplinary Board shall recommend to the Department civil penalties and any other appropriate discipline in disciplinary cases when the Board finds that a physician willfully performed an abortion with actual knowledge that the person upon whom the abortion has been performed is a minor or an incompetent person without notice as required under the Parental Notice of Abortion Act of 1995. Upon the Board's recommendation, the Department shall impose, for the first violation, a civil penalty of \$ 1,000 and for a second or subsequent violation, a civil penalty of \$ 5,000. (Source: P.A. 89-18, eff. 6-1-95; 89-201, eff. 1-1-96; 89-626, eff. 8-9-96; 89-702, eff. 7-1-97.)

1997 IL S.B. 1243

Section 125. The Criminal Code of 1961 is amended by adding Section 12-35 as follows:

(720 ILCS 5/12-35 new)

[A> SEC. 12-35. CRIMINAL CLONING OF HUMANS. <A]

[A> (A) NO PERSON SHALL ENGAGE IN ACTIVITY WHICH INVOLVES THE USE OF A HUMAN SOMATIC CELL NUCLEUS TRANSFER TECHNOLOGY TO PRODUCE A HUMAN EMBRYO FOR THE PROCESS OF PRODUCING A HUMAN CLONE. <A]

[A> (B) SENTENCE. A VIOLATION OF THIS SECTION IS A CLASS 4 FELONY. <A]

[A> (C) DEFINITION. FOR PURPOSES OF THIS SECTION, "HUMAN CLONE" MEANS A HUMAN BEING CREATED BY TRANSFERRING THE NUCLEUS FROM A HUMAN CELL FROM WHATEVER SOURCE INTO A HUMAN EGG CELL FROM WHICH THE NUCLEUS HAS BEEN REMOVED FOR THE PURPOSE OF, OR TO IMPLANT, THE RESULTING PRODUCT TO INITIATE A PREGNANCY THAT COULD RESULT IN THE BIRTH OF A HUMAN BEING. <A]

[A> (D) REPEALED. THIS SECTION MAY BE REPEALED AFTER JANUARY 1, 2003 BY AN AFFIRMATIVE VOTE OF THE GENERAL ASSEMBLY. <A]

Section 999. Effective date. This Act takes effect upon becoming law.

SPONSOR:
Burzynski

LOAD-DATE: January 16, 1998

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THE STATE OF ILLINOIS
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ILLINOIS 90TH GENERAL ASSEMBLY -- 1997-98 REGULAR SESSION

HOUSE BILL 1829

1997 IL H.B. 1829

VERSION: Introduced

VERSION-DATE: March 7, 1997

SYNOPSIS:

AN ACT in relation to human cloning.

NOTICE:

[A> UPPERCASE TEXT WITHIN THESE SYMBOLS IS ADDED <A]

TEXT: Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Human Cloning Prohibition Act.

Section 5. Definition. For the purposes of this Act, "human cloning" means the intentional production of a newly fertilized human egg cell that is genetically identical to another human being, living or dead. "Human cloning" does not include:

(1) In vitro fertilization, the administration of fertility-enhancing drugs, or other medical procedures used to assist a woman in becoming or remaining pregnant, so long as that pregnancy is not specifically intended to result in the production of a child who is genetically identical to another human being, living or dead.

(2) Any activity or procedure that results, directly or indirectly, in 2 or more natural identical twins.

Section 10. Prohibitions; penalty.

(a) It is unlawful to engage in human cloning within this State.

(b) It is unlawful to allow any public funds or property to be used for human cloning.

(c) A person who intentionally violates subsection (a) or (b) of this Section commits a Class 4 felony.

Section 90. The State Finance Act is amended by adding Section 24.10 as follows:

1997 IL H.B. 1829

(30 ILCS 105/24.10 new)

[A> SEC. 24.10. USE OF PUBLIC FUNDS FOR HUMAN CLONING. AN APPROPRIATION ACT ENACTED AFTER THE EFFECTIVE DATE OF THIS SECTION SHALL NOT BE CONSTRUED TO AUTHORIZE THE EXPENDITURE OF PUBLIC FUNDS FOR HUMAN CLONING, AS THAT TERM IS DEFINED IN THE HUMAN CLONING PROHIBITION ACT, OR FOR THE SUPPORT OF ANY PROJECT OR INSTITUTION THAT ENGAGES IN HUMAN CLONING. <A]

Section 99. Effective date. This Act takes effect upon becoming law.

SPONSOR:

Krause

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ILLINOIS 90TH GENERAL ASSEMBLY -- 1997-98 REGULAR SESSION

HOUSE BILL 2235

1997 IL H.B. 2235

VERSION: Introduced

VERSION-DATE: March 10, 1997

SYNOPSIS:

AN ACT in relation to human cloning.

NOTICE:

[A> UPPERCASE TEXT WITHIN THESE SYMBOLS IS ADDED <A]

TEXT: Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Human Cloning Prohibition Act.

Section 5. Definition. For the purposes of this Act, "human cloning" means the intentional manipulation of a human egg cell to make it genetically identical to another human being, living or dead. "Human cloning" does not include:

(1) In vitro fertilization, the administration of fertility-enhancing drugs, or other medical procedures used to assist a woman in becoming or remaining pregnant, so long as that pregnancy is not specifically intended to result in the production of a child who is genetically identical to another human being, living or dead.

(2) Any activity or procedure that results, directly or indirectly, in 2 or more natural identical twins.

Section 10. Prohibitions; penalty.

(a) It is unlawful to engage in human cloning within this State.

(b) It is unlawful to allow any public funds or property to be used for human cloning.

(c) A person who intentionally violates subsection (a) or (b) of this Section commits a Class 4 felony.

Section 90. The State Finance Act is amended by adding Section 24.10 as follows:

1997 IL H.B. 2235

(30 ILCS 105/24.10 new)

[A> SEC. 24.10. USE OF PUBLIC FUNDS FOR HUMAN CLONING. AN APPROPRIATION ACT ENACTED AFTER THE EFFECTIVE DATE OF THIS SECTION SHALL NOT BE CONSTRUED TO AUTHORIZE THE EXPENDITURE OF PUBLIC FUNDS FOR HUMAN CLONING, AS THAT TERM IS DEFINED IN THE HUMAN CLONING PROHIBITION ACT, OR FOR THE SUPPORT OF ANY PROJECT OR INSTITUTION THAT ENGAGES IN HUMAN CLONING. <A]

Section 99. Effective date. This Act takes effect upon becoming law.

SPONSOR:

Krause

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MICHIGAN 89TH LEGISLATURE -- 1998 REGULAR SESSION

HOUSE BILL 4962

STATE OF MICHIGAN
89TH LEGISLATURE

REGULAR SESSION OF 1998

INTRODUCED BY REPS. MCMANUS, HAMMERSTROM, HORTON, LAW, GOSCHKA,
MCBRYDE, BODEM, RACZKOWSKI, NYE, JANSEN, GEIGER, LOWE, VORRHEES,
WHYMAN, BYL, RHEAD, LLEWELLYN, MCNUTT, GODCHAUX, KUKUK, GREEN, JOHNSON,
CROPSEY, CASSIS, LELAND, BIRKHOLZ, BROWN AND PERRICONE REPS. BAADE,
BANKES, BRACKENRIDGE, CALLAHAN, DALMAN, DEHART, DEVUYST, DOBB,
GERNAAT, GUSTAFSON, JELLEMA, KAZA, LONDON, MIDDAUGH, MIDDLETON,
OLSHOVE, OXENDER, PALAMARA, PARKS, PROFIT, ROCCA, SCHAUER,
SCHERMESSER, SCOTT, SIKKEMA, VARGA, VAUGHN AND WOJNO NAMED CO-SPONSORS
ENROLLED HOUSE BILL NO. 4962

1997 MI H.B. 4962

VERSION: Enacted

VERSION-DATE: June 3, 1998

SYNOPSIS:

AN ACT to amend 1931 PA 328, entitled "An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act," (MCL 750.1 to 750.568) by adding section 430a.

TEXT:

The People of the State of Michigan enact:

Sec. 430a. (1) An individual shall not intentionally engage in or attempt to engage in human cloning.

(2) Subsection (1) does not prohibit scientific research or cell-based therapies not specifically prohibited by that subsection.

(3) An individual who violates subsection (1) is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than \$ 10,000,000.00, or both.

(4) As used in this section, "human cloning" means that term as defined in section 16274 of the public health code, 1978 pa 368, mcl 333.16274.

1997 MI H.B. 4962

Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 89th Legislature are enacted into law.

(a) House Bill No. 4846.

(b) House Bill No. 5475.

(c) Senate Bill No. 864.

SPONSOR:
McManus

LOAD-DATE: June 5, 1998

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MICHIGAN 89TH LEGISLATURE -- 1998 REGULAR SESSION

HOUSE BILL 5475

STATE OF MICHIGAN
89TH LEGISLATURE

REGULAR SESSION OF 1998

INTRODUCED BY REPS. MANS, PALAMARA, PROFIT, LAFORGE, PARKS, MURPHY,
WOJNO, HALE, SCHAUER, OWEN, CRISSMAN, BRACKENRIDGE, LAW, HAMMERSTROM,
MCMANUS, WHYMAN, RHEAD, MCNUTT, BASHAM, HORTON, GIRE, GOSCHKA,
OISHOVE, FREEMAN, VARGA, SCRANTON, DEHART, SCOTT, GREEN RACZKOWSKI AND
PERRICONE
ENROLLED HOUSE BILL NO. 5475

1997 MI H.B. 5475

VERSION: Enacted

VERSION-DATE: June 3, 1998

SYNOPSIS:

AN ACT to prohibit the expenditure of state funds for the purpose of human cloning.

TEXT:

The People of the State of Michigan enact:

Sec. 1. This act shall be known and may be cited as "the human cloning funding prohibition act".

Sec. 2. As used in this act, "human cloning" means that term as defined in section 16274 of the public health code, 1978 PA 368, MCL 333.16274.

Sec. 3. A person shall not use state funds to engage in or attempt to engage in human cloning.

Sec. 4. Section 3 does not prohibit the use of state funds for scientific research or cell-based therapies not specifically prohibited by that section.

Sec. 5 This act does not give a person a private right of action.

Sec. 6. A person who violates section 3 is subject to a civil fine of \$ 10,000,000.00. A civil fine imposed under this section shall be distributed in the same manner in which penal fines are distributed in this state.

Enacting section 1. This act does not take effect unless all of the following bills of the 89th Legislature are enacted into law:

1997 MI H.B. 5475

(a) House Bill No. 4846.

(b) House Bill No. 4962.

(c) Senate Bill No. 864.

SPONSOR:

Mans

LOAD-DATE: June 5, 1998

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MICHIGAN 89TH LEGISLATURE -- 1998 REGULAR SESSION

SENATE BILL 864

STATE OF MICHIGAN
89TH LEGISLATURE
REGULAR SESSION OF 1998

INTRODUCED BY SENATORS BENNETT, VAN REGENMORTER, SHUGARS, GOUGEON,
BULLARD, GEAKE, STEIL, DUNASKISS, STILLE, MCMANUS, GAST, NORTH,
HOFFMAN, SCHUETTE, JAYE, ROGERS, BOUCHARD AND EMMONS
ENROLLED SENATE BILL NO. 864

1997 MI S.B. 864

VERSION: Enacted

VERSION-DATE: June 3, 1998

SYNOPSIS:

AN ACT to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for penalties and remedies; to provide for sanctions for violation of this act and local ordinances; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," by amending section 201165 (MCL 333.20165), as amended by 1990 PA 179, and by adding sections 16274 and 20197.

TEXT:

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 16274. (1) A licensee or registrant shall not engage in or attempt to engage in human cloning.

(2) Subsection (1) does not prohibit scientific research or cell-based therapies not specifically prohibited by that subsection.

(3) A licensee or registrant who violates subsection (1) is subject to the administrative penalties prescribed in sections 16221 and 16226 and to the civil penalty prescribed in section 16275.

(4) This section does not give a person a private right of action.

(5) As used in this section:

(a) "Human cloning" means the use of human somatic cell nuclear transfer technology to produce a human embryo.

(b) "Human embryo" means a human egg cell with a full genetic composition capable of differentiating and maturing into a complete human being.

(c) "Human somatic cell" means a cell of a developing or fully developed human being that is not and will not become a sperm or egg cell.

(d) "Human somatic cell nuclear transfer" means transferring the nucleus of a human somatic cell into an egg cell form which the nucleus has been removed or rendered inert.

Sec. 20165. (1) Except as otherwise provided in this section, after notice of intent to an applicant or licensee to deny, limit, suspend, or revoke the applicant's or licensee's license or certification and an opportunity for a hearing, the department may deny, limit, suspend, or revoke the license or certification or impose an administrative fine on a licensee if 1 or more of the following exist:

(a) Fraud or deceit in obtaining or attempting to obtain a license or certification or in the operation of the licensed health facility or agency.

(b) A violation of this article or a rule promulgated under this article.

(c) False or misleading advertising.

(d) Negligence or failure to exercise due care, including negligent supervision of employees and subordinates.

(e) Permitting a license or certificate to be used by an unauthorized health facility or agency.

(f) Evidence of abuse regarding a patient's health, welfare, or safety or the denial of a patient's rights.

(g) Failure to comply with section 10102a.

(h) Failure to comply with part 222 or a term, condition, or stipulation of a certificate of need issued under part 222, or both.

(i) A violation of section 20197(1).

1997 MI S.B. 864

(2) The department may deny an application for a license or certification based on a finding of a condition or practice that would constitute a violation of this article if the applicant were a licensee.

(3) Denial, suspension, or revocation of an individual emergency medical services personnel license under part 209 is governed by section 20958.

(4) If the department determines under subsection (1) that a health facility or agency has violated section 20197(1), the department shall impose an administrative fine of \$ 5,000,000.00 on the health facility or agency.

Sec. 20197. (1) A health facility or agency shall not allow a licensee or registrant under article 15 or any other individual to engage in or attempt to engage in human cloning in a facility owned or operated by the health facility or agency.

(2) Subsection (1) does not prohibit a health facility or agency from allowing a licensee or registrant under article 15 or any other individual from engaging in scientific research or cell-based therapies not specifically prohibited by that subsection.

(3) A health facility or agency that violates subsection (1) is subject to the administrative penalties prescribed in section 20165(4).

(4) This section does not give a person a private right of action.

(5) As used in this section, "human cloning" means that term as defined in section 16274.

Enacting section 1. this amendatory act does not take effect unless all of the following bills of the 89th Legislature are enacted into law:

(a) House Bill No. 4846.

(b) House Bill No. 4962.

(c) House Bill No. 5475.

SPONSOR:
Bennett

LOAD-DATE: June 5, 1998

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89TH LEGISLATURE -- 1998 REGULAR SESSION

HOUSE CONCURRENT RESOLUTION 80

1997 MI H.C.R. 80

DATE-INTRO: JANUARY 14, 1998

LAST-ACTION: JANUARY 29, 1998; To SENATE Committee on HEALTH POLICY AND SENIOR CITIZENS.

SYNOPSIS: Memorializes the Congress of the United States to enact legislation to prohibit the cloning of human beings.

STATUS:

01/14/98 INTRODUCED.
01/14/98 To HOUSE Committee on HEALTH POLICY.
01/20/98 From HOUSE Committee on HEALTH POLICY: Reported
with recommendation.
01/28/98 Passed HOUSE. *****To SENATE.
01/29/98 To SENATE Committee on HEALTH POLICY AND SENIOR
CITIZENS.

SUBJECT: HEALTH AND SOCIAL SERVICES, BIOETHICS, Genetic Engineering and
Biotechnology, SPECIAL MEASURES, OFFCL DESIGNATIONS/EMBLEMS & REQUESTS TO U.S.
GOVT, Memorials to U.S. Government

SPONSOR: Palamara, et al

LOAD-DATE: March 3, 1998

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89TH LEGISLATURE -- 1998 REGULAR SESSION

HOUSE RESOLUTION 197

1997 MI H.R. 197

DATE-INTRO: JANUARY 14, 1998

LAST-ACTION: JANUARY 28, 1998; Passed HOUSE.

SYNOPSIS: Memorializes the Congress of the United States to enact legislation to prohibit the cloning of human beings.

STATUS:

01/14/98 INTRODUCED.
01/14/98 To HOUSE Committee on HEALTH POLICY.
01/20/98 From HOUSE Committee on HEALTH POLICY: Reported
with recommendation.
01/28/98 Passed HOUSE.

SUBJECT: HEALTH AND SOCIAL SERVICES, BIOETHICS, Genetic Engineering and
Biotechnology, SPECIAL MEASURES, OFFCL DESIGNATIONS/EMBLEMS & REQUESTS TO U.S.
GOVT, Memorials to U.S. Government

SPONSOR: Palamara, et al

LOAD-DATE: March 3, 1998