



H.B. 434

126th General Assembly
(As Introduced)

**Reps. Yuko, Otterman, Chandler, Allen, Cassell, Mitchell, Sayre, Miller,
Brown, Ujvagi, S. Patton, Perry, Sykes, S. Smith**

BILL SUMMARY

- Prohibits a person from knowingly engaging or assisting in the cloning of a human being, from implanting human embryos created by nuclear transfer into a uterus or a device similar to a uterus, and from facilitating human reproduction through clinical or other use of human embryos created by nuclear transfer.
- Requires a health care provider who is treating a patient for infertility to provide the patient with information on the option of storing, donating to another person, donating for research purposes, or otherwise disposing of any unused embryos or embryonic stem cells.
- Requires the written consent of a person who wishes to donate, for stem cell research purposes, any human embryos, embryonic stem cells, human eggs, or human sperm remaining after receiving infertility treatment or human eggs or human sperm and prohibits the donor from receiving payment for the donation.
- Permits research involving embryonic stem cells if gastrulation has not occurred, the material used in the research has been voluntarily donated, the Director of Health approves, and other specified conditions are met.

CONTENT AND OPERATION

Definitions

The bill sets forth the following definitions for use in the bill (R.C. 3701.94(A)):

(1) "Institutional review committee" means the local institutional review committee specified in 21 U.S.C. 360j(g)(3)(A)(i) and, when applicable, an institutional review board established in accordance with the requirements of 45 C.F.R. 46, subpart A.¹

(2) "Cloning of a human being" means inducing or permitting a replicate of a living human being's complete set of genetic material to develop after gastrulation commences.

(3) "Gastrulation" means the process immediately following the blastula state when the hollow ball of cells representing the early embryo undergoes a complex and coordinated series of movements that results in the formation of the three primary germ layers, the ectoderm, mesoderm, and endoderm.

(4) "Embryonic stem cells" means cells derived from the inner cell mass of a blastula-stage embryo created either through fusion of sperm and egg or through nuclear transfer, and that are sufficiently undifferentiated such that they do not have the complete characteristics of any specific cell type, but can become any cell type.

(5) "Nuclear transfer" means the replacement of the nucleus of a human egg with a nucleus from another human cell.

Prohibition of human cloning and related activities

The bill prohibits the following activities (R.C. 3701.941):

(1) Knowingly engaging or assisting, directly or indirectly, in the cloning of a human being;

(2) Implanting human embryos created by nuclear transfer into a uterus or a device similar to a uterus;

(3) Facilitating human reproduction through clinical or other use of human embryos created by nuclear transfer.

¹ *Local institutional review committees and institutional review boards are established in accordance with regulations of the U.S. Secretary of Health and Human Services, the former to supervise clinical testing of devices for human use in the facilities where the proposed clinical testing is to be conducted and the latter to supervise testing involving human subjects.*

A person who violates any of these prohibitions is subject to a term of imprisonment of not more than ten years and a fine of not more than \$100,000 (R.C. 3701.99(D)).

Donation of unused embryos or related material

The bill requires a physician or other health care provider who is treating a patient for infertility to provide the patient with information on the option of storing, donating to another person, donating for research purposes, or otherwise disposing of any unused embryos or embryonic stem cells. The information must be provided in a timely, relevant, and appropriate manner so as to allow the patient to make an informed and voluntary choice regarding the disposition of any embryos or embryonic stem cells remaining following an infertility treatment. A person who violates this prohibition is subject to a fine of \$5,000 per violation. (R.C. 3701.942(A) and 3701.99(E).)

Under the bill, a person who wishes to donate, for stem cell research purposes, any human embryos, embryonic stem cells, human eggs, or human sperm remaining after receiving infertility treatment or human eggs or human sperm must consent in writing to the donation. The donor may not receive direct or indirect payment for the donation. A person who violates this prohibition is subject to a term of imprisonment of not more than five years and a fine of \$50,000. (R.C. 3701.942(B) and 3701.99(F).)

Stem cell research

The bill permits research involving embryonic stem cells if all of the following conditions are met (R.C. 3701.943):

(1) The general research program under which the research is conducted has been reviewed and approved by an institutional review committee and the Director of Health.

(2) The specific protocol used to derive embryonic stem cells from an embryo has been reviewed and approved by an institutional review committee and the Director of Health.

(3) Before conducting the research, the researcher provides to the Director of Health, on or incorporated by reference into and attached to a form and in the manner prescribed by the Director, documentation verifying that any human embryos, embryonic stem cells, human eggs, or human sperm used in the research have been donated voluntarily in accordance with R.C. 3701.942 (see "**Donation of unused embryos or related material**," above).

(4) The research is conducted before gastrulation occurs.

(5) The research is conducted with full consideration for the ethical and medical implications of research of that type.

HISTORY

ACTION	DATE
Introduced	11-28-05

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