

Michigan Legislature Needs to Amend Outdated Restrictions on Embryonic Stem Cell Research

By Kirk Profit

The 1997-1998 legislative session was faced with a number of difficult issues. Among them were a number of ethical considerations arising as a result of the rapidly expanding field of genetics and genetic research. At that time, the mapping of a number of genomes was taking place; and the successful cloning of certain mammals was progressing at a very rapid pace.

As a result of these accelerating developments in the world of science, legislators in Michigan, together with a number of scientists and ethical experts, began to develop legislation to address at least three issues:

1. Concerns in the area of privacy rights related to an individual's genetic composition (this was especially occurring as an issue in the context of insurance coverages).
2. Concerns over the concept of genetic manipulation for non-health-related reasons.
3. Concerns over cloning of "human beings."

Conversations, meetings, interviews, and a broad range of investigative activities took place over a series of months in an effort to better understand what legislative activity, if any, should be undertaken in order to respond to these concerns. Because of term limits, the time constraints on developing legislation on the first two items prevented legislation from being fully developed. However, legislation to prohibit cloning of a "human being" enjoyed a much broader consensus.

As a result, a bipartisan legislative package sponsored by Senator Loren Bennett, Representative Michelle McManus, and myself was sponsored in order to prohibit the cloning of "a human being," and to make sure any violations of this new law would suffer very severe financial and criminal penalties. The belief was we needed to act on this issue far in advance of any actual effort to clone a human being so as to "not let the genie out of the bottle."

This legislation passed with overwhelming majorities from both the House and Senate and was signed by Governor John Engler as some of the first legislation in the country to respond to ethical concerns in this rapidly developing field of science. At the time, the Governor and others stated what we knew to be the case: specifically, that this legislation was ahead of the game and may need to be adjusted as this field of science developed in the coming years.

That is clearly where we stand today. In defining "a human being," the fields of science and ethics now offer abundant proof that our definition of human being was way too broad. To be sure, at the time of passage of this legislation, it was our belief that there was no interference with meaningful research that could be done within the bounds of science and ethics. Clearly, the world of scientific research within the bounds of ethics has expanded far beyond what this legislation allowed for in 1998.

If I were still a member of the Michigan House of Representatives, I would be moving legislatively just as Governor Engler and others of us involved in this effort had suggested: adjust this law so it conforms to the modern world of scientific discovery, and consistent with the ethical considerations we had established ten years ago.

House Bills 4616-4618 sponsored by Representatives Meisner and Meadows do just that. The legislation we passed in 1997 was not the final statement on this issue; nor will House Bills 4616-4618 be the final statements.

They do, however, bring Michigan law forward so it can be consistent with Michigan's traditional ethical considerations, and the current state of scientific discovery.