



Ohio Legislative Service Commission

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Fiscal Note & Local Impact Statement

Bill: [S.B. 243 of the 128th G.A.](#)

Date: May 17, 2010

Status: As Introduced

Sponsor: Sen. Buehrer

Local Impact Statement Procedure Required: No — Minimal cost

Contents: To prohibit human cloning, the creation, transportation, or receipt of a human-animal hybrid, etc.

State Fiscal Highlights

- The Department of Rehabilitation and Correction could experience an increase in incarceration costs if violations of the bill's prohibitions are prosecuted. The number of individuals who will be sentenced is expected to be few; thus, costs associated with this should be minimal.
- The state could experience a gain in revenue through the collection of state court costs by local court systems. Any gain is expected to be negligible since the number of violations will likely be few.

Local Fiscal Highlights

- County criminal justice systems could experience an increase in costs related to investigations and prosecutions of the bill's prohibitions. It is expected that the number of violations would be few in number. Thus, costs associated with these investigations and prosecutions would be minimal. The bill does allow for a pecuniary gain-based fine of not less than \$1 million and not more than an amount equal to two times the amount of the gross pecuniary gain (if that amount is more than \$1 million). However, it is difficult to predict if and when a county would be able to collect this fine.

Detailed Fiscal Analysis

The bill prohibits a person or governmental entity from knowingly performing human cloning, the creation, transportation, or receipt of a human-animal hybrid, the transfer of a nonhuman embryo into a human womb, and the transfer of a human embryo into a nonhuman womb. The bill specifies that it does not prohibit research involving the use of transgenic animal models containing human genes or xenotransplantation of human organs, tissues, or cells into recipient animals other than animal embryos.

Potential costs and revenue for the state

Violations of the above provisions are subject to a criminal penalty that generally consists of a term of imprisonment not to exceed five years. If violations occur, it is possible that individuals could be sentenced to state prison, which would increase costs for the Department of Rehabilitation and Correction. However, the increase would likely be minimal since the number of violations would likely be few in number. It is possible that the state could experience a gain in revenue through locally collected state court costs. However, revenue would be negligible since the number of violations is expected to be few.

Potential costs and revenue for counties

As a result of the prohibitions listed above, county criminal justice systems could experience an increase in costs related to investigations and subsequent prosecutions. It is expected that the number of violations would be few in number. Thus, costs associated with these prohibitions would be minimal. If an offender derives pecuniary gain, the offender could be subject to a fine of not less than \$1 million and not more than an amount equal to two times the amount of the gross pecuniary gain (if that amount is more than \$1 million). However, it is difficult to predict if and when a county would be able to collect this pecuniary gain-based fine.

Background

Research involving cloning technology to create a human being is under the jurisdiction of the United States Food and Drug Administration (FDA). According to the FDA, human cloning is subject to FDA regulation under the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act. Under these regulations, before research is to begin, the research sponsor is to submit an investigational new drug application to the FDA. The FDA has stated that no projects on cloning would be approved at this time due to safety reasons.