

MEMORANDUM

TO: Honorable Members of the Missouri House of Representatives

FROM: James S. Cole, General Counsel
Pam Fichter, President

RE: HCS HB 2007 Appropriation for Life Science Research

DATE: March 12, 2008

Late yesterday afternoon after the budget committee vote, we were provided for the first time a copy of amended language for sec. 7.020 of (HCS) HB 2007, an appropriation to the Life Science Research Board. We requested copies of the language from legislators more than once on March 11, 2008, but we were not provided with anything until after the vote occurred. Missouri Right to Life was given no opportunity to give an opinion on Rep. Ryan Silvey's committee amendment.

The amended language, sec. 7.020 of HCS HB 2007 appropriates \$25,230,465 to the Life Science Research Board with the following final sentence: "These funds shall be used exclusively on animal science, plant science, medical devices, biomaterials and composite research, nanotechnology related to drug development and delivery, clinical imaging, and information technology related to human health." Unlike last year, the money may be used for human health purposes as well as for plant and animal science research. The advancement of human health, of course, is the primary purposes of the Life Science Research Board and its funds. Secs. 196.1100.2, 196.1109(1), RSMo.

Unfortunately, Amendment 2 (Mo. Const., Art. III, sec. 38(d)), has not yet been repealed. In three places (subsecs. 2(7), 5 and 7), the Amendment outlaws the type of restriction contained in the last sentence of sec. 7.020 of HCS HB 2007. The relevant language of one such provision says,

"To ensure that no governmental body or official arbitrarily restricts funds . . . as a means of inhibiting lawful stem cell research or stem cell therapies and cures, no state or local government body or official shall eliminate, reduce, deny or withhold any public funds provided or to be provided to a person that . . . lawfully conducts stem cell research . . ."

Certainly, the sentence in HCS HB 2007 that says that the Life Science Research Board funds shall be used "exclusively" for the purposes listed therein is imposing a "restriction." To make sure the Legislature gets the point, subsection 7 of the Amendment says,

“No state or local law . . . shall . . . restrict, obstruct, or discourage any stem cell research or stem cell therapies or cures that are permitted by this section . . . or . . . create disincentives for any person to engage in . . . such research . . . “

The language of Amendment 2 is very clear. The biotech industry did not want the Legislature to restrict otherwise available funds, like the Legislature did in respect to trying to keep family planning funds from abortionists in the 1990's. If there is any doubt on the clarity of the matter, Amendment 2 addresses such doubt. Subsection 7 of the Amendment provides that all doubtful language is “construed in favor of the conduct of stem cell research and the provision of stem cell therapies and cures.” That ties it up for the cloners, and there is no room to wiggle with restrictions. Money for legitimate research should be routed through other agencies, where no restrictions would be necessary.

A lawsuit has already been filed because of the limitations of last year's appropriation to the Life Science Research Board, based on the provisions of the Board's governing statute, sections 196.1000 through 196.1127. The plaintiffs claim hundreds of millions of dollars in damages. Restrictions on appropriations to the Life Science Research Board, then, face a double obstacle: the governing statutes of the LSRB as well as Amendment 2. If the cloners decide that the time is right, they can sue to hold the limitations attempted by this year's and last year's HCS HB 2007 are void under either or both the statute and Amendment 2. It is hard to see how they could lose if they sued.

The state should not be opening the door to state funding of the destruction of human lives by anyone, whether by abortionists, by those who call themselves scientists, or those who call themselves businessmen. Taking a chance on lawsuits is taking a chance that human lives will be lost, because human cloning has been successfully achieved, according to recent, credible reports. The language of sec. 7.020 of HCS HB 2007 , opens the door to the cloners to obtain state money for their operations by the expedience of a lawsuit. For this reason, Missouri Right to Life is opposed to HCS HB 2007.