

## MEMORANDUM

**TO:** Honorable Members of the Missouri Senate

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

**RE:** HCS HB 2007 Appropriation for Life Science Research

**DATE:** March 31, 2008

Last week the House approved HCS HB 2007 with language that appropriates money to the Life Science Research Board for both animal and human research and that funds the salary for the executive director of the Missouri Technology Corporation. Missouri Right to Life supported two amendments that would have zeroed out this funding and would have removed our objection to HCS HB 2007. We also suggested that the Department of Agriculture could be the venue through which funding for plant and animal science research could be funded and not fall under the restrictions of Amendment 2 now in our constitution.

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 III, sec. 38(d)), has not yet been repealed.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 as it was third read and left the Missouri House of Representatives on Thursday, March 27.

Missouri Right to Life also objects to the funding of positions of a private, nonprofit corporation, the Missouri Technology Corporation. Although for a long time the MTC had nothing to do with life-related issues, its leadership in recent years was taken over by the same people who sponsored Amendment 2, and it now appears to support, among other things, unethical life science research. The State should not be funding the executive director's position of such a private corporation.

We respectfully ask the Missouri Senate to take into consideration the pro-life risks under Amendment 2 that are involved with leaving the language of HCS HB 2007 as is. We ask that the Missouri Senate consider the following two amendments for HCS HB 2007 in committee and/or on the floor.

#### Amendment 1:

AMEND House Committee Substitute for House Bill No. 2007, page \_\_\_\_, Section 7.020 by deleting the section in its entirety;

And further amend bill totals accordingly.

#### Amendment 2:

AMEND House Committee Substitute for House Bill No. 2007, page \_\_\_\_, Section 7.025, lines \_\_\_\_ through \_\_\_\_ by deleting said lines in their entirety; and further amend said bill, page \_\_\_\_, Section 7.030 line \_\_\_\_ by deleting "Missouri Technology Corporation/Research Alliance of Missouri"; and further amend said bill, Section 7.030, line \_\_\_\_ by deleting "\$4,429,999" and inserting "\$4,305,343";

Further amend said bill by amending section and bill totals accordingly.