MEMORANDUM

TO: Members of the Missouri House of Representatives

FROM: Gerard Nieters, Legislative Chairman
Pam Fichter, President

DATE: February 4, 2009

RE: Opposition to HB 191 Committee Substitute

Despite Missouri Right to Life testimony opposing HB 312 sponsored by Rep. Rachel Storch, in regards to reinstating pharmaceutical tax credits, the House Rules Committee has approved a committee substitute for HB 191 that now includes HB 312 language.

With this action Missouri Right to Life has now been put in a position of opposing HB 191. We would hope that the sponsor of HB 191, Representative Tim Flook, would remove the language that reinstates pharmaceutical tax credits. It is unfortunate that the restrictions in HB 191 are unconstitutional and will not prevent the funding of unethical research that will destroy innocent human lives with Missouri tax dollars due to the passage of Amendment 2.

On Tuesday, December 30th we were given a clear indication of how the courts would rule if presented with the situation of challenging restrictions on funds for abortion and human cloning. Cole County Circuit Judge Richard Callahan made the following statement. While not ruling on a lawsuit before him regarding the protective language found in 196.1127 his statements were telling.

Judge Callahan said the ban on using the funds for abortion and human cloning is likely unconstitutional, at least because it restricts future lawmakers and also possibly because of the stem cell amendment. "I think it's unconstitutional, but I thought it was unconstitutional the day it was proposed, the day it was passed," Callahan said. "It was void from the very beginning, it was meaningless."

Please see the attached written testimony given before the House Job Creation and Economic Development Committee last Tuesday, January 27 in opposition to HB 312.

TESTIMONY OF MISSOURI RIGHT TO LIFE

IN OPPOSITION TO HB 312

HB 312 reinstates certain tax credits that may be granted toward certain research and development expenses, including research and development of pharmaceuticals. Because pharmaceutical research and development is a primary subject of cloning research, Missouri Right to Life opposes HB 312.

One of the principal ways that cloning firms and institutions will make money consists of using cloning to establish lines of human stem cells, on which various drug formulas may be tested. In fact, the Wisconsin scientist who invented the process that keeps human stem cells alive in cultures, James Thomson, has formed at least one company to do exactly that. As was reported in The Capital Times of Madison Wisconsin in 2007, "The [company] is growing stem cells into adult heart cells that could make the testing of experimental drugs safer and more efficient." The Madison Times, Feb. 7, 2007. The news article went on to report, "[T]he research faces intense opposition from some social conservatives because days-old human embryos are destroyed as scientists extract the cells. Critics argue it is unethical to destroy human life in the name of science."

Precisely. James Thomson may be an eminent scientist, but no one, whether a scientist, businessman, or abortionist, should have a license to kill innocent human beings. Nor should the State of Missouri give tax credits to research institutions who

sponsor the killing of human beings in order to obtain stem cells for pharmaceutical research.

The U. S. Food and Drug Administration (FDA) says that the development of any new drug now requires at least $500 million and 8 ½ years of testing. See its summary, "FDA and the Drug Development Process: How the Agency Ensures That Drugs are Safe and Effective," February, 2002, p. 1 (http://www.fda.gov/opacom/factsheets/justthefacts/17drgdev.html). A large part of the cost arises from the requirement to test potential drugs on at least two different species of animals. FDA, "The New Drug Development Process: Pre-Clinical Research," on-line at http://www.fda.gov/cder/handbook/. Animal tests require acquiring and caring for live animals during the testing. Moreover, animal tests are not very satisfactory for some drugs. Testing potential pharmaceuticals on batches of human tissue cells, such as heart cells, would give more accurate and quicker results than animal studies.

The National Institutes of Health has described how embryonic stem cells can be used in the testing of drugs. It says that human embryonic stem cells can "provide material for testing that may improve the safety and efficacy of human drugs. For example, new drugs are not generally tested on human heart cells because no human heart cell lines exist. Instead, researchers rely on animal models. Because of important . . . differences between animal and human hearts, however, drugs that are toxic to the human heart have occasionally entered clinical trials [tests on humans], sometimes resulting in death. Human ES cell-derived heart cells may be extremely valuable in identifying such drugs before they are used in clinical trials, ..." NIH, Regenerative Medicine 2006, Chap. 1, "Embryonic Stem Cells," page 4 (citations and table omitted)

(http://stemcells.nih.gov/info/scireport/2006report.htm). It is not just human heart cells, but many types of human cells, that are expected to be produced by taking stem cells from human embryos. Id. Harvesting the stem cells, of course, kills the embryos.

The NIH does not explain why adult stem cells cannot be used for the purposes described, in light of the many ways that researchers have already proved they may be changed into other types of tissue cells. That possibility does not appear to be important to those who want to use embryonic stem cells.

For these reasons, Missouri Right to Life is opposed to HB 312.