



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB3176

Introduced 3/2/2006, by Sen. Dale A. Righter

SYNOPSIS AS INTRODUCED:

New Act

Creates the Public Support Standards for Biomedical Research Act. Provides that the State, units of local government, school districts, and community college districts may not use or allow the use of public funds, property, or credit for certain human cloning activities. Prohibits grant recipients from acquiring, receiving, or otherwise transferring any human fetal tissue for valuable consideration. Requires the Department of Public Health to report to the General Assembly concerning grants for biomedical and stem cell research. Sets forth informed consent and other research requirements for grant recipients. Sets forth eligibility requirements for grants. Sets forth penalties for violations of the Act.

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CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning biomedical research.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Public
5 Support Standards for Biomedical Research Act.

6 Section 3. Legislative findings.

7 (a) The General Assembly finds that:

8 (1) at least one organization has announced that it has
9 successfully cloned a human being at the early embryonic
10 stage of life, using the technique known as somatic cell
11 nuclear transfer;

12 (2) efforts to create human beings by cloning mark a
13 new and decisive step toward turning human reproduction
14 into a manufacturing process in which human beings are made
15 in laboratories to preordained specifications and,
16 potentially, in multiple copies;

17 (3) creating cloned live-born human children,
18 "cloning-to-produce-children", begins by creating cloned
19 human beings at the embryonic stage of life, a process
20 which some also propose as a way of creating human embryos
21 for destructive research as sources of stem cells and
22 tissues for possible treatment of other humans,
23 "cloning-for-biomedical-research";

24 (4) many scientists agree that attempts at
25 "cloning-to-produce-children" pose a massive risk of
26 producing children who are stillborn, unhealthy, or
27 severely disabled, and that attempts at
28 "cloning-for-biomedical-research" always result in the
29 destruction of human beings at the embryonic stage of life
30 when their stem cells are harvested;

31 (5) the prospect of creating new human life solely to
32 be exploited ("cloning-to-produce-children") or destroyed

1 ("cloning-for-biomedical-research") in these ways has been
2 condemned on moral grounds by many, as displaying a
3 profound disrespect for life;

4 (6) the distinction between "therapeutic" and
5 "reproductive" cloning is a false distinction
6 scientifically because both begin with the reproduction of
7 a human being at the embryonic stage of life, one destined
8 for implantation in a womb, one destined for destructive
9 farming of its stem cells, and regardless of their ultimate
10 destiny, all human embryos are human beings; and

11 (7) it will be nearly impossible to ban only attempts
12 at "cloning-to-produce-children" if "cloning
13 for-biomedical-research" is allowed because (i) cloning
14 would take place within the privacy of a doctor-patient
15 relationship; (ii) the implantation of embryos to begin a
16 pregnancy is a simple procedure; and (iii) any government
17 effort to prevent the implantation of an existing cloned
18 embryo, or to prevent birth once implantation has occurred,
19 would raise substantial moral, legal, and practical
20 issues.

21 (b) Based on the findings specified in subsection (a), it
22 is the purpose of this Act to prohibit the use of public funds,
23 property, or credit to support cloning technology to initiate
24 the development of new human beings at the embryonic stage of
25 life for any purpose.

26 Section 5. Definitions. In this Act:

27 "Department" means the Department of Public Health, which
28 administers funding programs for biomedical and stem cell
29 research.

30 "Applicant" means an applicant for public funds and grants
31 from the Department for biomedical and stem cell research
32 purposes.

33 "Human cloning" means the asexual production of a new human
34 organism that is, at all stages of development, genetically
35 virtually identical to a currently existing or previously

1 existing human being, which is achieved through somatic cell
2 nuclear transfer. This includes the production of a cloned
3 human embryo, formed for the purpose of initiating a pregnancy,
4 with the ultimate goal of producing a child who will be
5 genetically virtually identical to a currently existing or
6 previously existing individual and the production of a cloned
7 human embryo, formed for the purpose of using it in research or
8 for extracting its stem cells, with the ultimate goals of
9 gaining scientific knowledge of normal and abnormal
10 development and of developing cures for human diseases.

11 "Somatic cell nuclear transfer" means the introduction of
12 nuclear material of a human somatic cell into an oocyte, which
13 has had its own nucleus removed or deactivated, yielding a
14 product that has a human genetic constitution virtually
15 identical to the donor of the somatic cell.

16 "Embryonic stem cells" means primitive, undifferentiated
17 cells, derived from the inner cell mass of the embryo that have
18 the potential to become a wide variety of specialized cell
19 types.

20 "Human embryo" means a human organism from the single cell
21 stage of development through 8 weeks development.

22 "Institutional review committee" means the local
23 institutional review committee specified in 21 U.S.C. Sec.
24 360j(g)(3)(A)(i), as amended from time to time, and, when
25 applicable, an institutional review board established in
26 accordance with the requirements of 45 C.F.R. 46, Subpart A, as
27 amended from time to time.

28 "Recipient" means a recipient of public funds and grants
29 for biomedical and stem cell research from the Department.

30 Section 10. Ban on the use of State assets in human cloning
31 activities.

32 (a) Notwithstanding any other provision of law, the State,
33 units of local government, school districts, and community
34 college districts may not use or allow the use of public funds,
35 property, or credit for any of the following human cloning

1 activities:

2 (1) the production of human embryos for the purpose of
3 implanting them into the uterus of a woman or the
4 production of human embryos for the purpose of biomedical
5 research;

6 (2) the creation of a chimera or hybrid;

7 (3) the transfer of a human embryo into any non-human
8 life form or artificial device;

9 (4) the transfer of a sperm, ovum, embryo, or fetus of
10 a non-human life form into the uterus of a woman; and

11 (5) the creation of a she-male.

12 No recipient of public funds pursuant to Executive Order
13 2005-6 may offer to do or advertise the performance of any of
14 the prohibited activities listed in this Section.

15 No person shall compensate or offer to compensate any
16 individual or entity for performing any of the prohibited
17 activities listed in this Section.

18 For the purposes of this Section:

19 "Chimera" means the individual produced by grafting an
20 embryonic part of one animal onto the embryo of another, either
21 of the same or of another species.

22 "Hybrid" means (i) a human ovum that has been fertilized by
23 a sperm of a non-human life form; (ii) an ovum of a non-human
24 life form that has been fertilized by a human sperm; (iii) a
25 human ovum into which the nucleus of a cell of a non-human life
26 form has been introduced; (iv) an ovum of a non-human life form
27 into which the nucleus of a human cell has been introduced; or
28 (v) a human ovum or an ovum of a non-human life form that
29 otherwise contains haploid sets of chromosomes from both a
30 human being and a non-human life form.

31 "She-male" means a human embryo that has been purposefully
32 genetically engineered to produce mixed sexual
33 characteristics.

34 Section 15. Purchase of tissue; solicitation or acceptance
35 of tissue for donation and transplantation. Any recipient is

1 prohibited from knowingly acquiring, receiving, or otherwise
2 transferring any human fetal tissue for valuable
3 consideration. For the purposes of this Section, "valuable
4 consideration" does not include reasonable payments associated
5 with the transportation, implantation, processing,
6 preservation, quality control, or storage of human fetal
7 tissue.

8 Any recipient is further prohibited from knowingly
9 acquiring, receiving, or accepting a donation of human fetal
10 tissue for the purpose of transplantation of such tissue into
11 another human being. The donation may not be received from any
12 of the following sources:

13 (1) an induced abortion;

14 (2) a donation made with the promise to the donating
15 individual that the donated tissue will be transplanted
16 into a recipient specified by such individual or a relative
17 of that individual;

18 (3) the individual who solicits or knowingly acquires,
19 receives, or accepts the donation has provided valuable
20 consideration for the costs associated with such abortion;
21 or

22 (4) the person who solicits or knowingly acquires,
23 receives, or accepts the donation knows the pregnancy was
24 initiated in order to provide such tissue.

25 Section 20. Public report of Department administration of
26 funding and grants for biomedical and stem cell research.
27 Within 30 days after the end of each fiscal year beginning with
28 fiscal year 2006, the Department shall deliver to members of
29 the General Assembly a comprehensive report regarding the
30 implementation and administration of all grant programs for
31 biomedical and stem cell research. The report shall further be
32 posted prominently, and maintained permanently, on the website
33 of the Department.

34 The report shall include (1) the name and address of all
35 applicants for funding for biomedical and stem cell research

1 purposes, (2) the amount of grants-in-aid awarded to recipients
2 for biomedical and stem cell research purposes, (3) the name
3 and address of the recipients of such grants-in-aid, (4) the
4 current status of research conducted by such recipients, and
5 (5) whether the recipients are involved in any clinical trials
6 and the status of those clinical trials.

7 Section 25. Informed consent and other protections for
8 women.

9 (a) A person who elects to donate for publicly funded stem
10 cell research any human embryos or embryonic stem cells
11 remaining after receiving infertility treatment, or
12 unfertilized human eggs or human sperm, shall provide written
13 consent for that donation and shall not receive direct or
14 indirect payment for such human embryos, embryonic stem cells,
15 unfertilized human eggs or human sperm. The Department shall
16 verify that such informed consent has been provided.

17 (b) Any recipient of public funds for biomedical and stem
18 cell research shall demonstrate that (1) the research is
19 conducted with full consideration for the ethical and medical
20 implications of such research, (2) the research is conducted
21 before gastrulation occurs, (3) prior to conducting such
22 research, the person provides to the Department documentation
23 verifying that any human embryos, embryonic stem cells,
24 unfertilized human eggs or human sperm used in such research
25 have been donated voluntarily in accordance with the provisions
26 of this Section, on a form and in the manner prescribed by the
27 Department, (4) the general research program under which such
28 research is conducted is reviewed and approved by an
29 institutional review committee, as required under federal law,
30 and (5) the specific protocol used to derive embryonic stem
31 cells is reviewed and approved by an institutional review
32 committee.

33 (c) The Department shall enforce the provisions of this
34 Section and may adopt regulations relating to the
35 administration and enforcement of this Section. The Director of

1 the Department may request the Attorney General to petition the
2 circuit court for such order as may be appropriate to enforce
3 the provisions of this Section.

4 Section 30. Requirements for grants for biomedical and stem
5 cell research.

6 (a) The Director of the Department may make grants-in-aid
7 for biomedical and stem cell research purposes in accordance
8 with the provisions of this Section.

9 (b) No later than June 30, 2006, the Department shall
10 develop an application for grants-in-aid for the purpose of
11 conducting embryonic stem cell research. The Department shall
12 require any applicant for a grant-in-aid to submit (1) a
13 complete description of the applicant's organization, (2) the
14 applicant's plans for research and proposed funding for such
15 research from sources other than the State of Illinois, and (3)
16 proposed arrangements concerning financial benefits to the
17 State of Illinois as a result of any patent, royalty payment or
18 similar right developing from any stem cell research made
19 possible by the awarding of such grant-in-aid.

20 (c) Consideration shall be given to grant applicants that
21 can demonstrate that Type 1 clinical trials will commence
22 within 365 days of the receipt of public funds from the
23 Department.

24 (d) Among the members of the Department that review and
25 approve grants for public funding for biomedical and stem cell
26 research, the Director of the Department shall include at least
27 one active investigator in the field of adult stem cell
28 research.

29 (e) All members of the Department shall be deemed public
30 officials and shall adhere to the code of ethics for public
31 officials set forth in the general statutes. No member shall
32 participate in the affairs of the committee with respect to the
33 review or consideration of any grant-in-aid application filed
34 by such member or by any eligible institution in which such
35 member has a financial interest, or with whom such member

1 engages in any business, employment, transaction or
2 professional activity.

3 (f) The Department shall monitor the stem cell research
4 conducted by eligible institutions that receive such
5 grants-in-aid.

6 (g) Prior to the awarding of any grants-in-aid for
7 embryonic stem cell research, the Department shall review all
8 applications submitted for such grants-in-aid and make
9 recommendations to the Director of the Department with respect
10 to the ethical and scientific merit of each application.
11 Written conclusions regarding the ethical and scientific merit
12 of each application shall be included in the annual report to
13 the General Assembly pursuant to Section 20.

14 (h) The Department shall establish and publish guidelines
15 for the rating and scoring of all applications for funding for
16 biomedical and stem cell research purposes. Such guidelines
17 shall be utilized in the review of all applications.

18 Section 35. Penalties.

19 (a) Any recipient who violates the provisions of this Act
20 shall be permanently disqualified from receiving any public
21 funding from the State of Illinois.

22 (b) A person who knowingly engages or assists, directly or
23 indirectly, in the cloning of a human being is guilty of a
24 Class 1 felony.

25 (c) A person who knowingly purchases or sells embryonic
26 tissue for research purposes is guilty of a Class A misdemeanor
27 for the first conviction and a Class 4 felony for subsequent
28 violations.