

1 AN ACT concerning stem cell 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  
5 Stem Cell Research Act.

6 Section 5. Declaration of findings. The General Assembly  
7 finds and declares all of the following:

8 (1) An estimated 128 million Americans suffer from  
9 the crippling economic and psychological burden of  
10 chronic, degenerative, and acute diseases, including  
11 diabetes, Parkinson's disease, cancer, and Alzheimer's  
12 disease.

13 (2) The costs of treatment and lost productivity of  
14 chronic, degenerative, and acute diseases in the United  
15 States constitutes hundreds of billions of dollars every  
16 year. Estimates of the economic costs of these diseases  
17 do not account for the extreme human loss and suffering  
18 associated with these conditions.

19 (3) Stem cell research offers immense promise for  
20 developing new medical therapies for these debilitating  
21 diseases and a critical means to explore fundamental  
22 questions of biology. Stem cell research could lead to  
23 unprecedented treatments and potential cures for  
24 diabetes, Alzheimer's disease, cancer, and other  
25 diseases.

26 (4) The United States has historically been a haven  
27 for open scientific inquiry and technological innovation,  
28 and this environment, coupled with the commitment of  
29 public and private resources, has made the United States  
30 the preeminent world leader in biomedicine and  
31 biotechnology.

1           (5) Open scientific inquiry and publicly funded  
2 research will be essential to realizing the promise of  
3 stem cell research and to maintaining the United States'  
4 worldwide leadership in biomedicine and biotechnology.  
5 Publicly funded stem cell research, conducted under  
6 established standards of open scientific exchange, peer  
7 review, and public oversight, offers the most efficient  
8 and responsible means of fulfilling the promise of stem  
9 cells to provide regenerative medical therapies.

10           (6) Stem cell research, including the use of  
11 embryonic stem cells for medical research, raises  
12 significant ethical and policy concerns, and, while not  
13 unique, the ethical and policy concerns associated with  
14 stem cell research must be carefully considered.

15           (7) Public policy on stem cell research must  
16 balance ethical and medical considerations. The policy  
17 must be based on an understanding of the science  
18 associated with stem cell research and grounded on a  
19 thorough consideration of the ethical concerns regarding  
20 this research. Public policy on stem cell research must  
21 be carefully crafted to ensure that researchers have the  
22 tools necessary to fulfill the promise of stem cell  
23 research.

24           Section 10. Policy permitting research. The policy of  
25 the State of Illinois shall be as follows:

26           (1) That research involving the derivation and use  
27 of human embryonic stem cells, human embryonic germ  
28 cells, and human adult stem cells from any source,  
29 including somatic cell nuclear transplantation, shall be  
30 permitted and that the ethical and medical implications  
31 of this research shall be given full consideration.

32           (2) That research involving the derivation and use  
33 of human embryonic stem cells, human embryonic germ

1 cells, and human adult stem cells, including somatic cell  
2 nuclear transplantation, shall be reviewed by an approved  
3 institutional review board, as determined by the  
4 Department of Public Health.

5 Section 15. Information requirement.

6 (a) An individual receiving fertility treatment shall  
7 have the option to choose among the available means of  
8 disposing of any human embryos remaining following the  
9 fertility treatment. These means may include storing the  
10 unused embryos, donating unused embryos to another  
11 individual, discarding the embryos, or donating the remaining  
12 embryos for research.

13 (b) An individual who elects to donate embryos remaining  
14 after fertility treatments for research shall provide written  
15 consent.

16 Section 20. Purchase or sale prohibited.

17 (a) A person may not knowingly, for valuable  
18 consideration, purchase or sell embryonic or cadaveric fetal  
19 tissue for research purposes.

20 (b) For the purposes of this Section, the giving or  
21 receiving of reasonable payment for the removal, processing,  
22 disposal, preservation, quality control, storage,  
23 transplantation, or implantation of the tissue does not  
24 constitute purchase or sale. This Section does not prohibit  
25 reimbursement for removal, storage, or transportation of  
26 embryonic or cadaveric fetal tissue for research purposes  
27 pursuant to this Act.

28 (c) A person who knowingly purchases or sells embryonic  
29 or cadaveric fetal tissue for research purposes in violation  
30 of subsection (a) of this Section is guilty of a Class A  
31 misdemeanor for the first conviction and a Class 4 felony for  
32 subsequent convictions.

1           (d) Embryonic or cadaveric fetal tissue may be donated  
2 for research purposes pursuant to this Act.

3           Section 25. Liability.

4           (a) Except as provided in subsection (b) of this  
5 Section, procuring, furnishing, donating, processing,  
6 distributing, or using embryonic or cadaveric fetal tissue  
7 for research purposes pursuant to this Act is declared for  
8 the purposes of liability in tort or contract to be the  
9 rendition of a service by every person, firm, or corporation  
10 participating therein, whether or not remuneration is paid,  
11 and is declared not to be a sale of any such items and no  
12 warranties of any kind or description nor strict tort  
13 liability shall be applicable thereto.

14           (b) A person, firm, or corporation involved in the  
15 rendition of a service described in subsection (a) of this  
16 Section warrants to the person, firm, or corporation  
17 receiving the service that he or she has exercised due care  
18 and followed professional standards of care in providing the  
19 service according to the current state of the medical arts.