



Sen. Jeffrey M. Schoenberg

Filed: 4/29/2004

09300HB3589sam002

LRB093 02055 AMC 50313 a

1 AMENDMENT TO HOUSE BILL 3589

2 AMENDMENT NO. _____. Amend House Bill 3589 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the Stem
5 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 the
9 crippling economic and psychological burden of chronic,
10 degenerative, and acute diseases, including diabetes,
11 Parkinson's disease, cancer, and Alzheimer's disease.

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

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

24 (4) The United States has historically been a haven for

1 open scientific inquiry and technological innovation, and
2 this environment, coupled with the commitment of public and
3 private resources, has made the United States the
4 preeminent world leader in biomedicine and biotechnology.

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

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

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

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

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

1 be given full consideration.

2 (2) That research involving the derivation and use of
3 human embryonic stem cells, human embryonic germ cells, and
4 human adult stem cells, including somatic cell nuclear
5 transplantation, shall be reviewed by an approved
6 institutional review board, as determined by the
7 Department of Public Health.

8 Section 15. Information requirement.

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

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

18 Section 20. Purchase or sale prohibited.

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

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

30 (c) A person who knowingly purchases or sells embryonic or
31 cadaveric fetal tissue for research purposes in violation of
32 subsection (a) of this Section is guilty of a Class A

1 misdemeanor for the first conviction and a Class 4 felony for
2 subsequent convictions.

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

5 Section 25. Liability.

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

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

21 Section 30. Cloning of human being; criminal penalty. A
22 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. As used in this Section, "cloning of a human
25 being" means the replication of a human individual by
26 cultivating a cell with genetic material through the egg,
27 embryo, fetal, and newborn stages into a new human
28 individual."