



Sen. Jeffrey M. Schoenberg

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09300HB3589sam005

LRB093 02055 AMC 51684 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 asexual human reproduction by implanting or  
26 attempting to implant the product of nuclear transplantation  
27 into a woman's uterus or a substitute for a woman's uterus.  
28 Nothing in this Section prohibits somatic nuclear transfer or  
29 transplantation.".