



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB0138

Introduced 1/19/2007, by Rep. Tom Cross - Sara Feigenholtz - Elizabeth Coulson - Patricia Reid Lindner - David E. Miller

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Stem Cell Research and Human Cloning Prohibition Act. Permits research involving the derivation and use of human embryonic stem cells, human embryonic germ cells, and human adult stem cells from any source, including somatic cell nuclear transplantation, and allows public funding for stem cell research programs. Requires the Department of Public Health to develop and administer the Illinois Regenerative Medicine Institute program to provide for the awarding of grants to Illinois medical research institutions. Creates the Illinois Regenerative Medicine Institute Oversight Committee. Provides that a Committee member with a conflict of interest shall not vote upon or participate in any Committee action with respect to that matter. Requires each Committee member to file disclosures with the Secretary of State. Prohibits cloning or attempts to clone a human being. Prohibits the purchase or sale of embryonic or cadaveric fetal tissue for research purposes. Makes the purchase or sale of embryonic or cadaveric fetal tissue for research a Class A misdemeanor for the first conviction and a Class 4 felony for subsequent convictions.

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CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

FISCAL NOTE ACT  
MAY APPLY

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 Stem  
5 Cell Research and Human Cloning Prohibition Act.

6 Section 5. Policy permitting research. The policy of the  
7 State of Illinois shall be as follows:

8 (1) Research involving the derivation and use of human  
9 embryonic stem cells, human embryonic germ cells, and human  
10 adult stem cells from any source, including somatic cell  
11 nuclear transplantation, shall be permitted and the ethical and  
12 medical implications of this research shall be given full  
13 consideration.

14 (2) Research involving the derivation and use of human  
15 embryonic stem cells, human embryonic germ cells, and human  
16 adult stem cells, including somatic cell nuclear  
17 transplantation, shall be allowed to receive public funds  
18 through a program established specifically for the purpose of  
19 supporting stem cell research in Illinois under the Department  
20 of Public Health.

21 (3) Stem cell research is considered valuable to the health  
22 and well being of all and the unhindered distribution of  
23 research materials to all qualified investigators engaged in

1 non-commercial research shall be encouraged within the  
2 confines of the law.

3 Section 10. Definitions. As used in this Act:

4 "Department" means the Department of Public Health.

5 "Institute" means the Illinois Regenerative Medicine  
6 Institute.

7 "Committee" means the Illinois Regenerative Medicine  
8 Institute Oversight Committee.

9 Section 15. Department grant program.

10 (a) The Department of Public Health shall develop and  
11 administer the Illinois Regenerative Medicine Institute  
12 Program within the Department to provide for the awarding of  
13 grants to Illinois medical research institutions.

14 (b) The purposes of the Institute grant program are:

15 (1) to improve the health of the citizens of Illinois  
16 through stem cell research;

17 (2) to support scientific research in Illinois for  
18 which funding from the U.S. government is currently  
19 restricted, namely human embryonic stem cell research;

20 (3) to improve the national competitive position of  
21 Illinois in the field of regenerative medicine; and

22 (4) to promote the translation of stem cell research  
23 into clinical practice and the transfer of technology to  
24 biomedical and technological industry.

1 (c) The Department shall adopt rules for the implementation  
2 of the Institute grant program, including but not limited to:

3 (1) rules for the solicitation of proposals for grants;

4 (2) rules concerning the eligibility of nonprofit  
5 Illinois medical research institutions to receive awards  
6 under the Institute grant program;

7 (3) rules for the conduct of competitive and scientific  
8 peer review of all proposals submitted under the Institute  
9 grant program;

10 (4) rules for the procurement of materials for the  
11 conduct of stem cell research, including rules ensuring  
12 that persons are empowered to make voluntary and informed  
13 decisions to participate or to refuse to participate in  
14 such research, and ensuring confidentiality of such  
15 decisions; and

16 (5) rules concerning the monitoring of funded research  
17 to ensure the researcher is following current best  
18 practices with respect to medical ethics, including  
19 informed consent of patients and the protection of human  
20 subjects.

21 Section 20. Illinois Regenerative Medicine Institute  
22 Oversight Committee.

23 (a) The Illinois Regenerative Medicine Institute Oversight  
24 Committee shall be established to determine the awards under  
25 the Institute grant program. The Committee shall be composed of

1 7 members appointed by the Governor, with the advice and  
2 consent of the Senate.

3 (b) The Committee shall consist of individuals from:

4 (1) professional medical organizations;

5 (2) voluntary health organizations; and

6 (3) for-profit biomedical or biotechnology industry.

7 (c) The Committee shall at all times include at least one  
8 member from each of the 3 categories listed in subsection (b)  
9 of this Section.

10 (d) No member of the Committee shall be employed by an  
11 Illinois medical research institution eligible to receive  
12 awards under the Institute grant program.

13 (e) Upon appointment, the Governor shall designate 3  
14 members to serve a 2-year term and 4 members to serve a 4-year  
15 term. The Committee shall designate a Chairperson,  
16 Vice-Chairperson, and Secretary. Any vacancy occurring in the  
17 membership of the Committee shall be filled in the same manner  
18 as the original appointment.

19 (f) No member of the Committee may receive compensation for  
20 his or her services, but each member may be reimbursed for  
21 expenses incurred in the performance of his or her duties.

22 (g) The duties and responsibilities of the Committee shall  
23 include, but not be limited to:

24 (1) determination of awards under the Institute grant  
25 program, based on recommendations developed under the  
26 competitive and scientific peer review process provided

1 for in subdivision (c) (3) of Section 15 of this Act;

2 (2) review of the Department's solicitation and  
3 scientific peer review processes to ensure that the  
4 statutory purposes of the Institute grant program are met;

5 (3) development, in cooperation with Department staff,  
6 general guidelines for the conduct of funded research  
7 according to current best practices with respect to medical  
8 ethics, in consultation with national and international  
9 experts such as the International Society for Stem Cell  
10 Research, the California Institute for Regenerative  
11 Medicine, the Institute of Medicine, and similar  
12 organizations; and

13 (4) advice on the future conduct of the Institute grant  
14 program.

15 Section 25. Conflict of interest.

16 (a) A person has a conflict of interest if any Committee  
17 action with respect to a matter may directly or indirectly  
18 financially benefit any of the following:

19 (1) That person.

20 (2) That person's spouse, immediate family living with  
21 that person, or that person's extended family.

22 (3) Any individual or entity required to be disclosed  
23 by that person.

24 (4) Any other individual or entity with which that  
25 person has a business or professional relationship.

1 (b) A Committee member who has a conflict of interest with  
2 respect to a matter may not discuss that matter with other  
3 Committee members and shall not vote upon or otherwise  
4 participate in any Committee action with respect to that  
5 matter. Each recusal occurring during a Committee meeting shall  
6 be made a part of the minutes or recording of the meeting in  
7 accordance with the Open Meetings Act.

8 (c) The Institute shall not allow any Institute employee to  
9 participate in the processing of, or to provide any advice  
10 concerning, any matter with which the Institute employee has a  
11 conflict of interest.

12 Section 30. Disclosure of Committee member income and  
13 interests.

14 (a) Each Committee member shall file with the Secretary of  
15 State a written disclosure of the following with respect to the  
16 member, the member's spouse, and any immediate family living  
17 with the member:

18 (1) Each source of income.

19 (2) Each entity in which the member, spouse, or  
20 immediate family living with the member has an ownership or  
21 distributive income share that is not an income source  
22 required to be disclosed under item (1) of this subsection  
23 (a).

24 (3) Each entity in or for which the member, spouse, or  
25 immediate family living with the member serves as an

1 executive, officer, director, trustee, or fiduciary.

2 (4) Each entity with which the member, member's spouse,  
3 or immediate family living with the member has a contract  
4 for future income.

5 (b) Each appointed Committee member shall file the  
6 disclosure required by subsection (a) of this Section at the  
7 time the member is appointed and at the time of any  
8 reappointment of that member.

9 (c) Each Committee member shall file an updated disclosure  
10 with the Secretary of State promptly after any change in the  
11 items required to be disclosed under this subsection with  
12 respect to the member, the member's spouse, or any immediate  
13 family living with the member.

14 (d) The requirements of Section 3A-30 of the Illinois  
15 Governmental Ethics Act and any other disclosures required by  
16 law apply to this Act.

17 (e) Filed disclosures shall be public records.

18 Section 35. Disclosure of proposed Institute funding  
19 recipients.

20 (a) Each Institute request to the Committee for approval of  
21 proposed stem cell research funding must be accompanied by a  
22 written disclosure that identifies the proposed funding  
23 recipient and any executives, officers, directors, trustees,  
24 fiduciaries, owners, parent company, subsidiaries, affiliates,  
25 and institutional or organizational host of the proposed



1 funding recipient.

2 (b) A proposed Institute stem cell research funding request  
3 shall not be approved by the Committee unless and until the  
4 Committee receives the disclosure.

5 (c) Disclosures provided to the Committee are public  
6 records.

7 Section 40. Cloning prohibited.

8 (a) No person may clone or attempt to clone a human being.  
9 For purposes of this Section, "clone or attempt to clone a  
10 human being" means to transfer to a uterus or attempt to  
11 transfer to a uterus anything other than the product of  
12 fertilization of an egg of a human female by a sperm of a human  
13 male for the purpose of initiating a pregnancy that could  
14 result in the creation of a human fetus or the birth of a human  
15 being.

16 (b) A person who violates this Section is guilty of a Class  
17 A misdemeanor for the first conviction and a Class 4 felony for  
18 subsequent convictions.

19 Section 45. Purchase or sale prohibited.

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

23 (b) For the purpose of this Section, the giving or  
24 receiving of reasonable payment for the removal, processing,

1 disposal, preservation, quality control, storage,  
2 transplantation, or implantation of the tissue does not  
3 constitute purchase or sale. This Section does not prohibit  
4 reimbursement for removal, storage, or transportation of  
5 embryonic or cadaveric fetal tissue for research purposes  
6 pursuant to this Act.

7 (c) A person who knowingly purchases or sells embryonic or  
8 cadaveric fetal tissue for research purposes in violation of  
9 subsection (a) of this Section is guilty of a Class A  
10 misdemeanor for the first conviction and a Class 4 felony for  
11 subsequent convictions.

12 Section 50. Severability. If any provision of this Act or  
13 its application to any person or circumstance is held invalid,  
14 the invalidity of that provision or application does not affect  
15 other provisions or applications of this Act that can be given  
16 effect without the invalid provision or application.