



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB4463

by Rep. David Reis

SYNOPSIS AS INTRODUCED:

410 ILCS 110/1
410 ILCS 110/5
410 ILCS 110/15
410 ILCS 110/20
410 ILCS 110/35
410 ILCS 110/40
410 ILCS 110/45

Amends the Stem Cell Research and Human Cloning Prohibition Act. Changes the short title to the Adult Stem Cell Research and Human Cloning Prohibition Act. Makes changes to the stated policy in the Act. Changes the stated purposes of the Institute grant program. Changes the definition of "clone or attempt to clone a human being" to mean human asexual reproduction, accomplished by introducing the genetic material from one or more human somatic cells into a fertilized or unfertilized oocyte whose nuclear material has been removed or inactivated, so as to produce an organism, at any stage of development with a human or predominately human genetic constitution, a process commonly known as somatic cell nuclear transfer. Provides that no person may conduct research involving the derivation and use of human embryos, human embryonic stem cells, or human embryonic germ cells. Makes other changes. Effective January 1, 2009.

LRB095 16972 KBJ 43018 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning health.

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

4 Section 5. The Stem Cell Research and Human Cloning
5 Prohibition Act is amended by changing Sections 1, 5, 15, 20,
6 35, 40, and 45 as follows:

7 (410 ILCS 110/1)

8 Sec. 1. Short title. This Act may be cited as the Adult
9 Stem Cell Research and Human Cloning Prohibition Act.

10 (Source: P.A. 95-519, eff. 1-1-08.)

11 (410 ILCS 110/5)

12 Sec. 5. Policy permitting research. The policy of the State
13 of Illinois shall be as follows:

14 (1) Research involving the derivation and use of ~~human~~
15 ~~embryonic stem cells, human embryonic germ cells, and human~~
16 adult stem cells from any source, including cord blood and the
17 reprogramming of adult stem cells ~~somatic cell nuclear~~
18 ~~transplantation~~, shall be permitted and the ethical and medical
19 implications of this research shall be given full
20 consideration.

21 (2) Research involving the derivation and use of ~~human~~
22 ~~embryonic stem cells, human embryonic germ cells, and human~~

1 adult stem cells, ~~including somatic cell nuclear~~
2 ~~transplantation,~~ shall be allowed to receive public funds
3 through a program established specifically for the purpose of
4 supporting stem cell research in Illinois under the Department
5 of Public Health.

6 (3) Adult stem ~~Stem~~ cell research is considered valuable to
7 the health and well-being of all and the unhindered
8 distribution of research materials to all qualified
9 investigators engaged in non-commercial research shall be
10 encouraged within the confines of the law.

11 (Source: P.A. 95-519, eff. 1-1-08.)

12 (410 ILCS 110/15)

13 Sec. 15. Department grant program.

14 (a) The Department of Public Health shall develop and
15 administer the Illinois Regenerative Medicine Institute
16 Program within the Department to provide for the awarding of
17 grants to Illinois medical research institutions.

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

19 (1) to improve the health of the citizens of Illinois
20 through adult stem cell research;

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

24 (2) ~~(3)~~ to improve the national competitive position of
25 Illinois in the field of regenerative medicine; and

1 (3) ~~(4)~~ to promote the translation of stem cell
2 research into clinical practice and the transfer of
3 technology to biomedical and technological industry.

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

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

7 (2) rules concerning the eligibility of nonprofit
8 Illinois medical research institutions to receive awards
9 under the Institute grant program;

10 (3) rules for the conduct of competitive and scientific
11 peer review of all proposals submitted under the Institute
12 grant program;

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

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

24 (Source: P.A. 95-519, eff. 1-1-08.)

25 (410 ILCS 110/20)

1 Sec. 20. Illinois Regenerative Medicine Institute
2 Oversight Committee.

3 (a) The Illinois Regenerative Medicine Institute Oversight
4 Committee shall be established to determine the awards under
5 the Institute grant program. The Committee shall be composed of
6 7 members appointed by the Governor, with the advice and
7 consent of the Senate.

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

9 (1) professional medical organizations;

10 (2) voluntary health organizations; and

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

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

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

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

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

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

3 (1) determination of awards under the Institute grant
4 program, based on recommendations developed under the
5 competitive and scientific peer review process provided
6 for in subdivision (c) (3) of Section 15 of this Act;

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

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

18 (4) advice on the future conduct of the Institute grant
19 program.

20 (h) All Institute information concerning medical research
21 shall be confidential and privileged and not subject to
22 disclosure to any person other than Institute personnel.

23 (Source: P.A. 95-519, eff. 1-1-08.)

24 (410 ILCS 110/35)

25 Sec. 35. Disclosure of proposed Institute funding

1 recipients.

2 (a) Each Institute request to the Committee for approval of
3 proposed stem cell research funding must be accompanied by a
4 written disclosure that identifies the proposed funding
5 recipient and any executives, officers, directors, trustees,
6 fiduciaries, owners, parent company, subsidiaries, affiliates,
7 and institutional or organizational host of the proposed
8 funding recipient.

9 (b) A proposed Institute adult stem cell research funding
10 request shall not be approved by the Committee unless and until
11 the Committee receives the disclosure.

12 (c) Disclosures provided to the Committee are public
13 records.

14 (Source: P.A. 95-519, eff. 1-1-08.)

15 (410 ILCS 110/40)

16 Sec. 40. Cloning prohibited.

17 (a) No person may clone or attempt to clone a human being.
18 For purposes of this Section, "clone or attempt to clone a
19 human being" means human asexual reproduction, accomplished by
20 introducing the genetic material from one or more human somatic
21 cells into a fertilized or unfertilized oocyte whose nuclear
22 material has been removed or inactivated, so as to produce an
23 organism, at any stage of development with a human or
24 predominately human genetic constitution, a process commonly
25 known as somatic cell nuclear transfer ~~to transfer to a uterus~~

1 ~~or attempt to transfer to a uterus anything other than the~~
2 ~~product of fertilization of an egg of a human female by a sperm~~
3 ~~of a human male for the purpose of initiating a pregnancy that~~
4 ~~could result in the creation of a human fetus or the birth of a~~
5 ~~human being.~~

6 (b) (Blank). ~~A person who violates this Section is guilty~~
7 ~~of a Class 1 felony.~~

8 (c) No person may conduct research involving the derivation
9 and use of human embryos, human embryonic stem cells, or human
10 embryonic germ cells.

11 (d) A person who violates this Section is guilty of a Class
12 1 felony.

13 (Source: P.A. 95-519, eff. 1-1-08.)

14 (410 ILCS 110/45)

15 Sec. 45. Purchase or sale prohibited.

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

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

1 ~~pursuant to this Act.~~

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

7 (Source: P.A. 95-519, eff. 1-1-08.)

8 Section 99. Effective date. This Act takes effect January
9 1, 2009.