

## HOUSE AMENDMENTS TO HOUSE BILL 2598

By COMMITTEE ON SUSTAINABILITY AND ECONOMIC DEVELOPMENT

April 14

1 On page 1 of the printed bill, line 2, after the first semicolon insert “and” and after “money”  
2 insert a period and delete the rest of the line.

3 On page 2, delete lines 11 through 45 and delete pages 3 and 4 and insert:

4 **“SECTION 1. (1) The Human Stem Cell Research Committee is created in the Department**  
5 **of Human Services. The committee consists of nine members appointed by the Governor.**

6 **“(2) The term of office of each member is four years, but a member serves at the pleas-**  
7 **ure of the Governor. Before the expiration of the term of a member, the Governor shall ap-**  
8 **point a successor, whose term begins upon the expiration of the term of the current**  
9 **member. A member is eligible for reappointment. If there is a vacancy for any cause, the**  
10 **Governor shall make an appointment to become immediately effective for the unexpired**  
11 **term.**

12 **“(3) The Governor may consider persons recommended for appointment by the Oregon**  
13 **Health and Science University and the biomedical research community. The Governor shall**  
14 **appoint the following members:**

15 **“(a) Five scientists with experience in biomedical research in fields such as develop-**  
16 **mental biology, stem cell sciences, molecular biology, assisted reproduction, cell differen-**  
17 **tiation, nuclear reprogramming, tissue formation and regeneration, regenerative medicine**  
18 **or related fields;**

19 **“(b) One medical ethicist;**

20 **“(c) One person with a background in legal issues related to human stem cell research**  
21 **or in vitro fertilization; and**

22 **“(d) Two members of the public.**

23 **“(4) The committee shall select one of its members as chairperson and another as vice**  
24 **chairperson, for such terms and with duties and powers necessary for the performance of**  
25 **the functions of such offices as the committee determines.**

26 **“(5) A majority of the members of the committee constitutes a quorum for the trans-**  
27 **action of business.**

28 **“(6) The committee shall meet at least once every three months at a place, day and hour**  
29 **determined by the chairperson of the committee. The committee may also meet at other**  
30 **times and places specified by the call of the chairperson or of a majority of the members of**  
31 **the committee.**

32 **“(7) Members of the committee are not entitled to compensation or reimbursement for**  
33 **expenses and serve as volunteers on the committee.**

34 **“(8) In accordance with applicable provisions of ORS chapter 183, the committee may**  
35 **adopt rules necessary for carrying out the provisions of sections 2, 3, 4 and 6 of this 2009**

1 Act.

2 “(9) The Department of Human Services shall provide administrative support to the  
3 committee.

4 “SECTION 2. (1) The Human Stem Cell Research Committee shall develop procedures to  
5 ensure that research involving the derivation or use of human stem cells in Oregon is con-  
6 ducted in accordance with federal regulations, requirements and guidelines for the conduct  
7 of stem cell research. The committee may adopt a set of guidelines to be followed when ad-  
8 herence to another set of guidelines is not required for funding eligibility or for other pur-  
9 poses. After development of the procedures and adoption of the guidelines, the committee  
10 may revise the procedures and guidelines, as necessary, to account for changes in national  
11 and international guidelines and developments in research and medicine as they may affect  
12 the research and ethical considerations associated with the use of human stem cells.

13 “(2) In developing the procedures and adopting the guidelines, the committee may con-  
14 sider other applicable guidelines developed or used in the United States and in other coun-  
15 tries, including guidelines developed by the National Academy of Sciences, the National  
16 Institutes of Health and the International Society for Stem Cell Research.

17 “(3) The committee shall report the procedures developed and guidelines adopted by the  
18 committee, and any revision to those procedures or guidelines to the Governor, to the Leg-  
19 islative Assembly in the manner provided for in ORS 192.245 and to the Oregon Health and  
20 Science University.

21 “SECTION 3. (1) The Human Stem Cell Research Committee may solicit, receive and re-  
22 view applications from public and private agencies, organizations and research institutions  
23 for grants from the Human Stem Cell Research Grant Fund established under section 4 of  
24 this 2009 Act to conduct research programs in this state that focus on the development of  
25 treatments for debilitating diseases and spinal cord injuries utilizing stem cells.

26 “(2) After reviewing a grant application, if the application meets the criteria established  
27 by the committee by rule and if moneys exist in the Human Stem Cell Research Grant Fund,  
28 the committee shall grant approval of the application and direct the Department of Human  
29 Services to disburse moneys from the fund.

30 “(3) The committee may only grant moneys to institutions that agree to abide by the  
31 guidelines required by the National Institutes of Health or adopted by the committee under  
32 section 2 of this 2009 Act.

33 “(4) The committee shall report to the Governor and the Legislative Assembly no later  
34 than January 31 of each odd-numbered year, summarizing the status of grants for stem cell  
35 research and the progress of the committee in encouraging stem cell research.

36 “SECTION 4. (1) The Human Stem Cell Research Grant Fund is established separate and  
37 distinct from the General Fund. Moneys received from contributions to the Human Stem Cell  
38 Research Grant Fund, from public and private sources, by the Human Stem Cell Research  
39 Committee shall be deposited into the State Treasury and credited to the fund.

40 “(2) Interest earned by the Human Stem Cell Research Grant Fund shall be credited to  
41 the fund.

42 “(3) All moneys in the Human Stem Cell Research Grant Fund are continuously appro-  
43 priated to the Department of Human Services for the purposes of carrying out sections 1,  
44 2, 3, 6 and 9 of this 2009 Act.

45 “(4) The committee may solicit contributions to the Human Stem Cell Research Grant

1 **Fund from public and private sources.**

2 **“SECTION 5. Notwithstanding the term of office specified by section 1 of this 2009 Act,**  
3 **of the members first appointed to the Human Stem Cell Research Committee:**

4 **“(1) Four shall serve for terms ending January 1, 2012.**

5 **“(2) Five shall serve for terms ending January 1, 2013.**

6 **“SECTION 6. (1) The Human Stem Cell Research Committee shall study the nature of**  
7 **informed consent that should be provided in conjunction with human stem cell research**  
8 **funded under section 3 of this 2009 Act.**

9 **“(2) No later than April 1, 2011, the committee shall make recommendations about the**  
10 **nature of and method for providing informed consent to the Governor, to the Legislative**  
11 **Assembly in the manner provided in ORS 192.245 and to the Oregon Health and Science**  
12 **University.**

13 **“SECTION 7. (1) A person commits the crime of reproductive cloning if the person**  
14 **knowingly or intentionally:**

15 **“(a) Conducts in vitro culture of an intact human embryo, regardless of the method of**  
16 **derivation of the embryo, for more than 14 days or beyond the time at which formation of**  
17 **the primitive streak begins, whichever occurs first;**

18 **“(b) Introduces human embryonic stem cells into nonhuman primate blastocysts or in-**  
19 **troduces any embryonic stem cells into human blastocysts; or**

20 **“(c) Breeds an animal into which human embryonic stem cells have been introduced.**

21 **“(2) Reproductive cloning is a Class C felony.**

22 **“(3) As used in this section:**

23 **“(a) ‘Blastocyst’ means a preimplantation embryo of 50 to 250 cells, which consists of a**  
24 **sphere made up of an outer layer of cells and a fluid-filled cavity.**

25 **“(b) ‘Embryo’ means an animal in the early stages of growth and differentiation that is**  
26 **characterized by cleavage, laying down of fundamental tissues and the formation of primitive**  
27 **organs and organ systems, including the developing human individual from the time of im-**  
28 **plantation to the end of the eighth week after conception.**

29 **“(c) ‘Embryonic stem cells’ means primitive or undifferentiated cells derived from the**  
30 **early embryo that have the potential to become a wide variety of specialized cell types.**

31 **“(d) ‘In vitro’ means in a laboratory dish, test tube or other artificial environment.**

32 **“(e) ‘Primitive streak’ means the initial band of cells from which an embryo begins to**  
33 **develop and that establishes and reveals the embryo’s head-tail and left-right orientations.**

34 **“SECTION 8. A person may not use human eggs or human sperm that have been donated**  
35 **for purposes of assisted reproduction to create human stem cells for use in research without**  
36 **obtaining the written informed consent of the donor to use the eggs or sperm for purposes**  
37 **of stem cell research.**

38 **“SECTION 9. (1) In addition to any other penalty imposed by law, the Department of**  
39 **Human Services may impose a civil penalty on any person for violation of section 7 or 8 of**  
40 **this 2009 Act. The civil penalty imposed under this subsection may not exceed \$10,000 for**  
41 **each violation.**

42 **“(2) Civil penalties imposed under this section shall be imposed in the manner provided**  
43 **by ORS 183.745.**

44 **“(3) Civil penalties collected under this section shall be deposited in the Human Stem Cell**  
45 **Research Grant Fund established under section 4 of this 2009 Act.**

1       **“SECTION 10.** The Department of Human Services may adopt rules necessary to imple-  
2 **ment the provisions of section 9 of this 2009 Act.**

3       **“SECTION 11.** Sections 3, 7, 8 and 9 of this 2009 Act become operative on July 1, 2011.

4       **“SECTION 12.** No later than April 1, 2011, the Human Stem Cell Research Committee  
5 **shall develop the procedures and adopt the guidelines required under section 2 of this 2009**  
6 **Act.**

7       **“SECTION 13.** There is appropriated to the Department of Human Services, for the  
8 **biennium beginning July 1, 2009, out of the General Fund, the amount of \$159,366 for the**  
9 **purpose of providing administrative support to the Human Stem Cell Research Committee**  
10 **under section 1 of this 2009 Act.”.**

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