

House Bill 2598

Sponsored by Representatives GALIZIO, GREENLICK; Representatives BAILEY, BARKER, BEYER, BOONE, BUCKLEY, CANNON, COWAN, DEMBROW, C EDWARDS, GARRETT, GELSER, HOLVEY, KAHL, KOTEK, MATTHEWS, NOLAN, READ, RILEY, ROBLAN, SCHAUFLEER, SHIELDS, J SMITH, STIEGLER, TOMEI, VANORMAN, WITT, Senators BONAMICI, DINGFELDER

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Establishes Human Stem Cell Research Committee in Department of Human Services. Requires committee to develop guidelines for research involving derivation or use of human stem cells. Instructs committee to report guidelines developed to Legislative Assembly, Governor and Oregon Health and Science University.

Establishes Human Stem Cell Research Grant Fund. Authorizes committee to seek private and public contributions for purpose of funding research grants from fund. Continuously appropriates moneys in fund to Department of Human Services for purposes of Act. Appropriates moneys from General Fund to department to provide administrative support to committee.

Creates crime of human cloning. Punishes violation by maximum of five years' imprisonment, \$125,000 fine, or both.

Imposes penalties for failure to obtain written informed consent from donor prior to donation and use of human egg or sperm cell for research. Directs committee to study nature of informed consent provided and to make recommendations to Governor, Legislative Assembly and Oregon Health and Science University.

Declares emergency, effective July 1, 2009.

A BILL FOR AN ACT

1
2 Relating to stem cell research; appropriating money; and declaring an emergency.

3 Whereas an estimated 128 million Americans suffer from chronic, degenerative and acute dis-
4 eases, including diabetes, Alzheimer's disease, cancer, Huntington's disease, Parkinson's disease,
5 heart disease and spinal cord injury; and

6 Whereas the crippling economic and psychological burdens of such diseases result in billions of
7 dollars every year in costs of treatment and lost productivity as well as extreme human loss and
8 emotional suffering; and

9 Whereas stem cell research offers immense promise for developing new medical therapies for
10 these debilitating diseases and a critical means to explore fundamental questions of biology; and

11 Whereas stem cell research could lead to unprecedented treatments and potential cures for
12 diabetes, Alzheimer's disease, cancer, Huntington's disease, Parkinson's disease, heart disease, spinal
13 cord injury and other diseases; and

14 Whereas Oregon is home to a large medical research institution and an expanding biomedical
15 research industry; and

16 Whereas these organizations are committed to improving the lives of Americans suffering from
17 chronic, degenerative and acute diseases; and

18 Whereas encouraging stem cell research is essential to realizing the promise of stem cell re-
19 search and will promote advances in other areas of biomedical research; and

20 Whereas several states have supported policies and institutions in partnership with the
21 biomedical research industry to promote and advance stem cell research; and

22 Whereas Oregon must demonstrate a similar commitment to these initiatives in order to reaffirm

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 itself as a leader in this area of biomedical research; and

2 Whereas stem cell research, including the use of stem cells for medical research, raises signif-
3 icant ethical concerns that must be balanced with medical considerations; and

4 Whereas while stem cell research holds enormous potential for treating or even curing some
5 diseases, the reproductive cloning of human beings is morally and ethically unacceptable; and

6 Whereas the reproductive cloning of human beings poses grave health risks to any child who
7 may be produced in this manner; and

8 Whereas any attempt to clone a human being is in direct conflict with the policies of this state;
9 now, therefore,

10 **Be It Enacted by the People of the State of Oregon:**

11 **SECTION 1. As used in this section and sections 2 and 3 of this 2009 Act:**

12 (1) **“Blastocyst” means a preimplantation embryo that consists of approximately 150 cells**
13 **organized into an inner and outer cell layer surrounding a fluid-filled cavity. The inner layer,**
14 **from which embryonic stem cells are derived, consists of undifferentiated cells that have the**
15 **potential to become any type of cell in the human body.**

16 (2) **“Human somatic cell” means a diploid cell obtained or derived from a living or de-**
17 **ceased human at any stage of development.**

18 (3) **“Oocyte” means an unfertilized human ovum.**

19 (4) **“Somatic cell nuclear transfer” means a technique in which the nucleus of an oocyte**
20 **is replaced with the nucleus of a donated human somatic cell and stimulated to divide until**
21 **it reaches the blastocyst stage.**

22 **SECTION 2. (1) The Human Stem Cell Research Committee is created in the Department**
23 **of Human Services. The committee shall consist of 13 members appointed by the Governor.**

24 (2) **The term of office of each member is four years, but a member serves at the pleasure**
25 **of the Governor. Before the expiration of the term of a member, the Governor shall appoint**
26 **a successor, whose term begins upon the expiration of the term of the current member. A**
27 **member is eligible for reappointment. If there is a vacancy for any cause, the Governor shall**
28 **make an appointment to become immediately effective for the unexpired term.**

29 (3) **The Governor may consider persons recommended for appointment by the Oregon**
30 **Health and Science University and the biomedical research community. The committee shall**
31 **include the following members:**

32 (a) **Seven scientists with experience in biomedical research in the fields of cell differen-**
33 **tiation, nuclear reprogramming, tissue formation and regeneration, stem cell biology, devel-**
34 **opmental biology or regenerative medicine or related fields;**

35 (b) **Two medical ethicists;**

36 (c) **Two persons with backgrounds in legal issues related to human stem cell research,**
37 **in vitro fertilization or family law, as it applies to the donation of blastocysts and oocytes;**
38 **and**

39 (d) **Two members of the public.**

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

43 (5) **A majority of the members of the committee constitutes a quorum for the transaction**
44 **of business.**

45 (6) **The committee shall meet at least once every three months at a place, day and hour**

1 determined by the chairperson of the committee. The committee may also meet at other
 2 times and places specified by the call of the chairperson or of a majority of the members of
 3 the committee.

4 (7) A member of the committee is entitled to compensation and expenses as provided in
 5 ORS 292.495.

6 (8) In accordance with applicable provisions of ORS chapter 183, the committee may
 7 adopt rules necessary for carrying out the provisions of sections 3, 4 and 7 of this 2009 Act.

8 (9) The Department of Human Services shall provide administrative support to the com-
 9 mittee.

10 **SECTION 3.** (1) The Human Stem Cell Research Committee shall develop guidelines for
 11 research involving the derivation or use of human stem cells in Oregon. The guidelines shall
 12 address the balance between the state policy of promoting research involving the derivation
 13 of human stem cells, by any method, including somatic cell nuclear transfer, and the ethical
 14 considerations that arise with such research. After adoption of the initial guidelines, the
 15 committee may revise the guidelines or issue advisory opinions, as necessary, to account for
 16 developments in research and medicine as they may affect the research and ethical consid-
 17 erations associated with the use of human stem cells.

18 (2) In developing the guidelines, the committee may consider other applicable guidelines
 19 developed or used in the United States and in other countries, including the guidelines for
 20 research using human pluripotent stem cells developed by the National Institutes of Health.

21 (3) The committee shall report the guidelines developed to the Governor, to the Legisla-
 22 tive Assembly in the manner provided for in ORS 192.245 and to the Oregon Health and Sci-
 23 ence University.

24 **SECTION 4.** (1) The Human Stem Cell Research Committee may solicit, receive and re-
 25 view applications from public and private agencies, organizations and research institutions
 26 for grants from the Human Stem Cell Research Grant Fund created under section 5 of this
 27 2009 Act to conduct research programs in this state that focus on the development of the
 28 treatment of debilitating diseases and spinal cord injuries.

29 (2) After reviewing a grant application, the committee shall grant approval of the appli-
 30 cation and direct the Department of Human Services to disburse moneys from the Human
 31 Stem Cell Research Grant Fund if the application meets the criteria established by the
 32 committee and if moneys exist in the fund.

33 (3) The committee may solicit contributions to the fund from public and private sources.

34 (4) The committee shall provide the Governor and the Legislative Assembly with a
 35 biennial report no later than January 31 of each odd-numbered year that summarizes the
 36 status of funds granted for stem cell research and the progress of the committee in en-
 37 couraging stem cell research.

38 **SECTION 5.** (1) The Human Stem Cell Research Grant Fund is established separate and
 39 distinct from the General Fund. Moneys received from contributions to the fund, from public
 40 and private sources, by the Human Stem Cell Research Committee shall be deposited into the
 41 State Treasury and credited to the Human Stem Cell Research Grant Fund.

42 (2) Interest earned by the Human Stem Cell Research Grant Fund shall be credited to
 43 the fund.

44 (3) All moneys in the Human Stem Cell Research Grant Fund are continuously appro-
 45 priated to the Department of Human Services for the purposes of this section and sections

1 2, 3, 4, 7, 9 and 10 of this 2009 Act.

2 **SECTION 6.** Notwithstanding the term of office specified by section 2 of this 2009 Act,
3 of the members first appointed to the Human Stem Cell Research Committee:

4 (1) Six shall serve for terms ending January 1, 2012.

5 (2) Seven shall serve for terms ending January 1, 2013.

6 **SECTION 7.** (1) The Human Stem Cell Research Committee shall study the nature of in-
7 formed consent that should be provided in conjunction with human stem cell research funded
8 under section 4 of this 2009 Act.

9 (2) The committee shall make recommendations about the nature of and method for
10 providing informed consent to the Governor, to the Legislative Assembly in the manner
11 provided in ORS 192.245 and to the Oregon Health and Science University by April 1, 2011.

12 **SECTION 8.** (1) A person commits the crime of human cloning if the person knowingly
13 or intentionally:

14 (a) Performs or attempts to perform human cloning; or

15 (b) Participates in performing or attempting to perform human cloning.

16 (2) Human cloning is a Class C felony.

17 **SECTION 9.** A person may not use human eggs or human sperm that have been donated
18 for purposes of assisted reproduction to create human stem cells for use in research without
19 obtaining the written informed consent of the donor to use the eggs or sperm for research
20 purposes.

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

25 (2) Civil penalties imposed under this section shall be imposed in the manner provided
26 by ORS 183.745.

27 (3) Civil penalties collected under this section shall be deposited in the Human Stem Cell
28 Research Grant Fund established under section 5 of this 2009 Act.

29 **SECTION 11.** The Department of Human Services may adopt rules necessary to imple-
30 ment the provisions of sections 9 and 10 of this 2009 Act.

31 **SECTION 12.** Sections 4, 8, 9 and 10 of this 2009 Act become operative on July 1, 2011.

32 **SECTION 13.** The Human Stem Cell Research Committee shall develop the guidelines
33 required under section 3 of this 2009 Act by April 1, 2011.

34 **SECTION 14.** There is appropriated to the Department of Human Services, for the
35 biennium beginning July 1, 2009, out of the General Fund, the amount of \$159,366 for the
36 purpose of providing administrative support under section 2 of this 2009 Act.

37 **SECTION 15.** This 2009 Act being necessary for the immediate preservation of the public
38 peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect
39 July 1, 2009.

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