

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE DRH60169-LN-110A (3/2)

Short Title: Stem Cell Research Health & Wellness Act.

(Public)

Sponsors: Representative Jones.

Referred to:

A BILL TO BE ENTITLED

1
2 AN ACT TO ENACT THE STEM CELL RESEARCH HEALTH AND WELLNESS
3 ACT TO PERMIT STEM CELL RESEARCH UNDER LIMITED
4 CIRCUMSTANCES AND TO APPROPRIATE FUNDS TO THE HEALTH AND
5 WELLNESS TRUST FUND FOR ALLOCATION AS STEM CELL RESEARCH
6 GRANTS.

7 Whereas, an estimated 128 million Americans suffer from the crippling
8 economic and psychological burden of chronic, degenerative, and acute diseases,
9 including Alzheimer's disease, cancer, diabetes, and Parkinson's disease; and

10 Whereas, the costs of treating, and lost productivity from, chronic,
11 degenerative, and acute diseases in the United States constitutes hundreds of billions of
12 dollars annually. Estimates on the economic costs of these diseases do not account for
13 the extreme human loss and suffering associated with these conditions; and

14 Whereas, human stem cell research offers immense promise for developing
15 new medical therapies for these debilitating diseases and a critical means to explore
16 fundamental questions of biology. Stem cell research could lead to unprecedented
17 treatments and potential cures for Alzheimer's disease, cancer, diabetes, Parkinson's
18 disease, and other diseases; and

19 Whereas, stem cell research, including the use of embryonic stem cells for
20 medical research, raises significant ethical and public policy concerns; and

21 Whereas, the ethical and policy concerns associated with stem cell research
22 must be carefully considered; and

23 Whereas, the public policy of this State governing stem cell research must
24 balance ethical and medical considerations based upon both an understanding of the
25 science associated with stem cell research and a thorough consideration of the ethical
26 concerns regarding this research; Now, therefore,
27 The General Assembly of North Carolina enacts:

1 **SECTION 1.** Article 16 of Chapter 130A of the General Statutes is amended
2 by adding the following new Part to read:

3 "Part 4A. Stem Cell Research Health and Wellness Act.

4 "**§ 130A-413.1. Public policy relative to derivation, use of certain cells of humans.**

5 (a) It is the public policy of this State that research involving the derivation and
6 use of human embryonic stem cells, human embryonic germ cells, and human adult
7 stem cells shall:

8 (1) Be permitted in this State only with the informed consent of the donor
9 and only if the stem cells are:

10 a. Embryonic stem cells obtained from miscarriage, ectopic
11 pregnancy, or nonliving in-vitro fertilized embryos; or

12 b. Adult type stem cells obtained from umbilical cords, placentas,
13 and amniotic fluid, or other tissues and organ systems.

14 (2) Be conducted with full consideration for the ethical and medical
15 implications of this research; and

16 (3) Be reviewed, in each case, by an institutional review board operating
17 in accordance with applicable federal regulations.

18 As used in this section, 'miscarriage' means spontaneous loss of pregnancy before
19 the middle of the second trimester.

20 (b) A physician or other health care provider who is treating a patient for
21 infertility shall provide the patient with timely, relevant, and appropriate information
22 sufficient to allow that person to make an informed and voluntary choice regarding the
23 disposition of any human embryos remaining following the infertility treatment. The
24 physician or health care provider shall present to the individual the option of storing any
25 unused live embryos, donating them to another person, donating nonliving embryos for
26 research purposes consistent with this Part, or other means of disposition consistent with
27 applicable State and federal law. An individual who elects to donate, for research
28 purposes, any embryos remaining after receiving infertility treatment shall provide
29 written consent to that donation.

30 (c) A person shall not knowingly, for valuable consideration, purchase or sell, or
31 otherwise transfer or obtain, or promote the sale or transfer of, embryonic or cadaveric
32 fetal tissue for research purposes except as permitted by this section or other applicable
33 State or federal law.

34 (d) An individual or entity who knowingly violates the provisions of this section
35 shall be subject to a civil penalty of up to ten thousand dollars (\$10,000) for each
36 violation."

37 **SECTION 2.** There is appropriated from the General Fund to the Health and
38 Wellness Trust Fund the sum of ten million dollars (\$10,000,000) for the 2005-2006
39 fiscal year. These funds shall be allocated by the Health and Wellness Trust Fund
40 Commission as grants to nonprofit organizations conducting stem cell research. Grants
41 shall not exceed one million dollars (\$1,000,000) per grant recipient. Funds allocated
42 shall be matched by the grant recipient at the rate of one non-State dollar for each dollar
43 of grant funds awarded to the recipient. The Health and Wellness Trust Fund

- 1 Commission shall establish guidelines setting eligibility requirements for grant
2 applicants, and for applying for, expending, and reporting on the use of grant funds.
3 **SECTION 3.** Section 2 of this act becomes effective July 1, 2005. The
4 remainder of this act is effective when it becomes law.