



General Assembly

Amendment

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LCO No. 5513

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Offered by:

REP. FELTMAN, 6th Dist.

SEN. MURPHY, 16th Dist.

To: House Bill No. 5801

File No.

Cal. No.

"AN ACT CONCERNING BUDGET IMPLEMENTATION."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. (NEW) (*Effective October 1, 2004*) As used in sections 501 to
4 505, inclusive, of this act:

5 (1) "Cloning of a human being" means any process that replicates a
6 human individual by cultivating a cell with genetic material through
7 the egg and embryo, to the fetal and newborn stages into a new human
8 individual, and includes the implantation of any cell or cells created by
9 nuclear transfer into a uterus in which a human pregnancy will be
10 initiated;

11 (2) "Institutional review board" means any board, committee or
12 other group formally designated by an institution to review
13 biomedical research and to approve the initiation and conduct periodic
14 review of such research;

15 (3) "Nuclear transfer" means the process of transferring the nucleus
16 of a cell into an egg cell from which the nucleus was removed thereby
17 replacing the DNA of such egg cell;

18 (4) "Person" has the same meaning provided in section 53a-3 of the
19 general statutes.

20 Sec. 502. (NEW) (*Effective October 1, 2004*) (a) No person shall
21 purchase or sell or otherwise transfer or obtain, or promote the sale or
22 transfer of (1) embryos, (2) embryonic cells or (3) cells derived
23 therefrom.

24 (b) Notwithstanding the provisions of subsection (a) of this section,
25 a person may (1) conduct research involving the derivation and use of
26 human embryonic stem cells or human adult stem cells from any
27 source, except from fetal tissue, including nuclear transfer, provided
28 such research is (A) conducted with full consideration for the ethical
29 and medical implications of such research, (B) conducted in vitro, not
30 for implantation into a uterus, and (C) reviewed and approved, in each
31 case, by an institutional review board operating in accordance with
32 applicable federal regulations and protocols adopted by the
33 Department of Public Health in accordance with section 5 of this act;
34 and (2) receive reasonable payment for the removal, processing,
35 disposal, preservation, quality control, storage, transplantation or
36 implantation of human embryos and embryonic cells, or cells derived
37 therefrom, which are necessary to conduct research in accordance with
38 this section.

39 (c) Any person who violates the provisions of this subsection shall
40 be fined not less than fifty thousand dollars nor more than one
41 hundred thousand dollars and imprisoned not less than five years nor
42 more than ten years. Each violation of this subsection shall be a
43 separate and distinct offense.

44 (d) The Department of Public Health shall (1) develop protocols for
45 the conduct of research in accordance with subsection (b) of this
46 section, provided said research may be conducted prior to the

47 department's development of said protocols, and (2) establish and
48 maintain a registry of institutional review boards that perform review
49 of research as provided in subsection (b) of this section. Each
50 institutional review board reviewing such research shall register with
51 the department in a manner to be determined by the department. At
52 such time as research is approved, as provided in subsection (b) of this
53 section, the institutional review board shall submit a copy of such
54 approval to the department.

55 Sec. 503. (NEW) (*Effective October 1, 2004*) (a) A physician or other
56 health care provider who is treating a patient for infertility shall
57 provide the patient with timely, relevant and appropriate information
58 sufficient to allow that patient to make an informed and voluntary
59 choice regarding the disposition of any human embryos and
60 embryonic cells, or cells derived therefrom remaining following the
61 infertility treatment.

62 (b) A patient to whom information is provided pursuant to
63 subsection (a) of this section shall be presented with the option of
64 storing any unused embryos and embryonic cells, or cells derived
65 therefrom, donating them to another person, donating the remaining
66 embryos and embryonic cells, or cells derived therefrom, for research
67 purposes or other means of disposition.

68 (c) A patient who elects to donate for research purposes or for any
69 other purpose any embryos and embryonic cells, or cells derived
70 therefrom, remaining after receiving infertility treatment shall not
71 receive any valuable consideration for said embryos and embryonic
72 cells, or cells derived therefrom, and shall provide a notarized
73 statement consenting to such donation.

74 Sec. 504. (NEW) (*Effective October 1, 2004*) No person shall
75 knowingly engage or assist, directly or indirectly, in the cloning of a
76 human being, as defined in section 501 of this act. Any person who
77 violates the provisions of this subsection shall be fined not less than
78 one hundred thousand dollars nor more than three hundred thousand

79 dollars, and imprisoned not less than ten years nor more than fifteen
80 years. Each violation of this subsection shall be a separate and distinct
81 offense.

82 Sec. 505. (NEW) (*Effective October 1, 2004*) The Commissioner of
83 Public Health shall enforce the provisions of this act and may adopt
84 regulations, in accordance with the provisions of chapter 54 of the
85 general statutes, relating to the administration and enforcement of this
86 act, including the development of protocols. The commissioner may
87 request the Attorney General to petition the Superior Court for such
88 order as may be appropriate to enforce the provisions of this section.

89 Sec. 506. (NEW) (*Effective October 1, 2004*) Any person conducting
90 research as provided in section 501 of this act, may apply for any form
91 of financial assistance offered pursuant to title 32 of the general
92 statutes, provided such person meets the eligibility criteria for such
93 financial assistance.

94 Sec. 507. Section 10a-252 of the general statutes, as amended by
95 section 118 of public act 03-278, is repealed and the following is
96 substituted in lieu thereof (*Effective October 1, 2004*):

97 As used in sections 10a-250 to 10a-263, inclusive, the following
98 terms shall have the following meanings unless the context clearly
99 indicates another meaning and intent:

100 (1) "Corporation" means The University of Connecticut Health
101 Center Finance Corporation as created under section 10a-253, as
102 amended;

103 (2) "Hospital" means the John Dempsey Hospital and the clinical
104 operations of the schools of medicine and dental medicine of The
105 University of Connecticut;

106 (3) "Hospital facilities" includes, but is not limited to: (A) All
107 necessary, useful or appropriate supplies, materials, equipment,
108 machines, devices, vehicles, computers, computer programs,

109 furnishings, facilities, or systems or any other personal property
110 suitable and intended for, or incidental or ancillary to, use by or in the
111 operation of the hospital or in connection with any joint venture or
112 shared service agreement authorized pursuant to sections 10a-250 to
113 10a-263, inclusive, and (B) from time to time, upon initial directive of
114 the Board of Trustees of The University of Connecticut pursuant to
115 subsection (b) of section 10a-104, such structures suitable for use by the
116 hospital including, but not limited to, laboratories, laundries, nurses',
117 doctors' or interns' residences, administration buildings, facilities for
118 research directly involved with hospital care, maintenance, storage or
119 utility facilities and parking lots and garages, including the acquisition
120 of land or rights in land required for any of such structures. Subject to
121 the approval set forth in section 10a-257, "hospital facilities" includes
122 all of the foregoing used by or in the operation of outpatient practices
123 related to the hospital, or in the practices of medical, dental or other
124 health professionals related to the hospital;

125 (4) "Joint venture" means a cooperative contractual arrangement
126 between the corporation and one or more other parties including, but
127 not limited to, hospitals, physicians, dentists, medical and dental
128 clinics, nonprofit or charitable corporations, health maintenance
129 organizations, insurance companies, venture capital firms, banks and
130 governmental agencies. The subject matter of such contractual
131 arrangement shall include, but not be limited to, primary care clinics,
132 imaging-diagnostic centers, stem cell research, reference libraries and
133 medical office buildings, provided the corporation shall not enter into
134 a joint venture the activity of which is being furnished or operated by
135 the hospital on July 1, 1987, and the result of which would reduce or
136 eliminate the number of state employees required at the hospital for
137 such activity;

138 (5) "Person" means any individual, firm, partnership, association,
139 limited liability company or corporation, public or private, organized
140 or existing under the laws of the state or any other state, including
141 federal corporations;

142 (6) "Project costs" means the total of the reasonable or necessary
143 costs incurred for hospital facilities including, but not limited to, the
144 following: Studies and surveys; plans, specifications, architectural and
145 engineering services; legal organization, marketing or other special
146 services; equipment design; electrical and air conditioning
147 requirements; acquisition, demolition, construction, equipping and site
148 development of new and rehabilitated buildings; rehabilitation,
149 reconstruction, repair or remodeling of existing buildings; and
150 financing costs, interest and carrying charges during construction;

151 (7) "Shared service agreement" means a contractual arrangement
152 between the corporation and one or more other parties including, but
153 not limited to, hospitals, physicians, dentists, medical and dental
154 clinics, nonprofit or charitable corporations, health maintenance
155 organizations and insurance companies, in which the contracting
156 parties allocate among themselves the proportionate benefit to be
157 received by each such party of a service or facility being provided and
158 the proportionate obligations assumed by each such party for its share
159 of such a service or facility. The subject matter of such a service or
160 facility shall include, but not be limited to, imaging-diagnostic centers,
161 stem cell research, primary care clinics and medical office buildings,
162 provided that the corporation shall not enter into a shared service
163 agreement the activity of which is being furnished or operated by the
164 hospital on July 1, 1987, and the result of which would reduce or
165 eliminate the number of state employees required at the hospital for
166 such activity;

167 (8) "State" means the state of Connecticut.

168 Sec. 508. Section 10a-254 of the general statutes is repealed and the
169 following is substituted in lieu thereof (*Effective October 1, 2004*):

170 Notwithstanding any other provision of the general statutes, to
171 accomplish the purposes of sections 10a-250 to 10a-263, inclusive, the
172 corporation have the power to:

173 (1) Adopt, alter, amend or repeal bylaws or rules or regulations and

174 establish policies and procedures for the conduct of its business. In
175 carrying out the provisions of this subdivision the corporation shall
176 not be subject to chapter 54;

177 (2) Maintain at no expense to the corporation an office and related
178 support facilities at The University of Connecticut Health Center,
179 which shall provide such space and facilities;

180 (3) Sue and be sued in its own name and plead and be impleaded.
181 Service of process in any action shall be made by service upon the
182 executive director of the corporation either in hand or by leaving a
183 copy of the process at the office of the corporation with some person
184 having charge of such office. Nothing in this subdivision shall be
185 construed to permit an attachment or garnishment against any of the
186 funds or assets of the corporation prior to final judgment;

187 (4) Adopt an official seal and alter the same at pleasure;

188 (5) Purchase, receive by gift or otherwise, lease, sublease, exchange
189 or otherwise acquire, and construct, reconstruct, improve, maintain,
190 equip and furnish one or more hospital facilities and dispose of such
191 facilities by sale, lease, or sublease, provided that any sale or disposal
192 of land or the structures thereon shall be subject to the approval of the
193 Board of Trustees of The University of Connecticut;

194 (6) Make and enter into contracts, leases, joint ventures, shared
195 service agreements, and all other agreements and instruments which
196 may be necessary or incidental to the exercise of its powers and the
197 fulfillment of its corporate purposes;

198 (7) Employ or retain accountants, attorneys and architectural,
199 engineering, financial and other consultants on a project basis, and fix
200 their compensation, and such other employees and agents as the
201 corporation shall deem necessary or desirable to assist it in carrying
202 out the purposes of sections 10a-250 to 10a-263, inclusive, provided
203 that any employee of the corporation, other than employees retained
204 on a project basis, shall be deemed to be an employee of the state for

205 purposes of the general statutes including, but not limited to, chapters
206 66 to 68, inclusive, and shall be assigned to the appropriate existing
207 collective bargaining unit and classification of the hospital or The
208 University of Connecticut Health Center, as applicable, except as
209 provided in subsection (c) of section 10a-253, as amended;

210 (8) Accept gifts, grants or loans of funds, property or services from
211 any source, public or private including, but not limited to, the hospital,
212 for the accomplishment of the corporation's purposes, and comply,
213 subject to the provisions of sections 10a-250 to 10a-263, inclusive, with
214 the terms and conditions of such gifts, grants or loans. The hospital
215 may, upon approval by the Board of Trustees of The University of
216 Connecticut, give, grant or loan funds, property or services to the
217 corporation for corporate purposes;

218 (9) Establish and manage segregated accounts to effectuate the
219 corporation's purposes;

220 (10) Procure insurance, or obtain indemnification, against any loss
221 in connection with the assets of the corporation or the hospital or any
222 liability in connection with the activities of the corporation or the
223 hospital, the hospital's officers, agents, employees, physicians with
224 hospital privileges and persons otherwise carrying out the purposes of
225 the hospital;

226 (11) Invest any funds not needed for immediate use or
227 disbursement, in accordance with the provisions of sections 10a-250 to
228 10a-263, inclusive;

229 (12) Indemnify and be indemnified;

230 (13) (A) Exercise and perform all or part of its purposes, powers,
231 duties, functions or activities through one or more wholly-owned
232 subsidiary corporations subject to limitations provided in this
233 subdivision. The board of directors of the corporation by resolution
234 may direct any of the directors, officers or employees of the
235 corporation to organize any such subsidiary corporation as a public

236 instrumentality by executing and filing with the Secretary of the State a
237 certificate of incorporation, which may be amended from time to time
238 by filing with the Secretary of the State, and which shall set forth the
239 name of such subsidiary corporation, its duration, the location of its
240 principal offices and any or all of the powers and purposes of such
241 corporation, provided that each subsidiary shall have a board of
242 directors and at least one-half of the members of each such board of
243 directors of each subsidiary shall be members of the board of directors
244 of the corporation or directors appointed by the Governor. (B) Each
245 such subsidiary corporation and any of its properties, functions and
246 activities shall have all of the privileges, immunities, tax exemptions
247 and other exemptions of the corporation and of the corporation's
248 properties, functions and activities, except that no such subsidiary
249 corporation shall form subsidiary corporations. Each such subsidiary
250 corporation shall be subject to suit in the manner in which the
251 corporation is subject to suit;

252 (14) Capitalize or make loans to (A) any subsidiary of the
253 corporation, to effectuate the purposes of sections 10a-250 to 10a-263,
254 inclusive, or (B) any nonprofit or charitable corporation conducting
255 stem cell research, on such terms and conditions as the corporation
256 deems reasonable; and

257 (15) Do, or delegate, any and all things necessary or convenient to
258 carry out the purposes and to exercise the powers given and granted in
259 sections 10a-250 to 10a-263, inclusive, except that, in no event shall the
260 corporation or any subsidiary of the corporation have the power to
261 operate the hospital or to provide direct hospital services for patient
262 treatment or care at the hospital or at the site of The University of
263 Connecticut Health Center or to retain employees to exercise such
264 power."