



General Assembly

**Amendment**

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LCO No. 6859

\*SB0093406859SD0\*

Offered by:

SEN. MURPHY, 16<sup>th</sup> Dist.

REP. SAYERS, 60<sup>th</sup> Dist.

SEN. LEBEAU, 3<sup>rd</sup> Dist.

REP. BERGER, 73<sup>rd</sup> Dist.

To: Subst. Senate Bill No. 934

File No. 446

Cal. No. 348

**"AN ACT PERMITTING STEM CELL RESEARCH AND BANNING  
THE CLONING OF HUMAN BEINGS."**

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective from passage*) (a) As used in sections 1 to  
4 4, inclusive, of this act and section 4-28e of the general statutes, as  
5 amended by this act:

6 (1) "Institutional review committee" means the local institutional  
7 review committee specified in 21 USC 360j(g)(3)(A)(i), as amended  
8 from time to time, and, when applicable, an institutional review board  
9 established in accordance with the requirements of 45 CFR 46, Subpart  
10 A, as amended from time to time.

11 (2) "Cloning of a human being" means inducing or permitting a  
12 replicate of a living human being's complete set of genetic material to

13 develop after gastrulation commences.

14 (3) "Gastrulation" means the process immediately following the  
15 blastula state when the hollow ball of cells representing the early  
16 embryo undergoes a complex and coordinated series of movements  
17 that results in the formation of the three primary germ layers, the  
18 ectoderm, mesoderm and endoderm.

19 (4) "Embryonic stem cells" means cells created through the joining of  
20 a human egg and sperm or through nuclear transfer that are  
21 sufficiently undifferentiated such that they cannot be identified as  
22 components of any specialized cell type.

23 (5) "Nuclear transfer" means the replacement of the nucleus of a  
24 human egg with a nucleus from another human cell.

25 (6) "Eligible institution" means (A) a nonprofit, tax-exempt academic  
26 institution of higher education, (B) a hospital that conducts biomedical  
27 research, or (C) any entity that conducts biomedical research or  
28 embryonic or human adult stem cell research.

29 (b) No person shall knowingly (1) engage or assist, directly or  
30 indirectly, in the cloning of a human being, (2) implant human  
31 embryos created by nuclear transfer into a uterus or a device similar to  
32 a uterus, or (3) facilitate human reproduction through clinical or other  
33 use of human embryos created by nuclear transfer. Any person who  
34 violates the provisions of this subsection shall be fined not more than  
35 one hundred thousand dollars or imprisoned not more than ten years,  
36 or both. Each violation of this subsection shall be a separate and  
37 distinct offense.

38 (c) (1) A physician or other health care provider who is treating a  
39 patient for infertility shall provide the patient with timely, relevant  
40 and appropriate information sufficient to allow that person to make an  
41 informed and voluntary choice regarding the disposition of any  
42 embryos or embryonic stem cells remaining following an infertility  
43 treatment.

44 (2) A patient to whom information is provided pursuant to  
45 subdivision (1) of this subsection shall be presented with the option of  
46 storing, donating to another person, donating for research purposes, or  
47 otherwise disposing of any unused embryos or embryonic stem cells.

48 (3) A person who elects to donate for stem cell research purposes  
49 any human embryos or embryonic stem cells remaining after receiving  
50 infertility treatment, or unfertilized human eggs or human sperm shall  
51 provide written consent for that donation and shall not receive direct  
52 or indirect payment for such human embryos, embryonic stem cells,  
53 unfertilized human eggs or human sperm.

54 (4) Any person who violates the provisions of this subsection shall  
55 be fined not more than fifty thousand dollars or imprisoned not more  
56 than five years, or both. Each violation of this subsection shall be a  
57 separate and distinct offense.

58 (d) A person may conduct research involving embryonic stem cells,  
59 provided (1) the research is conducted with full consideration for the  
60 ethical and medical implications of such research, (2) the research is  
61 conducted before gastrulation occurs, (3) prior to conducting such  
62 research, the person provides to the Commissioner of Public Health  
63 documentation verifying that any human embryos, embryonic stem  
64 cells, unfertilized human eggs or human sperm used in such research  
65 have been donated voluntarily in accordance with the provisions of  
66 subsection (c) of this section, on a form and in the manner prescribed  
67 by the Commissioner of Public Health, (4) the general research  
68 program under which such research is conducted is reviewed and  
69 approved by an institutional review committee, as required under  
70 federal law, and (5) the specific protocol used to derive stem cells from  
71 an embryo is reviewed and approved by an institutional review  
72 committee.

73 (e) The Commissioner of Public Health shall enforce the provisions  
74 of this section and may adopt regulations, in accordance with the  
75 provisions of chapter 54 of the general statutes, relating to the

76 administration and enforcement of this section. The commissioner may  
77 request the Attorney General to petition the Superior Court for such  
78 order as may be appropriate to enforce the provisions of this section.

79 Sec. 2. (NEW) (*Effective from passage*) (a) There is established the  
80 "Stem Cell Research Fund" which shall be a separate, nonlapsing  
81 account within the General Fund. The fund may contain any moneys  
82 required or permitted by law to be deposited in the fund and any  
83 funds received from any public or private contributions, gifts, grants,  
84 donations, bequests or devises to the fund. The Commissioner of  
85 Public Health may make grants-in-aid from the fund in accordance  
86 with the provisions of subsection (b) of this section.

87 (b) Not later than June 30, 2006, the Stem Cell Research Advisory  
88 Committee established pursuant to section 3 of this act shall develop  
89 an application for grants-in-aid under this section for the purpose of  
90 conducting embryonic or human adult stem cell research and may  
91 receive applications from eligible institutions for such grants-in-aid on  
92 and after said date. The Stem Cell Research Advisory Committee shall  
93 require any applicant for a grant-in-aid under this section to conduct  
94 stem cell research to submit (1) a complete description of the  
95 applicant's organization, (2) the applicant's plans for stem cell research  
96 and proposed funding for such research from sources other than the  
97 state of Connecticut, and (3) proposed arrangements concerning  
98 financial benefits to the state of Connecticut as a result of any patent,  
99 royalty payment or similar rights developing from any stem cell  
100 research made possible by the awarding of such grant-in-aid. Said  
101 committee shall direct the Commissioner of Public Health with respect  
102 to the awarding of such grants-in-aid after considering  
103 recommendations from the Stem Cell Research Peer Review  
104 Committee established pursuant to section 4 of this act.

105 (c) Commencing with the fiscal year ending June 30, 2006, and for  
106 each of the nine consecutive fiscal years thereafter, until the fiscal year  
107 ending June 30, 2015, not less than ten million dollars shall be available  
108 from the Stem Cell Research Fund for grants-in-aid to eligible

109 institutions for the purpose of conducting embryonic or human adult  
110 stem cell research, as directed by the Stem Cell Research Advisory  
111 Committee established pursuant to section 3 of this act. Any balance of  
112 such amount not used for such grants-in-aid during a fiscal year shall  
113 be carried forward for the fiscal year next succeeding for such grants-  
114 in-aid.

115       Sec. 3. (NEW) (*Effective from passage*) (a) There is established a Stem  
116 Cell Research Advisory Committee. The committee shall consist of the  
117 Commissioner of Public Health and eight members who shall be  
118 appointed as follows: Two by the Governor, one of whom shall be  
119 nationally recognized as an active investigator in the field of stem cell  
120 research and one of whom shall have background and experience in  
121 the field of bioethics; one each by the president pro tempore of the  
122 Senate and the speaker of the House of Representative, who shall have  
123 background and experience in private sector stem cell research and  
124 development; one each by the majority leaders of the Senate and  
125 House of Representatives, who shall be academic researchers  
126 specializing in stem cell research; one by the minority leader of the  
127 Senate, who shall have background and experience in either private or  
128 public sector stem cell research and development or related research  
129 fields, including, but not limited to, embryology, genetics or cellular  
130 biology; and one by the minority leader of the House of  
131 Representatives, who shall have background and experience in  
132 business or financial investments. Members shall serve for a term of  
133 four years commencing on October first, except that members first  
134 appointed by the Governor and the majority leaders of the Senate and  
135 House of Representatives shall serve for a term of two years. No  
136 member may serve for more than two consecutive four-year terms and  
137 no member may serve concurrently on the Stem Cell Research Peer  
138 Review Committee established pursuant to section 4 of this act. All  
139 initial appointments to the committee shall be made by October 1,  
140 2005. Any vacancy shall be filled by the appointing authority.

141       (b) The Commissioner of Public Health shall serve as the  
142 chairperson of the committee and shall schedule the first meeting of

143 the committee, which shall be held no later than December 1, 2005.

144 (c) All members appointed to the committee shall work to advance  
145 embryonic and human adult stem cell research. Any member who fails  
146 to attend three consecutive meetings or who fails to attend fifty per  
147 cent of all meetings held during any calendar year shall be deemed to  
148 have resigned from the committee.

149 (d) All members shall be deemed public officials and shall adhere to  
150 the code of ethics for public officials set forth in chapter 10 of the  
151 general statutes. No member shall participate in the affairs of the  
152 committee with respect to the review or consideration of any grant-in-  
153 aid application filed by such member or by any eligible institution in  
154 which such member has a financial interest, or with whom such  
155 member engages in any business, employment, transaction or  
156 professional activity.

157 (e) The Stem Cell Research Advisory Committee shall (1) develop,  
158 in consultation with the Commissioner of Public Health, a donated  
159 funds program to encourage the development of funds other than state  
160 appropriations for embryonic and human adult stem cell research in  
161 this state, (2) examine and identify specific ways to improve and  
162 promote for-profit and not-for-profit embryonic and human adult stem  
163 cell and related research in the state, including, but not limited to,  
164 identifying both public and private funding sources for such research,  
165 maintaining existing embryonic and human adult stem cell related  
166 businesses, recruiting new embryonic and human adult stem cell  
167 related businesses to the state and recruiting scientists and researchers  
168 in such field to the state, (3) establish and administer, in consultation  
169 with the Commissioner of Public Health, a stem cell research grant  
170 program which shall provide grants-in-aid to eligible institutions for  
171 the advancement of embryonic or human adult stem cell research in  
172 this state pursuant to section 2 of this act, and (4) monitor the stem cell  
173 research conducted by eligible institutions that receive such grants-in-  
174 aid.

175 (f) Connecticut Innovations, Incorporated shall serve as  
176 administrative staff of the committee and shall assist the committee in  
177 (1) developing the application for the grants-in-aid authorized under  
178 subsection (e) of this section, (2) reviewing such applications, (3)  
179 preparing and executing any assistance agreements or other  
180 agreements in connection with the awarding of such grants-in-aid, and  
181 (4) performing such other administrative duties as the committee  
182 deems necessary.

183 (g) Not later than June 30, 2007, and annually thereafter until June  
184 30, 2015, the Stem Cell Research Advisory Committee shall report, in  
185 accordance with section 11-4a of the general statutes, to the Governor  
186 and the General Assembly on (1) the amount of grants-in-aid awarded  
187 to eligible institutions from the Stem Cell Research Fund pursuant to  
188 section 2 of this act, (2) the recipients of such grants-in-aid, and (3) the  
189 current status of stem cell research in the state.

190 Sec. 4. (NEW) (*Effective from passage*) (a) There is established a Stem  
191 Cell Research Peer Review Committee. The committee shall consist of  
192 five members appointed by the Commissioner of Public Health. All  
193 members appointed to the committee shall (1) have demonstrated  
194 knowledge and understanding of the ethical and medical implications  
195 of embryonic and human adult stem cell research or related research  
196 fields, including, but not limited to, embryology, genetics or cellular  
197 biology, (2) have practical research experience in human adult or  
198 embryonic stem cell research or related research fields, including, but  
199 not limited to, embryology, genetics or cellular biology, and (3) work  
200 to advance embryonic and human adult stem cell research. Members  
201 shall serve for a term of four years commencing on October first,  
202 except that three members first appointed by the Commissioner of  
203 Public Health shall serve for a term of two years. No member may  
204 serve for more than two consecutive four-year terms and no member  
205 may serve concurrently on the Stem Cell Research Advisory  
206 Committee established pursuant to section 3 of this act. All initial  
207 appointments to the committee shall be made by October 1, 2005. Any  
208 member who fails to attend three consecutive meetings or who fails to

209 attend fifty per cent of all meetings held during any calendar year shall  
210 be deemed to have resigned from the committee.

211 (b) All members shall be deemed public officials and shall adhere to  
212 the code of ethics for public officials set forth in chapter 10 of the  
213 general statutes. No member shall participate in the affairs of the  
214 committee with respect to the review or consideration of any grant-in-  
215 aid application filed by such member or by any eligible institution  
216 with whom such member has a financial interest in, or engages in any  
217 business, employment, transaction or professional activity.

218 (c) Prior to the awarding of any grants-in-aid for embryonic or  
219 human adult stem cell research pursuant to section 2 of this act, the  
220 Stem Cell Research Peer Review Committee shall review all  
221 applications submitted by eligible institutions for such grants-in-aid  
222 and make recommendations to the Commissioner of Public Health and  
223 the Stem Cell Research Advisory Committee established pursuant to  
224 section 3 of this act with respect to the ethical and scientific merit of  
225 each application.

226 (d) The Peer Review Committee shall establish guidelines for the  
227 rating and scoring of such applications by the Stem Cell Research Peer  
228 Review Committee.

229 (e) All members of the committee shall become and remain fully  
230 cognizant of the National Academies Guidelines For Human  
231 Embryonic Stem Cell Research, as from time to time amended, and the  
232 committee may make recommendations to the Stem Cell Research  
233 Advisory Committee and the Commissioner of Public Health  
234 concerning the adoption of said guidelines, in whole or in part, in the  
235 form of regulations adopted pursuant to chapter 54 of the general  
236 statutes.

237 Sec. 5. Subsection (c) of section 4-28e of the general statutes is  
238 repealed and the following is substituted in lieu thereof (*Effective from*  
239 *passage*):

240 (c) (1) For the fiscal year ending June 30, 2001, disbursements from  
 241 the Tobacco Settlement Fund shall be made as follows: (A) To the  
 242 General Fund in the amount identified as "Transfer from Tobacco  
 243 Settlement Fund" in the General Fund revenue schedule adopted by  
 244 the General Assembly; (B) to the Department of Mental Health and  
 245 Addiction Services for a grant to the regional action councils in the  
 246 amount of five hundred thousand dollars; and (C) to the Tobacco and  
 247 Health Trust Fund in an amount equal to nineteen million five  
 248 hundred thousand dollars.

249 (2) For the fiscal year ending June 30, 2002, and each fiscal year  
 250 thereafter, disbursements from the Tobacco Settlement Fund shall be  
 251 made as follows: (A) To the Tobacco and Health Trust Fund in an  
 252 amount equal to twelve million dollars; (B) to the Biomedical Research  
 253 Trust Fund in an amount equal to four million dollars; (C) to the  
 254 General Fund in the amount identified as "Transfer from Tobacco  
 255 Settlement Fund" in the General Fund revenue schedule adopted by  
 256 the General Assembly; and (D) any remainder to the Tobacco and  
 257 Health Trust Fund.

258 (3) For each of the fiscal years ending June 30, 2008, to June 30, 2015,  
 259 inclusive, the sum of ten million dollars shall be disbursed from the  
 260 Tobacco Settlement Fund to the Stem Cell Research Fund established  
 261 by section 2 of this act, for grants-in-aid to eligible institutions for the  
 262 purpose of conducting embryonic or human adult stem cell research.

263 Sec. 6. *(Effective from passage)* The sum of twenty million dollars is  
 264 appropriated to the Stem Cell Research Fund established by section 2  
 265 of this act, from the General Fund, for the fiscal year ending June 30,  
 266 2005."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	New section

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Sec. 4	<i>from passage</i>	New section
Sec. 5	<i>from passage</i>	4-28e(c)
Sec. 6	<i>from passage</i>	New section