

SENATE, No. 1909

STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED SEPTEMBER 30, 2002

Sponsored by:

Senator RICHARD J. CODEY

District 27 (Essex)

Senator BARBARA BUONO

District 18 (Middlesex)

Co-Sponsored by:

Senator Vitale

SYNOPSIS

Permits human stem cell research in New Jersey.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 11/1/2002)

1 ANACT concerning human stem cell research and supplementing Title
2 26 of the Revised Statutes.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6

7 1. The Legislature finds and declares that:

8 a. An estimated 128 million Americans suffer from the crippling
9 economic and psychological burden of chronic, degenerative and acute
10 diseases, including Alzheimer's disease, cancer, diabetes and
11 Parkinson's disease;

12 b. The costs of treating, and lost productivity from, chronic,
13 degenerative and acute diseases in the United States constitutes
14 hundreds of billions of dollars annually. Estimates of the economic
15 costs of these diseases does not account for the extreme human loss
16 and suffering associated with these conditions;

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

23 d. The United States has historically been a haven for open
24 scientific inquiry and technological innovation; and this environment,
25 combined with the commitment of public and private resources, has
26 made this nation the preeminent world leader in biomedicine and
27 biotechnology;

28 e. The biomedical industry is a critical and growing component of
29 New Jersey's economy, and would be significantly diminished by
30 limitations imposed on stem cell research;

31 f. Open scientific inquiry and publicly funded research will be
32 essential to realizing the promise of stem cell research and maintaining
33 this State's leadership in biomedicine and biotechnology. Publicly
34 funded stem cell research, conducted under established standards of
35 open scientific exchange, peer review and public oversight, offers the
36 most efficient and responsible means of fulfilling the promise of stem
37 cells to provide regenerative medical therapies;

38 g. Stem cell research, including the use of embryonic stem cells for
39 medical research, raises significant ethical and public policy concerns;
40 and, although not unique, the ethical and policy concerns associated
41 with stem cell research must be carefully considered; and

42 h. The public policy of this State governing stem cell research
43 must: balance ethical and medical considerations, based upon both an
44 understanding of the science associated with stem cell research and a
45 thorough consideration of the ethical concerns regarding this research;
46 and be carefully crafted to ensure that researchers have the tools
47 necessary to fulfill the promise of this research.

1 2. a. It is the public policy of this State that research involving the
2 derivation and use of human embryonic stem cells, human embryonic
3 germ cells and human adult stem cells from any source, including
4 somatic cell nuclear transplantation, shall:

5 (1) be permitted in this State;

6 (2) be conducted with full consideration for the ethical and medical
7 implications of this research; and

8 (3) be reviewed, in each case, by an institutional review board
9 operating in accordance with applicable federal regulations.

10 b. (1) A physician or other health care provider who is treating a
11 patient for infertility shall provide the patient with timely, relevant and
12 appropriate information sufficient to allow that person to make an
13 informed and voluntary choice regarding the disposition of any human
14 embryos remaining following the infertility treatment.

15 (2) A person to whom information is provided pursuant to
16 paragraph (1) of this subsection shall be presented with the option of
17 storing any unused embryos, donating them to another person,
18 donating the remaining embryos for research purposes, or other means
19 of disposition.

20 (3) A person who elects to donate, for research purposes, any
21 embryos remaining after receiving infertility treatment shall provide
22 written consent to that donation.

23 c. (1) A person shall not knowingly, for valuable consideration,
24 purchase or sell, or otherwise transfer or obtain, or promote the sale
25 or transfer of, embryonic or cadaveric fetal tissue for research
26 purposes pursuant to this act; however, embryonic or cadaveric fetal
27 tissue may be donated for research purposes in accordance with the
28 provisions of subsection b. of this section.

29 For the purposes of this subsection, "valuable consideration"
30 means financial gain or advantage, but shall not include reasonable
31 payment for the removal, processing, disposal, preservation, quality
32 control, storage, transplantation, or implantation of embryonic or
33 cadaveric fetal tissue.

34 (2) A person or entity who violates the provisions of this
35 subsection shall be subject to a civil penalty of not more than \$50,000,
36 or imprisonment for a term of not more than five years, or both, for
37 each such incident. The Commissioner of Health and Senior Services
38 shall enforce the provisions of this subsection and may make
39 complaints against persons violating its provisions or the rules or
40 regulations issued thereunder and prosecute violations of same.

41
42 3. This act shall take effect immediately.

1 STATEMENT

2

3 This bill provides that the public policy of this State is to permit the
4 conduct of research that involves the derivation and use of human
5 embryonic stem cells, human embryonic germ cells and human adult
6 stem cells from any source, including somatic cell nuclear
7 transplantation.

8 The bill stipulates that this research is to be: conducted with full
9 consideration for its ethical and medical implications; and reviewed, in
10 each case, by an institutional review board operating in accordance
11 with applicable federal regulations.

12 The bill requires that a physician or other health care provider who
13 treats a patient for infertility provide the patient with timely, relevant
14 and appropriate information sufficient to allow that person to make an
15 informed and voluntary choice regarding the disposition of any human
16 embryos remaining following the infertility treatment.

17 In that regard, the bill specifies that:

18 -- a person to whom information is provided pursuant to this bill
19 is to be presented with the option of storing any unused embryos,
20 donating them to another person, donating the remaining embryos for
21 research purposes, or other means of disposition; and

22 -- a person who elects to donate, for research purposes, any
23 embryos remaining after receiving infertility treatment is to provide
24 written consent to that donation.

25 In addition, the bill:

26 C prohibits a person from knowingly, for valuable consideration,
27 purchasing or selling, or otherwise transferring or obtaining, or
28 promoting the sale or transfer of, embryonic or cadaveric fetal
29 tissue for research purposes pursuant to this bill (while permitting
30 embryonic or cadaveric fetal tissue to be donated for research
31 purposes in accordance with the provisions of the bill); and

32 C makes a person or entity who violates this prohibition subject to a
33 civil penalty of not more than \$50,000, or imprisonment for a term
34 of not more than five years, or both, for each such incident.

35 The bill defines "valuable consideration" to mean financial gain or
36 advantage, but would exclude, from this definition, reasonable
37 payment for the removal, processing, disposal, preservation, quality
38 control, storage, transplantation, or implantation of embryonic or
39 cadaveric fetal tissue.