The Senate Health, Human Services and Senior Citizens Committee reports favorably and with committee amendments Senate Bill No. 1909.

As amended, this bill provides that the public policy of this State is to permit the conduct of research that involves the derivation and use of human embryonic stem cells, human embryonic germ cells and human adult stem cells, including somatic cell nuclear transplantation.

The bill prohibits the cloning of a human being and provides that a person who knowingly engages or assists, directly or indirectly, in the cloning of a human being is guilty of a crime of the first degree. The bill defines "cloning of a human being" to mean the replication of a human individual by cultivating a cell with genetic material through the egg, embryo, fetal and newborn stages into a new human individual.

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

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

In that regard, the bill specifies that:

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

-- a person who elects to donate, for research purposes, any embryos remaining after receiving infertility treatment is to provide written consent to that donation.
In addition, the bill:

- prohibits a person from knowingly, for valuable consideration, purchasing or selling, or otherwise transferring or obtaining, or promoting the sale or transfer of, embryonic or cadaveric fetal tissue for research purposes pursuant to this bill (while permitting embryonic or cadaveric fetal tissue to be donated for research purposes in accordance with the provisions of the bill or other applicable State or federal law); and

- provides that a person or entity who violates the provisions of the bill shall be guilty of a crime of the third degree and shall be subject to a fine of up to $50,000 for each violation.

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

It is noted that this bill concerns the conduct of research involving material derived from human embryos and does not concern the treatment of infertility nor any health insurance benefits for that treatment.

The committee amended the bill to:

- delete the phrase "from any source" from subsection a. of section 2 of the bill;

- clarify that donations of tissue for research purposes are subject not only to the provisions of this bill but also to other applicable State or federal law;

- clarify that a person who knowingly, for valuable consideration, purchases or sells, or otherwise transfers or obtains, or promotes the sale or transfer of, embryonic or cadaveric fetal tissue for research purposes pursuant to the bill is guilty of a crime of the third degree, but subject to a fine of up to $50,000 for each violation; and

- prohibit the cloning of a human being and provide that a person who knowingly engages or assists, directly or indirectly, in the cloning of a human being is guilty of a crime of the first degree ("Cloning of a human being" is defined as the replication of a human individual by cultivating a cell with genetic material through the egg, embryo, fetal and newborn stages into a new human individual.).