The Assembly Health and Human Services Committee reports favorably Senate Bill No. 1909 (1R).

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 (and thereby subject to imprisonment for a term of 10 to 20 years or a fine of up to $200,000, or both). 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 thereunder 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 patient being treated for infertility, 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 above prohibition is guilty of a crime of the third degree and 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.

As reported by the committee, this bill is identical to Assembly Bill No. 2840 Aca (Cohen/McKeon/Hackett/Quigley), which the committee also reported on this date.

MINORITY STATEMENT

Submitted by Assemblywoman Vandervalk and Assemblyman Thompson

Due to both the volume and content of the extensive testimony heard by the committee today, we cannot support the release of this bill at this time. Further, we believe the majority acted with undue haste in releasing the bill without taking time to give full consideration to the practical and ethical questions raised in the testimony.

The committee received testimony from doctors who specialize in medical research, and all concurred that evidence of the therapeutic benefits of embryonic stem cells is inconclusive. There is no scientific proof that use of these cells will produce the cures and remedies that so many advocates of this bill are promising.

Further, there was unanimous agreement among scientists presenting testimony that the current use of adult stem cells has produced widespread therapeutic results for patients suffering from various debilitating ailments. Therefore, it would be prudent to further enhance and improve the research and study of the medical use of adult stem cells (which produce proven therapeutic benefits), rather than embryonic stem cells which have yet to provide any therapeutic value - yet introduce staggering moral and ethical ramifications.
Testimony presented to the committee raises numerous questions regarding: the definition of "newborn stages," and the potential that this bill creates for the forced abortion of cloned embryos; the definition of "valuable consideration," which permits payment for implantation of cloned embryonic cells; the creation of a climate that replaces the current medical demand for aborted baby parts with cloned baby parts; the potential for medical abuses and exploitation of women and children; and the creation of a new class of human - one designated for the purpose of experimentation.

The committee was asked repeatedly to hold the bill for proper consideration of potentially grave consequences, yet the bill was released from committee with the majority’s full endorsement and the promise that the sponsor would address the aforementioned concerns before the bill reaches the Assembly floor.

We believe the better course would have been for the committee to heed the calls for more careful consideration of the testimony and the issues raised, and to properly address them forthrightly at the committee level rather than hastily report the bill now with vague promises of future actions.