

(PRE-FILED)

By: The Speaker and Delegates Rosenberg, Conway, ~~and Hixson~~ Hixson, Barkley, Barve, Benson, Bobo, Branch, Bromwell, Bronrott, Brown, Burns, Cane, Cardin, G. Clagett, V. Clagett, D. Davis, Dumais, Feldman, Frush, Gaines, Goodwin, Gordon, Griffith, Gutierrez, Harrison, Haynes, Heller, Holmes, Howard, Hubbard, James, Jameson, Jones, Kaiser, King, Kirk, Krysiak, Kullen, Lawton, Lee, Levy, Love, Madaleno, Mandel, Marriott, McHale, McIntosh, Menes, Moe, Montgomery, Morhaim, Murray, Nathan-Pulliam, Niemann, Paige, Parker, Pendergrass, Petzold, Proctor, Pugh, Quinter, Stern, F. Turner, V. Turner, Vallario, Vaughn, and Zirkin

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Assigned to: Health and Government Operations and Appropriations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 1, 2006

CHAPTER _____

1 AN ACT concerning

2 **Maryland Stem Cell Research Act of 2006**

3 FOR the purpose of requiring certain persons to conduct certain research in a certain
4 manner ~~and using certain embryos under certain circumstances~~; establishing
5 the Maryland Stem Cell Research Fund; providing for the purpose of the Fund;
6 specifying that the Fund is a special, nonlapsing fund; specifying that the State
7 Treasurer shall hold the Fund separately and that the Comptroller shall account
8 for the Fund; specifying that certain proceeds shall be invested and reinvested
9 in a certain manner; specifying that certain earnings shall be paid into the
10 Fund; providing for the composition of the Fund; requiring the ~~Department of~~
11 ~~Health and Mental Hygiene~~ Maryland Technology Development Corporation to
12 administer the Fund; providing that money in the Fund may only be used for
13 certain purposes; requiring the ~~Secretary of Health and Mental Hygiene~~
14 Corporation, in consultation with a certain commission, to adopt certain
15 regulations; ~~establishing the Maryland Scientific Peer Review Committee;~~
16 ~~requiring the Committee to establish certain procedures, ensure that these~~
17 ~~procedures are based on certain guidelines, develop and implement a certain~~
18 ~~ranking and rating system, and make certain recommendations; providing for~~

the membership of the Committee; authorizing the Committee to invite certain experts and certain consultants to certain meetings; requiring the Committee to select a certain chair; providing for the filling of certain vacancies; requiring the members of the Committee to make certain disclosures to the State Commission on Ethics; requiring the Committee to meet at certain times in certain places; requiring the Department to provide staff for the Committee; establishing the Stem Cell Research Commission ~~in the Department~~; providing that the Commission is an independent commission that functions in the Corporation; providing for the membership of the Commission; requiring the Governor to designate members of the Commission to elect the chair of the Commission from among the appointed members of the Commission; requiring the Department to provide staff for the Commission; providing for the terms of certain members of the Commission; specifying quorum requirements for the Commission; prohibiting a member of the Commission from receiving compensation as a member of the Commission; providing that a member of the Commission is entitled to certain reimbursement for expenses; authorizing the Commission to employ a staff and consult with experts under certain circumstances; requiring the members of the Commission to make certain disclosures to the State Commission on Ethics; ~~requiring the Commission to carry out certain functions and duties~~; requiring the Commission to meet at certain times; establishing certain limitations on the powers of the Secretary of Business and Economic Development; requiring the Commission to adopt certain regulations, establish certain procedures, guidelines, criteria, standards, and requirements, make certain recommendations, review certain grant and loan applications, and conduct certain progress oversight reviews; requiring the Commission to contract with an independent scientific peer review committee composed of certain individuals; requiring the committee to review, evaluate, rank, and rate certain research proposals based on certain procedures and guidelines and in a certain manner; requiring the committee to make certain recommendations; providing that a member of the committee is not eligible to receive a certain grant or loan and may not reside in the State; providing that members of the committee shall be subject to certain conflict of interest standards; providing for certain contingencies; requiring a grantee to submit a certain approval; prohibiting the ~~Department~~ Corporation from disbursing certain money under certain circumstances; requiring certain health care practitioners to provide certain individuals with certain information; requiring certain individuals to provide certain consent to certain donations; providing that certain provisions of ~~law~~ this Act may not be construed to prohibit the creation of certain stem cell lines to be used for certain purposes; prohibiting the purchase, sale, transfer, or obtaining of human embryos for valuable consideration; prohibiting the encouragement of the production of human embryos for certain research; prohibiting human cloning; providing for certain penalties; defining certain terms; requiring the Governor to include a certain appropriation in the annual budget bill; requiring certain reports; providing for the staggering of certain terms; and generally relating to State-funded stem cell research.

46 BY adding to

47 Article Health General

~~Section 20-1101 through 20-1111, inclusive, to be under the new subtitle
"Subtitle 11. Stem Cell Research"
Annotated Code of Maryland
(2005 Replacement Volume and 2005 Supplement)~~

BY repealing and reenacting, without amendments,
Article 83A - Business and Economic Development
Section 1-101(a), (b), and (d)
Annotated Code of Maryland
(2003 Replacement Volume and 2005 Supplement)

BY adding to
Article 83A - Business and Economic Development
Section 5-2B-01 through 5-2B-14, inclusive, to be under the new subtitle
"Subtitle 2B. Maryland Stem Cell Research Program"
Annotated Code of Maryland
(2003 Replacement Volume and 2005 Supplement)

Preamble

WHEREAS, An estimated 128,000,000 Americans suffer from the crippling physical, economic, and psychological burdens of chronic, degenerative, and acute diseases, including Alzheimer's disease, heart disease, diabetes, Parkinson's disease, spinal cord injuries, macular degeneration, ALS, multiple sclerosis, and cancer; and

WHEREAS, The costs of treatment and lost productivity of chronic, degenerative, and acute diseases in the United States constitute hundreds of billions of dollars every year, and estimates of the economic costs of these diseases do not account for the extreme human loss and suffering associated with these conditions; and

WHEREAS, Stem cell research offers immense promise for developing new medical therapies and a better understanding of these debilitating diseases and could lead to unprecedented treatments and potential cures for Alzheimer's disease, heart disease, diabetes, Parkinson's disease, cancer, and other diseases; and

WHEREAS, Approximately half of Maryland's families have a family member who has or will suffer from a serious, often critical or terminal, medical condition that could potentially be treated or cured with medical therapies derived from stem cell research; and

WHEREAS, Maryland's current health care system may not be able to meet the needs of these individuals in the future unless medical care can focus on early diagnosis, cure, and prevention rather than palliation of late-stage effects of the disease; and

1 WHEREAS, The United States and the State of Maryland have historically
2 fostered open scientific inquiry and technological innovation, and this environment,
3 coupled with the commitment of public and private resources, has made the United
4 States the preeminent world leader in biomedicine and biotechnology; and

5 WHEREAS, Maryland ranks as the fourth-largest sector for biotechnology
6 companies in the nation; and

7 WHEREAS, The biotechnology industry is a key component of the State's
8 economy that provides employment in over 300 companies, many of which engage in
9 some form of stem cell research; and

10 WHEREAS, The University of Maryland, Baltimore and The Johns Hopkins
11 University are involved in stem cell research, with projects representing a combined
12 total of approximately \$10,000,000 in public and private funding; and

13 WHEREAS, The State's favorable research climate would be significantly
14 diminished by limitations imposed on stem cell research; and

15 WHEREAS, Stem cell research, including the use of embryonic stem cells for
16 medical research, raises significant ethical and policy concerns that must be carefully
17 considered; and

18 WHEREAS, Public policy on stem cell research must balance ethical and
19 medical considerations and must be based on an understanding of the science
20 associated with stem cell research while grounded on a thorough consideration of the
21 ethical concerns; and

22 WHEREAS, Stem cell research must be carefully crafted to ensure that
23 researchers have the tools necessary to fulfill the promise of stem cell research; now,
24 therefore,

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
26 MARYLAND, That the Laws of Maryland read as follows:

27 ~~Article—Health—General~~

28 ~~SUBTITLE 11. STEM CELL RESEARCH.~~

29 Article 83A - Business and Economic Development

30 1-101.

31 (a) In this article the following words have the meanings indicated.

32 (b) "Department" means the Department of Business and Economic
33 Development.

34 (d) "Secretary" means the Secretary of Business and Economic Development.

SUBTITLE 2B. MARYLAND STEM CELL RESEARCH PROGRAM.

2 ~~20-1101.~~ 5-2B-01.

3 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
4 INDICATED.

5 (B) "COMMISSION" MEANS THE STEM CELL RESEARCH COMMISSION IN THE
6 DEPARTMENT.

7 (C) "COMMITTEE" MEANS THE ~~MARYLAND~~ INDEPENDENT SCIENTIFIC PEER
8 REVIEW COMMITTEE THAT CONTRACTS WITH THE COMMISSION UNDER § 5-2B-06 OF
9 THIS SUBTITLE.

10 (D) "CORPORATION" MEANS THE MARYLAND TECHNOLOGY DEVELOPMENT
11 CORPORATION.

12 ~~(D)~~ (E) "EMBRYO" MEANS THE STAGE BETWEEN THE OVUM AND THE FETUS
13 IN PRENATAL DEVELOPMENT.

14 ~~(E)~~ (F) "FUND" MEANS THE MARYLAND STEM CELL RESEARCH FUND.

15 ~~(F)~~ (G) "HUMAN CLONING" MEANS THE REPLICATION OF A HUMAN BEING
16 THROUGH THE PRODUCTION OF A PRECISE GENETIC COPY OF HUMAN DNA OR ANY
17 OTHER HUMAN MOLECULE, CELL, OR TISSUE, IN ORDER TO CREATE A NEW HUMAN
18 BEING.

19 ~~(G)~~ (H) "INSTITUTIONAL REVIEW BOARD" HAS THE MEANING STATED IN THE
20 FEDERAL REGULATIONS ON THE PROTECTION OF HUMAN SUBJECTS.

21 (H) (I) "STATE-FUNDED STEM CELL RESEARCH" MEANS STEM CELL
22 RESEARCH CONDUCTED USING DONATED UNUSED HUMAN EMBRYOS WHICH WERE
23 CREATED FOR INDIVIDUALS BEING TREATED FOR INFERTILITY AND FOR WHICH A
24 GRANT OR LOAN FROM THE FUND IS SOUGHT OR AWARDED.

25 (I) (J) "STEM CELL" MEANS A HUMAN CELL THAT HAS THE ABILITY TO:

26 (1) DIVIDE INDEFINITELY;

27 (2) GIVE RISE TO OTHER TYPES OF SPECIALIZED CELLS; AND

28 (3) GIVE RISE TO NEW STEM CELLS WITH IDENTICAL POTENTIAL.

29 (K) (1) "VALUABLE CONSIDERATION" MEANS FINANCIAL GAIN OR
30 ADVANTAGE.

31 (2) "VALUABLE CONSIDERATION" DOES NOT INCLUDE REASONABLE
32 PAYMENT FOR THE REMOVAL, PROCESSING, DISPOSAL, PRESERVATION, QUALITY
33 CONTROL, STORAGE, TRANSPLANTATION, OR GRAFTING OF EMBRYONIC OR
34 CADAVERIC FETAL TISSUE.

1 ~~20-1102- 5-2B-02.~~

2 (A) A PERSON WHO CONDUCTS STATE-FUNDED STEM CELL RESEARCH SHALL
3 CONDUCT THE RESEARCH IN A MANNER THAT CONSIDERS THE ETHICAL AND
4 MEDICAL IMPLICATIONS OF THE RESEARCH.

5 (B) A PERSON WHO CONDUCTS STATE-FUNDED STEM CELL RESEARCH USING
6 EMBRYONIC STEM CELLS MAY ONLY USE DONATED UNUSED HUMAN EMBRYOS
7 WHICH WERE CREATED FOR INDIVIDUALS BEING TREATED FOR INFERTILITY.

8 ~~20-1103- 5-2B-03.~~

9 (A) THERE IS A MARYLAND STEM CELL RESEARCH FUND.

10 (B) THE PURPOSE OF THE FUND IS TO PROMOTE STATE-FUNDED STEM CELL
11 RESEARCH AND CURES THROUGH GRANTS AND LOANS TO PUBLIC AND PRIVATE
12 ENTITIES IN THE STATE.

13 (C) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO §
14 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

15 (D) THE STATE TREASURER SHALL HOLD THE FUND AND THE COMPTROLLER
16 SHALL ACCOUNT FOR THE FUND.

17 (E) THE PROCEEDS OF THE FUND SHALL BE INVESTED AND REINVESTED IN
18 THE SAME MANNER AS OTHER STATE FUNDS.

19 (F) ANY INVESTMENT EARNINGS SHALL BE PAID INTO THE FUND.

20 (G) THE FUND CONSISTS OF:

21 (1) AN APPROPRIATION EQUAL TO AT LEAST \$25,000,000 AS PROVIDED IN
22 THE STATE BUDGET; AND

23 (2) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE
24 BENEFIT OF THE FUND.

25 (H) ~~THE DEPARTMENT~~ CORPORATION SHALL ADMINISTER THE FUND.

26 (I) MONEY IN THE FUND MAY ONLY BE EXPENDED TO:

27 (1) AWARD GRANTS AND LOANS FOR STATE-FUNDED STEM CELL
28 RESEARCH, IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE COMMISSION;

29 (2) AWARD GRANTS AND LOANS FOR FACILITIES, CAPITAL LEASES, AND
30 CAPITAL EQUIPMENT WHERE STATE-FUNDED STEM CELL RESEARCH IS
31 CONDUCTED, IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE COMMISSION;
32 AND

33 (3) PAY THE COSTS NECESSARY TO ADMINISTER THE FUND.

1 (J) EXPENDITURES FROM THE FUND MAY ONLY BE MADE IN ACCORDANCE
2 WITH AN APPROPRIATION APPROVED BY THE GENERAL ASSEMBLY IN THE ANNUAL
3 STATE BUDGET OR BY AN APPROVED BUDGET AMENDMENT.

4 (K) THE ~~SECRETARY CORPORATION~~, IN CONSULTATION WITH THE
5 COMMISSION, SHALL ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS
6 SECTION, INCLUDING:

7 (1) ~~CRITERIA, STANDARDS, AND REQUIREMENTS FOR FUNDING~~
8 ~~APPLICATIONS AND THE AWARD OF GRANTS AND LOANS FROM THE FUND;~~

9 (2) PROCEDURES FOR MAKING THE DISBURSEMENT OF A GRANT
10 CONTINGENT ON OBTAINMENT OF THE APPROVAL OF AN INSTITUTIONAL REVIEW
11 BOARD; AND

12 (3) ~~STANDARDS FOR THE OVERSIGHT OF USE OF AWARDS.~~

13 ~~20-1104.~~

14 (A) ~~THERE IS A MARYLAND SCIENTIFIC PEER REVIEW COMMITTEE.~~

15 (B) ~~THE COMMITTEE SHALL:~~

16 (1) ~~ESTABLISH PROCEDURES FOR THE REVIEW OF RESEARCH~~
17 ~~PROPOSALS FOR STATE FUNDED STEM CELL RESEARCH;~~

18 (2) ~~ENSURE THAT THE PROCEDURES ESTABLISHED UNDER ITEM (1) OF~~
19 ~~THIS SUBSECTION ARE BASED ON THE GUIDELINES OF THE FEDERAL NATIONAL~~
20 ~~INSTITUTES OF HEALTH'S CENTER FOR SCIENTIFIC REVIEW;~~

21 (3) ~~DEVELOP AND IMPLEMENT A RANKING AND RATING SYSTEM~~
22 ~~THROUGH WHICH AN OBJECTIVE ASSESSMENT MAY BE MADE OF RESEARCH~~
23 ~~PROPOSALS REVIEWED UNDER ITEM (1) OF THIS SUBSECTION; AND~~

24 (4) ~~MAKE RECOMMENDATIONS TO THE COMMISSION, BASED ON THE~~
25 ~~RANKINGS AND RATINGS AWARDED TO RESEARCH PROPOSALS UNDER ITEM (3) OF~~
26 ~~THIS SUBSECTION, FOR THE AWARD AND DISBURSEMENT OF GRANTS UNDER THE~~
27 ~~FUND.~~

28 (C) (1) ~~THE COMMITTEE SHALL CONSIST OF THE FOLLOWING MEMBERS~~
29 ~~SELECTED FROM THE SCIENTIFIC COMMUNITY:~~

30 (I) ~~TWO SHALL BE SELECTED BY THE SECRETARY;~~

31 (II) ~~TWO SHALL BE SELECTED BY THE SECRETARY OF BUSINESS~~
32 ~~AND ECONOMIC DEVELOPMENT;~~

33 (III) ~~TWO SHALL BE SELECTED BY THE JOHNS HOPKINS~~
34 ~~UNIVERSITY;~~

1 (IV) TWO SHALL BE SELECTED BY THE UNIVERSITY SYSTEM OF
2 MARYLAND; AND

3 (V) TWO SHALL BE SELECTED BY THE MARYLAND BIOSCIENCE
4 ALLIANCE.

5 (2) THE MEMBERS OF THE COMMITTEE SELECTED UNDER PARAGRAPH
6 (1) OF THIS SUBSECTION MAY BE FROM OUT OF STATE.

7 (3) THE COMMITTEE MAY INVITE EXPERTS AND CONSULTANTS TO
8 ATTEND MEETINGS OF THE COMMITTEE.

9 (D) THE COMMITTEE SHALL SELECT A CHAIR FROM AMONG ITS MEMBERS.

10 (E) A VACANCY ON THE COMMITTEE SHALL BE FILLED BY THE PERSON
11 UNDER SUBSECTION (C)(1) OF THIS SECTION WHO HAD SELECTED THE FORMER
12 MEMBER OF THE COMMITTEE.

13 (F) EACH MEMBER OF THE COMMITTEE SHALL DISCLOSE TO THE STATE
14 COMMISSION ON ETHICS WHETHER THE MEMBER IS EMPLOYED BY OR HAS A
15 FINANCIAL INTEREST IN AN ENTITY THAT MAY APPLY TO CONDUCT STATE FUNDED
16 STEM CELL RESEARCH.

17 (G) THE COMMITTEE SHALL MEET AT LEAST TWICE EACH YEAR, AT THE
18 TIMES AND PLACES THAT IT DETERMINES.

19 (H) THE DEPARTMENT SHALL PROVIDE STAFF FOR THE COMMITTEE.

20 ~~20-1105, 5-2B-04.~~

21 (A) THERE IS A STEM CELL RESEARCH COMMISSION ~~IN THE DEPARTMENT.~~

22 (B) THE COMMISSION IS AN INDEPENDENT COMMISSION THAT FUNCTIONS IN
23 THE CORPORATION.

24 (B) (C) THE COMMISSION CONSISTS OF THE FOLLOWING MEMBERS:

25 (1) ~~THE SECRETARY OR THE SECRETARY'S DESIGNEE;~~

26 (2) (1) THE ATTORNEY GENERAL OR THE ATTORNEY GENERAL'S
27 DESIGNEE;

28 (3) ~~THE SECRETARY OF BUSINESS AND ECONOMIC DEVELOPMENT OR~~
29 ~~THE SECRETARY'S DESIGNEE;~~

30 (4) ~~THE STATE TREASURER OR THE TREASURER'S DESIGNEE;~~

31 (5) ~~THE COMPTROLLER OR THE COMPTROLLER'S DESIGNEE; AND~~

32 (6) ~~THE FOLLOWING MEMBERS APPOINTED BY THE GOVERNOR:~~

1 (4) TWO WITH EXPERTISE IN THE FIELD OF BIOMEDICAL ETHICS;

2 (II) ONE WITH EXPERTISE IN THE FIELD OF BIOMEDICAL ETHICS
3 AS IT RELATES TO RELIGION;

4 (III) ONE WHO WORKS AS A SCIENTIST AND ENGAGES IN STEM CELL
5 RESEARCH FOR THE UNIVERSITY SYSTEM OF MARYLAND;

6 (IV) ONE WHO WORKS AS A SCIENTIST AND ENGAGES IN STEM CELL
7 RESEARCH FOR THE JOHNS HOPKINS UNIVERSITY;

8 (V) ONE FROM THE MARYLAND BIOSCIENCE ALLIANCE; AND

9 (VI) TWO CONSUMER MEMBERS.

10 (2) THREE PATIENT ADVOCATES, ONE APPOINTED BY THE GOVERNOR,
11 ONE APPOINTED BY THE PRESIDENT OF THE SENATE, AND ONE APPOINTED BY THE
12 SPEAKER OF THE HOUSE OF DELEGATES;

13 (3) THREE INDIVIDUALS WITH EXPERIENCE IN BIOTECHNOLOGY, ONE
14 APPOINTED BY THE GOVERNOR, ONE APPOINTED BY THE PRESIDENT OF THE
15 SENATE, AND ONE APPOINTED BY THE SPEAKER OF THE HOUSE OF DELEGATES;

16 (4) TWO INDIVIDUALS WHO WORK AS SCIENTISTS FOR THE UNIVERSITY
17 OF MARYLAND AND DO NOT ENGAGE IN STEM CELL RESEARCH, APPOINTED BY THE
18 UNIVERSITY SYSTEM OF MARYLAND;

19 (5) TWO INDIVIDUALS WHO WORK AS SCIENTISTS FOR THE JOHNS
20 HOPKINS UNIVERSITY AND DO NOT ENGAGE IN STEM CELL RESEARCH, APPOINTED
21 BY THE JOHNS HOPKINS UNIVERSITY; AND

22 (6) TWO BIOETHICISTS, ONE APPOINTED BY THE UNIVERSITY SYSTEM
23 OF MARYLAND AND ONE APPOINTED BY THE JOHNS HOPKINS UNIVERSITY.

24 (C) (D) THE GOVERNOR SHALL DESIGNATE THE CHAIR OF THE MEMBERS OF
25 THE COMMISSION SHALL ELECT A CHAIR FROM AMONG THE APPOINTED MEMBERS
26 OF THE COMMISSION.

27 (D) THE DEPARTMENT SHALL PROVIDE STAFF FOR THE COMMISSION.

28 (E) (1) THE TERM OF AN APPOINTED MEMBER IS 4 2 YEARS.

29 (2) THE TERMS OF THE APPOINTED MEMBERS ARE STAGGERED AS
30 REQUIRED BY THE TERMS PROVIDED FOR MEMBERS ON ~~OCTOBER~~ JULY 1, 2006.

31 (3) AT THE END OF A TERM, AN APPOINTED MEMBER CONTINUES TO
32 SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

33 (4) AN APPOINTED MEMBER MAY NOT SERVE MORE THAN ~~TWO~~ THREE
34 CONSECUTIVE FULL TERMS.

1 (5) AN APPOINTED MEMBER WHO IS APPOINTED AFTER A TERM HAS
2 BEGUN SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS
3 APPOINTED AND QUALIFIES.

4 (F) A MAJORITY OF THE FULL AUTHORIZED MEMBERSHIP OF THE
5 COMMISSION IS A QUORUM.

6 (G) A MEMBER OF THE COMMISSION:

7 (1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE
8 COMMISSION; BUT

9 (2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE
10 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

11 (H) THE COMMISSION MAY EMPLOY A STAFF, INCLUDING CONTRACTUAL
12 STAFF, IN ACCORDANCE WITH THE STATE BUDGET.

13 (I) THE COMMISSION MAY CONSULT WITH EXPERTS IN PERFORMING ITS
14 DUTIES.

15 ~~(F)~~ (J) EACH MEMBER OF THE COMMISSION SHALL DISCLOSE TO THE
16 STATE COMMISSION ON ETHICS WHETHER THE MEMBER IS EMPLOYED BY OR HAS A
17 FINANCIAL INTEREST IN AN ENTITY THAT MAY APPLY TO CONDUCT STATE-FUNDED
18 STEM CELL RESEARCH.

19 5-2B-05.

20 (A) THE POWER OF THE SECRETARY OVER PLANS, PROPOSALS, AND PROJECTS
21 OF UNITS IN THE DEPARTMENT DOES NOT INCLUDE THE POWER TO DISAPPROVE OR
22 MODIFY ANY DECISION OR DETERMINATION THAT THE COMMISSION MAKES UNDER
23 AUTHORITY SPECIFICALLY DELEGATED BY LAW TO THE COMMISSION.

24 (B) THE POWER OF THE SECRETARY TO TRANSFER BY RULE, REGULATION, OR
25 WRITTEN DIRECTIVE ANY STAFF, FUNCTIONS, OR FUNDS OF UNITS IN THE
26 DEPARTMENT DOES NOT APPLY TO ANY STAFF, FUNCTIONS, OR FUNDS OF THE
27 COMMISSION.

28 5-2B-06.

29 (A) THE COMMISSION SHALL CONTRACT WITH AN INDEPENDENT SCIENTIFIC
30 PEER REVIEW COMMITTEE COMPOSED OF SCIENTIFICALLY RECOGNIZED EXPERTS
31 IN THE FIELD OF STEM CELL RESEARCH.

32 (B) THE COMMITTEE SHALL REVIEW, EVALUATE, RANK, AND RATE RESEARCH
33 PROPOSALS FOR STATE-FUNDED STEM CELL RESEARCH:

34 (1) BASED ON THE PROCEDURES AND GUIDELINES ESTABLISHED BY
35 THE COMMISSION; AND

1 (2) IN A MANNER THAT GIVES DUE CONSIDERATION TO THE SCIENTIFIC,
2 MEDICAL, AND ETHICAL IMPLICATIONS OF THE RESEARCH.

3 (C) THE COMMITTEE SHALL MAKE RECOMMENDATIONS TO THE COMMISSION,
4 BASED ON THE RANKINGS AND RATINGS AWARDED TO RESEARCH PROPOSALS BY
5 THE COMMITTEE, FOR THE AWARD AND DISBURSEMENT OF GRANTS UNDER THE
6 FUND.

7 (D) A MEMBER OF THE COMMITTEE:

8 (1) IS NOT ELIGIBLE TO RECEIVE A GRANT OR LOAN FOR
9 STATE-FUNDED STEM CELL RESEARCH FROM THE FUND; AND

10 (2) MAY NOT RESIDE IN THE STATE.

11 (E) MEMBERS OF THE COMMITTEE SHALL BE SUBJECT TO CONFLICT OF
12 INTEREST STANDARDS THAT ARE AT LEAST AS STRINGENT AS THE STANDARDS ON
13 CONFLICT OF INTEREST ADOPTED BY THE NATIONAL INSTITUTES OF HEALTH.

14 ~~20-1106- 5-2B-07.~~

15 (A) THE COMMISSION SHALL:

16 (1) ADOPT REGULATIONS THAT ENSURE THAT STEM CELL RESEARCH
17 FINANCED BY THE FUND COMPLIES WITH STATE LAW;

18 (2) ~~RECOMMEND TO THE SECRETARY:~~

19 (2) DEVELOP CRITERIA, STANDARDS, AND REQUIREMENTS FOR THE
20 INITIAL REVIEW OF GRANT AND LOAN APPLICATIONS BY THE COMMISSION;

21 (3) REVIEW GRANT AND LOAN APPLICATIONS TO ENSURE THAT EACH
22 APPLICATION IS COMPLETE AND SATISFIES THE CRITERIA, STANDARDS, AND
23 REQUIREMENTS DEVELOPED BY THE COMMISSION, INCLUDING APPROVAL BY AN
24 INSTITUTIONAL REVIEW BOARD;

25 (4) ESTABLISH PROCEDURES AND GUIDELINES TO BE USED BY THE
26 COMMITTEE FOR THE REVIEW, EVALUATION, RANKING, AND RATING OF RESEARCH
27 PROPOSALS FOR STATE-FUNDED STEM CELL RESEARCH;

28 (5) ENSURE THAT THE PROCEDURES AND GUIDELINES ESTABLISHED
29 UNDER ITEM (4) OF THIS SUBSECTION ARE BASED ON THE GUIDELINES OF THE
30 NATIONAL INSTITUTES OF HEALTH CENTER FOR SCIENTIFIC REVIEW;

31 ~~(4)~~ (6) ESTABLISH CRITERIA, STANDARDS, AND REQUIREMENTS
32 FOR CONSIDERATION OF FUNDING GRANT AND LOAN APPLICATIONS BASED ON THE
33 RANKINGS AND RATINGS OF THE COMMITTEE; AND

34 ~~(H)~~ STANDARDS FOR THE OVERSIGHT OF USE OF AWARDS;

1 (3) ~~REVIEW GRANT AND LOAN APPLICATIONS BASED ON CRITERIA AND~~
2 ~~STANDARDS ADOPTED BY THE SECRETARY;~~

3 (4) (7) MAKE RECOMMENDATIONS CONSISTENT WITH THE CRITERIA
4 ~~AND, STANDARDS ADOPTED BY THE SECRETARY STANDARDS, AND REQUIREMENTS~~
5 ~~ESTABLISHED BY THE COMMISSION AND BASED SOLELY ON THE RANKINGS AND~~
6 ~~RATINGS OF THE COMMITTEE REGARDING THE AWARD OF GRANTS AND LOANS~~
7 ~~FROM THE FUND;~~

8 (8) TO ENSURE THAT STATE FUNDING DOES NOT DUPLICATE OR
9 SUPPLANT EXISTING FUNDING, PLACE A PRIORITY ON FUNDING PLURIPOTENT STEM
10 CELL AND STEM CELL RESEARCH THAT CANNOT, OR IS UNLIKELY TO, RECEIVE
11 TIMELY OR SUFFICIENT FEDERAL FUNDING UNENCUMBERED BY LIMITATIONS THAT
12 WOULD IMPEDE THE RESEARCH;

13 (9) ESTABLISH STANDARDS FOR THE OVERSIGHT AND USE OF AWARDS;

14 (10) CONDUCT PROGRESS OVERSIGHT REVIEWS OF GRANTEES;

15 (5) (11) NOTIFY THE ~~SECRETARY~~ CORPORATION REGARDING THE
16 SUBMISSION BY A GRANTEE, OR FAILURE OF A GRANTEE, TO SUBMIT INSTITUTIONAL
17 REVIEW BOARD APPROVAL FOR A GRANT AWARDED UNDER THIS SUBTITLE; AND

18 (6) ~~CONDUCT PROGRESS OVERSIGHT REVIEWS OF GRANTEES.~~

19 (12) DEVELOP GUIDELINES ON DISCLOSURE AND RECUSAL TO BE
20 FOLLOWED BY MEMBERS OF THE COMMISSION WHEN CONSIDERING GRANT AND
21 LOAN APPLICATIONS.

22 (B) THE COMMISSION SHALL MEET AT LEAST TWICE A YEAR.

23 ~~20-1107- 5-2B-08.~~

24 (A) A GRANT AWARDED UNDER THIS SUBTITLE SHALL BE CONTINGENT ON:

25 (1) THE SUBMISSION BY A GRANTEE TO THE COMMISSION OF APPROVAL
26 FROM AN INSTITUTIONAL REVIEW BOARD; AND

27 (2) ENTRANCE INTO A MEMORANDUM OF UNDERSTANDING BETWEEN
28 THE GRANTEE AND THE ~~DEPARTMENT~~ CORPORATION THAT:

29 (I) ESTABLISHES THE SCOPE OF THE STATE'S OWNERSHIP OR
30 OTHER FINANCIAL INTEREST IN THE COMMERCIALIZATION AND OTHER BENEFITS
31 OF THE RESULTS, PRODUCTS, INVENTIONS, AND DISCOVERIES OF STATE-FUNDED
32 STEM CELL RESEARCH; AND

33 (II) TO THE EXTENT CONSISTENT WITH FEDERAL AND STATE LAW,
34 REFLECTS THE INTELLECTUAL PROPERTY POLICIES OF THE INSTITUTION.

1 (B) A GRANTEE SHALL SUBMIT THE APPROVAL REQUIRED UNDER
2 SUBSECTION (A)(1) OF THIS SECTION WITHIN 6 MONTHS OF THE AWARD OF THE
3 GRANT.

4 (C) THE ~~DEPARTMENT~~ CORPORATION MAY NOT DISBURSE GRANT MONEY TO
5 A GRANTEE UNTIL:

6 (1) THE APPROVAL REQUIRED UNDER SUBSECTION (A)(1) OF THIS
7 SECTION HAS BEEN OBTAINED; AND

8 (2) THE MEMORANDUM OF UNDERSTANDING REQUIRED UNDER
9 SUBSECTION (A)(2) OF THIS SECTION HAS BEEN OBTAINED.

10 ~~20-1108- 5-2B-09.~~

11 (A) A HEALTH CARE PRACTITIONER LICENSED UNDER THE HEALTH
12 OCCUPATIONS ARTICLE WHO TREATS INDIVIDUALS FOR INFERTILITY SHALL:

13 (1) PROVIDE INDIVIDUALS WITH INFORMATION SUFFICIENT TO ENABLE
14 THEM TO MAKE AN INFORMED AND VOLUNTARY CHOICE REGARDING THE
15 DISPOSITION OF HUMAN EMBRYOS; AND

16 (2) PRESENT TO INDIVIDUALS THE OPTION OF:

17 (I) STORING OR DISCARDING UNUSED HUMAN EMBRYOS;

18 (II) DONATING UNUSED HUMAN EMBRYOS FOR CLINICAL
19 PURPOSES IN THE TREATMENT OF INFERTILITY;

20 (III) DONATING UNUSED HUMAN EMBRYOS FOR RESEARCH
21 PURPOSES; AND

22 (IV) DONATING UNUSED HUMAN EMBRYOS FOR EMBRYO ADOPTION
23 PURPOSES.

24 (B) AN INDIVIDUAL WHO DONATES UNUSED HUMAN EMBRYOS FOR
25 RESEARCH PURPOSES UNDER SUBSECTION (A)(2) OF THIS SECTION SHALL PROVIDE
26 THE HEALTH CARE PRACTITIONER WITH WRITTEN CONSENT FOR THE DONATION.

27 ~~20-1109- 5-2B-10.~~

28 NOTHING IN THIS SUBTITLE SHALL BE CONSTRUED TO PROHIBIT THE
29 CREATION OF STEM CELL LINES TO BE USED FOR THERAPEUTIC RESEARCH
30 PURPOSES.

31 ~~20-1110- 5-2B-11.~~

32 (A) A PERSON MAY NOT PURCHASE, SELL, TRANSFER, OR OBTAIN HUMAN
33 EMBRYOS FOR VALUABLE CONSIDERATION UNDER THIS SUBTITLE.

1 (B) A PERSON MAY NOT GIVE VALUABLE CONSIDERATION TO ANOTHER
2 PERSON TO ENCOURAGE THE PRODUCTION OF HUMAN EMBRYOS FOR THE SOLE
3 PURPOSE OF MEDICAL RESEARCH.

4 (C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR
5 AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A
6 FINE NOT EXCEEDING \$50,000 OR BOTH.

7 ~~20-1111-~~ 5-2B-12.

8 (A) A PERSON MAY NOT CONDUCT OR ATTEMPT TO CONDUCT HUMAN
9 CLONING.

10 (B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND ON
11 CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS OR A FINE
12 NOT EXCEEDING \$200,000 OR BOTH.

13 ~~SECTION 2. AND BE IT FURTHER ENACTED, That for fiscal year 2008 and~~
14 ~~each fiscal year thereafter, the Governor shall include in the annual budget bill an~~
15 ~~appropriation equal to at least \$25,000,000 to the stem cell research fund established~~
16 ~~under Title 20, Subtitle 11 of the Health General Article.~~

17 ~~SECTION 3. AND BE IT FURTHER ENACTED, That the Department of~~
18 ~~Health and Mental Hygiene and the Stem Cell Research Commission shall report to~~
19 ~~the Governor and the General Assembly on or before January 1 of each year, in~~
20 ~~accordance with § 2-1246 of the State Government Article, regarding the progress of~~
21 ~~State funded stem cell research conducted in accordance with this Act.~~
22 5-2B-13.

23 FOR FISCAL YEAR 2008 AND EACH FISCAL YEAR THEREAFTER, THE GOVERNOR
24 SHALL INCLUDE IN THE ANNUAL BUDGET AN APPROPRIATION TO THE FUND EQUAL
25 TO AT LEAST \$25,000,000.

26 5-2B-14.

27 (A) ON OR BEFORE JANUARY 1 OF EACH YEAR, THE CORPORATION AND THE
28 COMMISSION SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH §
29 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY ON THE
30 PROGRESS OF STATE-FUNDED STEM CELL RESEARCH CONDUCTED IN ACCORDANCE
31 WITH THIS SUBTITLE.

32 (B) THE REPORT SHALL IDENTIFY:

33 (I) EACH GRANTEE THAT RECEIVED FUNDING FROM THE FUND;

34 (II) THE AMOUNT OF FUNDING AWARDED TO EACH GRANTEE; AND

35 (III) A DESCRIPTION OF THE TYPE OF STEM CELL RESEARCH PERFORMED
36 BY THE GRANTEE.

1 SECTION 4. 2. AND BE IT FURTHER ENACTED, That the terms of the
2 appointed members of the Stem Cell Research Commission ~~appointed by the~~
3 ~~Governor~~ established under Section 1 of this Act shall expire as follows:

4 (1) ~~three~~ six in 2008; and

5 (2) ~~three~~ six in 2009; ~~and~~

6 (3) ~~two in 2010.~~

7 SECTION 3. AND BE IT FURTHER ENACTED, That the Maryland Technology
8 Development Corporation shall:

9 (1) review the stem cell research program established under Section 1 of this
10 Act; and

11 (2) report to the Governor and, in accordance with § 2-1246 of the State
12 Government Article, to the General Assembly on the feasibility and efficacy of
13 maintaining the stem cell research program if significant federal funding for the
14 program becomes available.

15 SECTION 5. ~~4.~~ AND BE IT FURTHER ENACTED, That this Act shall take
16 effect ~~October~~ July 1, 2006.