



Sen. Jeffrey M. Schoenberg

Filed: 11/17/2004

09300HB3589sam007

LRB093 02055 AMC 54258 a

1 AMENDMENT TO HOUSE BILL 3589

2 AMENDMENT NO. _____. Amend House Bill 3589 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Ronald Reagan Biomedical Research Act.

6 Section 5. Declaration of findings. The General Assembly
7 finds and declares all of the following:

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

12 (2) The costs of treatment and lost productivity of
13 chronic, degenerative, and acute diseases in the United
14 States constitutes hundreds of billions of dollars every
15 year. Estimates of the economic costs of these diseases do
16 not account for the extreme human loss and suffering
17 associated with these conditions.

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

24 (4) The United States has historically been a haven for

1 open scientific inquiry and technological innovation, and
2 this environment, coupled with the commitment of public and
3 private resources, has made the United States the
4 preeminent world leader in biomedicine and biotechnology.

5 (5) Open scientific inquiry and publicly funded
6 research will be essential to realizing the promise of stem
7 cell research and to maintaining the United States'
8 worldwide leadership in biomedicine and biotechnology.

9 (6) Stem cell research, including the use of embryonic
10 stem cells for medical research, raises significant
11 ethical and policy concerns, and, while not unique, the
12 ethical and policy concerns associated with stem cell
13 research must be carefully considered.

14 (7) Public policy on stem cell research must balance
15 ethical and medical considerations. The policy must be
16 based on an understanding of the science associated with
17 stem cell research and grounded on a thorough consideration
18 of the ethical concerns regarding this research. Public
19 policy on stem cell research must be carefully crafted to
20 ensure that researchers have the tools necessary to fulfill
21 the promise of stem cell research.

22 Section 10. Policy permitting research. The policy of the
23 State of Illinois shall be as follows:

24 (1) That research involving the derivation and use of
25 human embryonic stem cells, human embryonic germ cells, and
26 human adult stem cells from any source, including somatic
27 cell nuclear transplantation, shall be permitted and that
28 the ethical and medical implications of this research shall
29 be given full consideration.

30 (2) That research involving the derivation and use of
31 human embryonic stem cells, human embryonic germ cells, and
32 human adult stem cells, including somatic cell nuclear
33 transplantation, shall be reviewed by an approved

1 institutional review board, as determined by the
2 Department of Public Health.

3 Section 15. Information requirement.

4 (a) An individual receiving fertility treatment shall have
5 the option to choose among the available means of disposing of
6 any human embryos remaining following the fertility treatment.
7 These means may include storing the unused embryos, donating
8 unused embryos to another individual, discarding the embryos,
9 or donating the remaining embryos for research.

10 (b) An individual who elects to donate embryos remaining
11 after fertility treatments for research shall provide written
12 consent.

13 Section 20. Purchase or sale prohibited.

14 (a) A person may not knowingly, for valuable consideration,
15 purchase or sell embryonic or cadaveric fetal tissue for
16 research purposes.

17 (b) For the purposes of this Section, the giving or
18 receiving of reasonable payment for the removal, processing,
19 disposal, preservation, quality control, storage,
20 transplantation, or implantation of the tissue does not
21 constitute purchase or sale. This Section does not prohibit
22 reimbursement for removal, storage, or transportation of
23 embryonic or cadaveric fetal tissue for research purposes
24 pursuant to this Act.

25 (c) A person who knowingly purchases or sells embryonic or
26 cadaveric fetal tissue for research purposes in violation of
27 subsection (a) of this Section is guilty of a Class A
28 misdemeanor for the first conviction and a Class 4 felony for
29 subsequent convictions.

30 (d) Embryonic or cadaveric fetal tissue may be donated for
31 research purposes pursuant to this Act.

1 Section 25. Liability.

2 (a) Except as provided in subsection (b) of this Section,
3 procuring, furnishing, donating, processing, distributing, or
4 using embryonic or cadaveric fetal tissue for research purposes
5 pursuant to this Act is declared for the purposes of liability
6 in tort or contract to be the rendition of a service by every
7 person, firm, or corporation participating therein, whether or
8 not remuneration is paid, and is declared not to be a sale of
9 any such items and no warranties of any kind or description nor
10 strict tort liability shall be applicable thereto.

11 (b) A person, firm, or corporation involved in the
12 rendition of a service described in subsection (a) of this
13 Section warrants to the person, firm, or corporation receiving
14 the service that he or she has exercised due care and followed
15 professional standards of care in providing the service
16 according to the current state of the medical arts.

17 Section 30. Cloning of human being; criminal penalty. A
18 person who knowingly engages or assists, directly or
19 indirectly, in the cloning of a human being is guilty of a
20 Class 1 felony. As used in this Section, "cloning of a human
21 being" means asexual human reproduction by implanting or
22 attempting to implant the product of nuclear transplantation
23 into a woman's uterus or a substitute for a woman's uterus.
24 Nothing in this Section prohibits somatic nuclear transfer or
25 transplantation.".