

1 AN ACT concerning stem cell research.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Stem
5 Cell Research and Human Cloning Prohibition Act.

6 Section 5. Policy permitting research. The policy of the
7 State of Illinois shall be as follows:

8 (1) Research involving the derivation and use of human
9 embryonic stem cells, human embryonic germ cells, and human
10 adult stem cells from any source, including somatic cell
11 nuclear transplantation, shall be permitted and the ethical and
12 medical implications of this research shall be given full
13 consideration.

14 (2) Research involving the derivation and use of human
15 embryonic stem cells, human embryonic germ cells, and human
16 adult stem cells, including somatic cell nuclear
17 transplantation, shall be allowed to receive public funds
18 through a program established specifically for the purpose of
19 supporting stem cell research in Illinois under the Department
20 of Public Health.

21 (3) Stem cell research is considered valuable to the health
22 and well being of all and the unhindered distribution of
23 research materials to all qualified investigators engaged in

1 non-commercial research shall be encouraged within the
2 confines of the law.

3 Section 10. Definitions. As used in this Act:

4 "Department" means the Department of Public Health.

5 "Institute" means the Illinois Regenerative Medicine
6 Institute.

7 "Committee" means the Illinois Regenerative Medicine
8 Institute Oversight Committee.

9 Section 15. Department grant program.

10 (a) The Department of Public Health shall develop and
11 administer the Illinois Regenerative Medicine Institute
12 Program within the Department to provide for the awarding of
13 grants to Illinois medical research institutions.

14 (b) The purposes of the Institute grant program are:

15 (1) to improve the health of the citizens of Illinois
16 through stem cell research;

17 (2) to support scientific research in Illinois for
18 which funding from the U.S. government is currently
19 restricted, namely human embryonic stem cell research;

20 (3) to improve the national competitive position of
21 Illinois in the field of regenerative medicine; and

22 (4) to promote the translation of stem cell research
23 into clinical practice and the transfer of technology to
24 biomedical and technological industry.

1 (c) The Department shall adopt rules for the implementation
2 of the Institute grant program, including but not limited to:

3 (1) rules for the solicitation of proposals for grants;

4 (2) rules concerning the eligibility of nonprofit
5 Illinois medical research institutions to receive awards
6 under the Institute grant program;

7 (3) rules for the conduct of competitive and scientific
8 peer review of all proposals submitted under the Institute
9 grant program;

10 (4) rules for the procurement of materials for the
11 conduct of stem cell research, including rules ensuring
12 that persons are empowered to make voluntary and informed
13 decisions to participate or to refuse to participate in
14 such research, and ensuring confidentiality of such
15 decisions; and

16 (5) rules concerning the monitoring of funded research
17 to ensure the researcher is following current best
18 practices with respect to medical ethics, including
19 informed consent of patients and the protection of human
20 subjects.

21 Section 20. Illinois Regenerative Medicine Institute
22 Oversight Committee.

23 (a) The Illinois Regenerative Medicine Institute Oversight
24 Committee shall be established to determine the awards under
25 the Institute grant program. The Committee shall be composed of

1 7 members appointed by the Governor, with the advice and
2 consent of the Senate.

3 (b) The Committee shall consist of individuals from:

4 (1) professional medical organizations;

5 (2) voluntary health organizations; and

6 (3) for-profit biomedical or biotechnology industry.

7 (c) The Committee shall at all times include at least one
8 member from each of the 3 categories listed in subsection (b)
9 of this Section.

10 (d) No member of the Committee shall be employed by an
11 Illinois medical research institution eligible to receive
12 awards under the Institute grant program.

13 (e) Upon appointment, the Governor shall designate 3
14 members to serve a 2-year term and 4 members to serve a 4-year
15 term. The Committee shall designate a Chairperson,
16 Vice-Chairperson, and Secretary. Any vacancy occurring in the
17 membership of the Committee shall be filled in the same manner
18 as the original appointment.

19 (f) No member of the Committee may receive compensation for
20 his or her services, but each member may be reimbursed for
21 expenses incurred in the performance of his or her duties.

22 (g) The duties and responsibilities of the Committee shall
23 include, but not be limited to:

24 (1) determination of awards under the Institute grant
25 program, based on recommendations developed under the
26 competitive and scientific peer review process provided

1 for in subdivision (c) (3) of Section 15 of this Act;

2 (2) review of the Department's solicitation and
3 scientific peer review processes to ensure that the
4 statutory purposes of the Institute grant program are met;

5 (3) development, in cooperation with Department staff,
6 general guidelines for the conduct of funded research
7 according to current best practices with respect to medical
8 ethics, in consultation with national and international
9 experts such as the International Society for Stem Cell
10 Research, the California Institute for Regenerative
11 Medicine, the Institute of Medicine, and similar
12 organizations; and

13 (4) advice on the future conduct of the Institute grant
14 program.

15 (h) All Institute information concerning medical research
16 shall be confidential and privileged and not subject to
17 disclosure to any person other than Institute personnel.

18 Section 25. Conflict of interest.

19 (a) A person has a conflict of interest if any Committee
20 action with respect to a matter may directly or indirectly
21 financially benefit any of the following:

22 (1) That person.

23 (2) That person's spouse, immediate family living with
24 that person, or that person's extended family.

25 (3) Any individual or entity required to be disclosed

1 by that person.

2 (4) Any other individual or entity with which that
3 person has a business or professional relationship.

4 (b) A Committee member who has a conflict of interest with
5 respect to a matter may not discuss that matter with other
6 Committee members and shall not vote upon or otherwise
7 participate in any Committee action with respect to that
8 matter. Each recusal occurring during a Committee meeting shall
9 be made a part of the minutes or recording of the meeting in
10 accordance with the Open Meetings Act.

11 (c) A member of a scientific peer review panel or any other
12 advisory committee that may be established by the Department
13 who has a conflict of interest with respect to a matter may not
14 discuss that matter with other peer review panel or advisory
15 committee members or with Committee members and shall not vote
16 or otherwise participate in any peer review panel or advisory
17 committee action with respect to that matter. Each recusal of a
18 peer review panel or advisory committee member occurring during
19 a peer review panel or advisory committee meeting shall be made
20 a part of the minutes or recording of the meeting in accordance
21 with the Open Meetings Act.

22 (d) The Institute shall not allow any Institute employee to
23 participate in the processing of, or to provide any advice
24 concerning, any matter with which the Institute employee has a
25 conflict of interest.

1 Section 30. Disclosure of Committee, scientific peer
2 review panel, or advisory committee member income and
3 interests.

4 (a) Each Committee, scientific peer review panel, and any
5 advisory committee member shall file with the Secretary of
6 State a written disclosure of the following with respect to the
7 member, the member's spouse, and any immediate family living
8 with the member:

9 (1) Each source of income.

10 (2) Each entity in which the member, spouse, or
11 immediate family living with the member has an ownership or
12 distributive income share that is not an income source
13 required to be disclosed under item (1) of this subsection
14 (a).

15 (3) Each entity in or for which the member, spouse, or
16 immediate family living with the member serves as an
17 executive, officer, director, trustee, or fiduciary.

18 (4) Each entity with which the member, member's spouse,
19 or immediate family living with the member has a contract
20 for future income.

21 (b) Each appointed Committee member and each member of a
22 scientific peer review panel and any advisory committee member
23 shall file the disclosure required by subsection (a) of this
24 Section at the time the member is appointed and at the time of
25 any reappointment of that member.

26 (c) Each Committee member and each member of a scientific

1 peer review panel and any advisory committee member shall file
2 an updated disclosure with the Secretary of State promptly
3 after any change in the items required to be disclosed under
4 this subsection with respect to the member, the member's
5 spouse, or any immediate family living with the member.

6 (d) The requirements of Section 3A-30 of the Illinois
7 Governmental Ethics Act and any other disclosures required by
8 law apply to this Act.

9 (e) Filed disclosures shall be public records.

10 Section 35. Disclosure of proposed Institute funding
11 recipients.

12 (a) Each Institute request to the Committee for approval of
13 proposed stem cell research funding must be accompanied by a
14 written disclosure that identifies the proposed funding
15 recipient and any executives, officers, directors, trustees,
16 fiduciaries, owners, parent company, subsidiaries, affiliates,
17 and institutional or organizational host of the proposed
18 funding recipient.

19 (b) A proposed Institute stem cell research funding request
20 shall not be approved by the Committee unless and until the
21 Committee receives the disclosure.

22 (c) Disclosures provided to the Committee are public
23 records.

24 Section 40. Cloning prohibited.

1 (a) No person may clone or attempt to clone a human being.
2 For purposes of this Section, "clone or attempt to clone a
3 human being" means to transfer to a uterus or attempt to
4 transfer to a uterus anything other than the product of
5 fertilization of an egg of a human female by a sperm of a human
6 male for the purpose of initiating a pregnancy that could
7 result in the creation of a human fetus or the birth of a human
8 being.

9 (b) A person who violates this Section is guilty of a Class
10 1 felony.

11 Section 45. Purchase or sale prohibited.

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

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

23 (c) A person who knowingly purchases or sells embryonic or
24 cadaveric fetal tissue for research purposes in violation of
25 subsection (a) of this Section is guilty of a Class A

1 misdemeanor for the first conviction and a Class 4 felony for
2 subsequent convictions.

3 Section 50. Severability. If any provision of this Act or
4 its application to any person or circumstance is held invalid,
5 the invalidity of that provision or application does not affect
6 other provisions or applications of this Act that can be given
7 effect without the invalid provision or application.