



Sen. Jeffrey M. Schoenberg

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1 AMENDMENT TO SENATE BILL 4

2 AMENDMENT NO. _____. Amend Senate Bill 4 by replacing
3 everything after the enacting clause with the following:

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

1 transplantation, shall be allowed to receive public funds
2 through a program established specifically for the purpose of
3 supporting stem cell research in Illinois under the Department
4 of Public Health.

5 (3) Stem cell research is considered valuable to the health
6 and well being of all and the unhindered distribution of
7 research materials to all qualified investigators engaged in
8 non-commercial research shall be encouraged within the
9 confines of the law.

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

11 "Department" means the Department of Public Health.

12 "Institute" means the Illinois Regenerative Medicine
13 Institute.

14 "Committee" means the Illinois Regenerative Medicine
15 Institute Oversight Committee.

16 Section 15. Department grant program.

17 (a) The Department of Public Health shall develop and
18 administer the Illinois Regenerative Medicine Institute
19 Program within the Department to provide for the awarding of
20 grants to Illinois medical research institutions.

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

22 (1) to improve the health of the citizens of Illinois
23 through stem cell research;

24 (2) to support scientific research in Illinois for

1 which funding from the U.S. government is currently
2 restricted, namely human embryonic stem cell research;

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

5 (4) to promote the translation of stem cell research
6 into clinical practice and the transfer of technology to
7 biomedical and technological industry.

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

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

11 (2) rules concerning the eligibility of nonprofit
12 Illinois medical research institutions to receive awards
13 under the Institute grant program;

14 (3) rules for the conduct of competitive and scientific
15 peer review of all proposals submitted under the Institute
16 grant program;

17 (4) rules for the procurement of materials for the
18 conduct of stem cell research, including rules ensuring
19 that persons are empowered to make voluntary and informed
20 decisions to participate or to refuse to participate in
21 such research, and ensuring confidentiality of such
22 decisions; and

23 (5) rules concerning the monitoring of funded research
24 to ensure the researcher is following current best
25 practices with respect to medical ethics, including
26 informed consent of patients and the protection of human

1 subjects.

2 Section 20. Illinois Regenerative Medicine Institute
3 Oversight Committee.

4 (a) The Illinois Regenerative Medicine Institute Oversight
5 Committee shall be established to determine the awards under
6 the Institute grant program. The Committee shall be composed of
7 7 members appointed by the Governor, with the advice and
8 consent of the Senate.

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

10 (1) professional medical organizations;

11 (2) voluntary health organizations; and

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

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

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

19 (e) Upon appointment, the Governor shall designate 3
20 members to serve a 2-year term and 4 members to serve a 4-year
21 term. The Committee shall designate a Chairperson,
22 Vice-Chairperson, and Secretary. Any vacancy occurring in the
23 membership of the Committee shall be filled in the same manner
24 as the original appointment.

25 (f) No member of the Committee may receive compensation for

1 his or her services, but each member may be reimbursed for
2 expenses incurred in the performance of his or her duties.

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

5 (1) determination of awards under the Institute grant
6 program, based on recommendations developed under the
7 competitive and scientific peer review process provided
8 for in subdivision (c) (3) of Section 15 of this Act;

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

12 (3) development, in cooperation with Department staff,
13 general guidelines for the conduct of funded research
14 according to current best practices with respect to medical
15 ethics, in consultation with national and international
16 experts such as the International Society for Stem Cell
17 Research, the California Institute for Regenerative
18 Medicine, the Institute of Medicine, and similar
19 organizations; and

20 (4) advice on the future conduct of the Institute grant
21 program.

22 Section 25. Conflict of interest.

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

1 (1) That person.

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

4 (3) Any individual or entity required to be disclosed
5 by that person.

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

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

15 (c) The Institute shall not allow any Institute employee to
16 participate in the processing of, or to provide any advice
17 concerning, any matter with which the Institute employee has a
18 conflict of interest.

19 Section 30. Disclosure of Committee member income and
20 interests.

21 (a) Each Committee member shall file with the Secretary of
22 State a written disclosure of the following with respect to the
23 member, the member's spouse, and any immediate family living
24 with the member:

25 (1) Each source of income.

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

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

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

12 (b) Each appointed Committee member shall file the
13 disclosure required by subsection (a) of this Section at the
14 time the member is appointed and at the time of any
15 reappointment of that member.

16 (c) Each Committee member shall file an updated disclosure
17 with the Secretary of State promptly after any change in the
18 items required to be disclosed under this subsection with
19 respect to the member, the member's spouse, or any immediate
20 family living with the member.

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

24 (e) Filed disclosures shall be public records.

25 Section 35. Disclosure of proposed Institute funding

1 recipients.

2 (a) Each Institute request to the Committee for approval of
3 proposed stem cell research funding must be accompanied by a
4 written disclosure that identifies the proposed funding
5 recipient and any executives, officers, directors, trustees,
6 fiduciaries, owners, parent company, subsidiaries, affiliates,
7 and institutional or organizational host of the proposed
8 funding recipient.

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

12 (c) Disclosures provided to the Committee are public
13 records.

14 Section 40. Cloning prohibited.

15 (a) No person may clone or attempt to clone a human being.
16 For purposes of this Section, "clone or attempt to clone a
17 human being" means to transfer to a uterus or attempt to
18 transfer to a uterus anything other than the product of
19 fertilization of an egg of a human female by a sperm of a human
20 male for the purpose of initiating a pregnancy that could
21 result in the creation of a human fetus or the birth of a human
22 being.

23 (b) A person who violates this Section is guilty of a Class
24 A misdemeanor for the first conviction and a Class 4 felony for
25 subsequent convictions.

1 Section 45. Purchase or sale prohibited.

2 (a) A person may not knowingly, for valuable consideration,
3 purchase or sell embryonic or cadaveric fetal tissue for
4 research purposes.

5 (b) For the purpose of this Section, the giving or
6 receiving of reasonable payment for the removal, processing,
7 disposal, preservation, quality control, storage,
8 transplantation, or implantation of the tissue does not
9 constitute purchase or sale. This Section does not prohibit
10 reimbursement for removal, storage, or transportation of
11 embryonic or cadaveric fetal tissue for research purposes
12 pursuant to this Act.

13 (c) A person who knowingly purchases or sells embryonic or
14 cadaveric fetal tissue for research purposes in violation of
15 subsection (a) of this Section is guilty of a Class A
16 misdemeanor for the first conviction and a Class 4 felony for
17 subsequent convictions.

18 Section 50. Severability. If any provision of this Act or
19 its application to any person or circumstance is held invalid,
20 the invalidity of that provision or application does not affect
21 other provisions or applications of this Act that can be given
22 effect without the invalid provision or application."