

AN ACT concerning health.

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

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

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

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

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

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

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

Section 10. Definitions. As used in this Act:

"Department" means the Department of Public Health.

"Institute" means the Illinois Regenerative Medicine Institute.

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

Section 15. Department grant program.

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

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

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

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

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

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

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

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

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

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

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

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

Section 20. Illinois Regenerative Medicine Institute Oversight Committee.

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

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

(b) The Committee shall consist of individuals from:

- (1) professional medical organizations;
- (2) voluntary health organizations; and
- (3) for-profit biomedical or biotechnology industry.

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

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

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

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

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

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

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

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

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

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

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

Section 25. Conflict of interest.

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

(1) That person.

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

(3) Any individual or entity required to be disclosed

by that person.

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

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

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

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

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

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

(1) Each source of income.

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

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

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

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

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

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

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

(e) Filed disclosures shall be public records.

Section 35. Disclosure of proposed Institute funding recipients.

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

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

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

Section 40. Cloning prohibited.



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

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

Section 45. Purchase or sale prohibited.

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

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

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

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

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