

# SENATE, No. 225

## STATE OF NEW JERSEY 215th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2012 SESSION

**Sponsored by:**

**Senator STEVEN V. OROHO**

**District 24 (Morris, Sussex and Warren)**

**Senator ANTHONY R. BUCCO**

**District 25 (Morris and Somerset)**

**SYNOPSIS**

Prohibits use of public funds for embryonic stem cell research.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT concerning public funding of stem cell research and  
2 amending P.L.2003, c.203.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. Section 1 of P.L.2003, c.203 (C.26:2Z-1) is amended to read  
8 as follows:

9 1. The Legislature finds and declares that:

10 a. An estimated 128 million Americans suffer from the  
11 crippling economic and psychological burden of chronic,  
12 degenerative and acute diseases, including Alzheimer's disease,  
13 cancer, diabetes and Parkinson's disease;

14 b. The costs of treating, and lost productivity from, chronic,  
15 degenerative and acute diseases in the United States constitutes  
16 hundreds of billions of dollars annually. Estimates of the economic  
17 costs of these diseases does not account for the extreme human loss  
18 and suffering associated with these conditions;

19 c. Human stem cell research offers **[immense promise]** the  
20 potential for developing new medical therapies for these debilitating  
21 diseases and a critical means to explore fundamental questions of  
22 biology**[. Stem cell]**, with the hope that this research could lead to  
23 unprecedented treatments and potential cures for Alzheimer's  
24 disease, cancer, diabetes, Parkinson's disease and other diseases;

25 d. The United States has historically been a haven for open  
26 scientific inquiry and technological innovation; and this  
27 environment**[, combined with the commitment of public and private**  
28 **resources,]** has made this nation the preeminent world leader in  
29 biomedicine and biotechnology;

30 e. The biomedical industry is a critical and growing component  
31 of New Jersey's economy**[, and would be significantly diminished**  
32 **by limitations imposed on stem cell research]**;

33 f. Open scientific inquiry **[and publicly funded research will**  
34 **be]** is essential to realizing the promise of stem cell research and  
35 maintaining this State's leadership in biomedicine and  
36 biotechnology**[. Publicly]**; and publicly funded adult stem cell  
37 research, conducted under established standards of open scientific  
38 exchange, peer review and public oversight, offers the most  
39 efficient and responsible means of fulfilling the promise of stem  
40 cells to provide regenerative medical therapies, while safeguarding  
41 the public policy of this State with regard to the funding of stem  
42 cell research from the ethical and public policy concerns that  
43 surround embryonic stem cell research;

**EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 g. **【Stem cell research, including the】** The use of embryonic  
2 stem cells for medical research【,】 raises significant ethical and  
3 public policy concerns【; and, although not unique, the ethical and  
4 policy concerns associated with stem cell research must be carefully  
5 considered】 that should guide State policy with regard to the use of  
6 public funds to support stem cell research; and

7 h. The public policy of this State governing stem cell research  
8 must: balance ethical and medical considerations, based upon both  
9 an understanding of the science associated with stem cell research  
10 and a thorough consideration of the ethical concerns regarding this  
11 research; and be carefully crafted to ensure that researchers have the  
12 tools necessary to fulfill the promise of this research while  
13 reflecting those ethical concerns.  
14 (cf: L.2003, c.203, s.1)

15  
16 2. Section 2 of P.L.2003, c.203 (C.26:2Z-2) is amended to  
17 read as follows:

18 2. a. It is the public policy of this State that research involving  
19 the derivation and use of human embryonic stem cells, human  
20 embryonic germ cells and human adult stem cells, including  
21 somatic cell nuclear transplantation, shall:

22 (1) be permitted in this State;

23 (2) be conducted with full consideration for the ethical and  
24 medical implications of this research; and

25 (3) be reviewed, in each case, by an institutional review board  
26 operating in accordance with applicable federal regulations.

27 b. (1) A physician or other health care provider who is treating  
28 a patient for infertility shall provide the patient with timely,  
29 relevant and appropriate information sufficient to allow that person  
30 to make an informed and voluntary choice regarding the disposition  
31 of any human embryos remaining following the infertility  
32 treatment.

33 (2) A person to whom information is provided pursuant to  
34 paragraph (1) of this subsection shall be presented with the option  
35 of storing any unused embryos, donating them to another person,  
36 donating the remaining embryos for research purposes, or other  
37 means of disposition.

38 (3) A person who elects to donate, for research purposes, any  
39 embryos remaining after receiving infertility treatment shall provide  
40 written consent to that donation.

41 c. (1) A person shall not knowingly, for valuable consideration,  
42 purchase or sell, or otherwise transfer or obtain, or promote the sale  
43 or transfer of, embryonic or cadaveric fetal tissue for research  
44 purposes pursuant to this act; however, embryonic or cadaveric fetal  
45 tissue may be donated for research purposes in accordance with the  
46 provisions of subsection b. of this section or other applicable State  
47 or federal law.

1 For the purposes of this subsection, "valuable consideration"  
2 means financial gain or advantage, but shall not include reasonable  
3 payment for the removal, processing, disposal, preservation, quality  
4 control, storage, transplantation, or implantation of embryonic or  
5 cadaveric fetal tissue.

6 (2) A person or entity who violates the provisions of this  
7 subsection shall be guilty of a crime of the third degree and,  
8 notwithstanding the provisions of subsection b. of N.J.S.2C:43-3,  
9 shall be subject to a fine of up to \$50,000 for each violation.

10 d. No public funds shall be expended by this State or any  
11 political subdivision thereof to cover, in whole or in part, the costs  
12 of, or otherwise directly or indirectly support or assist, research that  
13 involves the derivation and use of human embryonic stem cells or  
14 human embryonic germ cells, including somatic cell nuclear  
15 transplantation.

16 (cf: P.L.2003, c.203, s.2)

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18 3. This act shall take effect immediately.

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STATEMENT

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23 This bill amends P.L.2003, c.203 (C.26:2Z-1 et al.) to prohibit  
24 the use of public funds by the State or any political subdivision  
25 thereof to support human embryonic stem cell or human embryonic  
26 germ cell research, including somatic cell nuclear transplantation.