

## Senate Bill No. 253

### CHAPTER 789

An act to add Article 5 (commencing with Section 125115) to Chapter 1 of Part 5 of Division 106 of the Health and Safety Code, relating to medical research.

[Approved by Governor September 22, 2002. Filed with Secretary of State September 22, 2002.]

#### LEGISLATIVE COUNSEL'S DIGEST

SB 253, Ortiz. Stem cells: human tissue: research.

Under existing law, it is unlawful for any person to knowingly acquire, receive, sell, promote the transfer of, or otherwise transfer any human organ, for purposes of transplantation, for valuable consideration.

Under existing law, human tissue may be removed in certain circumstances from human remains for the use of the tissue by authorized donees, including, but not limited to, physicians, hospitals, and educational institutions, for transplant, therapeutic, or scientific purposes.

This bill would declare that the policy of the state shall be that 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, as specified. This bill would require a health care provider delivering fertility treatment to provide his or her patient with specified information. The bill would authorize a donation of a human embryo pursuant to specific requirements and would prohibit the purchase or sale of embryonic or cadaveric fetal tissue for research purposes.

*The people of the State of California do enact as follows:*

SECTION 1. The Legislature finds and declares all of the following:

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

(b) The costs of treatment and lost productivity of chronic, degenerative, and acute diseases in the United States constitutes hundreds of billions of dollars every year. Estimates of the economic costs of these diseases does not account for the extreme human loss and suffering associated with these conditions.



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

(d) The United States and California have historically been a haven for open scientific inquiry and technological innovation and this environment, coupled with the commitment of public and private resources, has made the United States the preeminent world leader in biomedicine and biotechnology.

(e) California's biomedical industry is a critical component of the state's economy that provides employment in over 2,500 companies to over 225,000 Californians, pays \$12.8 billion in wages and salaries, invests more than \$2.1 billion in research, and reports nearly \$7.8 billion in worldwide revenue, and would be significantly diminished by limitations imposed on stem cell research.

(f) Open scientific inquiry and publicly funded research will be essential to realizing the promise of stem cell research and to maintain California's worldwide leadership in biomedicine and biotechnology. Publicly funded stem cell research, conducted under established standards of open scientific exchange, peer review, and public oversight, offers the most efficient and responsible means of fulfilling the promise of stem cells to provide regenerative medical therapies.

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

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

SEC. 2. Article 5 (commencing with Section 125115) is added to Chapter 1 of Part 5 of Division 106 of the Health and Safety Code, to read:

#### Article 5. Stem Cell Research

125115. The policy of the State of California shall be as follows:

(a) That 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 that full consideration of the ethical and medical implications of this research be given.

(b) That 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 reviewed by an approved institutional review board.

125116. (a) A physician, surgeon, or other health care provider delivering fertility treatment shall provide his or her patient with timely, relevant, and appropriate information to allow the individual to make an informed and voluntary choice regarding the disposition of any human embryos remaining following the fertility treatment.

(b) Any individual to whom information is provided pursuant to subdivision (a) shall be presented with the option of storing any unused embryos, donating them to another individual, discarding the embryos, or donating the remaining embryos for research.

(c) Any individual who elects to donate embryos remaining after fertility treatments for research shall provide written consent.

125117. (a) A person may not knowingly, for valuable consideration, purchase or sell embryonic or cadaveric fetal tissue for research purposes pursuant to this chapter.

(b) For purposes of this section, “valuable consideration” does not include reasonable payment for the removal, processing, disposal, preservation, quality control, storage, transplantation, or implantation of a part.

(c) Embryonic or cadaveric fetal tissue may be donated for research purposes pursuant to this chapter.

