

ASSEMBLY, No. 2766

STATE OF NEW JERSEY 216th LEGISLATURE

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Sponsored by:

Assemblyman PARKER SPACE

District 24 (Morris, Sussex and Warren)

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District 24 (Morris, Sussex and Warren)

SYNOPSIS

Prohibits use of public funds for embryonic stem cell research.

CURRENT VERSION OF TEXT

As introduced.



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: P.L.2003, c.203, s.1)

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