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HOUSE JOINT RESOLUTION NO. 588

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Establishing a joint subcommittee to study medical, ethical, and scientific issues relating to stem cell research conducted in the Commonwealth. Report.

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Referred to Committee on Rules

WHEREAS, although the "commoditization" of human beings existed in this Commonwealth and the United States from 1619 to 1865, the concept of human beings as property has been rejected by Americans in their constitution and in their deeply held belief in the value of human life; and

WHEREAS, the 40th President of the United States stated that this country understood that the personhood of every American should be protected "from the moment of conception until natural death"; and

WHEREAS, the United States Patent and Trade Office rejected human commercialization in a ruling on April 7, 1987, which stated "A claim directed to or including within its scope a human being will not be considered to be patentable subject matter" under the federal patent law; and

WHEREAS, on August 25, 2000, the National Institutes of Health (NIH) published guidelines relating to stem cell research and the funding thereof that called for the denial of funding for research involving stem cells derived from embryonic human beings created for research purposes and noted that the 42nd President of the United States, many members of Congress, the NIH Human Embryo Research Panel, and the National Bioethics Advisory Committee had all endorsed the "distinction between embryos created for research purposes and those created for reproductive purposes"; and

WHEREAS, the NIH guidelines also called for assurances that "there can be no incentives for donation" of human embryos and "any inducement for the donation of human embryos for research purposes" would be prohibited; and

WHEREAS, the President announced on August 9, 2001, "that federal funds may be awarded for research using human embryonic stem cells under the following criteria: (i) the derivation process was initiated prior to 9:00 P.M. EDT on August 9, 2001; (ii) the stem cells must have been derived from an embryo that was created for reproductive purposes and was no longer needed; and (iii) informed consent must have been obtained for the donation of the embryo and that donation must not have involved financial inducements"; and

WHEREAS, the President also stated that he is "deeply troubled" by the creation of "human embryos in test tubes solely to experiment on them," and described this act as a "warning sign" to "all of us" as Americans; and

WHEREAS, according to NIH, "investigators from laboratories in the United States, Australia, India, Israel, and Sweden have derived stem cells from 71 individual, genetically diverse blastocysts which meet federal criteria for federally funded human embryonic stem cell research"; and

WHEREAS, the distinguished physician representing the State of Tennessee in the United States Senate proposed as a first principle of ethical research that "the creation of human embryos solely for research should be strictly prohibited"; and

WHEREAS, a Massachusetts research company has claimed that it cloned the first human embryo, that "[t]his work sets the stage for human therapeutic cloning as a potentially limitless source of immune-compatible cells," and that this work provides "hope for people with spinal injuries, heart disease, and other ailments"; and

WHEREAS, the Jones Institute of Norfolk has published research involving stem cell research conducted through the creation of approximately 110 embryos developed with the purchased sperm and eggs from men and women; and

WHEREAS, this conduct established a trade in new human life that treats such lives as merchandise for manipulation and destruction; and

WHEREAS, reportedly, the Jones Institute screened and evaluated the fitness of new human life according to the absence of "cosmetic handicaps, and other eugenic formulations"; and

WHEREAS, with the passage of House Joint Resolution 607 (2001), the Virginia General Assembly has condemned past practices within the Commonwealth involving institutional involvement in eugenics and eugenic ideology; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That a joint subcommittee be established to study medical, ethical, and scientific issues relating to stem cell research conducted in the

Commonwealth. The joint subcommittee shall have a total membership of 12 members that shall consist of 10 legislative members and two nonlegislative citizen members. Members shall be appointed as follows: six members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; four members of the Senate to be appointed by the Senate Committee on Rules; one nonlegislative citizen member to be appointed by the Speaker of the House of Delegates; and one nonlegislative citizen member to be appointed by the Senate Committee on Rules. Nonlegislative citizen members of the joint subcommittee shall be citizens of the Commonwealth of Virginia. Unless otherwise approved in writing by the chairman of the joint subcommittee and the respective Clerk, nonlegislative citizen members shall only be reimbursed for travel originating and ending within the Commonwealth of Virginia for the purpose of attending meetings. If a companion joint resolution of the other chamber is agreed to, written authorization of both Clerks shall be required. The joint subcommittee shall elect a chairman and vice chairman from among its membership, who shall be members of the General Assembly.

In conducting its study, the joint subcommittee shall (i) examine the medical, ethical, and scientific policy implications of prohibiting the creation of embryos in vitro for any purpose other than bringing them to birth; (ii) examine the criminalizing of the transfer of compensation, in cash or in-kind, to induce any person to donate sperm or eggs for any purpose other than procreation; and (iii) examine the efficacy of research using adult stem cells rather than embryonic stem cells.

Administrative staff support shall be provided by the Office of the Clerk of the House of Delegates. Legal, research, policy analysis, and other services as requested by the joint subcommittee shall be provided by the Division of Legislative Services. Technical assistance shall be provided by State Board of Health and the Board of Medicine. All agencies of the Commonwealth shall provide assistance to the joint subcommittee for this study, upon request.

The joint subcommittee shall be limited to four meetings for the 2005 interim, and the direct costs of this study shall not exceed $12,800 without approval as set out in this resolution. Of this amount an estimated $2,000 is allocated for speakers, materials, and other resources. Approval for unbudgeted nonmember-related expenses shall require the written authorization of the chairman of the joint subcommittee and the respective Clerk. If a companion joint resolution of the other chamber is agreed to, written authorization of both Clerks shall be required.

No recommendation of the joint subcommittee shall be adopted if a majority of the House members or a majority of the Senate members appointed to the joint subcommittee (i) vote against the recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the joint subcommittee.

The joint subcommittee shall complete its meetings by November 30, 2005, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the 2006 Regular Session of the General Assembly. The executive summary shall state whether the joint subcommittee intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summary and the report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may approve or disapprove expenditures for this study, extend or delay the period for the conduct of the study, or authorize additional meetings during the 2005 interim.