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HOUSE BILL NO. 444

Offered January 11, 2006

Prefiled January 9, 2006

A BILL to amend the Code of Virginia by adding in Title 32.1 a chapter numbered 5.3, consisting of a section numbered 32.1-162.23, relating to stem cell research.

 Patron—Shuler

 Referred to Committee on Health, Welfare and Institutions

Whereas, 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; and

Whereas, 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, and estimates of the economic costs of these diseases do not account for the extreme human loss and suffering associated with these conditions; and

Whereas, the United States has 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; and

Whereas, Virginia's biomedical industry, a critical component of the state's economy, provides employment in more than 200 companies clustered around universities in Blacksburg, Charlottesville, Richmond, Norfolk, and Northern Virginia to more than 7,000 Virginians, invests more than \$700 million in research and development, contributes more than \$2.5 billion annually to the state's economy, and would be diminished by limitations imposed on stem cell research; and

Whereas, open scientific inquiry and publicly funded research will be essential to realizing the promise of stem cell research and to Virginia's potential for worldwide leadership in biomedicine and biotechnology; and

Whereas, 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; and

Whereas, 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; and

Whereas, public policy on stem cell research must balance ethical and medical considerations, must be based on an understanding of the science associated with stem cell research, must be grounded on a thorough consideration of the ethical concerns regarding this research, and must be carefully crafted to ensure that researchers have the tools necessary to fulfill the promise of stem cell research; now, therefore

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 32.1 a chapter numbered 5.3, consisting of a section numbered 32.1-162.23, as follows:

CHAPTER 5.3.

STEM CELL RESEARCH.

§32.1-162.23 Stem cell research; authorization and requirements.

A. 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 transfer, shall be authorized in the Commonwealth subject to the approval of the Stem Cell Research Oversight Committee after evaluation of the ethical and medical implications of the research and the requirements of this section.

B. As recommended by the National Academies, each institution conducting stem cell research shall establish a Stem Cell Research Oversight Committee specifically for the purpose of evaluating and approving such proposals and projects.

C. Research utilizing human embryonic stem cells in accordance with this section (regardless of the date on which the stem cells were derived from a human embryo) shall be eligible for use in any research conducted or supported by the Commonwealth, or any institution or subdivision thereof, if the cells meet each of the following requirements:

1. The stem cells were derived from human embryos that have been donated from in vitro fertilization clinics, were created for the purposes of fertility treatment, and were in excess of the

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59 *clinical need of the individuals seeking such treatment;*

60 *2. Prior to the consideration of embryo donation and through consultation with the individuals*
61 *seeking fertility treatment, it was determined that the embryos would never be implanted in a woman*
62 *and would otherwise be discarded;*

63 *3. The individuals seeking fertility treatment donated the embryos with written informed consent and*
64 *without receiving any financial or other inducements to make the donation.*

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