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By: **Senators Hollinger, Britt, Brochin, Conway, Currie, Exum, Forehand, Frosh, Garagiola, Gladden, Grosfeld, Jones, Kasemeyer, Kelley, Kramer, Lawlah, McFadden, Middleton, Pinsky, Ruben, and Teitelbaum**

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Read second time: March 8, 2006

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Maryland Stem Cell Research Act of 2006**

3 FOR the purpose of requiring certain persons to conduct certain research in a certain  
 4 manner; prohibiting certain persons from conducting certain research that  
 5 intentionally and directly leads to human cloning; establishing the Maryland  
 6 Stem Cell Research Fund; providing for the purpose of the Fund; specifying that  
 7 the Fund is a special, nonlapsing fund; specifying that the State Treasurer shall  
 8 hold the Fund separately and that the Comptroller shall account for the Fund;  
 9 specifying that certain proceeds shall be invested and reinvested in a certain  
 10 manner; specifying that certain earnings shall be paid into the Fund; providing  
 11 for the composition of the Fund; authorizing the Governor to include an  
 12 appropriation to the Fund in the annual budget bill; ~~requiring the Governor to~~  
 13 ~~include a certain appropriation in the annual budget bill~~; requiring the  
 14 ~~Department of Health and Mental Hygiene~~ Maryland Technology Development  
 15 Corporation to administer the Fund; providing that money in the Fund may only  
 16 be used for certain purposes; ~~requiring the Secretary of Health and Mental~~  
 17 ~~Hygiene to adopt certain regulations~~; ~~establishing the Maryland Scientific Peer~~  
 18 ~~Review Committee~~; ~~requiring the Committee to establish certain procedures~~;  
 19 ~~ensure that these procedures are based on certain guidelines~~, ~~develop and~~  
 20 ~~implement a certain ranking and rating system~~, ~~and make certain~~  
 21 ~~recommendations~~; ~~providing for the membership of the Committee~~; ~~authorizing~~  
 22 ~~the Committee to invite certain experts and certain consultants to certain~~  
 23 ~~meetings~~; ~~requiring the Committee to select a certain chair~~; ~~providing for the~~

1 filling of certain vacancies; requiring the members of the Committee to make  
2 certain disclosures to the State Commission on Ethics; requiring the Committee  
3 to meet at certain times in certain places; requiring the Department to provide  
4 staff for the Committee requiring the Corporation, in consultation with the Stem  
5 Cell Research Commission, to adopt certain regulations; establishing the Stem  
6 Cell Research Commission in the Department; providing that the Commission  
7 is an independent commission that functions in the Corporation; providing for  
8 the membership of the Commission; requiring the Governor to designate  
9 members of the Commission to elect the chair of the Commission from among  
10 the appointed members of the Commission; requiring the Department to provide  
11 staff for the Commission; providing for the terms of certain members of the  
12 Commission; specifying quorum requirements for the Commission; prohibiting a  
13 member of the Commission from receiving compensation as a member of the  
14 Commission; providing that a member of the Commission is entitled to certain  
15 reimbursement for expenses; authorizing the Commission to employ a staff and  
16 consult with experts under certain circumstances; requiring the members of the  
17 Commission to make certain disclosures to the State Commission on Ethics;  
18 requiring the Commission to carry out certain functions and duties; establishing  
19 certain limitations on the powers of the Secretary of Business and Economic  
20 Development; requiring the Commission to adopt certain regulations, establish  
21 certain procedures, guidelines, criteria, standards, and requirements, make  
22 certain recommendations, review certain grant and loan applications, and  
23 conduct certain progress oversight reviews; requiring the Commission to  
24 contract with an independent scientific peer review committee composed of  
25 certain individuals; requiring the committee to review, evaluate, rank, and rate  
26 certain research proposals based on certain procedures and guidelines and in a  
27 certain manner; requiring the committee to make certain recommendations;  
28 providing that a member of the committee is not eligible to receive a certain  
29 grant or loan and may not reside in the State; providing that members of the  
30 committee shall be subject to certain conflict of interest standards; requiring the  
31 Commission to meet at certain times; providing for certain contingencies;  
32 requiring a grantee to submit a certain approval; prohibiting the Department  
33 Corporation from disbursing certain money under certain circumstances;  
34 requiring certain reports; requiring certain health care practitioners to provide  
35 certain individuals with certain information; prohibiting certain unused  
36 material from being donated for State-funded stem cell research; requiring  
37 certain individuals to provide certain consent to certain donations; providing  
38 that certain provisions of law this Act may not be construed to prohibit the  
39 creation of certain stem cell lines to be used for certain purposes; prohibiting the  
40 purchase, sale, transfer, or obtaining of human embryos certain material for  
41 valuable consideration; prohibiting the encouragement of the production of  
42 human embryos certain material for certain research; prohibiting human  
43 cloning; providing for certain penalties; defining certain terms; providing for the  
44 staggering of certain terms; and generally relating to State-funded stem cell  
45 research.

46 ~~BY adding to~~

47 ~~Article Health General~~

1 ~~Section 20-1101 through 20-1112, inclusive, to be under the new subtitle~~  
2 ~~"Subtitle 11. Stem Cell Research"~~  
3 ~~Annotated Code of Maryland~~  
4 ~~(2005 Replacement Volume and 2005 Supplement)~~

5 BY repealing and reenacting, without amendments,  
6 Article 83A - Business and Economic Development  
7 Section 1-101(a), (b), and (d)  
8 Annotated Code of Maryland  
9 (2003 Replacement Volume and 2005 Supplement)

10 BY adding to  
11 Article 83A - Business and Economic Development  
12 Section 5-2B-01 through 5-2B-13, inclusive, to be under the new subtitle  
13 "Subtitle 2B. Maryland Stem Cell Research Program"  
14 Annotated Code of Maryland  
15 (2003 Replacement Volume and 2005 Supplement)

16 Preamble

17 WHEREAS, An estimated 128,000,000 Americans suffer from the crippling  
18 physical, economic, and psychological burdens of chronic, degenerative, and acute  
19 diseases, including Alzheimer's disease, heart disease, diabetes, Parkinson's disease,  
20 spinal cord injuries, macular degeneration, ALS, multiple sclerosis, and cancer; and

21 WHEREAS, The costs of treatment and lost productivity of chronic,  
22 degenerative, and acute diseases in the United States constitute hundreds of billions  
23 of dollars every year, and estimates of the economic costs of these diseases do not  
24 account for the extreme human loss and suffering associated with these conditions;  
25 and

26 WHEREAS, Stem cell research offers immense promise for developing new  
27 medical therapies and a better understanding of these debilitating diseases and could  
28 lead to unprecedented treatments and potential cures for Alzheimer's disease, heart  
29 disease, diabetes, Parkinson's disease, cancer, and other diseases; and

30 WHEREAS, Approximately half of Maryland's families have a family member  
31 who has or will suffer from a serious, often critical or terminal, medical condition that  
32 could potentially be treated or cured with medical therapies derived from stem cell  
33 research; and

34 WHEREAS, Maryland's current health care system may not be able to meet the  
35 needs of these individuals in the future unless medical care can focus on early  
36 diagnosis, cure, and prevention rather than palliation of late-stage effects of the  
37 disease; and

1 WHEREAS, The United States and the State of Maryland have historically  
2 fostered open scientific inquiry and technological innovation, and this environment,  
3 coupled with the commitment of public and private resources, has made the United  
4 States the preeminent world leader in biomedicine and biotechnology; and

5 WHEREAS, Maryland ranks as the fourth-largest sector for biotechnology  
6 companies in the nation; and

7 WHEREAS, The biotechnology industry is a key component of the State's  
8 economy that provides employment in over 300 companies, many of which engage in  
9 some form of stem cell research; and

10 WHEREAS, The University of Maryland, Baltimore and The Johns Hopkins  
11 University are involved in stem cell research, with projects representing a combined  
12 total of approximately \$10,000,000 in public and private funding; and

13 WHEREAS, The State's favorable research climate would be significantly  
14 diminished by limitations imposed on stem cell research; and

15 WHEREAS, Stem cell research, including the use of embryonic stem cells for  
16 medical research, raises significant ethical and policy concerns that must be carefully  
17 considered; and

18 WHEREAS, Public policy on stem cell research must balance ethical and  
19 medical considerations and must be based on an understanding of the science  
20 associated with stem cell research while grounded on a thorough consideration of the  
21 ethical concerns; and

22 WHEREAS, Stem cell research must be carefully crafted to ensure that  
23 researchers have the tools necessary to fulfill the promise of stem cell research; now,  
24 therefore,

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
26 MARYLAND, That the Laws of Maryland read as follows:

27 ~~Article – Health – General~~

28 ~~SUBTITLE 11. STEM CELL RESEARCH.~~

29 Article 83A - Business and Economic Development

30 1-101.

31 (a) In this article the following words have the meanings indicated.

32 (b) "Department" means the Department of Business and Economic  
33 Development.

34 (d) "Secretary" means the Secretary of Business and Economic Development.



1 (2) GIVE RISE TO MANY OTHER TYPES OF SPECIALIZED CELLS; AND

2 (3) GIVE RISE TO NEW STEM CELLS WITH IDENTICAL POTENTIAL.

3 ~~(+) (+)~~ (L) "VALUABLE CONSIDERATION" MEANS FINANCIAL GAIN OR  
4 ADVANTAGE IN CONNECTION WITH MATERIAL OBTAINED IN ACCORDANCE WITH §  
5 5-2B-10 OF THIS SUBTITLE.

6 ~~(2)~~ "~~VALUABLE CONSIDERATION~~" ~~DOES NOT INCLUDE REASONABLE~~  
7 ~~PAYMENT FOR THE REMOVAL, PROCESSING, DISPOSAL, PRESERVATION, QUALITY~~  
8 ~~CONTROL, STORAGE, TRANSPLANTATION, OR GRAFTING OF EMBRYONIC OR~~  
9 ~~CADAVERIC FETAL TISSUE.~~

10 ~~20-1102- 5-2B-02.~~

11 (A) A PERSON WHO CONDUCTS STATE-FUNDED STEM CELL RESEARCH SHALL  
12 CONDUCT THE RESEARCH IN A MANNER THAT CONSIDERS THE ETHICAL AND  
13 MEDICAL IMPLICATIONS OF THE RESEARCH.

14 (B) A PERSON WHO CONDUCTS STATE-FUNDED STEM CELL RESEARCH MAY  
15 NOT ENGAGE IN ANY RESEARCH THAT INTENTIONALLY AND DIRECTLY LEADS TO  
16 HUMAN CLONING.

17 ~~20-1103- 5-2B-03.~~

18 (A) THERE IS A MARYLAND STEM CELL RESEARCH FUND.

19 (B) THE PURPOSE OF THE FUND IS TO PROMOTE STATE-FUNDED STEM CELL  
20 RESEARCH AND CURES THROUGH GRANTS AND LOANS TO PUBLIC AND PRIVATE  
21 ENTITIES IN THE STATE.

22 (C) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO §  
23 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

24 (D) THE STATE TREASURER SHALL HOLD THE FUND AND THE COMPTROLLER  
25 SHALL ACCOUNT FOR THE FUND.

26 (E) THE PROCEEDS OF THE FUND SHALL BE INVESTED AND REINVESTED IN  
27 THE SAME MANNER AS OTHER STATE FUNDS.

28 (F) ANY INVESTMENT EARNINGS SHALL BE PAID INTO THE FUND.

29 (G) THE FUND CONSISTS OF:

30 (1) ~~AN APPROPRIATION EQUAL TO AT LEAST \$25,000,000~~  
31 APPROPRIATIONS AS PROVIDED IN THE STATE BUDGET; AND

32 (2) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE  
33 BENEFIT OF THE FUND.

1 (H) BEGINNING IN FISCAL YEAR 2008 AND IN EACH FISCAL YEAR  
2 THEREAFTER, THE GOVERNOR ~~SHALL~~ MAY INCLUDE IN THE ANNUAL BUDGET BILL  
3 AN APPROPRIATION ~~EQUAL TO AT LEAST \$25,000,000~~ TO THE FUND.

4 (I) ~~THE DEPARTMENT CORPORATION~~ SHALL ADMINISTER THE FUND.

5 (J) MONEY IN THE FUND MAY ONLY BE EXPENDED TO:

6 (1) AWARD GRANTS AND LOANS FOR STATE-FUNDED STEM CELL  
7 RESEARCH, IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE COMMISSION;

8 (2) AWARD GRANTS AND LOANS FOR FACILITIES, CAPITAL LEASES, AND  
9 CAPITAL EQUIPMENT WHERE STATE-FUNDED STEM CELL RESEARCH IS  
10 CONDUCTED, IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE COMMISSION;  
11 AND

12 (3) PAY THE COSTS NECESSARY TO ADMINISTER THE FUND.

13 (K) EXPENDITURES FROM THE FUND MAY ONLY BE MADE IN ACCORDANCE  
14 WITH AN APPROPRIATION APPROVED BY THE GENERAL ASSEMBLY IN THE ANNUAL  
15 STATE BUDGET OR BY AN APPROVED BUDGET AMENDMENT.

16 (L) ~~THE SECRETARY CORPORATION~~, IN CONSULTATION WITH THE  
17 COMMISSION, SHALL ADOPT REGULATIONS TO ~~CARRY OUT THE PROVISIONS OF THIS~~  
18 ~~SECTION, INCLUDING:~~

19 (1) ~~CRITERIA, STANDARDS, AND REQUIREMENTS FOR FUNDING~~  
20 ~~APPLICATIONS AND THE AWARD OF GRANTS AND LOANS FROM THE FUND;~~

21 (2) ~~ESTABLISH PROCEDURES FOR MAKING THE DISBURSEMENT OF A~~  
22 ~~GRANT CONTINGENT ON OBTAINMENT OF THE APPROVAL OF AN INSTITUTIONAL~~  
23 ~~REVIEW BOARD; AND~~

24 (3) ~~STANDARDS FOR THE OVERSIGHT OF USE OF AWARDS.~~

25 ~~20-1104.~~

26 (A) ~~THERE IS A MARYLAND SCIENTIFIC PEER REVIEW COMMITTEE.~~

27 (B) ~~THE COMMITTEE SHALL:~~

28 (1) ~~ESTABLISH PROCEDURES FOR THE REVIEW OF RESEARCH~~  
29 ~~PROPOSALS FOR STATE FUNDED STEM CELL RESEARCH;~~

30 (2) ~~ENSURE THAT THE PROCEDURES ESTABLISHED UNDER ITEM (1) OF~~  
31 ~~THIS SUBSECTION ARE BASED ON THE GUIDELINES OF THE FEDERAL NATIONAL~~  
32 ~~INSTITUTES OF HEALTH'S CENTER FOR SCIENTIFIC REVIEW;~~

33 (3) ~~DEVELOP AND IMPLEMENT A RANKING AND RATING SYSTEM~~  
34 ~~THROUGH WHICH AN OBJECTIVE ASSESSMENT MAY BE MADE OF RESEARCH~~  
35 ~~PROPOSALS REVIEWED UNDER ITEM (1) OF THIS SUBSECTION; AND~~

1           (4)     ~~MAKE RECOMMENDATIONS TO THE COMMISSION, BASED ON THE~~  
2 ~~RANKINGS AND RATINGS AWARDED TO RESEARCH PROPOSALS UNDER ITEM (3) OF~~  
3 ~~THIS SUBSECTION, FOR THE AWARD AND DISBURSEMENT OF GRANTS UNDER THE~~  
4 ~~FUND.~~

5     ~~(C)     (1)     THE COMMITTEE SHALL CONSIST OF THE FOLLOWING MEMBERS~~  
6 ~~SELECTED FROM THE SCIENTIFIC COMMUNITY:~~

7           ~~(I)     TWO SHALL BE SELECTED BY THE SECRETARY;~~

8           ~~(II)    TWO SHALL BE SELECTED BY THE SECRETARY OF BUSINESS~~  
9 ~~AND ECONOMIC DEVELOPMENT;~~

10          ~~(III)   TWO SHALL BE SELECTED BY THE JOHNS HOPKINS~~  
11 ~~UNIVERSITY;~~

12          ~~(IV)   TWO SHALL BE SELECTED BY THE UNIVERSITY SYSTEM OF~~  
13 ~~MARYLAND; AND~~

14          ~~(V)     TWO SHALL BE SELECTED BY THE MARYLAND BIOSCIENCE~~  
15 ~~ALLIANCE.~~

16          ~~(2)     THE MEMBERS OF THE COMMITTEE SELECTED UNDER PARAGRAPH~~  
17 ~~(1) OF THIS SUBSECTION MAY BE FROM OUT OF STATE.~~

18          ~~(3)     THE COMMITTEE MAY INVITE EXPERTS AND CONSULTANTS TO~~  
19 ~~ATTEND MEETINGS OF THE COMMITTEE.~~

20     ~~(D)     THE COMMITTEE SHALL SELECT A CHAIR FROM AMONG ITS MEMBERS.~~

21     ~~(E)     A VACANCY ON THE COMMITTEE SHALL BE FILLED BY THE PERSON~~  
22 ~~UNDER SUBSECTION (C)(1) OF THIS SECTION WHO HAD SELECTED THE FORMER~~  
23 ~~MEMBER OF THE COMMITTEE.~~

24     ~~(F)     EACH MEMBER OF THE COMMITTEE SHALL DISCLOSE TO THE STATE~~  
25 ~~COMMISSION ON ETHICS WHETHER THE MEMBER IS EMPLOYED BY OR HAS A~~  
26 ~~FINANCIAL INTEREST IN AN ENTITY THAT MAY APPLY TO CONDUCT STATE FUNDED~~  
27 ~~STEM CELL RESEARCH.~~

28     ~~(G)     THE COMMITTEE SHALL MEET AT LEAST TWICE EACH YEAR, AT THE~~  
29 ~~TIMES AND PLACES THAT IT DETERMINES.~~

30     ~~(H)     THE DEPARTMENT SHALL PROVIDE STAFF FOR THE COMMITTEE.~~

31 ~~20-1105- 5-2B-04.~~

32     (A)     THERE IS A STEM CELL RESEARCH COMMISSION ~~IN THE DEPARTMENT.~~

33     (B)     ~~THE COMMISSION IS AN INDEPENDENT COMMISSION THAT FUNCTIONS IN~~  
34 ~~THE CORPORATION.~~

1     ~~(B)~~     (C)     THE COMMISSION CONSISTS OF THE FOLLOWING MEMBERS:

2                     ~~(1)~~     ~~THE SECRETARY OR THE SECRETARY'S DESIGNEE;~~

3                     ~~(2)~~     (1)     THE ATTORNEY GENERAL OR THE ATTORNEY GENERAL'S  
4 DESIGNEE;

5                     ~~(3)~~     ~~THE SECRETARY OF BUSINESS AND ECONOMIC DEVELOPMENT OR~~  
6 ~~THE SECRETARY'S DESIGNEE;~~

7                     ~~(4)~~     ~~THE STATE TREASURER OR THE TREASURER'S DESIGNEE;~~

8                     ~~(5)~~     ~~THE COMPTROLLER OR THE COMPTROLLER'S DESIGNEE; AND~~

9                     ~~(6)~~     ~~THE FOLLOWING MEMBERS APPOINTED BY THE GOVERNOR:~~

10                    ~~(I)~~     ~~TWO WITH EXPERTISE IN THE FIELD OF BIOMEDICAL ETHICS;~~

11                    ~~(II)~~    ~~ONE WITH EXPERTISE IN THE FIELD OF BIOMEDICAL ETHICS~~  
12 ~~AS IT RELATES TO RELIGION;~~

13                    ~~(III)~~   ~~ONE WHO WORKS AS A SCIENTIST AND ENGAGES IN STEM CELL~~  
14 ~~RESEARCH FOR THE UNIVERSITY SYSTEM OF MARYLAND;~~

15                    ~~(IV)~~   ~~ONE WHO WORKS AS A SCIENTIST AND ENGAGES IN STEM CELL~~  
16 ~~RESEARCH FOR THE JOHNS HOPKINS UNIVERSITY;~~

17                    ~~(V)~~     ~~ONE FROM THE MARYLAND BIOSCIENCE ALLIANCE; AND~~

18                    ~~(VI)~~    ~~TWO CONSUMER MEMBERS.~~

19                    (2)     THREE PATIENT ADVOCATES, ONE APPOINTED BY THE GOVERNOR,  
20 ONE APPOINTED BY THE PRESIDENT OF THE SENATE, AND ONE APPOINTED BY THE  
21 SPEAKER OF THE HOUSE OF DELEGATES;

22                    (3)     THREE INDIVIDUALS WITH EXPERIENCE IN BIOTECHNOLOGY, ONE  
23 APPOINTED BY THE GOVERNOR, ONE APPOINTED BY THE PRESIDENT OF THE  
24 SENATE, AND ONE APPOINTED BY THE SPEAKER OF THE HOUSE OF DELEGATES;

25                    (4)     TWO INDIVIDUALS WHO WORK AS SCIENTISTS FOR THE UNIVERSITY  
26 SYSTEM OF MARYLAND AND DO NOT ENGAGE IN STEM CELL RESEARCH, APPOINTED  
27 BY THE UNIVERSITY SYSTEM OF MARYLAND;

28                    (5)     TWO INDIVIDUALS WHO WORK AS SCIENTISTS FOR THE JOHNS  
29 HOPKINS UNIVERSITY AND DO NOT ENGAGE IN STEM CELL RESEARCH, APPOINTED  
30 BY THE JOHNS HOPKINS UNIVERSITY; ~~AND~~

31                    (6)     TWO BIOETHICISTS, ONE APPOINTED BY THE UNIVERSITY SYSTEM  
32 OF MARYLAND AND ONE APPOINTED BY THE JOHNS HOPKINS UNIVERSITY; AND

1           (7)    TWO INDIVIDUALS WITH EXPERTISE IN THE FIELD OF BIOMEDICAL  
2 ETHICS AS IT RELATES TO RELIGION, APPOINTED BY THE GOVERNOR.

3    ~~(C)~~    (D)    THE GOVERNOR SHALL DESIGNATE THE CHAIR MEMBERS OF THE  
4 COMMISSION SHALL ELECT A CHAIR FROM AMONG THE APPOINTED MEMBERS OF  
5 THE COMMISSION.

6    ~~(D)~~    ~~THE DEPARTMENT SHALL PROVIDE STAFF FOR THE COMMISSION.~~

7    (E)    (1)    THE TERM OF AN APPOINTED MEMBER IS 4 2 YEARS.

8           (2)    THE TERMS OF THE APPOINTED MEMBERS ARE STAGGERED AS  
9 REQUIRED BY THE TERMS PROVIDED FOR MEMBERS ON ~~OCTOBER~~ JULY 1, 2006.

10          (3)    AT THE END OF A TERM, AN APPOINTED MEMBER CONTINUES TO  
11 SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

12          (4)    AN APPOINTED MEMBER MAY NOT SERVE MORE THAN ~~TWO~~ THREE  
13 CONSECUTIVE FULL TERMS.

14          (5)    AN APPOINTED MEMBER WHO IS APPOINTED AFTER A TERM HAS  
15 BEGUN SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS  
16 APPOINTED AND QUALIFIES.

17    (F)    A MAJORITY OF THE FULL AUTHORIZED MEMBERSHIP OF THE  
18 COMMISSION IS A QUORUM.

19    (G)    A MEMBER OF THE COMMISSION:

20          (1)    MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE  
21 COMMISSION; BUT

22          (2)    IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE  
23 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

24    (H)    THE COMMISSION MAY EMPLOY A STAFF, INCLUDING CONTRACTUAL  
25 STAFF, IN ACCORDANCE WITH THE STATE BUDGET.

26    (I)    THE COMMISSION MAY CONSULT WITH EXPERTS IN PERFORMING ITS  
27 DUTIES.

28    ~~(F)~~    (J)    EACH MEMBER OF THE COMMISSION SHALL DISCLOSE TO THE  
29 STATE COMMISSION ON ETHICS WHETHER THE MEMBER IS EMPLOYED BY OR HAS A  
30 FINANCIAL INTEREST IN AN ENTITY THAT MAY APPLY TO CONDUCT STATE-FUNDED  
31 STEM CELL RESEARCH.

32 5-2B-05.

33    (A)    THE POWER OF THE SECRETARY OVER PLANS, PROPOSALS, AND PROJECTS  
34 OF UNITS IN THE DEPARTMENT DOES NOT INCLUDE THE POWER TO DISAPPROVE OR

1 MODIFY ANY DECISION OR DETERMINATION THAT THE COMMISSION MAKES UNDER  
2 AUTHORITY SPECIFICALLY DELEGATED BY LAW TO THE COMMISSION.

3 (B) THE POWER OF THE SECRETARY TO TRANSFER BY RULE, REGULATION, OR  
4 WRITTEN DIRECTIVE ANY STAFF, FUNCTIONS, OR FUNDS OF UNITS IN THE  
5 DEPARTMENT DOES NOT APPLY TO ANY STAFF, FUNCTIONS, OR FUNDS OF THE  
6 COMMISSION.

7 5-2B-06.

8 (A) THE COMMISSION SHALL CONTRACT WITH AN INDEPENDENT SCIENTIFIC  
9 PEER REVIEW COMMITTEE COMPOSED OF SCIENTIFICALLY RECOGNIZED EXPERTS  
10 IN THE FIELD OF STEM CELL RESEARCH.

11 (B) THE COMMITTEE SHALL REVIEW, EVALUATE, RANK, AND RATE RESEARCH  
12 PROPOSALS FOR STATE-FUNDED STEM CELL RESEARCH:

13 (1) BASED ON THE PROCEDURES AND GUIDELINES ESTABLISHED BY  
14 THE COMMISSION; AND

15 (2) IN A MANNER THAT GIVES DUE CONSIDERATION TO THE SCIENTIFIC,  
16 MEDICAL, AND ETHICAL IMPLICATIONS OF THE RESEARCH.

17 (C) THE COMMITTEE SHALL MAKE RECOMMENDATIONS TO THE COMMISSION,  
18 BASED ON THE RANKINGS AND RATINGS AWARDED TO RESEARCH PROPOSALS BY  
19 THE COMMITTEE, FOR THE AWARD AND DISBURSEMENT OF GRANTS UNDER THE  
20 FUND.

21 (D) A MEMBER OF THE COMMITTEE:

22 (1) IS NOT ELIGIBLE TO RECEIVE A GRANT OR LOAN FOR  
23 STATE-FUNDED STEM CELL RESEARCH FROM THE FUND; AND

24 (2) MAY NOT RESIDE IN THE STATE.

25 (E) MEMBERS OF THE COMMITTEE SHALL BE SUBJECT TO CONFLICT OF  
26 INTEREST STANDARDS THAT ARE AT LEAST AS STRINGENT AS THE STANDARDS ON  
27 CONFLICT OF INTEREST ADOPTED BY THE NATIONAL INSTITUTES OF HEALTH.

28 ~~20-1106-~~ 5-2B-07.

29 (A) THE COMMISSION SHALL:

30 (1) ADOPT REGULATIONS THAT ENSURE THAT ADULT STEM CELL AND  
31 STEM CELL RESEARCH FINANCED BY THE FUND COMPLIES WITH STATE LAW;

32 (2) ~~RECOMMEND TO THE SECRETARY:~~

33 (2) DEVELOP CRITERIA, STANDARDS, AND REQUIREMENTS FOR THE  
34 INITIAL REVIEW OF GRANT AND LOAN APPLICATIONS BY THE COMMISSION;

1           (3)    REVIEW GRANT AND LOAN APPLICATIONS TO ENSURE THAT EACH  
2 APPLICATION IS COMPLETE AND SATISFIES THE CRITERIA, STANDARDS, AND  
3 REQUIREMENTS DEVELOPED BY THE COMMISSION, INCLUDING APPROVAL BY AN  
4 INSTITUTIONAL REVIEW BOARD;

5           (4)    ESTABLISH PROCEDURES AND GUIDELINES TO BE USED BY THE  
6 COMMITTEE FOR THE REVIEW, EVALUATION, RANKING, AND RATING OF RESEARCH  
7 PROPOSALS FOR STATE-FUNDED STEM CELL RESEARCH;

8           (5)    ENSURE THAT THE PROCEDURES AND GUIDELINES ESTABLISHED  
9 UNDER ITEM (4) OF THIS SUBSECTION ARE BASED ON THE GUIDELINES OF THE  
10 NATIONAL INSTITUTES OF HEALTH CENTER FOR SCIENTIFIC REVIEW;

11           ~~(6)~~   (6)    ESTABLISH CRITERIA, STANDARDS, AND REQUIREMENTS  
12 FOR CONSIDERATION OF FUNDING GRANT AND LOAN APPLICATIONS BASED ON THE  
13 RANKINGS AND RATINGS OF THE COMMITTEE; AND

14           ~~(H)~~   STANDARDS FOR THE OVERSIGHT OF USE OF AWARDS;

15           ~~(3)~~   REVIEW GRANT AND LOAN APPLICATIONS BASED ON CRITERIA AND  
16 STANDARDS ADOPTED BY THE SECRETARY;

17           ~~(4)~~   (7)    MAKE RECOMMENDATIONS CONSISTENT WITH THE CRITERIA  
18 AND STANDARDS, STANDARDS, AND REQUIREMENTS ADOPTED BY THE SECRETARY  
19 ESTABLISHED BY THE COMMISSION AND BASED SOLELY ON THE RANKINGS AND  
20 RATINGS OF THE COMMITTEE REGARDING THE AWARD OF GRANTS AND LOANS  
21 FROM THE FUND;

22           ~~(8)~~   TO ENSURE THAT STATE FUNDING DOES NOT DUPLICATE OR  
23 SUPLANT EXISTING FUNDING, PLACE A PRIORITY ON FUNDING STEM CELL  
24 RESEARCH THAT IS UNLIKELY TO RECEIVE TIMELY OR SUFFICIENT FEDERAL  
25 FUNDING UNENCUMBERED BY LIMITATIONS THAT WOULD IMPEDE THE RESEARCH;

26           ~~(9)~~   (8)    ESTABLISH STANDARDS FOR THE OVERSIGHT AND USE OF  
27 AWARDS;

28           ~~(10)~~   (9)    CONDUCT PROGRESS OVERSIGHT REVIEWS OF GRANTEEES;

29           (5)    ~~(11)~~   (10)    NOTIFY THE SECRETARY CORPORATION REGARDING THE  
30 SUBMISSION BY A GRANTEE, OR FAILURE OF A GRANTEE, TO SUBMIT INSTITUTIONAL  
31 REVIEW BOARD APPROVAL FOR A GRANT AWARDED UNDER THIS SUBTITLE; AND

32           ~~(6)~~   CONDUCT PROGRESS OVERSIGHT REVIEWS OF GRANTEEES.

33           ~~(12)~~   (11)    DEVELOP GUIDELINES ON DISCLOSURE AND RECUSAL TO BE  
34 FOLLOWED BY MEMBERS OF THE COMMISSION WHEN CONSIDERING GRANT AND  
35 LOAN APPLICATIONS.

36           (B)    THE COMMISSION SHALL MEET AT LEAST TWICE A YEAR.

1 ~~20-1107- 5-2B-08.~~

2 (A) A GRANT AWARDED UNDER THIS SUBTITLE SHALL BE CONTINGENT ON:

3 (1) THE SUBMISSION BY A GRANTEE TO THE COMMISSION OF APPROVAL  
4 FROM AN INSTITUTIONAL REVIEW BOARD; AND

5 (2) ENTRANCE INTO A MEMORANDUM OF UNDERSTANDING BETWEEN  
6 THE GRANTEE AND THE ~~DEPARTMENT~~ CORPORATION THAT:

7 (I) ESTABLISHES THE SCOPE OF THE STATE'S OWNERSHIP OR  
8 OTHER FINANCIAL INTEREST IN THE COMMERCIALIZATION AND OTHER BENEFITS  
9 OF THE RESULTS, PRODUCTS, INVENTIONS, AND DISCOVERIES OF STATE-FUNDED  
10 STEM CELL RESEARCH; AND

11 (II) TO THE EXTENT CONSISTENT WITH FEDERAL AND STATE LAW,  
12 REFLECTS THE INTELLECTUAL PROPERTY POLICIES OF THE INSTITUTION.

13 (B) A GRANTEE SHALL SUBMIT THE APPROVAL REQUIRED UNDER  
14 SUBSECTION (A)(1) OF THIS SECTION WITHIN 6 MONTHS OF THE AWARD OF THE  
15 GRANT.

16 (C) THE ~~DEPARTMENT~~ CORPORATION MAY NOT DISBURSE GRANT MONEY TO  
17 A GRANTEE UNTIL:

18 (1) THE APPROVAL REQUIRED UNDER SUBSECTION (A)(1) OF THIS  
19 SECTION HAS BEEN OBTAINED; AND

20 (2) THE MEMORANDUM OF UNDERSTANDING REQUIRED UNDER  
21 SUBSECTION (A)(2) OF THIS SECTION HAS BEEN OBTAINED.

22 ~~20-1108- 5-2B-09.~~

23 ~~THE DEPARTMENT AND THE COMMISSION SHALL REPORT TO THE GOVERNOR~~  
24 ~~AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE~~  
25 ~~GENERAL ASSEMBLY ON OR BEFORE JANUARY 1 OF EACH YEAR ON THE PROGRESS~~  
26 ~~OF STATE FUNDED STEM CELL RESEARCH CONDUCTED IN ACCORDANCE WITH THIS~~  
27 ~~SUBTITLE.~~

28 (A) ON OR BEFORE JANUARY 1 OF EACH YEAR, THE CORPORATION AND THE  
29 COMMISSION SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH §  
30 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY ON THE  
31 PROGRESS OF STATE-FUNDED STEM CELL RESEARCH CONDUCTED IN ACCORDANCE  
32 WITH THIS SUBTITLE.

33 (B) THE REPORT SHALL IDENTIFY:

34 (1) EACH GRANTEE THAT RECEIVED FUNDING FROM THE FUND;

35 (2) THE AMOUNT OF FUNDING AWARDED TO EACH GRANTEE; AND

1 (3) A DESCRIPTION OF THE TYPE OF STEM CELL RESEARCH PERFORMED  
 2 BY THE GRANTEE.

3 ~~20-1109, 5-2B-10.~~

4 (A) A HEALTH CARE PRACTITIONER LICENSED UNDER THE HEALTH  
 5 OCCUPATIONS ARTICLE WHO TREATS INDIVIDUALS FOR INFERTILITY SHALL:

6 (1) PROVIDE INDIVIDUALS WITH INFORMATION SUFFICIENT TO ENABLE  
 7 THEM TO MAKE AN INFORMED AND VOLUNTARY CHOICE REGARDING THE  
 8 DISPOSITION OF ~~HUMAN EMBRYOS~~ ANY UNUSED MATERIAL; AND

9 (2) PRESENT TO INDIVIDUALS THE OPTION OF:

10 (I) STORING OR DISCARDING ~~UNUSED HUMAN EMBRYOS~~ ANY  
 11 UNUSED MATERIAL;

12 (II) DONATING ~~UNUSED HUMAN EMBRYOS~~ ANY UNUSED MATERIAL  
 13 FOR CLINICAL PURPOSES IN THE TREATMENT OF INFERTILITY;

14 (III) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION,  
 15 DONATING ~~UNUSED HUMAN EMBRYOS~~ ANY UNUSED MATERIAL FOR RESEARCH  
 16 PURPOSES; AND

17 (IV) DONATING ~~UNUSED HUMAN EMBRYOS~~ ANY UNUSED MATERIAL  
 18 FOR ~~EMBRYO~~ ADOPTION PURPOSES.

19 (B) ANY UNUSED MATERIAL DONATED FOR STATE-FUNDED STEM CELL  
 20 RESEARCH MAY NOT BE AN OOCYTE.

21 ~~(B)~~ (C) AN INDIVIDUAL WHO DONATES ~~UNUSED HUMAN EMBRYOS~~ ANY  
 22 UNUSED MATERIAL FOR RESEARCH PURPOSES UNDER SUBSECTION (A)(2) OF THIS  
 23 SECTION SHALL PROVIDE THE HEALTH CARE PRACTITIONER WITH WRITTEN  
 24 CONSENT FOR THE DONATION.

25 ~~20-1110, 5-2B-11.~~

26 NOTHING IN THIS SUBTITLE SHALL BE CONSTRUED TO PROHIBIT THE  
 27 CREATION OF STEM CELL LINES TO BE USED FOR THERAPEUTIC RESEARCH  
 28 PURPOSES.

29 ~~20-1111, 5-2B-12.~~

30 (A) A PERSON MAY NOT PURCHASE, SELL, TRANSFER, OR OBTAIN ~~HUMAN~~  
 31 ~~EMBRYOS~~ ANY MATERIAL DONATED IN ACCORDANCE WITH § 5-2B-10 OF THIS  
 32 SUBTITLE FOR VALUABLE CONSIDERATION UNDER THIS SUBTITLE.

33 (B) A PERSON MAY NOT GIVE VALUABLE CONSIDERATION TO ANOTHER  
 34 PERSON TO ENCOURAGE THE PRODUCTION OF ~~HUMAN EMBRYOS~~ MATERIAL  
 35 DONATED IN ACCORDANCE WITH § 5-2B-10 OF THIS SUBTITLE FOR THE SOLE  
 36 PURPOSE OF MEDICAL RESEARCH.

1 (C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR  
2 AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A  
3 FINE NOT EXCEEDING \$50,000 OR BOTH.

4 ~~20-1112- 5-2B-13.~~

5 (A) A PERSON MAY NOT CONDUCT OR ATTEMPT TO CONDUCT HUMAN  
6 CLONING.

7 (B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND ON  
8 CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS OR A FINE  
9 NOT EXCEEDING \$200,000 OR BOTH.

10 SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the  
11 appointed members of the Stem Cell Research Commission ~~appointed by the~~  
12 ~~Governor~~ established under Section 1 of this Act shall expire as follows:

13 (1) ~~three six~~ six in 2008; and

14 (2) ~~three six~~ six in 2009; and

15 (~~3~~) ~~two in~~ 2010.

16 SECTION 3. AND BE IT FURTHER ENACTED, That the Maryland Technology  
17 Development Corporation shall:

18 (1) review the stem cell research program established under Section 1 of this  
19 Act; and

20 (2) report to the Governor and, in accordance with § 2-1246 of the State  
21 Government Article, to the General Assembly on the feasibility and efficacy of  
22 maintaining the stem cell research program if significant federal funding for the  
23 program becomes available.

24 SECTION ~~3- 4~~. AND BE IT FURTHER ENACTED, That this Act shall take  
25 effect ~~October~~ July 1, 2006.