

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL NO. 1183

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Zirkin” and substitute “Zirkin, Kullen, Morhaim, Murray, and V. Turner”; in line 2, after “Maryland” insert “Cigarette Restitution Fund Spending and”; strike beginning with “authorizing” in line 3 down through “cells;” in line 4; in line 13, after “purposes;” insert “requiring the Governor to make certain appropriations from the Fund;”; in line 21, after “Committee;” insert “requiring the members of the Committee to make certain disclosures to the State Ethics Commission;”; in line 24, after “Commission;” insert “requiring the members of the Commission to make certain disclosures to the State Ethics Commission;”; and in line 26, after “duties;” insert “requiring the Commission to adopt certain regulations;”.

On page 2, in line 6, after “embryos” insert “or oocytes”; in line 7, after “consideration;” insert “prohibiting a person from giving certain consideration to encourage a person to produce embryos or oocytes for the sole purpose of medical research;”; in line 9, strike “a”; in the same line, strike “appropriation” and substitute “appropriations”; and in line 13, strike “the authorization of” and substitute “Cigarette Restitution Fund spending and State-funded”.

On pages 2 and 3, strike in their entirety the lines beginning with line 25 on page 2 through line 34 on page 3, inclusive.

AMENDMENT NO. 2

On page 4, in line 19, after “(H)” insert ““OOCYTE” MEANS A FEMALE GERM CELL OR EGG.”

(I) “STATE-FUNDED STEM CELL RESEARCH” MEANS STEM CELL RESEARCH CONDUCTED USING DONATED UNUSED HUMAN EMBRYOS OR OOCYTES WHICH WERE CREATED FOR INDIVIDUALS BEING TREATED FOR INFERTILITY AND FOR WHICH A GRANT OR LOAN FROM THE FUND IS SOUGHT OR AWARDED.

(Over)

(J)”;

in line 23, strike “(I)” and substitute “(K)”; in line 27, after “OF” insert “OOCYTES OR OF”; and strike in their entirety lines 29 through 33, inclusive.

AMENDMENT NO. 3

On page 5, in lines 1 and 5, strike “20-1103.” and “20-1104.”, respectively, and substitute “20-1102.” and “20-1103.”, respectively; in line 2, after “CONDUCTS” insert “STATE-FUNDED STEM CELL”; in the same line, strike “UNDER § 20-1102 OF THIS SUBTITLE”; in line 7, strike “SCIENTIFIC AND MEDICAL” and substitute “STATE-FUNDED”; in line 24, after “FOR” insert “STATE-FUNDED”; strike beginning with the comma in line 24 down through “TRIALS” in line 25; in line 27, after “WHERE” insert “STATE-FUNDED”; strike beginning with the first comma in line 27 down through “ARE” in line 28 and substitute “IS”; and after line 32, insert:

“(K) THE GOVERNOR SHALL MAKE AN APPROPRIATION FROM THE FUND THAT IS CONSISTENT WITH THE COMMISSION’S RECOMMENDATIONS FOR EACH FISCAL YEAR FOR WHICH APPROPRIATIONS ARE MADE FOR STATE-FUNDED STEM CELL RESEARCH.”.

AMENDMENT NO. 4

On page 6, in line 1, strike “(K)” and substitute “(L)”; in line 6, strike beginning with “OBTAINMENT” in line 7 down through “AND” in line 8 and substitute “:

(I) OBTAINING OF THE APPROVAL OF AN INSTITUTIONAL REVIEW BOARD; AND

(II) ENTERING INTO A MEMORANDUM OF UNDERSTANDING WITH THE DEPARTMENT; AND”;

in line 10, strike “20-1105.” and substitute “20-1104.”; strike beginning with “IN” in line 14 down through “FUND” in line 15 and substitute “FOR STATE-FUNDED STEM CELL RESEARCH”; in line 18, strike “HEALTH” and substitute “HEALTH’S CENTER FOR SCIENTIFIC REVIEW”; after line 30, insert:

“(III) ONE SHALL BE SELECTED BY THE UNIVERSITY OF MARYLAND BIOTECHNOLOGY INSTITUTE;

(IV) ONE SHALL BE SELECTED BY THE MARYLAND TECHNOLOGY AND EDUCATION DEVELOPMENT CORPORATION; AND”;

and strike in their entirety lines 31 through 34, inclusive.

AMENDMENT NO. 5

On page 7, in line 1, strike “TWO” and substitute “ONE”; strike in their entirety lines 3 and 4; in line 5, strike “(3)” and substitute “(2)”; in the same line, strike “INCLUDE EX OFFICIO MEMBERS” and substitute “INVITE EXPERTS AND CONSULTANTS TO ATTEND MEETINGS”; in lines 7 and 8, strike “OR ENTITY”; after line 12, insert:

“(H) EACH MEMBER OF THE COMMITTEE MUST DISCLOSE TO THE STATE ETHICS COMMISSION WHETHER THEY ARE EMPLOYED BY OR HAVE A FINANCIAL INTEREST IN ANY ENTITY THAT MAY APPLY TO CONDUCT STATE-FUNDED STEM CELL RESEARCH.

(I) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, ALL ACTIONS OF THE COMMITTEE SHALL OCCUR AT AN OPEN MEETING IN ACCORDANCE WITH TITLE 10, SUBTITLE 5 OF THE STATE GOVERNMENT ARTICLE AND THE MINUTES OF THE MEETING SHALL BE KEPT IN ACCORDANCE WITH TITLE 10, SUBTITLE 5 OF THE STATE GOVERNMENT ARTICLE.

(2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE COMMITTEE SHALL CONDUCT THE FOLLOWING ACTIONS IN AN OPEN MEETING:

(I) EXECUTIVE FUNCTIONS DESCRIBED UNDER TITLE 10, SUBTITLE 5 OF THE STATE GOVERNMENT ARTICLE; OR

(II) THE CONSIDERATION OF THE INVESTMENT OF PUBLIC FUNDS.”;

in line 13, strike “20-1106.” and substitute “20-1105.”; after line 25, insert:

(Over)

“(III) ONE WHO WORKS AS A SCIENTIST AND IS AFFILIATED WITH THE UNIVERSITY OF MARYLAND BIOTECHNOLOGY INSTITUTE;

(IV) ONE WHO WORKS AS A SCIENTIST AND IS AFFILIATED WITH THE MARYLAND TECHNOLOGY AND EDUCATION DEVELOPMENT CORPORATION;”;

and strike in their entirety lines 26 through 29, inclusive.

AMENDMENT NO. 6

On page 8, in line 6, strike “JULY” and substitute “OCTOBER”; after line 13, insert:

“(F) EACH MEMBER OF THE COMMISSION MUST DISCLOSE TO THE STATE ETHICS COMMISSION WHETHER THEY ARE EMPLOYED BY OR HAVE A FINANCIAL INTEREST IN ANY ENTITY THAT MAY APPLY TO CONDUCT STATE-FUNDED STEM CELL RESEARCH.”;

in line 14, strike “20-1107.” and substitute “20-1106.”; in line 15, strike “STEM CELL RESEARCH”; after line 17, insert:

“(2) ADOPT REGULATIONS SPECIFYING HOW THE COMMISSION WILL IMPLEMENT THE PROVISIONS OF ITEM (1) OF THIS SUBSECTION;”;

in lines 18, 23, 25, 29, and 32, strike “(2)”, “(3)”, “(4)”, “(5)”, and “(6)”, respectively, and substitute “(3)”, “(4)”, “(5)”, “(6)”, and “(7)”, respectively; and after line 33, insert:

“(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, ALL ACTIONS OF THE COMMITTEE SHALL OCCUR AT AN OPEN MEETING IN ACCORDANCE WITH TITLE 10, SUBTITLE 5 OF THE STATE GOVERNMENT ARTICLE AND THE MINUTES OF THE MEETING SHALL BE KEPT IN ACCORDANCE WITH TITLE 10, SUBTITLE 5 OF THE STATE GOVERNMENT ARTICLE.

(2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE

COMMITTEE SHALL CONDUCT THE FOLLOWING ACTIONS IN AN OPEN MEETING:

(I) EXECUTIVE FUNCTIONS DESCRIBED UNDER TITLE 10, SUBTITLE 5 OF THE STATE GOVERNMENT ARTICLE; OR

(II) THE CONSIDERATION OF THE INVESTMENT OF PUBLIC FUNDS.”.

AMENDMENT NO. 7

On page 9, in lines 1, 9, 25, and 29, strike “20-1108.”, “20-1109.”, “20-1110.”, and “20-1111.”, respectively, and substitute “20-1107.”, “20-1108.”, “20-1109.”, and “20-1110.”, respectively; strike in their entirety lines 2 through 8, inclusive, and substitute:

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

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

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

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

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

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

(Over)

(C) THE DEPARTMENT MAY NOT DISBURSE GRANT MONEY TO A GRANTEE UNTIL:

(1) THE APPROVAL REQUIRED UNDER THIS SECTION HAS BEEN OBTAINED; AND

(2) THE MEMORANDUM OF UNDERSTANDING REQUIRED UNDER THIS SECTION BETWEEN THE GRANTEE AND THE DEPARTMENT HAS BEEN ENTERED INTO.”;

in lines 14, 16, 17, 19, and 22, in each instance, strike “EGGS” and substitute “OOCYTES”; in line 31, after “EMBRYOS” insert “OR OOCYTES”; after line 31, insert:

“(B) A PERSON MAY NOT GIVE VALUABLE CONSIDERATION TO ANY PERSON TO ENCOURAGE THE PERSON TO PRODUCE EMBRYOS OR OOCYTES FOR THE SOLE PURPOSE OF MEDICAL RESEARCH.”;

and in line 32, strike “(B)” and substitute “(C)”.

On page 10, in line 1, strike “20-1112.” and substitute “20-1111.”.

On page 11, in line 26, strike “\$25,000,000” and substitute “\$23,000,000”; after line 31, insert:

“(7) FOR FISCAL YEAR 2007 AND EACH FISCAL YEAR THEREAFTER, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF \$2,000,000 FROM THE FUND TO PROSTATE CANCER SCREENING AND TREATMENT PROGRAMS.”;

in line 32, strike “(7)” and substitute “(8)”; and in line 33, strike “(6)” and substitute “(7)”.

AMENDMENT NO. 8

On page 10, after line 6, insert:

“20-1112.

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

(Over)