
By: **Delegates Rosenberg, Busch, Barkley, Barve, Benson, Bobo, Branch, Bronrott, Cardin, Carter, V. Clagett, Conway, C. Davis, D. Davis, Feldman, Franchot, Frush, Gaines, Goldwater, Goodwin, Gordon, Hammen, Haynes, Heller, Hixson, Howard, Hubbard, James, Kaiser, King, Kirk, Krysiak, Madaleno, Mandel, Marriott, McHale, McIntosh, Menes, Moe, Montgomery, Nathan-Pulliam, Oaks, Paige, Parker, Pendergrass, Petzold, Proctor, Ramirez, Ross, Stern, F. Turner, Vaughn, Weir, and Zirkin**

Introduced and read first time: February 11, 2005
Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Stem Cell Research Act of 2005**

3 FOR the purpose of authorizing certain research involving human embryonic stem
4 cells, human embryonic germ cells, and human adult stem cells; requiring
5 certain persons to conduct certain research in a certain manner; establishing the
6 Maryland Stem Cell Research Fund; providing for the purpose of the Fund;
7 specifying that the Fund is a special, nonlapsing fund; specifying that the State
8 Treasurer shall hold the Fund separately and that the Comptroller shall account
9 for the Fund; specifying that certain proceeds shall be invested and reinvested
10 in a certain manner; specifying that certain earnings shall be paid into the
11 Fund; providing for the composition of the Fund; requiring the Department of
12 Health and Mental Hygiene to administer the Fund; providing that money in
13 the Fund may only be used for certain purposes; requiring the Secretary of
14 Health and Mental Hygiene to adopt certain regulations; establishing the
15 Maryland Scientific Peer Review Committee; requiring the Committee to
16 establish certain procedures, ensure that these procedures are based on certain
17 guidelines, develop and implement a certain ranking and rating system, and
18 make certain recommendations; providing for the membership of the
19 Committee; requiring the Committee to select a certain chair; providing for the
20 filling of certain vacancies; requiring the Committee to meet at certain times in
21 certain places; requiring the Department to provide staff for the Committee;
22 establishing the Stem Cell Research Commission in the Department; providing
23 for the membership of the Commission; requiring the Governor to designate the
24 chair of the Commission; requiring the Department to provide staff for the
25 Commission; providing for the terms of certain members of the Commission;
26 requiring the Commission to carry out certain functions and duties; requiring
27 the Commission to meet at certain times; providing for a certain contingency;
28 requiring a grantee to submit a certain approval; prohibiting the Department

1 from disbursing certain money under certain circumstances; requiring certain
2 health care practitioners to provide certain individuals with certain information;
3 requiring certain individuals to provide certain consent to certain donations;
4 providing that certain provisions of law may not be construed to prohibit the
5 creation of certain stem cell lines to be used for certain purposes; prohibiting the
6 purchase, sale, transfer, or obtaining of human embryos for valuable
7 consideration; prohibiting human cloning; providing for certain penalties;
8 altering the purposes for which money in the Cigarette Restitution Trust Fund
9 may be expended; requiring the Governor to include a certain appropriation in
10 the annual budget bill beginning in a certain fiscal year; providing that a certain
11 appropriation may not supplant certain other appropriations; defining certain
12 terms; providing for the staggering of certain terms; and generally relating to
13 the authorization of stem cell research.

14 BY adding to

15 Article - Health - General
16 Section 20-1101 through 20-1112, inclusive, to be under the new subtitle
17 "Subtitle 11. Stem Cell Research"
18 Annotated Code of Maryland
19 (2000 Replacement Volume and 2004 Supplement)

20 BY repealing and reenacting, with amendments,

21 Article - State Finance and Procurement
22 Section 7-317(f) and (g)
23 Annotated Code of Maryland
24 (2001 Replacement Volume and 2004 Supplement)

25 Preamble

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

30 WHEREAS, The costs of treatment and lost productivity of chronic,
31 degenerative, and acute diseases in the United States constitute hundreds of billions
32 of dollars every year, and estimates of the economic costs of these diseases do not
33 account for the extreme human loss and suffering associated with these conditions;
34 and

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

39 WHEREAS, Approximately half of Maryland's families have a family member
40 who has or will suffer from a serious, often critical or terminal, medical condition that

1 could potentially be treated or cured with medical therapies derived from stem cell
2 research; and

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

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

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

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

16 WHEREAS, The University of Maryland, Baltimore and The Johns Hopkins
17 University are involved in stem cell research, with projects representing a combined
18 total of approximately 10 million dollars in public and private funding; and

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

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

24 WHEREAS, Public policy on stem cell research must balance ethical and
25 medical considerations and must be based on an understanding of the science
26 associated with stem cell research while grounded on a thorough consideration of the
27 ethical concerns; and

28 WHEREAS, Stem cell research must be carefully crafted to ensure that
29 researchers have the tools necessary to fulfill the promise of stem cell research; and

30 WHEREAS, Former President Ronald Reagan died in June 2004, after having
31 suffered for years from the debilitating effects of Alzheimer's disease; and

32 WHEREAS, Christopher Reeve died in October 2004, after having turned a
33 near-fatal accident into a campaign in support of spinal cord stem cell research; now,
34 therefore,

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

1 **Article - Health - General**

2 SUBTITLE 11. STEM CELL RESEARCH.

3 20-1101.

4 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
5 INDICATED.6 (B) "COMMISSION" MEANS THE STEM CELL RESEARCH COMMISSION IN THE
7 DEPARTMENT.8 (C) "COMMITTEE" MEANS THE MARYLAND SCIENTIFIC PEER REVIEW
9 COMMITTEE.10 (D) "EMBRYO" MEANS THE STAGE BETWEEN THE OVUM AND THE FETUS IN
11 PRENATAL DEVELOPMENT.

12 (E) "FUND" MEANS THE MARYLAND STEM CELL RESEARCH FUND.

13 (F) "HUMAN CLONING" MEANS THE REPLICATION OF A HUMAN BEING
14 THROUGH THE PRODUCTION OF A PRECISE GENETIC COPY OF HUMAN DNA OR ANY
15 OTHER HUMAN MOLECULE, CELL, OR TISSUE, IN ORDER TO CREATE A NEW HUMAN
16 BEING.17 (G) "INSTITUTIONAL REVIEW BOARD" HAS THE MEANING STATED IN THE
18 FEDERAL REGULATIONS ON THE PROTECTION OF HUMAN SUBJECTS.

19 (H) "STEM CELL" MEANS A CELL THAT HAS THE ABILITY TO:

20 (1) DIVIDE;

21 (2) GIVE RISE TO SPECIALIZED CELLS; AND

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

23 (I) (1) "VALUABLE CONSIDERATION" MEANS FINANCIAL GAIN OR
24 ADVANTAGE.25 (2) "VALUABLE CONSIDERATION" DOES NOT INCLUDE REASONABLE
26 PAYMENT FOR THE REMOVAL, PROCESSING, DISPOSAL, PRESERVATION, QUALITY
27 CONTROL, STORAGE, TRANSPLANTATION, OR GRAFTING OF EMBRYONIC OR
28 CADAVERIC FETAL TISSUE.

29 20-1102.

30 A PERSON MAY CONDUCT RESEARCH INVOLVING THE DERIVATION AND USE OF
31 HUMAN EMBRYONIC STEM CELLS, HUMAN EMBRYONIC GERM CELLS, AND HUMAN
32 ADULT STEM CELLS FROM ANY SOURCE, INCLUDING SOMATIC CELL NUCLEAR
33 TRANSPLANTATION.

1 20-1103.

2 A PERSON WHO CONDUCTS RESEARCH UNDER § 20-1102 OF THIS SUBTITLE
3 SHALL CONDUCT THE RESEARCH IN A MANNER THAT CONSIDERS THE ETHICAL AND
4 MEDICAL IMPLICATIONS OF THE RESEARCH.

5 20-1104.

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

7 (B) THE PURPOSE OF THE FUND IS TO PROMOTE SCIENTIFIC AND MEDICAL
8 STEM CELL RESEARCH AND CURES THROUGH GRANTS AND LOANS TO PUBLIC AND
9 PRIVATE ENTITIES IN THE STATE.

10 (C) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO §
11 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

12 (D) THE STATE TREASURER SHALL HOLD THE FUND AND THE COMPTROLLER
13 SHALL ACCOUNT FOR THE FUND.

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

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

17 (G) THE FUND CONSISTS OF:

18 (1) APPROPRIATIONS FROM THE CIGARETTE RESTITUTION FUND AS
19 SPECIFIED IN § 7-317 OF THE STATE FINANCE AND PROCUREMENT ARTICLE; AND

20 (2) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE
21 BENEFIT OF THE FUND.

22 (H) THE DEPARTMENT SHALL ADMINISTER THE FUND.

23 (I) MONEY IN THE FUND MAY ONLY BE EXPENDED TO:

24 (1) AWARD GRANTS AND LOANS FOR STEM CELL RESEARCH, THERAPY
25 DEVELOPMENT, AND CLINICAL TRIALS;

26 (2) AWARD GRANTS AND LOANS FOR FACILITIES, CAPITAL LEASES, AND
27 CAPITAL EQUIPMENT WHERE STEM CELL RESEARCH, THERAPY DEVELOPMENT, AND
28 CLINICAL TRIALS ARE CONDUCTED; AND

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

30 (J) EXPENDITURES FROM THE FUND MAY ONLY BE MADE IN ACCORDANCE
31 WITH AN APPROPRIATION APPROVED BY THE GENERAL ASSEMBLY IN THE ANNUAL
32 STATE BUDGET OR BY AN APPROVED BUDGET AMENDMENT.

1 (K) THE SECRETARY, IN CONSULTATION WITH THE COMMISSION, SHALL
2 ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SECTION,
3 INCLUDING:

4 (1) CRITERIA, STANDARDS, AND REQUIREMENTS FOR FUNDING
5 APPLICATIONS AND THE AWARD OF GRANTS AND LOANS FROM THE FUND;

6 (2) PROCEDURES FOR MAKING THE DISBURSEMENT OF A GRANT
7 CONTINGENT UPON OBTAINMENT OF THE APPROVAL OF AN INSTITUTIONAL REVIEW
8 BOARD; AND

9 (3) STANDARDS FOR THE OVERSIGHT OF USE OF AWARDS.

10 20-1105.

11 (A) THERE IS A MARYLAND SCIENTIFIC PEER REVIEW COMMITTEE.

12 (B) THE COMMITTEE SHALL:

13 (1) ESTABLISH PROCEDURES FOR THE REVIEW OF RESEARCH
14 PROPOSALS IN ACCORDANCE WITH § 20-1102 OF THIS SUBTITLE FOR WHICH THE
15 PERSON INTENDS TO SEEK FUNDING FROM THE FUND;

16 (2) ENSURE THAT THE PROCEDURES ESTABLISHED UNDER ITEM (1) OF
17 THIS SUBSECTION ARE BASED ON THE GUIDELINES OF THE FEDERAL NATIONAL
18 INSTITUTES OF HEALTH ;

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

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

26 (C) (1) THE COMMITTEE SHALL CONSIST OF THE FOLLOWING MEMBERS
27 SELECTED FROM THE SCIENTIFIC COMMUNITY:

28 (I) TWO SHALL BE SELECTED BY THE SECRETARY;

29 (II) TWO SHALL BE SELECTED BY THE SECRETARY OF BUSINESS
30 AND ECONOMIC DEVELOPMENT;

31 (III) TWO SHALL BE SELECTED BY THE JOHNS HOPKINS
32 UNIVERSITY;

33 (IV) TWO SHALL BE SELECTED BY THE UNIVERSITY SYSTEM OF
34 MARYLAND; AND

1 (V) TWO SHALL BE SELECTED BY THE MARYLAND BIOSCIENCE
2 ALLIANCE.

3 (2) THE MEMBERS OF THE COMMITTEE SELECTED UNDER PARAGRAPH
4 (1) OF THIS SUBSECTION MAY BE FROM OUT-OF-STATE.

5 (3) THE COMMITTEE MAY INCLUDE EX OFFICIO MEMBERS.

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

7 (E) A VACANCY ON THE COMMITTEE SHALL BE FILLED BY THE PERSON OR
8 ENTITY UNDER SUBSECTION (C)(1) OF THIS SECTION WHO HAD SELECTED THE
9 FORMER MEMBER OF THE COMMITTEE.

10 (F) THE COMMITTEE SHALL MEET AT LEAST TWICE EACH YEAR, AT THE
11 TIMES AND PLACES THAT IT DETERMINES.

12 (G) THE DEPARTMENT SHALL PROVIDE STAFF FOR THE COMMITTEE.

13 20-1106.

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

15 (B) THE COMMISSION CONSISTS OF THE FOLLOWING MEMBERS:

16 (1) THE SECRETARY OR THE SECRETARY'S DESIGNEE;

17 (2) THE ATTORNEY GENERAL OR THE ATTORNEY GENERAL'S DESIGNEE;

18 (3) THE SECRETARY OF BUSINESS AND ECONOMIC DEVELOPMENT OR
19 THE SECRETARY'S DESIGNEE;

20 (4) THE STATE TREASURER OR THE TREASURER'S DESIGNEE;

21 (5) THE STATE COMPTROLLER OR THE COMPTROLLER'S DESIGNEE; AND

22 (6) THE FOLLOWING MEMBERS APPOINTED BY THE GOVERNOR:

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

24 (II) ONE WITH EXPERTISE IN THE FIELD OF BIOMEDICAL ETHICS
25 AS IT RELATES TO RELIGION;

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

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

30 (V) ONE FROM THE MARYLAND BIOSCIENCE ALLIANCE; AND

- 1 (VI) TWO CONSUMER MEMBERS.
- 2 (C) THE GOVERNOR SHALL DESIGNATE THE CHAIR OF THE COMMISSION.
- 3 (D) THE DEPARTMENT SHALL PROVIDE STAFF FOR THE COMMISSION.
- 4 (E) (1) THE TERM OF AN APPOINTED MEMBER IS 4 YEARS.
- 5 (2) THE TERMS OF THE APPOINTED MEMBERS ARE STAGGERED AS
6 REQUIRED BY THE TERMS PROVIDED FOR MEMBERS ON JULY 1, 2005.
- 7 (3) AT THE END OF A TERM, AN APPOINTED MEMBER CONTINUES TO
8 SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.
- 9 (4) AN APPOINTED MEMBER MAY NOT SERVE MORE THAN TWO
10 CONSECUTIVE FULL TERMS.
- 11 (5) AN APPOINTED MEMBER WHO IS APPOINTED AFTER A TERM HAS
12 BEGUN SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS
13 APPOINTED AND QUALIFIES.
- 14 20-1107.
- 15 (A) THE STEM CELL RESEARCH COMMISSION SHALL:
- 16 (1) ENSURE THAT STEM CELL RESEARCH FINANCED BY THE FUND
17 COMPLIES WITH STATE LAW;
- 18 (2) RECOMMEND TO THE SECRETARY:
- 19 (I) CRITERIA, STANDARDS, AND REQUIREMENTS FOR
20 CONSIDERATION OF FUNDING APPLICATIONS BASED ON THE RANKINGS AND
21 RATINGS OF THE COMMITTEE; AND
- 22 (II) STANDARDS FOR THE OVERSIGHT OF USE OF AWARDS;
- 23 (3) REVIEW GRANT AND LOAN APPLICATIONS BASED ON CRITERIA AND
24 STANDARDS ADOPTED BY THE SECRETARY;
- 25 (4) MAKE RECOMMENDATIONS CONSISTENT WITH THE CRITERIA AND
26 STANDARDS ADOPTED BY THE SECRETARY AND BASED SOLELY ON THE RANKINGS
27 AND RATINGS OF THE COMMITTEE REGARDING THE AWARD OF GRANTS AND LOANS
28 FROM THE FUND;
- 29 (5) NOTIFY THE SECRETARY REGARDING THE SUBMISSION BY A
30 GRANTEE, OR FAILURE OF A GRANTEE, TO SUBMIT INSTITUTIONAL REVIEW BOARD
31 APPROVAL FOR A GRANT AWARDED UNDER THIS SUBTITLE; AND
- 32 (6) CONDUCT PROGRESS OVERSIGHT REVIEWS OF GRANTEES.
- 33 (B) THE COMMISSION SHALL MEET AT LEAST TWICE A YEAR.

1 20-1108.

2 (A) A GRANT AWARDED UNDER THIS SUBTITLE SHALL BE CONTINGENT ON
3 THE SUBMISSION BY A GRANTEE TO THE COMMISSION OF APPROVAL FROM AN
4 INSTITUTIONAL REVIEW BOARD.

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

7 (C) THE DEPARTMENT MAY NOT DISBURSE GRANT MONEY TO A GRANTEE
8 UNTIL THE APPROVAL REQUIRED UNDER THIS SECTION HAS BEEN OBTAINED.

9 20-1109.

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

12 (1) PROVIDE INDIVIDUALS WITH INFORMATION SUFFICIENT TO ENABLE
13 THEM TO MAKE AN INFORMED AND VOLUNTARY CHOICE REGARDING THE
14 DISPOSITION OF HUMAN EMBRYOS OR EGGS; AND

15 (2) PRESENT TO INDIVIDUALS THE OPTION OF:

16 (I) STORING OR DISCARDING UNUSED HUMAN EMBRYOS OR EGGS;

17 (II) DONATING UNUSED HUMAN EMBRYOS OR EGGS FOR CLINICAL
18 PURPOSES IN THE TREATMENT OF INFERTILITY;

19 (III) DONATING UNUSED HUMAN EMBRYOS OR EGGS FOR
20 RESEARCH PURPOSES; AND

21 (IV) USING OTHER MEANS OF DONATION.

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

25 20-1110.

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.

30 (A) A PERSON MAY NOT PURCHASE, SELL, TRANSFER, OR OBTAIN HUMAN
31 EMBRYOS FOR VALUABLE CONSIDERATION UNDER THIS SUBTITLE.

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

1 20-1112.

2 (A) A PERSON MAY NOT CONDUCT OR ATTEMPT TO CONDUCT HUMAN
3 CLONING.

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

7 **Article - State Finance and Procurement**

8 7-317.

9 (f) (1) The Cigarette Restitution Fund shall be used to fund:

10 (i) the Tobacco Use Prevention and Cessation Program established
11 under Title 13, Subtitle 10 of the Health - General Article;

12 (ii) the Cancer Prevention, Education, Screening, and Treatment
13 Program established under Title 13, Subtitle 11 of the Health - General Article;
14 [and]

15 (III) THE STEM CELL RESEARCH FUND ESTABLISHED UNDER TITLE
16 20, SUBTITLE 11 OF THE HEALTH - GENERAL ARTICLE; AND

17 [(iii)] (IV) other programs that serve the following purposes:

18 1. reduction of the use of tobacco products by minors;

19 2. implementation of the Southern Maryland Regional
20 Strategy-Action Plan for Agriculture adopted by the Tri-County Council for Southern
21 Maryland with an emphasis on alternative crop uses for agricultural land now used
22 for growing tobacco;

23 3. public and school education campaigns to decrease tobacco
24 use with initial emphasis on areas targeted by tobacco manufacturers in marketing
25 and promoting cigarette and tobacco products;

26 4. smoking cessation programs;

27 5. enforcement of the laws regarding tobacco sales;

28 6. the purposes of the Maryland Health Care Foundation
29 under Title 20, Subtitle 5 of the Health - General Article;

30 7. primary health care in rural areas of the State and areas
31 targeted by tobacco manufacturers in marketing and promoting cigarette and tobacco
32 products;

1 8. prevention, treatment, and research concerning cancer,
 2 heart disease, lung disease, tobacco product use, and tobacco control, including
 3 operating costs and related capital projects;

4 9. substance abuse treatment and prevention programs; and

5 10. any other public purpose.

6 (2) The provisions of this subsection may not be construed to affect the
 7 Governor's powers with respect to a request for an appropriation in the annual budget
 8 bill.

9 (g) (1) Amounts may only be expended from the Fund through
 10 appropriations in the State budget bill as provided in this subsection.

11 (2) The Governor shall include in the annual budget bill appropriations
 12 from the Fund equivalent to the lesser of \$100,000,000 or 90% of the funds estimated
 13 to be available to the Fund in the fiscal year for which the appropriations are made.

14 (3) For each fiscal year for which appropriations are made, at least 50%
 15 of the appropriations shall be made for those purposes enumerated in subsection
 16 [(f)(1)(i), (ii), and (iii)1 through 9] (F)(1)(I), (II), AND (IV)1 THROUGH 9 of this section
 17 subject to the requirement of subsection (e)(2) of this section.

18 (4) For each of fiscal years 2003 through 2006, at least 25% of the
 19 appropriations shall be made for the purposes of the Maryland Medical Assistance
 20 Program.

21 (5) For each fiscal year for which appropriations are made, 0.15% of the
 22 Fund shall be appropriated for the purposes of enforcement of Title 16, Subtitle 5 of
 23 the Business Regulation Article.

24 (6) (I) FOR FISCAL YEAR 2007 AND EACH FISCAL YEAR THEREAFTER,
 25 THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION
 26 OF \$25,000,000 FROM THE FUND TO THE STEM CELL RESEARCH FUND ESTABLISHED
 27 UNDER TITLE 20, SUBTITLE 11 OF THE HEALTH - GENERAL ARTICLE.

28 (II) THE APPROPRIATION REQUIRED UNDER THIS PARAGRAPH MAY
 29 NOT SUPPLANT ANY OTHER APPROPRIATION:

30 1. REQUIRED UNDER THIS SECTION; OR

31 2. MADE TO A PROGRAM PRIOR TO FISCAL YEAR 2007.

32 [(6)] (7) Any additional appropriations, not subject to [paragraph (3),
 33 paragraph (4), or paragraph (5)] PARAGRAPHS (3) THROUGH (6) of this subsection,
 34 may be made for any lawful purpose.

1 SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the members
2 of the Stem Cell Research Commission appointed by the Governor shall expire as
3 follows:

4 (1) three in 2007;

5 (2) three in 2008; and

6 (3) two in 2009.

7 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2005.