
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** **Zirkin, Kullen, Morhaim, Murray, and V. Turner**

Introduced and read first time: February 11, 2005

Assigned to: Health and Government Operations

Reassigned: Health and Government Operations and Appropriations, February 21, 2005

Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: March 25, 2005

CHAPTER _____

1 AN ACT concerning

2 **Maryland Cigarette Restitution Fund Spending and Stem Cell Research Act**
3 **of 2005**

4 FOR the purpose of ~~authorizing certain research involving human embryonic stem~~
5 ~~cells, human embryonic germ cells, and human adult stem cells~~; requiring
6 certain persons to conduct certain research in a certain manner; establishing the
7 Maryland Stem Cell Research Fund; providing for the purpose of the Fund;
8 specifying that the Fund is a special, nonlapsing fund; specifying that the State
9 Treasurer shall hold the Fund separately and that the Comptroller shall account
10 for the Fund; specifying that certain proceeds shall be invested and reinvested
11 in a certain manner; specifying that certain earnings shall be paid into the
12 Fund; providing for the composition of the Fund; requiring the Department of
13 Health and Mental Hygiene to administer the Fund; providing that money in
14 the Fund may only be used for certain purposes; requiring the Governor to make
15 certain appropriations from the Fund; requiring the Secretary of Health and
16 Mental Hygiene to adopt certain regulations; establishing the Maryland
17 Scientific Peer Review Committee; requiring the Committee to establish certain
18 procedures, ensure that these procedures are based on certain guidelines,
19 develop and implement a certain ranking and rating system, and make certain

1 recommendations; providing for the membership of the Committee; requiring
2 the Committee to select a certain chair; providing for the filling of certain
3 vacancies; requiring the Committee to meet at certain times in certain places;
4 requiring the Department to provide staff for the Committee; requiring the
5 members of the Committee to make certain disclosures to the State Ethics
6 Commission; establishing the Stem Cell Research Commission in the
7 Department; providing for the membership of the Commission; requiring the
8 Governor to designate the chair of the Commission; requiring the members of
9 the Commission to make certain disclosures to the State Ethics Commission;
10 requiring the Department to provide staff for the Commission; providing for the
11 terms of certain members of the Commission; requiring the Commission to carry
12 out certain functions and duties; requiring the Commission to adopt certain
13 regulations; requiring the Commission to meet at certain times; providing for a
14 certain contingency; requiring a grantee to submit a certain approval;
15 prohibiting the Department from disbursing certain money under certain
16 circumstances; requiring certain health care practitioners to provide certain
17 individuals with certain information; requiring certain individuals to provide
18 certain consent to certain donations; providing that certain provisions of law
19 may not be construed to prohibit the creation of certain stem cell lines to be used
20 for certain purposes; prohibiting the purchase, sale, transfer, or obtaining of
21 human embryos or oocytes for valuable consideration; prohibiting a person from
22 giving certain consideration to encourage a person to produce embryos or
23 oocytes for the sole purpose of medical research; prohibiting human cloning;
24 providing for certain penalties; altering the purposes for which money in the
25 Cigarette Restitution Trust Fund may be expended; requiring the Governor to
26 include a certain ~~appropriation~~ appropriations in the annual budget bill
27 beginning in a certain fiscal year; providing that a certain appropriation may
28 not supplant certain other appropriations; defining certain terms; providing for
29 the staggering of certain terms; and generally relating to ~~the authorization of~~
30 Cigarette Restitution Fund spending and State-funded stem cell research.

31 BY adding to
32 Article - Health - General
33 Section 20-1101 through 20-1112, inclusive, to be under the new subtitle
34 "Subtitle 11. Stem Cell Research"
35 Annotated Code of Maryland
36 (2000 Replacement Volume and 2004 Supplement)

37 BY repealing and reenacting, with amendments,
38 Article - State Finance and Procurement
39 Section 7-317(f) and (g)
40 Annotated Code of Maryland
41 (2001 Replacement Volume and 2004 Supplement)

Preamble

1
2 WHEREAS, An estimated 128,000,000 Americans suffer from the crippling
3 physical, economic, and psychological burdens of chronic, degenerative, and acute
4 diseases, including Alzheimer's disease, heart disease, diabetes, Parkinson's disease,
5 spinal cord injuries, macular degeneration, ALS, multiple sclerosis, and cancer; and

6 WHEREAS, The costs of treatment and lost productivity of chronic,
7 degenerative, and acute diseases in the United States constitute hundreds of billions
8 of dollars every year, and estimates of the economic costs of these diseases do not
9 account for the extreme human loss and suffering associated with these conditions;
10 and

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

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

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

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

27 WHEREAS, Maryland ranks as the fourth largest sector for biotechnology
28 companies in the nation; and

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

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

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

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

1 WHEREAS, ~~Public policy on stem cell research must balance ethical and~~
2 ~~medical considerations and must be based on an understanding of the science~~
3 ~~associated with stem cell research while grounded on a thorough consideration of the~~
4 ~~ethical concerns; and~~

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

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

9 WHEREAS, ~~Christopher Reeve died in October 2004, after having turned a~~
10 ~~near fatal accident into a campaign in support of spinal cord stem cell research; now,~~
11 ~~therefore,~~

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

14 **Article - Health - General**

15 **SUBTITLE 11. STEM CELL RESEARCH.**

16 20-1101.

17 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
18 INDICATED.

19 (B) "COMMISSION" MEANS THE STEM CELL RESEARCH COMMISSION IN THE
20 DEPARTMENT.

21 (C) "COMMITTEE" MEANS THE MARYLAND SCIENTIFIC PEER REVIEW
22 COMMITTEE.

23 (D) "EMBRYO" MEANS THE STAGE BETWEEN THE OVUM AND THE FETUS IN
24 PRENATAL DEVELOPMENT.

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

26 (F) "HUMAN CLONING" MEANS THE REPLICATION OF A HUMAN BEING
27 THROUGH THE PRODUCTION OF A PRECISE GENETIC COPY OF HUMAN DNA OR ANY
28 OTHER HUMAN MOLECULE, CELL, OR TISSUE, IN ORDER TO CREATE A NEW HUMAN
29 BEING.

30 (G) "INSTITUTIONAL REVIEW BOARD" HAS THE MEANING STATED IN THE
31 FEDERAL REGULATIONS ON THE PROTECTION OF HUMAN SUBJECTS.

32 (H) "OOCYTE" MEANS A FEMALE GERM CELL OR EGG.

33 (I) "STATE-FUNDED STEM CELL RESEARCH" MEANS STEM CELL RESEARCH
34 CONDUCTED USING DONATED UNUSED HUMAN EMBRYOS OR OOCYTES WHICH WERE

1 CREATED FOR INDIVIDUALS BEING TREATED FOR INFERTILITY AND FOR WHICH A
2 GRANT OR LOAN FROM THE FUND IS SOUGHT OR AWARDED.

3 (J) "STEM CELL" MEANS A CELL THAT HAS THE ABILITY TO:

4 (1) DIVIDE;

5 (2) GIVE RISE TO SPECIALIZED CELLS; AND

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

7 ~~(H)~~ (K) (1) "VALUABLE CONSIDERATION" MEANS FINANCIAL GAIN OR
8 ADVANTAGE.

9 (2) "VALUABLE CONSIDERATION" DOES NOT INCLUDE REASONABLE
10 PAYMENT FOR THE REMOVAL, PROCESSING, DISPOSAL, PRESERVATION, QUALITY
11 CONTROL, STORAGE, TRANSPLANTATION, OR GRAFTING OF OOCYTES OR OF
12 EMBRYONIC OR CADAVERIC FETAL TISSUE.

13 ~~20-1102.~~

14 ~~A PERSON MAY CONDUCT RESEARCH INVOLVING THE DERIVATION AND USE OF~~
15 ~~HUMAN EMBRYONIC STEM CELLS, HUMAN EMBRYONIC GERM CELLS, AND HUMAN~~
16 ~~ADULT STEM CELLS FROM ANY SOURCE, INCLUDING SOMATIC CELL NUCLEAR~~
17 ~~TRANSPLANTATION.~~

18 ~~20-1103. 20-1102.~~

19 A PERSON WHO CONDUCTS STATE-FUNDED STEM CELL RESEARCH UNDER §
20 ~~20-1102 OF THIS SUBTITLE~~ SHALL CONDUCT THE RESEARCH IN A MANNER THAT
21 CONSIDERS THE ETHICAL AND MEDICAL IMPLICATIONS OF THE RESEARCH.

22 ~~20-1104. 20-1103.~~

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

24 (B) THE PURPOSE OF THE FUND IS TO PROMOTE ~~SCIENTIFIC AND MEDICAL~~
25 STATE-FUNDED STEM CELL RESEARCH AND CURES THROUGH GRANTS AND LOANS
26 TO PUBLIC AND PRIVATE ENTITIES IN THE STATE.

27 (C) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO §
28 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

29 (D) THE STATE TREASURER SHALL HOLD THE FUND AND THE COMPTROLLER
30 SHALL ACCOUNT FOR THE FUND.

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

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

1 (G) THE FUND CONSISTS OF:

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

4 (2) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE
5 BENEFIT OF THE FUND.

6 (H) THE DEPARTMENT SHALL ADMINISTER THE FUND.

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

8 (1) AWARD GRANTS AND LOANS FOR STATE-FUNDED STEM CELL
9 RESEARCH; ~~THERAPY DEVELOPMENT, AND CLINICAL TRIALS;~~

10 (2) AWARD GRANTS AND LOANS FOR FACILITIES, CAPITAL LEASES, AND
11 CAPITAL EQUIPMENT WHERE STATE-FUNDED STEM CELL RESEARCH, ~~THERAPY~~
12 ~~DEVELOPMENT, AND CLINICAL TRIALS ARE~~ IS CONDUCTED; AND

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

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

17 ~~(K)~~ (K) THE GOVERNOR SHALL MAKE AN APPROPRIATION FROM THE FUND THAT
18 IS CONSISTENT WITH THE COMMISSION'S RECOMMENDATIONS FOR EACH FISCAL
19 YEAR FOR WHICH APPROPRIATIONS ARE MADE FOR STATE-FUNDED STEM CELL
20 RESEARCH.

21 ~~(K)~~ (L) THE SECRETARY, IN CONSULTATION WITH THE COMMISSION, SHALL
22 ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SECTION,
23 INCLUDING:

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

26 (2) PROCEDURES FOR MAKING THE DISBURSEMENT OF A GRANT
27 CONTINGENT UPON ~~OBTAINMENT OF THE APPROVAL OF AN INSTITUTIONAL REVIEW~~
28 ~~BOARD; AND;~~

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

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

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

1 ~~20-1105-~~ 20-1104.

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

3 (B) THE COMMITTEE SHALL:

4 (1) ESTABLISH PROCEDURES FOR THE REVIEW OF RESEARCH
5 PROPOSALS ~~IN ACCORDANCE WITH § 20-1102 OF THIS SUBTITLE FOR WHICH THE~~
6 ~~PERSON INTENDS TO SEEK FUNDING FROM THE FUND FOR STATE-FUNDED STEM~~
7 CELL RESEARCH;

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

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

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

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

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

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

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

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

27 (III) ~~TWO SHALL BE SELECTED BY THE JOHNS HOPKINS~~
28 ~~UNIVERSITY;~~

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

31 (V) ~~TWO~~ ONE SHALL BE SELECTED BY THE MARYLAND BIOSCIENCE
32 ALLIANCE.

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

1 ~~(3)~~ (2) THE COMMITTEE MAY ~~INCLUDE EX OFFICIO MEMBERS~~ INVITE
2 EXPERTS AND CONSULTANTS TO ATTEND MEETINGS.

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

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

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

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

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

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

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

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

23 (II) THE CONSIDERATION OF THE INVESTMENT OF PUBLIC FUNDS.
24 ~~20-1106.~~ 20-1105.

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

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

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

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

29 (3) THE SECRETARY OF BUSINESS AND ECONOMIC DEVELOPMENT OR
30 THE SECRETARY'S DESIGNEE;

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

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

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

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

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

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

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

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

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

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

13 (VI) TWO CONSUMER MEMBERS.

14 (C) THE GOVERNOR SHALL DESIGNATE THE CHAIR OF THE COMMISSION.

15 (D) THE DEPARTMENT SHALL PROVIDE STAFF FOR THE COMMISSION.

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

17 (2) THE TERMS OF THE APPOINTED MEMBERS ARE STAGGERED AS
18 REQUIRED BY THE TERMS PROVIDED FOR MEMBERS ON ~~JULY~~ OCTOBER 1, 2005.

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

21 (4) AN APPOINTED MEMBER MAY NOT SERVE MORE THAN TWO
22 CONSECUTIVE FULL TERMS.

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

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

30 ~~20-1107-~~ 20-1106.

31 (A) ~~THE STEM CELL RESEARCH COMMISSION SHALL:~~

32 (1) ENSURE THAT STEM CELL RESEARCH FINANCED BY THE FUND
33 COMPLIES WITH STATE LAW;

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

3 ~~(2)~~ (3) RECOMMEND TO THE SECRETARY:

4 (I) CRITERIA, STANDARDS, AND REQUIREMENTS FOR
5 CONSIDERATION OF FUNDING APPLICATIONS BASED ON THE RANKINGS AND
6 RATINGS OF THE COMMITTEE; AND

7 (II) STANDARDS FOR THE OVERSIGHT OF USE OF AWARDS;

8 ~~(3)~~ (4) REVIEW GRANT AND LOAN APPLICATIONS BASED ON CRITERIA
9 AND STANDARDS ADOPTED BY THE SECRETARY;

10 ~~(4)~~ (5) MAKE RECOMMENDATIONS CONSISTENT WITH THE CRITERIA
11 AND STANDARDS ADOPTED BY THE SECRETARY AND BASED SOLELY ON THE
12 RANKINGS AND RATINGS OF THE COMMITTEE REGARDING THE AWARD OF GRANTS
13 AND LOANS FROM THE FUND;

14 ~~(5)~~ (6) NOTIFY THE SECRETARY REGARDING THE SUBMISSION BY A
15 GRANTEE, OR FAILURE OF A GRANTEE, TO SUBMIT INSTITUTIONAL REVIEW BOARD
16 APPROVAL FOR A GRANT AWARDED UNDER THIS SUBTITLE; AND

17 ~~(6)~~ (7) CONDUCT PROGRESS OVERSIGHT REVIEWS OF GRANTEES.

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

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

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

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

28 (II) THE CONSIDERATION OF THE INVESTMENT OF PUBLIC FUNDS.
29 ~~20-1108; 20-1107.~~

30 ~~(A) A GRANT AWARDED UNDER THIS SUBTITLE SHALL BE CONTINGENT ON~~
31 ~~THE SUBMISSION BY A GRANTEE TO THE COMMISSION OF APPROVAL FROM AN~~
32 ~~INSTITUTIONAL REVIEW BOARD.~~

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

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

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

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

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

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

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

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

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

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

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

24 ~~20-1109.~~ 20-1108.

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

27 (1) PROVIDE INDIVIDUALS WITH INFORMATION SUFFICIENT TO ENABLE
28 THEM TO MAKE AN INFORMED AND VOLUNTARY CHOICE REGARDING THE
29 DISPOSITION OF HUMAN EMBRYOS OR ~~EGGS~~ OOCYTES; AND

30 (2) PRESENT TO INDIVIDUALS THE OPTION OF:

31 (I) STORING OR DISCARDING UNUSED HUMAN EMBRYOS OR ~~EGGS~~
32 OOCYTES;

33 (II) DONATING UNUSED HUMAN EMBRYOS OR ~~EGGS~~ OOCYTES FOR
34 CLINICAL PURPOSES IN THE TREATMENT OF INFERTILITY;

1 (III) DONATING UNUSED HUMAN EMBRYOS OR ~~EGGS~~ OOCYTES FOR
2 RESEARCH PURPOSES; AND

3 (IV) USING OTHER MEANS OF DONATION.

4 (B) AN INDIVIDUAL WHO DONATES UNUSED HUMAN EMBRYOS OR ~~EGGS~~
5 OOCYTES FOR RESEARCH PURPOSES UNDER SUBSECTION (A)(2) OF THIS SECTION
6 SHALL PROVIDE THE HEALTH CARE PRACTITIONER WITH WRITTEN CONSENT FOR
7 THE DONATION.

8 ~~20-1110. 20-1109.~~

9 NOTHING IN THIS SUBTITLE SHALL BE CONSTRUED TO PROHIBIT THE
10 CREATION OF STEM CELL LINES TO BE USED FOR THERAPEUTIC RESEARCH
11 PURPOSES.

12 ~~20-1111. 20-1110.~~

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

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

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

21 ~~20-1112. 20-1111.~~

22 (A) A PERSON MAY NOT CONDUCT OR ATTEMPT TO CONDUCT HUMAN
23 CLONING.

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

27 20-1112.

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

1 **Article - State Finance and Procurement**

2 7-317.

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

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

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

9 (III) THE STEM CELL RESEARCH FUND ESTABLISHED UNDER TITLE
10 20, SUBTITLE 11 OF THE HEALTH - GENERAL ARTICLE; AND

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

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

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

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

20 4. smoking cessation programs;

21 5. enforcement of the laws regarding tobacco sales;

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

24 7. primary health care in rural areas of the State and areas
25 targeted by tobacco manufacturers in marketing and promoting cigarette and tobacco
26 products;

27 8. prevention, treatment, and research concerning cancer,
28 heart disease, lung disease, tobacco product use, and tobacco control, including
29 operating costs and related capital projects;

30 9. substance abuse treatment and prevention programs; and

31 10. any other public purpose.

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

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

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

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

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

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

16 (6) (I) FOR FISCAL YEAR 2007 AND EACH FISCAL YEAR THEREAFTER,
17 THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION
18 OF ~~\$25,000,000~~ \$23,000,000 FROM THE FUND TO THE STEM CELL RESEARCH FUND
19 ESTABLISHED UNDER TITLE 20, SUBTITLE 11 OF THE HEALTH - GENERAL ARTICLE.

20 (II) THE APPROPRIATION REQUIRED UNDER THIS PARAGRAPH MAY
21 NOT SUPPLANT ANY OTHER APPROPRIATION:

22 1. REQUIRED UNDER THIS SECTION; OR

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

24 (7) FOR FISCAL YEAR 2007 AND EACH FISCAL YEAR THEREAFTER, THE
25 GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF
26 \$2,000,000 FROM THE FUND TO PROSTATE CANCER SCREENING AND TREATMENT
27 PROGRAMS.

28 [(6)] ~~(7)~~ (8) Any additional appropriations, not subject to [paragraph
29 (3), paragraph (4), or paragraph (5)] PARAGRAPHS (3) THROUGH ~~(6)~~ (7) of this
30 subsection, may be made for any lawful purpose.

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

34 (1) three in 2007;

35 (2) three in 2008; and

36 (3) two in 2009.

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