

---

By: **Delegates Shewell, Aumann, Bartlett, Dwyer, Edwards, Impallaria,  
Kach, Kelley, Mayer, McComas, McDonough, Myers, Shank, Simmons,  
Smigiel, Stocksdale, Trueschler, and Walkup**

Introduced and read first time: February 11, 2005

Assigned to: Health and Government Operations

---

A BILL ENTITLED

1 AN ACT concerning

2 **Public Health - Adult Stem Cell Research Program**

3 FOR the purpose of requiring the Department of Health and Mental Hygiene to make  
4 certain grants to certain applicants conducting certain biomedical research  
5 using adult stem cells; providing for the eligibility of certain applicants;  
6 requiring certain applications to be directed toward a certain institutional  
7 review board; providing for the duties of a certain institutional review board;  
8 requiring the Department to approve or deny certain applications under certain  
9 circumstances; requiring the Governor to make a certain appropriation in a  
10 certain amount from the Cigarette Restitution Fund in a certain fiscal year;  
11 providing for the amount of certain grants; providing for the use of certain grant  
12 funds; authorizing the State to recover certain funds under certain  
13 circumstances; requiring the Department to adopt certain regulations; and  
14 generally relating to the Adult Stem Cell Research Program.

15 BY adding to

16 Article - Health - General

17 Section 24-1301 through 24-1306, inclusive, to be under the new subtitle

18 "Subtitle 13. Adult Stem Cell Research Program"

19 Annotated Code of Maryland

20 (2000 Replacement Volume and 2004 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

22 MARYLAND, That the Laws of Maryland read as follows:

23 **Article - Health - General**

24 **SUBTITLE 13. ADULT STEM CELL RESEARCH PROGRAM.**

25 24-1301.

26 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS

27 INDICATED.

1 (B) "ADULT STEM CELL" MEANS AN UNDIFFERENTIATED CELL FOUND AMONG  
2 DIFFERENTIATED CELLS IN A TISSUE OR ORGAN THAT CAN RENEW ITSELF AND CAN  
3 DIFFERENTIATE TO CREATE MAJOR SPECIALIZED CELL TYPES OF THE TISSUE OR  
4 ORGAN IN WHICH THE CELL WAS FOUND.

5 (C) "DIFFERENTIATION" MEANS THE PROCESS BY WHICH AN UNSPECIALIZED  
6 EARLY EMBRYONIC CELL ACQUIRES THE FEATURES OF A SPECIALIZED CELL.

7 (D) "PROGRAM" MEANS THE ADULT STEM CELL RESEARCH PROGRAM.

8 24-1302.

9 THE DEPARTMENT SHALL MAKE GRANTS TO QUALIFIED APPLICANTS  
10 CONDUCTING BIOMEDICAL RESEARCH USING ADULT STEM CELLS.

11 24-1303.

12 (A) ANY PUBLIC OR PRIVATE GROUP OR ORGANIZATION, PERSON, OR  
13 INDIVIDUAL FROM THIS STATE CONDUCTING BIOMEDICAL RESEARCH USING ADULT  
14 STEM CELLS MAY APPLY TO THE DEPARTMENT FOR A STATE GRANT TO BE APPLIED  
15 TOWARD THE COST OF CONDUCTING THE RESEARCH PROJECT.

16 (B) THE APPLICATION SHALL BE DIRECTED TOWARD AN INSTITUTIONAL  
17 REVIEW BOARD ESTABLISHED BY THE SECRETARY.

18 (C) THE INSTITUTIONAL REVIEW BOARD ESTABLISHED BY THE SECRETARY  
19 UNDER SUBSECTION (B) OF THIS SECTION SHALL DEVELOP A SCIENCE-BASED  
20 METHOD OF REVIEWING RESEARCH PROJECTS SUBMITTED BY APPLICANTS UNDER  
21 THIS SECTION AND USE THAT SCIENCE-BASED METHOD TO REVIEW THE SUBMITTED  
22 APPLICATIONS.

23 (D) THE INSTITUTIONAL REVIEW BOARD SHALL MAKE A RECOMMENDATION  
24 TO THE SECRETARY AS TO WHICH APPLICATIONS SHOULD BE APPROVED AND FOR  
25 THE DEPARTMENT TO MAKE FUNDS AVAILABLE TO APPROVED APPLICATIONS AS  
26 PROVIDED IN THIS SUBTITLE.

27 (E) THE DEPARTMENT SHALL APPROVE ANY APPLICATION ON THE  
28 RECOMMENDATION OF THE INSTITUTIONAL REVIEW BOARD UNLESS THE  
29 APPLICATION WAS NOT REVIEWED USING THE SCIENCE-BASED METHOD  
30 DEVELOPED UNDER SUBSECTION (C) OF THIS SECTION.

31 24-1304.

32 (A) IN FISCAL YEAR 2007, THE GOVERNOR SHALL INCLUDE IN THE STATE  
33 BUDGET AN APPROPRIATION IN THE AMOUNT OF \$25,000,000 FROM THE CIGARETTE  
34 RESTITUTION FUND FOR THE PROGRAM.

35 (B) THE AMOUNT OF THE STATE GRANT FOR ANY RESEARCH PROJECT SHALL  
36 BE DETERMINED ON THE MERITS OF THE APPLICATION.

1 (C) THE SECRETARY SHALL ADOPT REGULATIONS FOR THE DISBURSEMENT  
2 OF FUNDS TO APPLICANTS.

3 24-1305.

4 (A) STATE FUNDS ALLOCATED UNDER THIS SUBTITLE MAY ONLY BE USED  
5 FOR BIOMEDICAL RESEARCH USING ADULT STEM CELLS.

6 (B) (1) THE STATE MAY RECOVER FUNDS DISBURSED UNDER THIS TITLE  
7 FROM A RECIPIENT IN THE EVENT OF THE RECIPIENT'S FAILURE TO USE THE FUNDS  
8 FOR BIOMEDICAL RESEARCH USING ADULT STEM CELLS.

9 (2) THE STATE MAY RECOVER AN AMOUNT EQUAL TO THE AMOUNT OF  
10 STATE FUNDS DISBURSED FOR THE RESEARCH PROJECT, TOGETHER WITH ALL  
11 COSTS AND REASONABLE ATTORNEYS' FEES INCURRED BY THE STATE IN THE  
12 RECOVERY PROCEEDINGS.

13 24-1306.

14 THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THE  
15 PROVISIONS OF THIS SUBTITLE.

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