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

Introduced and read first time: February 4, 2005

Assigned to: Education, Health, and Environmental Affairs and Budget and Taxation

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
29 from disbursing certain money under certain circumstances; requiring certain
30 health care practitioners to provide certain individuals with certain information;
31 requiring certain individuals to provide certain consent to certain donations;
32 providing that certain provisions of law may not be construed to prohibit the
33 creation of certain stem cell lines to be used for certain purposes; prohibiting the

1 purchase, sale, transfer, or obtaining of human embryos for valuable
2 consideration; prohibiting human cloning; providing for certain penalties;
3 altering the purposes for which money in the Cigarette Restitution Trust Fund
4 may be expended; requiring the Governor to include a certain appropriation in
5 the annual budget bill beginning in a certain fiscal year; providing that a certain
6 appropriation may not supplant certain other appropriations; defining certain
7 terms; providing for the staggering of certain terms; and generally relating to
8 the authorization of stem cell research.

9 BY adding to

10 Article - Health - General
11 Section 20-1101 through 20-1112, inclusive, to be under the new subtitle
12 "Subtitle 11. Stem Cell Research"
13 Annotated Code of Maryland
14 (2000 Replacement Volume and 2004 Supplement)

15 BY repealing and reenacting, with amendments,

16 Article - State Finance and Procurement
17 Section 7-317(f) and (g)
18 Annotated Code of Maryland
19 (2001 Replacement Volume and 2004 Supplement)

20 Preamble

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

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

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

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

38 WHEREAS, Maryland's current health care system may not be able to meet the
39 needs of these individuals in the future unless medical care can focus on early

1 diagnosis, cure, and prevention rather than palliation of late-stage effects of the
2 disease; and

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

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

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

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

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

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

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

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

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

29 **Article - Health - General**

30 **SUBTITLE 11. STEM CELL RESEARCH.**

31 20-1101.

32 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
33 INDICATED.

34 (B) "COMMISSION" MEANS THE STEM CELL RESEARCH COMMISSION IN THE
35 DEPARTMENT.

1 (C) "COMMITTEE" MEANS THE MARYLAND SCIENTIFIC PEER REVIEW
2 COMMITTEE.

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

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

6 (F) "HUMAN CLONING" MEANS THE REPLICATION OF A HUMAN BEING
7 THROUGH THE PRODUCTION OF A PRECISE GENETIC COPY OF HUMAN DNA OR ANY
8 OTHER HUMAN MOLECULE, CELL, OR TISSUE, IN ORDER TO CREATE A NEW HUMAN
9 BEING.

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

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

13 (1) DIVIDE;

14 (2) GIVE RISE TO SPECIALIZED CELLS; AND

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

16 (I) (1) "VALUABLE CONSIDERATION" MEANS FINANCIAL GAIN OR
17 ADVANTAGE.

18 (2) "VALUABLE CONSIDERATION" DOES NOT INCLUDE REASONABLE
19 PAYMENT FOR THE REMOVAL, PROCESSING, DISPOSAL, PRESERVATION, QUALITY
20 CONTROL, STORAGE, TRANSPLANTATION, OR GRAFTING OF EMBRYONIC OR
21 CADAVERIC FETAL TISSUE.

22 20-1102.

23 A PERSON MAY CONDUCT RESEARCH INVOLVING THE DERIVATION AND USE OF
24 HUMAN EMBRYONIC STEM CELLS, HUMAN EMBRYONIC GERM CELLS, AND HUMAN
25 ADULT STEM CELLS FROM ANY SOURCE, INCLUDING SOMATIC CELL NUCLEAR
26 TRANSPLANTATION.

27 20-1103.

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

31 20-1104.

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

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

4 (C) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO §
5 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

6 (D) THE STATE TREASURER SHALL HOLD THE FUND AND THE COMPTROLLER
7 SHALL ACCOUNT FOR THE FUND.

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

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

11 (G) THE FUND CONSISTS OF:

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

14 (2) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE
15 BENEFIT OF THE FUND.

16 (H) THE DEPARTMENT SHALL ADMINISTER THE FUND.

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

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

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

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

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

27 (K) THE SECRETARY, IN CONSULTATION WITH THE COMMISSION, SHALL
28 ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SECTION,
29 INCLUDING:

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

32 (2) PROCEDURES FOR MAKING THE DISBURSEMENT OF A GRANT
33 CONTINGENT UPON OBTAINMENT OF THE APPROVAL OF AN INSTITUTIONAL REVIEW
34 BOARD; AND

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

2 20-1105.

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

4 (B) THE COMMITTEE SHALL:

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

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 ;

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) TWO SHALL BE SELECTED BY THE JOHNS HOPKINS
24 UNIVERSITY;

25 (IV) TWO SHALL BE SELECTED BY THE UNIVERSITY SYSTEM OF
26 MARYLAND; AND

27 (V) TWO SHALL BE SELECTED BY THE MARYLAND BIOSCIENCE
28 ALLIANCE.

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

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

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

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

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

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

7 20-1106.

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

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

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

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

12 (3) THE SECRETARY OF BUSINESS AND ECONOMIC DEVELOPMENT OR
13 THE SECRETARY'S DESIGNEE;

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

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

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

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

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

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

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

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

25 (VI) TWO CONSUMER MEMBERS.

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

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

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

29 (2) THE TERMS OF THE APPOINTED MEMBERS ARE STAGGERED AS
30 REQUIRED BY THE TERMS PROVIDED FOR MEMBERS ON JULY 1, 2005.

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

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

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

8 20-1107.

9 (A) THE STEM CELL RESEARCH COMMISSION SHALL:

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

12 (2) RECOMMEND TO THE SECRETARY:

13 (I) CRITERIA, STANDARDS, AND REQUIREMENTS FOR
14 CONSIDERATION OF FUNDING APPLICATIONS BASED ON THE RANKINGS AND
15 RATINGS OF THE COMMITTEE; AND

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

17 (3) REVIEW GRANT AND LOAN APPLICATIONS BASED ON CRITERIA AND
18 STANDARDS ADOPTED BY THE SECRETARY;

19 (4) MAKE RECOMMENDATIONS CONSISTENT WITH THE CRITERIA AND
20 STANDARDS ADOPTED BY THE SECRETARY AND BASED SOLELY ON THE RANKINGS
21 AND RATINGS OF THE COMMITTEE REGARDING THE AWARD OF GRANTS AND LOANS
22 FROM THE FUND;

23 (5) NOTIFY THE SECRETARY REGARDING THE SUBMISSION BY A
24 GRANTEE, OR FAILURE OF A GRANTEE, TO SUBMIT INSTITUTIONAL REVIEW BOARD
25 APPROVAL FOR A GRANT AWARDED UNDER THIS SUBTITLE; AND

26 (6) CONDUCT PROGRESS OVERSIGHT REVIEWS OF GRANTEES.

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

28 20-1108.

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

32 (B) A GRANTEE SHALL SUBMIT THE APPROVAL REQUIRED UNDER
33 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 20-1109.

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 OR EGGS; AND

9 (2) PRESENT TO INDIVIDUALS THE OPTION OF:

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

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

13 (III) DONATING UNUSED HUMAN EMBRYOS OR EGGS FOR
14 RESEARCH PURPOSES; AND

15 (IV) USING OTHER MEANS OF DONATION.

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

19 20-1110.

20 NOTHING IN THIS SUBTITLE SHALL BE CONSTRUED TO PROHIBIT THE
21 CREATION OF STEM CELL LINES TO BE USED FOR THERAPEUTIC RESEARCH
22 PURPOSES.

23 20-1111.

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

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

29 20-1112.

30 (A) A PERSON MAY NOT CONDUCT OR ATTEMPT TO CONDUCT HUMAN
31 CLONING.

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

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 FROM THE FUND TO THE STEM CELL RESEARCH FUND ESTABLISHED
19 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 [(6)] (7) Any additional appropriations, not subject to [paragraph (3),
25 paragraph (4), or paragraph (5)] PARAGRAPHS (3) THROUGH (6) of this subsection,
26 may be made for any lawful purpose.

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

30 (1) three in 2007;

31 (2) three in 2008; and

32 (3) two in 2009.

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