

BY: Health and Government Operations Committee and Appropriations Committee

AMENDMENTS TO HOUSE BILL NO. 1
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Hixson” and substitute “Hixson, Barkley, Barve, Benson, Bobo, Branch, Bromwell, Bronrott, Brown, Burns, Cane, Cardin, G. Clagett, V. Clagett, D. Davis, Dumais, Feldman, Frush, Gaines, Goodwin, Gordon, Griffith, Gutierrez, Harrison, Haynes, Heller, Holmes, Howard, Hubbard, James, Jameson, Jones, Kaiser, King, Kirk, Krysiak, Kullen, Lawton, Lee, Levy, Love, Madaleno, Mandel, Marriott, McHale, McIntosh, Menes, Moe, Montgomery, Morhaim, Murray, Nathan-Pulliam, Niemann, Paige, Parker, Pendergrass, Petzold, Proctor, Pugh, Quinter, Stern, F. Turner, V. Turner, Vallario, Vaughn, and Zirkin”; in line 4, after “manner” insert “and using certain embryos under certain circumstances”; in line 10, strike “Department of Health and Mental Hygiene” and substitute “Maryland Technology Development Corporation”; in line 12, strike “Secretary of Health and Mental Hygiene” and substitute “Corporation, in consultation with a certain commission,”; strike beginning with “establishing” in line 13 down through “Committee;” in line 22; in line 23, strike “in the Department” and substitute “; providing that the Commission is an independent commission that functions in the Corporation”; in line 24, strike “Governor to designate” and substitute “members of the Commission to elect”; in line 25, after the first “Commission” insert “from among the appointed members of the Commission”; in the same line, strike “requiring the Department to provide staff for the Commission;”; in line 26, after “Commission;” insert “specifying quorum requirements for the Commission; prohibiting a member of the Commission from receiving compensation as a member of the Commission; providing that a member of the Commission is entitled to certain reimbursement for expenses; authorizing the Commission to employ a staff and consult with experts under certain circumstances;”; strike beginning with “requiring” in line 28 down through “duties;” in line 29; in line 29, after “times;” insert “establishing certain limitations on the powers of the Secretary of Business and Economic Development; requiring the Commission to adopt certain regulations, establish certain procedures, guidelines, criteria, standards, and requirements, make certain recommendations, review certain grant and loan applications, and conduct certain progress oversight reviews; requiring the Commission to contract with an independent scientific peer review committee composed of certain individuals; requiring the committee to review, evaluate, rank, and rate certain”

(Over)

research proposals based on certain procedures and guidelines and in a certain manner; requiring the committee to make certain recommendations; providing that a member of the committee is not eligible to receive a certain grant or loan and may not reside in the State; providing that members of the committee shall be subject to certain conflict of interest standards;”; in line 31, strike “Department” and substitute “Corporation”; and in line 34, strike “law” and substitute “this Act”.

On page 2, strike in their entirety lines 9 through 14, inclusive, and substitute:

“BY repealing and reenacting, without amendments,
Article 83A - Business and Economic Development
Section 1-101(a), (b), and (d)
Annotated Code of Maryland
(2003 Replacement Volume and 2005 Supplement)

BY adding to

Article 83A - Business and Economic Development
Section 5-2B-01 through 5-2B-14, inclusive, to be under the new subtitle “Subtitle 2B.
Maryland Stem Cell Research Program”
Annotated Code of Maryland
(2003 Replacement Volume and 2005 Supplement)”.

AMENDMENT NO. 2

On page 3, strike in their entirety lines 23 and 24 and substitute:

“Article 83A - Business and Economic Development

1-101.

- (a) In this article the following words have the meanings indicated.
- (b) “Department” means the Department of Business and Economic Development.
- (d) “Secretary” means the Secretary of Business and Economic Development.

SUBTITLE 2B. MARYLAND STEM CELL RESEARCH PROGRAM.”;

in line 25, strike “20-1101.” and substitute “5-2B-01.”; strike beginning with “IN” in line 28 down through “DEPARTMENT” in line 29; in line 30, strike “MARYLAND” and substitute “INDEPENDENT”; in line 31, after “COMMITTEE” insert “THAT CONTRACTS WITH THE COMMISSION UNDER § 5-2B-06 OF THIS SUBTITLE”; after line 31, insert:

“(D) ‘CORPORATION’ MEANS THE MARYLAND TECHNOLOGY DEVELOPMENT CORPORATION.”;

and in lines 32 and 34, strike “(D)” and “(E)”, respectively, and substitute “(E)” and “(F)”, respectively.

On page 4, in lines 1, 5, 7, 11, and 15, strike “(F)”, “(G)”, “(H)”, “(I)”, and “(J)”, respectively, and substitute “(G)”, “(H)”, “(I)”, “(J)”, and “(K)”, respectively; strike beginning with “CONDUCTED” in line 8 down through “AND” in line 9; in line 9, after “GRANT” insert “OR LOAN”; in line 11, after “A” insert “HUMAN”; in line 12, after “DIVIDE” insert “INDEFINITELY”; in line 13, after “TO” insert “OTHER TYPES OF”; lines 21 and 25, strike “20-1102.” and “20-1103.”, respectively, and substitute “5-2B-02.” and “5-2B-03.”, respectively; in line 22, before “A” insert “(A)”; and after line 24, insert:

“(B) A PERSON WHO CONDUCTS STATE-FUNDED STEM CELL RESEARCH USING EMBRYONIC STEM CELLS MAY ONLY USE DONATED UNUSED HUMAN EMBRYOS WHICH WERE CREATED FOR INDIVIDUALS BEING TREATED FOR INFERTILITY.”.

AMENDMENT NO. 3

On page 5, in line 7, strike “DEPARTMENT” and substitute “CORPORATION”; in line 10, after “RESEARCH” insert “, IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE COMMISSION”; in line 13, after “CONDUCTED” insert “, IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE COMMISSION”; in line 18, strike “SECRETARY” and substitute “CORPORATION”; strike beginning with the colon in line 20 down through “(2)” in line 23; and strike beginning with the semicolon in line 25 down through “AWARDS” in line 26.

(Over)

AMENDMENT NO. 4

On pages 5 and 6, strike in their entirety the lines beginning with line 27 on page 5 through line 36 on page 6, inclusive.

AMENDMENT NO. 5

On page 7, in line 1, strike “20-1105.” and substitute “5-2B-04.”; in line 2, strike “IN THE DEPARTMENT”; after line 2, insert:

“(B) THE COMMISSION IS AN INDEPENDENT COMMISSION THAT FUNCTIONS IN THE CORPORATION.”;

in lines 3 and 20, strike “(B)” and “(C)”, respectively, and substitute “(C)” and “(D)”, respectively; strike line 4 in its entirety; in line 5, strike “(2)” and substitute “(1)”; strike in their entirety lines 6 through 19, inclusive, and substitute:

“(2) THREE PATIENT ADVOCATES, ONE APPOINTED BY THE GOVERNOR, ONE APPOINTED BY THE PRESIDENT OF THE SENATE, AND ONE APPOINTED BY THE SPEAKER OF THE HOUSE OF DELEGATES;

(3) THREE INDIVIDUALS WITH EXPERIENCE IN BIOTECHNOLOGY, ONE APPOINTED BY THE GOVERNOR, ONE APPOINTED BY THE PRESIDENT OF THE SENATE, AND ONE APPOINTED BY THE SPEAKER OF THE HOUSE OF DELEGATES;

(4) TWO INDIVIDUALS WHO WORK AS SCIENTISTS FOR THE UNIVERSITY OF MARYLAND AND DO NOT ENGAGE IN STEM CELL RESEARCH, APPOINTED BY THE UNIVERSITY SYSTEM OF MARYLAND;

(5) TWO INDIVIDUALS WHO WORK AS SCIENTISTS FOR THE JOHNS HOPKINS UNIVERSITY AND DO NOT ENGAGE IN STEM CELL RESEARCH, APPOINTED BY THE JOHNS HOPKINS UNIVERSITY; AND

(6) TWO BIOETHICISTS, ONE APPOINTED BY THE UNIVERSITY SYSTEM OF MARYLAND AND ONE APPOINTED BY THE JOHNS HOPKINS UNIVERSITY.”;

in line 20, strike “GOVERNOR SHALL DESIGNATE THE CHAIR OF THE” and substitute “MEMBERS OF THE”; in the same line, after “COMMISSION” insert “SHALL ELECT A CHAIR FROM AMONG THE APPOINTED MEMBERS OF THE COMMISSION”; strike line 21 in its entirety; in line 22, strike “4” and substitute “2”; in line 24, strike “OCTOBER” and substitute “JULY”; and in line 27, strike “TWO” and substitute “THREE”.

AMENDMENT NO. 6

On page 8, after line 3, insert:

“(F) A MAJORITY OF THE FULL AUTHORIZED MEMBERSHIP OF THE COMMISSION IS A QUORUM.

(G) A MEMBER OF THE COMMISSION:

(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE COMMISSION; BUT

(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

(H) THE COMMISSION MAY EMPLOY A STAFF, INCLUDING CONTRACTUAL STAFF, IN ACCORDANCE WITH THE STATE BUDGET.

(I) THE COMMISSION MAY CONSULT WITH EXPERTS IN PERFORMING ITS DUTIES.”;

in line 4, strike “(F)” and substitute “(J)”; and after line 7, insert:

“5-2B-05.

(A) THE POWER OF THE SECRETARY OVER PLANS, PROPOSALS, AND PROJECTS OF UNITS IN THE DEPARTMENT DOES NOT INCLUDE THE POWER TO

(Over)

DISAPPROVE OR MODIFY ANY DECISION OR DETERMINATION THAT THE COMMISSION MAKES UNDER AUTHORITY SPECIFICALLY DELEGATED BY LAW TO THE COMMISSION.

(B) THE POWER OF THE SECRETARY TO TRANSFER BY RULE, REGULATION, OR WRITTEN DIRECTIVE ANY STAFF, FUNCTIONS, OR FUNDS OF UNITS IN THE DEPARTMENT DOES NOT APPLY TO ANY STAFF, FUNCTIONS, OR FUNDS OF THE COMMISSION.

5-2B-06.

(A) THE COMMISSION SHALL CONTRACT WITH AN INDEPENDENT SCIENTIFIC PEER REVIEW COMMITTEE COMPOSED OF SCIENTIFICALLY RECOGNIZED EXPERTS IN THE FIELD OF STEM CELL RESEARCH.

(B) THE COMMITTEE SHALL REVIEW, EVALUATE, RANK, AND RATE RESEARCH PROPOSALS FOR STATE-FUNDED STEM CELL RESEARCH:

(1) BASED ON THE PROCEDURES AND GUIDELINES ESTABLISHED BY THE COMMISSION; AND

(2) IN A MANNER THAT GIVES DUE CONSIDERATION TO THE SCIENTIFIC, MEDICAL, AND ETHICAL IMPLICATIONS OF THE RESEARCH.

(C) THE COMMITTEE SHALL MAKE RECOMMENDATIONS TO THE COMMISSION, BASED ON THE RANKINGS AND RATINGS AWARDED TO RESEARCH PROPOSALS BY THE COMMITTEE, FOR THE AWARD AND DISBURSEMENT OF GRANTS UNDER THE FUND.

(D) A MEMBER OF THE COMMITTEE:

(1) IS NOT ELIGIBLE TO RECEIVE A GRANT OR LOAN FOR STATE-FUNDED STEM CELL RESEARCH FROM THE FUND; AND

(2) MAY NOT RESIDE IN THE STATE.

(E) MEMBERS OF THE COMMITTEE SHALL BE SUBJECT TO CONFLICT OF INTEREST STANDARDS THAT ARE AT LEAST AS STRINGENT AS THE STANDARDS ON CONFLICT OF INTEREST ADOPTED BY THE NATIONAL INSTITUTES OF HEALTH.”.

AMENDMENT NO. 7

On page 8, in line 8, strike “20-1106.” and substitute “5-2B-07.”; strike line 12 in its entirety and substitute:

“(2) DEVELOP CRITERIA, STANDARDS, AND REQUIREMENTS FOR THE INITIAL REVIEW OF GRANT AND LOAN APPLICATIONS BY THE COMMISSION;

(3) REVIEW GRANT AND LOAN APPLICATIONS TO ENSURE THAT EACH APPLICATION IS COMPLETE AND SATISFIES THE CRITERIA, STANDARDS, AND REQUIREMENTS DEVELOPED BY THE COMMISSION, INCLUDING APPROVAL BY AN INSTITUTIONAL REVIEW BOARD;

(4) ESTABLISH PROCEDURES AND GUIDELINES TO BE USED BY THE COMMITTEE FOR THE REVIEW, EVALUATION, RANKING, AND RATING OF RESEARCH PROPOSALS FOR STATE-FUNDED STEM CELL RESEARCH;

(5) ENSURE THAT THE PROCEDURES AND GUIDELINES ESTABLISHED UNDER ITEM (4) OF THIS SUBSECTION ARE BASED ON THE GUIDELINES OF THE NATIONAL INSTITUTES OF HEALTH CENTER FOR SCIENTIFIC REVIEW;”;

in line 13, strike “(I)” and substitute “(6) ESTABLISH”; in line 14, strike “FUNDING” and substitute “GRANT AND LOAN”; in line 15, strike “AND”; strike in their entirety lines 16 through 18, inclusive; in line 19, strike “(4)” and substitute “(7)”; in the same line, strike “AND” and substitute a comma; in line 20, strike “STANDARDS ADOPTED BY THE SECRETARY” and substitute “, STANDARDS, AND REQUIREMENTS ESTABLISHED BY THE COMMISSION”; in the same line, strike “SOLELY”; after line 22, insert:

“(8) TO ENSURE THAT STATE FUNDING DOES NOT DUPLICATE OR

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SUPLANT EXISTING FUNDING, PLACE A PRIORITY ON FUNDING PLURIPOTENT STEM CELL AND STEM CELL RESEARCH THAT CANNOT, OR IS UNLIKELY TO, RECEIVE TIMELY OR SUFFICIENT FEDERAL FUNDING UNENCUMBERED BY LIMITATIONS THAT WOULD IMPEDE THE RESEARCH;

(9) ESTABLISH STANDARDS FOR THE OVERSIGHT AND USE OF AWARDS;

(10) CONDUCT PROGRESS OVERSIGHT REVIEWS OF GRANTEES;”;

in line 23, strike “(5)” and substitute “(11)”; in line 23, strike “SECRETARY” and substitute “CORPORATION”; strike line 26 in its entirety and substitute:

“(12) DEVELOP GUIDELINES ON DISCLOSURE AND RECUSAL TO BE FOLLOWED BY MEMBERS OF THE COMMISSION WHEN CONSIDERING GRANT AND LOAN APPLICATIONS.”;

in line 28, strike “20-1107.” and substitute “5-2B-08.”; and in line 33, strike “DEPARTMENT” and substitute “CORPORATION”.

On page 9, in line 10, strike “DEPARTMENT” and substitute “CORPORATION”; in line 12, after “UNDER” insert “SUBSECTION (A)(1) OF”; and in line 16, strike “20-1108.” and substitute “5-2B-09.”.

AMENDMENT NO. 8

On page 10, in lines 1, 5, and 14, strike “20-1109.”, “20-1110.”, and “20-1111.”, respectively, and substitute “5-2B-10.”, “5-2B-11.”, and “5-2B-12.”, respectively; and strike in their entirety lines 20 through 28, inclusive, and substitute:

“5-2B-13.

FOR FISCAL YEAR 2008 AND EACH FISCAL YEAR THEREAFTER, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET AN APPROPRIATION TO THE FUND EQUAL TO AT LEAST \$25,000,000.

5-2B-14.

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

(B) THE REPORT SHALL IDENTIFY:

(I) EACH GRANTEE THAT RECEIVED FUNDING FROM THE FUND;

(II) THE AMOUNT OF FUNDING AWARDED TO EACH GRANTEE; AND

(III) A DESCRIPTION OF THE TYPE OF STEM CELL RESEARCH PERFORMED BY THE GRANTEE.”.

AMENDMENT NO. 9

On page 10, in line 29, after the second “the” insert “appointed”; in line 30, strike “appointed by the Governor” and substitute “established under Section 1 of this Act”; in lines 32 and 33, in each instance, strike “three” and substitute “six”; in line 32, after “2008;” insert “and”; and strike beginning with the semicolon in line 33 down through “2010” in line 34.

AMENDMENT NO. 10

On page 10, in line 29, strike “4.” and substitute “2.”; after line 34, insert:

“SECTION 3. AND BE IT FURTHER ENACTED, That the Maryland Technology Development Corporation shall:

(1) review the stem cell research program established under Section 1 of this Act; and

(2) report to the Governor and, in accordance with § 2-1246 of the State Government Article, to the General Assembly on the feasibility and efficacy of maintaining the stem cell research program if significant federal funding for the program becomes available.”;

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in line 35, strike “5.” and substitute “4.”; and in line 36, strike “October” and substitute “July”.