
By: **Delegates Shewell, Aumann, Bartlett, Bates, Boschert, Boteler, Burns, Cluster, Dwyer, Eckardt, Edwards, Elliott, Elmore, Frank, Gilleland, Glassman, Haddaway, Healey, Hogan, Impallaria, Jennings, Kach, Kelley, Kohl, Krebs, Mayer, McComas, McConkey, McDonough, McKee, Miller, Minnick, Myers, O'Donnell, Shank, Simmons, Smigiel, Sophocleus, Sossi, Stocksdale, Stull, Trueschler, Walkup, Weldon, and Wood**

Introduced and read first time: January 16, 2006

Assigned to: Health and Government Operations and Appropriations

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of requiring the Department of Health and Mental Hygiene to make
4 certain grants or loans to certain applicants conducting certain biomedical
5 research using adult stem cells or cord-blood-derived-embryonic-like (CBE)
6 stem cells; providing for the amount of certain grants or loans; providing for the
7 eligibility of certain applicants; requiring certain applications to be directed to a
8 certain institutional review board; providing for the duties of a certain
9 institutional review board; requiring the Department to approve or deny certain
10 applications under certain circumstances; providing for the use of certain grants
11 and loans; authorizing the State to recover disbursed grants or loans under
12 certain circumstances; requiring the Department to adopt certain regulations;
13 altering the purposes for which money in the Cigarette Restitution Fund may be
14 expended; requiring the Governor to include a certain appropriation in the
15 annual budget bill beginning in a certain fiscal year; providing that a certain
16 appropriation may not supplant certain other appropriations; defining certain
17 terms; authorizing the State to recover certain funds under certain
18 circumstances; and generally relating to the Adult and CBE Stem Cell Research
19 Program.

20 BY adding to

21 Article - Health - General

22 Section 24-1501 through 24-1505, inclusive, to be under the new subtitle

23 "Subtitle 15. Adult and CBE Stem Cell Research Program"

24 Annotated Code of Maryland

25 (2005 Replacement Volume and 2005 Supplement)

26 BY repealing and reenacting, with amendments,

27 Article - State Finance and Procurement

1 Section 7-317(f) and (g)
2 Annotated Code of Maryland
3 (2001 Replacement Volume and 2005 Supplement)

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

6 **Article - Health - General**

7 **SUBTITLE 15. ADULT AND CBE STEM CELL RESEARCH PROGRAM.**

8 24-1501.

9 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
10 INDICATED.

11 (B) "ADULT STEM CELL" MEANS AN UNDIFFERENTIATED CELL FOUND AMONG
12 DIFFERENTIATED CELLS IN A TISSUE OR ORGAN THAT CAN RENEW ITSELF AND CAN
13 DIFFERENTIATE TO CREATE MAJOR SPECIALIZED CELL TYPES OF TISSUE OR ORGAN.

14 (C) "CBE STEM CELL" MEANS A CORD-BLOOD-DERIVED-EMBRYONIC-LIKE
15 STEM CELL.

16 (D) "CORD BLOOD" MEANS BLOOD THAT IS DERIVED FROM AN UMBILICAL
17 CORD.

18 (E) "DIFFERENTIATION" MEANS THE PROCESS BY WHICH A PARTIALLY
19 SPECIALIZED CELL ACQUIRES THE FEATURES OF A SPECIALIZED CELL.

20 (F) "PROGRAM" MEANS THE ADULT AND CBE STEM CELL RESEARCH
21 PROGRAM.

22 (G) "STEM CELL" MEANS A CELL THAT CAN DIVIDE, GIVE RISE TO
23 SPECIALIZED CELLS, AND GIVE RISE TO NEW STEM CELLS WITH IDENTICAL
24 POTENTIAL.

25 24-1502.

26 (A) THE DEPARTMENT SHALL MAKE GRANTS AND LOANS TO QUALIFIED
27 APPLICANTS CONDUCTING BIOMEDICAL RESEARCH USING ADULT OR CBE STEM
28 CELLS.

29 (B) THE AMOUNT OF THE STATE GRANT OR LOAN FOR ANY RESEARCH
30 PROJECT SHALL BE DETERMINED ON THE MERITS OF THE APPLICATION.

31 24-1503.

32 (A) ANY PUBLIC OR PRIVATE GROUP OR ORGANIZATION, PERSON, OR
33 INDIVIDUAL FROM THIS STATE CONDUCTING BIOMEDICAL RESEARCH USING ADULT

1 CBE STEM CELLS MAY APPLY TO THE DEPARTMENT FOR A STATE GRANT OR LOAN TO
2 BE APPLIED TOWARD THE COST OF CONDUCTING THE RESEARCH PROJECT.

3 (B) THE APPLICATION SHALL BE DIRECTED TO AN INSTITUTIONAL REVIEW
4 BOARD ESTABLISHED BY THE SECRETARY.

5 (C) THE INSTITUTIONAL REVIEW BOARD ESTABLISHED BY THE SECRETARY
6 UNDER SUBSECTION (B) OF THIS SECTION SHALL DEVELOP A SCIENCE-BASED
7 METHOD OF REVIEWING RESEARCH PROJECTS SUBMITTED BY APPLICANTS UNDER
8 THIS SECTION AND USE THAT SCIENCE-BASED METHOD TO REVIEW THE SUBMITTED
9 APPLICATIONS.

10 (D) THE INSTITUTIONAL REVIEW BOARD SHALL MAKE A RECOMMENDATION
11 TO THE SECRETARY AS TO WHICH APPLICATIONS SHOULD BE APPROVED AND FOR
12 THE DEPARTMENT TO MAKE FUNDS AVAILABLE TO APPROVED APPLICATIONS AS
13 PROVIDED IN THIS SUBTITLE.

14 (E) THE DEPARTMENT SHALL APPROVE ANY APPLICATION ON THE
15 RECOMMENDATION OF THE INSTITUTIONAL REVIEW BOARD UNLESS THE
16 APPLICATION WAS NOT REVIEWED USING THE SCIENCE-BASED METHOD
17 DEVELOPED UNDER SUBSECTION (C) OF THIS SECTION.

18 24-1504.

19 (A) (1) STATE FUNDS ALLOCATED UNDER THIS SUBTITLE MAY ONLY BE
20 USED FOR BIOMEDICAL RESEARCH USING ADULT OR CBE STEM CELLS.

21 (2) NO MONEY FROM THE CIGARETTE RESTITUTION FUND MAY BE
22 PROVIDED TO ANY PERSON TO CONDUCT HUMAN STEM CELL RESEARCH WITH STEM
23 CELLS THAT WERE OBTAINED FROM HUMAN EMBRYOS OR ABORTED FETUSES.

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

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

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

33 24-1505.

34 THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT 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 ADULT AND CBE STEM CELL RESEARCH PROGRAM
10 ESTABLISHED UNDER TITLE 24, SUBTITLE 15 OF THE HEALTH - GENERAL ARTICLE;
11 AND

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

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

14 2. implementation of the Southern Maryland Regional
15 Strategy-Action Plan for Agriculture adopted by the Tri-County Council for Southern
16 Maryland with an emphasis on alternative crop uses for agricultural land now used
17 for growing tobacco;18 3. public and school education campaigns to decrease tobacco
19 use with initial emphasis on areas targeted by tobacco manufacturers in marketing
20 and promoting cigarette and tobacco products;

21 4. smoking cessation programs;

22 5. enforcement of the laws regarding tobacco sales;

23 6. the purposes of the Maryland Health Care Foundation
24 under Title 20, Subtitle 5 of the Health - General Article;25 7. primary health care in rural areas of the State and areas
26 targeted by tobacco manufacturers in marketing and promoting cigarette and tobacco
27 products;28 8. prevention, treatment, and research concerning cancer,
29 heart disease, lung disease, tobacco product use, and tobacco control, including
30 operating costs and related capital projects;

31 9. substance abuse treatment and prevention programs; and

32 10. any other public purpose.

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

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

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

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

13 (4) For each fiscal year for which appropriations are made, at least 30%
14 of the appropriations shall be made for the purposes of the Maryland Medical
15 Assistance Program.

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

19 (6) (I) FOR FISCAL YEAR 2008 AND EACH FISCAL YEAR THEREAFTER,
20 THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION
21 OF \$25,000,000 TO THE ADULT AND CBE STEM CELL RESEARCH PROGRAM
22 ESTABLISHED UNDER TITLE 24, SUBTITLE 15 OF THE HEALTH - GENERAL ARTICLE.

23 (II) THE APPROPRIATION REQUIRED UNDER THIS PARAGRAPH MAY
24 NOT SUPPLANT ANY OTHER APPROPRIATION:

25 1. REQUIRED UNDER THIS SECTION; OR

26 2. MADE TO A PROGRAM PRIOR TO FISCAL YEAR 2008.

27 [(6)] (7) Any additional appropriations, not subject to [paragraph (3),
28 paragraph (4), or paragraph (5)] PARAGRAPHS (3) THROUGH (6) of this subsection,
29 may be made for any lawful purpose.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2006.