

THE CONCERNING HUMAN STEM CELL RESEARCH ACT
OF STATE OF NEW JERSEY, OF FEBRUARY 1st, 2004

An act concerning human stem cell research and supplementing Title 26 of the Revised Statutes and Title 2C of the New Jersey Statutes.

1. The Legislature finds and declares that:

a. An estimated 128 million Americans suffer from the crippling economic and psychological burden of chronic, degenerative and acute diseases, including Alzheimer's disease, cancer, diabetes and Parkinson's disease.

b. The costs of treating, and lost productivity from, chronic, degenerative and acute diseases in the United States constitutes hundreds of billions of dollars annually. Estimates of the economic costs of these diseases does not account for the extreme human loss and suffering associated with these conditions.

c. Human stem cell research offers immense promise for developing new medical therapies for these debilitating diseases and a critical means to explore fundamental questions of biology. Stem cell research could lead to unprecedented treatments and potential cures for Alzheimer's disease, cancer, diabetes, Parkinson's disease and other diseases.

d. The United States has historically been a haven for open scientific inquiry and technological innovation; and this environment, combined with the commitment of public and private resources, has made this nation the pre-eminent

world leader in biomedicine and biotechnology.

e. The biomedical industry is a critical and growing component of New Jersey's economy, and would be significantly diminished by limitations imposed on stem cell research.

f. Open scientific inquiry and publicly funded research will be essential to realising the promise of stem cell research and maintaining this State's leadership in biomedicine and biotechnology. Publicly funded stem cell research, conducted under established standards of open scientific exchange, peer review and public oversight, offers the most efficient and responsible means of fulfilling the promise of stem cells to provide regenerative medical therapies.

g. Stem cell research, including the use of embryonic stem cells for medical research, raises significant ethical and public policy concerns; and, although not unique, the ethical and policy concerns associated with stem cell research must be carefully considered; and

h. The public policy of this State governing stem cell research must: balance ethical and medical considerations, based upon both an understanding of the science associated with stem cell research and a thorough consideration of the ethical concerns regarding this research; and be carefully crafted to ensure that researchers have the tools necessary to fulfil the promise of this research.

2. A. It is the public policy of this State that research involving the derivation and use of human embryonic stem cells, human embryonic germ cells and human adult stem cells [*from any source*], including somatic cell nuclear transplantation, shall:

(1) Be permitted in this State.

(2) Be conducted with full consideration for the ethical and medical implications of this research.

(3) Be reviewed, in each case, by an institutional review board operating in accordance with applicable federal regulations.

b. (1) A physician or other health care provider who is treating a patient for infertility shall provide the patient with timely, relevant and appropriate information sufficient to allow that person to make an informed and voluntary choice regarding the disposition of any human embryos remaining following the infertility treatment.

(2) A person to whom information is provided pursuant to paragraph (1) of this subsection shall be presented with the option of storing any unused embryos, donating them to another person, donating the remaining embryos for research purposes, or other means of disposition.

(3) A person who elects to donate, for research purposes, any embryos remaining after receiving infertility treatment shall provide written consent to that donation.

c. (1) A person shall not knowingly, for valuable consideration, purchase or sell, or otherwise transfer or obtain, or promote the sale or transfer of, embryonic or cadaveric fetal tissue for research

purposes pursuant to this act; however, embryonic or cadaveric fetal tissue may be donated for research purposes in accordance with the provisions of subsection b. of this section *or other applicable State or federal law*.

For the purposes of this subsection, “valuable consideration” means financial gain or advantage, but shall not include reasonable payment for the removal, processing, disposal, preservation, quality control, storage, transplantation, or implantation of embryonic or cadaveric fetal tissue.

(2) A person or entity who violates the provisions of this subsection shall be *guilty of a crime of the third degree and, notwithstanding the provisions of subsection b. of N.J.S.2C:43-3*, shall be subject to a [civil penalty of not more than] fine of up to \$50,000 [, or imprisonment for a term of not more than five years, or both,] for each [such incident. The Commissioner of Health and Senior Services shall enforce the provisions of this subsection and may make complaints against persons violating its provisions or the rules or regulations issued thereunder and prosecute violations of same] *violation*.

3. A person who knowingly engages or assists, directly or indirectly, in the cloning of a human being is guilty of a crime of the first degree.

As used in this section, “cloning of a human being” means the replication of a human individual by cultivating a cell with genetic material through the egg, embryo, fetal and newborn stages into a new human individual.

[3.] 4. This act shall take effect immediately.