

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE DRH70453-LN-17 (11/27)

Short Title: Stem Cell Research Health & Wellness Act. (Public)

Sponsors: Representatives Jones and Gulley (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

1
2 AN ACT TO ENACT THE STEM CELL RESEARCH HEALTH AND WELLNESS
3 ACT TO PERMIT STEM CELL RESEARCH UNDER LIMITED
4 CIRCUMSTANCES AND TO APPROPRIATE FUNDS TO THE HEALTH AND
5 WELLNESS TRUST FUND FOR ALLOCATION AS STEM CELL RESEARCH
6 GRANTS.

7 The General Assembly of North Carolina enacts:

8 Whereas, an estimated 128 million Americans suffer from the crippling
9 economic and psychological burden of chronic, degenerative, and acute diseases,
10 including Alzheimer's disease, cancer, diabetes, and Parkinson's disease; and

11 Whereas, the costs of treating, and lost productivity from, chronic,
12 degenerative, and acute diseases in the United States constitutes hundreds of billions of
13 dollars annually. Estimates on the economic costs of these diseases do not account for
14 the extreme human loss and suffering associated with these conditions; and

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

20 Whereas, stem cell research, including the use of embryonic stem cells for
21 medical research, raises significant ethical and public policy concerns; and

22 Whereas, the ethical and policy concerns associated with stem cell research
23 must be carefully considered; and

24 Whereas, the public policy of this State governing stem cell research must
25 balance ethical and medical considerations based upon both an understanding of the
26 science associated with stem cell research and a thorough consideration of the ethical
27 concerns regarding this research; and

1 Whereas, the Congress of the United States passed the Stem Cell Research
2 Enhancement Act of 2005, which was vetoed by the President and not overridden by
3 Congress; and

4 Whereas, the Congress of the United States is considering a bill providing for
5 human embryonic stem cell research; Now, therefore,
6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** Article 16 of Chapter 130A of the General Statutes is amended
8 by adding the following new Part to read:

9 "Part 4A. Stem Cell Research Health and Wellness Act.

10 "§ 130A-413.1. Public policy relative to derivation, use of certain cells of humans.

11 (a) It is the public policy of this State that research involving the use of human
12 embryonic stem cells may be conducted in accordance with this section:

13 (1) The stem cells were derived from human embryos that have been
14 donated from in vitro fertilization clinics, were created for the
15 purposes of fertility treatment, and were in excess of the clinical need
16 of the individuals seeking such treatment.

17 (2) Prior to the consideration of embryo donation and through consultation
18 with the individuals seeking fertility treatment, it was determined that
19 the embryos would never be implanted in a woman and would
20 otherwise be discarded.

21 (3) The individuals seeking fertility treatment donated the embryos with
22 the written informed consent and without receiving any financial or
23 other inducements to make the donation.

24 (b) Not later than 60 days after the date this act becomes law, the Secretary of
25 Health and Human Services shall issue guidelines to carry out this section.

26 (c) The Secretary of Health and Human Services shall submit an annual report to
27 the General Assembly upon its convening, the House of Representative Appropriations
28 Subcommittee on Health and Human Services, and the Senate Appropriations
29 Committee on Health and Human Services. The report shall describe activities carried
30 out under this section during the preceding fiscal year, including a description of
31 whether and to what extent research under subsection (a) of this section has been
32 conducted in accordance with this section."

33 **SECTION 2.** There is appropriated from the General Fund to the Health and
34 Wellness Trust Fund the sum of ten million dollars (\$10,000,000) for the 2007-2008
35 fiscal year. These funds shall be allocated by the Health and Wellness Trust Fund
36 Commission as grants to nonprofit organizations conducting stem cell research. Grants
37 shall not exceed one million dollars (\$1,000,000) per grant recipient. Funds allocated
38 shall be matched by the grant recipient at the rate of one non-State dollar for each dollar
39 of grant funds awarded to the recipient. The Health and Wellness Trust Fund
40 Commission shall establish guidelines setting eligibility requirements for grant
41 applicants, and for applying for, expending, and reporting on the use of grant funds.

42 **SECTION 3.** Section 2 of this act becomes effective July 1, 2007. The
43 remainder of this act is effective when it becomes law.