

26:2Z-1

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2003 **CHAPTER:** 203
NJSA: 26:2Z-1 (Stem cell research)
BILL NO: S1909 (Substituted for A2840)

SPONSOR(S): Codey and others

DATE INTRODUCED: September 30, 2002

COMMITTEE: **ASSEMBLY:** Health and Human Services
 SENATE: Health, Human Services and Senior

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** December 15, 2003
 SENATE: December 16, 2002

DATE OF APPROVAL: January 2, 2004

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (1st reprint enacted)
(Amendments during passage denoted by superscript numbers)

S1909

[SPONSOR'S STATEMENT](#): (Begins on page 4 of original bill) [Yes](#)

COMMITTEE STATEMENT: [ASSEMBLY:](#) [Yes](#)

[SENATE:](#) [Yes](#)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

A2840

[SPONSOR'S STATEMENT](#): (Begins on page 4 of original bill) [Yes](#)
 Bill and Sponsors Statement identical to S1909

COMMITTEE STATEMENT: [ASSEMBLY:](#) [Yes](#)

SENATE: No

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

[GOVERNOR'S PRESS RELEASE ON SIGNING:](#) [Yes](#)

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext. 103 or <mailto:refdesk@njstatelib.org>.

REPORTS:

No

HEARINGS:

Yes

970.90 New Jersey. Legislature. General Assembly. Health and Human Services Committee.
H434 Committee meeting on A2840 permits human stem cell research in New Jersey, held
2003 2-3-2003

NEWSPAPER ARTICLES:

Yes

"Stem-cell research gets NJ's support," 1-5-2004 Philadelphia Inquirer, p.B4
"Stem cell studies get green light," 1-5-2004 Asbury Park Press, p.A1
"McGreevey signs NJ stem cell legislation into law," 1-5-2004 The Times, p.A9
"NJ ok's stem cell study," 1-5-2004 Homes News and Tribune, p.A1
"Jersey allows stem cell use," 1-5-2004 Star Ledger, p.1
"Stem cell research a go," 1-5-2004 The Record, p.A1
"Stem cell law welcomed by researchers, " 1-6-2004 New York Times, p.B6

P.L. 2003, CHAPTER 203, *approved January 2, 2004*
Senate, No. 1909 (*First Reprint*)

1 AN ACT concerning human stem cell research and supplementing Title
2 26 of the Revised Statutes ¹and Title 2C of the New Jersey
3 Statutes¹.

4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7

8 1. The Legislature finds and declares that:

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

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

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

24 d. The United States has historically been a haven for open
25 scientific inquiry and technological innovation; and this environment,
26 combined with the commitment of public and private resources, has
27 made this nation the preeminent world leader in biomedicine and
28 biotechnology;

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

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

39 g. Stem cell research, including the use of embryonic stem cells for

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ **Senate SHH committee amendments adopted November 25, 2002.**

1 medical research, raises significant ethical and public policy concerns;
2 and, although not unique, the ethical and policy concerns associated
3 with stem cell research must be carefully considered; and

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

10

11 2. a. It is the public policy of this State that research involving the
12 derivation and use of human embryonic stem cells, human embryonic
13 germ cells and human adult stem cells¹ [from any source]¹, including
14 somatic cell nuclear transplantation, shall:

15 (1) be permitted in this State;

16 (2) be conducted with full consideration for the ethical and medical
17 implications of this research; and

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

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

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

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

33 c. (1) A person shall not knowingly, for valuable consideration,
34 purchase or sell, or otherwise transfer or obtain, or promote the sale
35 or transfer of, embryonic or cadaveric fetal tissue for research
36 purposes pursuant to this act; however, embryonic or cadaveric fetal
37 tissue may be donated for research purposes in accordance with the
38 provisions of subsection b. of this section ¹or other applicable State or
39 federal law¹.

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

45 (2) A person or entity who violates the provisions of this
46 subsection shall be ¹guilty of a crime of the third degree and,

1 notwithstanding the provisions of subsection b. of N.J.S.2C:43-3, shall
2 be¹ subject to a ¹[civil penalty of not more than]fine of up to ¹
3 \$50,000¹[, or imprisonment for a term of not more than five years, or
4 both,]¹ for each ¹[such incident. The Commissioner of Health and
5 Senior Services shall enforce the provisions of this subsection and may
6 make complaints against persons violating its provisions or the rules
7 or regulations issued thereunder and prosecute violations of
8 same]violation¹.

9

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

13 As used in this section, "cloning of a human being" means the
14 replication of a human individual by cultivating a cell with genetic
15 material through the egg, embryo, fetal and newborn stages into a new
16 human individual.¹

17

18 ¹[3.] 4.¹ This act shall take effect immediately.

19

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21

22

23 _____
Permits human stem cell research in New Jersey.

SENATE, No. 1909

STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED SEPTEMBER 30, 2002

Sponsored by:

Senator RICHARD J. CODEY

District 27 (Essex)

Senator BARBARA BUONO

District 18 (Middlesex)

Co-Sponsored by:

Senator Vitale

SYNOPSIS

Permits human stem cell research in New Jersey.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 11/1/2002)

1 ANACT concerning human stem cell research and supplementing Title
2 26 of the Revised Statutes.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6

7 1. The Legislature finds and declares that:

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

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

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

23 d. The United States has historically been a haven for open
24 scientific inquiry and technological innovation; and this environment,
25 combined with the commitment of public and private resources, has
26 made this nation the preeminent world leader in biomedicine and
27 biotechnology;

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

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

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

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

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

5 (1) be permitted in this State;

6 (2) be conducted with full consideration for the ethical and medical
7 implications of this research; and

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

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

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

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

23 c. (1) A person shall not knowingly, for valuable consideration,
24 purchase or sell, or otherwise transfer or obtain, or promote the sale
25 or transfer of, embryonic or cadaveric fetal tissue for research
26 purposes pursuant to this act; however, embryonic or cadaveric fetal
27 tissue may be donated for research purposes in accordance with the
28 provisions of subsection b. of this section.

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

34 (2) A person or entity who violates the provisions of this
35 subsection shall be subject to a civil penalty of not more than \$50,000,
36 or imprisonment for a term of not more than five years, or both, for
37 each such incident. The Commissioner of Health and Senior Services
38 shall enforce the provisions of this subsection and may make
39 complaints against persons violating its provisions or the rules or
40 regulations issued thereunder and prosecute violations of same.

41
42 3. This act shall take effect immediately.

STATEMENT

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This bill provides that the public policy of this State is to permit the conduct of research that involves 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.

The bill stipulates that this research is to be: conducted with full consideration for its ethical and medical implications; and reviewed, in each case, by an institutional review board operating in accordance with applicable federal regulations.

The bill requires that a physician or other health care provider who treats a patient for infertility 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.

In that regard, the bill specifies that:

- a person to whom information is provided pursuant to this bill is to 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; and
- a person who elects to donate, for research purposes, any embryos remaining after receiving infertility treatment is to provide written consent to that donation.

In addition, the bill:

- prohibits a person from knowingly, for valuable consideration, purchasing or selling, or otherwise transferring or obtaining, or promoting the sale or transfer of, embryonic or cadaveric fetal tissue for research purposes pursuant to this bill (while permitting embryonic or cadaveric fetal tissue to be donated for research purposes in accordance with the provisions of the bill); and
- makes a person or entity who violates this prohibition subject to a civil penalty of not more than \$50,000, or imprisonment for a term of not more than five years, or both, for each such incident.

The bill defines "valuable consideration" to mean financial gain or advantage, but would exclude, from this definition, reasonable payment for the removal, processing, disposal, preservation, quality control, storage, transplantation, or implantation of embryonic or cadaveric fetal tissue.

ASSEMBLY HEALTH AND HUMAN SERVICES COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 1909

STATE OF NEW JERSEY

DATED: FEBRUARY 3, 2003

The Assembly Health and Human Services Committee reports favorably Senate Bill No. 1909 (1R).

This bill provides that the public policy of this State is to permit the conduct of research that involves the derivation and use of human embryonic stem cells, human embryonic germ cells and human adult stem cells, including somatic cell nuclear transplantation.

The bill prohibits the cloning of a human being and provides that 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 (and thereby subject to imprisonment for a term of 10 to 20 years or a fine of up to \$200,000, or both). The bill defines "cloning of a human being" to mean 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.

The bill stipulates that the research permitted thereunder is to be: conducted with full consideration for its ethical and medical implications; and reviewed, in each case, by an institutional review board operating in accordance with applicable federal regulations.

The bill requires that a physician or other health care provider who treats a patient for infertility 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.

In that regard, the bill specifies that:

-- a patient being treated for infertility, to whom information is provided pursuant to this bill, is to 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; and

-- a person who elects to donate, for research purposes, any embryos remaining after receiving infertility treatment is to provide written consent to that donation.

In addition, the bill:

- C prohibits a person from knowingly, for valuable consideration, purchasing or selling, or otherwise transferring or obtaining, or promoting the sale or transfer of, embryonic or cadaveric fetal tissue for research purposes pursuant to this bill (while permitting embryonic or cadaveric fetal tissue to be donated for research purposes in accordance with the provisions of the bill or other applicable State or federal law); and
- C provides that a person or entity who violates the above prohibition is guilty of a crime of the third degree and subject to a fine of up to \$50,000 for each violation.

The bill defines "valuable consideration" to mean financial gain or advantage, but would exclude, from this definition, reasonable payment for the removal, processing, disposal, preservation, quality control, storage, transplantation, or implantation of embryonic or cadaveric fetal tissue.

It is noted that this bill concerns the conduct of research involving material derived from human embryos and does not concern the treatment of infertility nor any health insurance benefits for that treatment.

As reported by the committee, this bill is identical to Assembly Bill No. 2840 Aca (Cohen/McKeon/Hackett/Quigley), which the committee also reported on this date.

MINORITY STATEMENT

Submitted by Assemblywoman Vandervalk and Assemblyman
Thompson

Due to both the volume and content of the extensive testimony heard by the committee today, we cannot support the release of this bill at this time. Further, we believe the majority acted with undue haste in releasing the bill without taking time to give full consideration to the practical and ethical questions raised in the testimony.

The committee received testimony from doctors who specialize in medical research, and all concurred that evidence of the therapeutic benefits of embryonic stem cells is inconclusive. There is no scientific proof that use of these cells will produce the cures and remedies that so many advocates of this bill are promising.

Further, there was unanimous agreement among scientists presenting testimony that the current use of adult stem cells has produced widespread therapeutic results for patients suffering from various debilitating ailments. Therefore, it would be prudent to further enhance and improve the research and study of the medical use of adult stem cells (which produce proven therapeutic benefits), rather than embryonic stem cells which have yet to provide any therapeutic value - yet introduce staggering moral and ethical ramifications.

Testimony presented to the committee raises numerous questions regarding: the definition of "newborn stages," and the potential that this bill creates for the forced abortion of cloned embryos; the definition of "valuable consideration," which permits payment for implantation of cloned embryonic cells; the creation of a climate that replaces the current medical demand for aborted baby parts with cloned baby parts; the potential for medical abuses and exploitation of women and children; and the creation of a new class of human - one designated for the purpose of experimentation.

The committee was asked repeatedly to hold the bill for proper consideration of potentially grave consequences, yet the bill was released from committee with the majority's full endorsement and the promise that the sponsor would address the aforementioned concerns before the bill reaches the Assembly floor.

We believe the better course would have been for the committee to heed the calls for more careful consideration of the testimony and the issues raised, and to properly address them forthrightly at the committee level rather than hastily report the bill now with vague promises of future actions.

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

SENATE, No. 1909

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 25, 2002

The Senate Health, Human Services and Senior Citizens Committee reports favorably and with committee amendments Senate Bill No. 1909.

As amended, this bill provides that the public policy of this State is to permit the conduct of research that involves the derivation and use of human embryonic stem cells, human embryonic germ cells and human adult stem cells, including somatic cell nuclear transplantation.

The bill prohibits the cloning of a human being and provides that 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. The bill defines "cloning of a human being" to mean 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.

The bill stipulates that the research permitted under this bill is to be: conducted with full consideration for its ethical and medical implications; and reviewed, in each case, by an institutional review board operating in accordance with applicable federal regulations.

The bill requires that a physician or other health care provider who treats a patient for infertility 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.

In that regard, the bill specifies that:

-- a person to whom information is provided pursuant to this bill is to 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; and

-- a person who elects to donate, for research purposes, any embryos remaining after receiving infertility treatment is to provide written consent to that donation.

In addition, the bill:

- C prohibits a person from knowingly, for valuable consideration, purchasing or selling, or otherwise transferring or obtaining, or promoting the sale or transfer of, embryonic or cadaveric fetal tissue for research purposes pursuant to this bill (while permitting embryonic or cadaveric fetal tissue to be donated for research purposes in accordance with the provisions of the bill or other applicable State or federal law); and
- C provides that a person or entity who violates the provisions of the bill shall be guilty of a crime of the third degree and shall be subject to a fine of up to \$50,000 for each violation.

The bill defines "valuable consideration" to mean financial gain or advantage, but would exclude, from this definition, reasonable payment for the removal, processing, disposal, preservation, quality control, storage, transplantation, or implantation of embryonic or cadaveric fetal tissue.

It is noted that this bill concerns the conduct of research involving material derived from human embryos and does not concern the treatment of infertility nor any health insurance benefits for that treatment.

The committee amended the bill to:

- C delete the phrase "from any source" from subsection a. of section 2 of the bill;
- C clarify that donations of tissue for research purposes are subject not only to the provisions of this bill but also to other applicable State or federal law;
- C clarify that a person who knowingly, for valuable consideration, purchases or sells, or otherwise transfers or obtains, or promotes the sale or transfer of, embryonic or cadaveric fetal tissue for research purposes pursuant to the bill is guilty of a crime of the third degree, but subject to a fine of up to \$50,000 for each violation; and
- C prohibit the cloning of a human being and provide that 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 ("Cloning of a human being" is defined as 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.).

ASSEMBLY, No. 2840

STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED OCTOBER 3, 2002

Sponsored by:

Assemblyman NEIL M. COHEN

District 20 (Union)

Assemblyman JOHN F. MCKEON

District 27 (Essex)

Assemblyman MIMS HACKETT, JR.

District 27 (Essex)

Assemblywoman JOAN M. QUIGLEY

District 32 (Bergen and Hudson)

Co-Sponsored by:

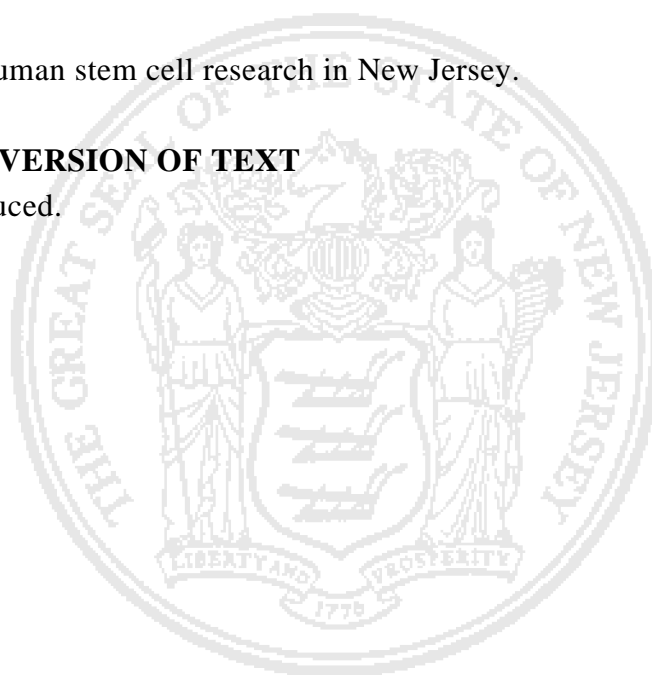
Assemblyman Gear

SYNOPSIS

Permits human stem cell research in New Jersey.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/24/2003)

1 AN ACT concerning human stem cell research and supplementing Title
2 26 of the Revised Statutes.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. The Legislature finds and declares that:

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

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

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

23 d. The United States has historically been a haven for open
24 scientific inquiry and technological innovation; and this environment,
25 combined with the commitment of public and private resources, has
26 made this nation the preeminent world leader in biomedicine and
27 biotechnology;

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

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

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

42 h. The public policy of this State governing stem cell research
43 must: balance ethical and medical considerations, based upon both an
44 understanding of the science associated with stem cell research and a
45 thorough consideration of the ethical concerns regarding this research;

1 and be carefully crafted to ensure that researchers have the tools
2 necessary to fulfill the promise of this research.

3

4 2. a. It is the public policy of this State that research involving the
5 derivation and use of human embryonic stem cells, human embryonic
6 germ cells and human adult stem cells from any source, including
7 somatic cell nuclear transplantation, shall:

8 (1) be permitted in this State;

9 (2) be conducted with full consideration for the ethical and medical
10 implications of this research; and

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

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

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

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

26 c. (1) A person shall not knowingly, for valuable consideration,
27 purchase or sell, or otherwise transfer or obtain, or promote the sale
28 or transfer of, embryonic or cadaveric fetal tissue for research
29 purposes pursuant to this act; however, embryonic or cadaveric fetal
30 tissue may be donated for research purposes in accordance with the
31 provisions of subsection b. of this section.

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

37 (2) A person or entity who violates the provisions of this
38 subsection shall be subject to a civil penalty of not more than \$50,000,
39 or imprisonment for a term of not more than five years, or both, for
40 each such incident. The Commissioner of Health and Senior Services
41 shall enforce the provisions of this subsection and may make
42 complaints against persons violating its provisions or the rules or
43 regulations issued thereunder and prosecute violations of same.

44

45 3. This act shall take effect immediately.

1 STATEMENT

2

3 This bill provides that the public policy of this State is to permit the
4 conduct of research that involves the derivation and use of human
5 embryonic stem cells, human embryonic germ cells and human adult
6 stem cells from any source, including somatic cell nuclear
7 transplantation.

8 The bill stipulates that this research is to be: conducted with full
9 consideration for its ethical and medical implications; and reviewed, in
10 each case, by an institutional review board operating in accordance
11 with applicable federal regulations.

12 The bill requires that a physician or other health care provider who
13 treats a patient for infertility provide the patient with timely, relevant
14 and appropriate information sufficient to allow that person to make an
15 informed and voluntary choice regarding the disposition of any human
16 embryos remaining following the infertility treatment.

17 In that regard, the bill specifies that:

18 -- a person to whom information is provided pursuant to this bill
19 is to be presented with the option of storing any unused embryos,
20 donating them to another person, donating the remaining embryos for
21 research purposes, or other means of disposition; and

22 -- a person who elects to donate, for research purposes, any
23 embryos remaining after receiving infertility treatment is to provide
24 written consent to that donation.

25 In addition, the bill:

26 C prohibits a person from knowingly, for valuable consideration,
27 purchasing or selling, or otherwise transferring or obtaining, or
28 promoting the sale or transfer of, embryonic or cadaveric fetal
29 tissue for research purposes pursuant to this bill (while permitting
30 embryonic or cadaveric fetal tissue to be donated for research
31 purposes in accordance with the provisions of the bill); and

32 C makes a person or entity who violates this prohibition subject to a
33 civil penalty of not more than \$50,000, or imprisonment for a term
34 of not more than five years, or both, for each such incident.

35 The bill defines "valuable consideration" to mean financial gain or
36 advantage, but would exclude, from this definition, reasonable
37 payment for the removal, processing, disposal, preservation, quality
38 control, storage, transplantation, or implantation of embryonic or
39 cadaveric fetal tissue.

ASSEMBLY HEALTH AND HUMAN SERVICES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2840

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 3, 2003

The Assembly Health and Human Services Committee reports favorably and with committee amendments Assembly Bill No. 2840.

As amended by the committee, this bill provides that the public policy of this State is to permit the conduct of research that involves the derivation and use of human embryonic stem cells, human embryonic germ cells and human adult stem cells, including somatic cell nuclear transplantation.

The bill prohibits the cloning of a human being and provides that 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 (and thereby subject to imprisonment for a term of 10 to 20 years or a fine of up to \$200,000, or both). The bill defines "cloning of a human being" to mean 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.

The bill stipulates that the research permitted thereunder is to be conducted with full consideration for its ethical and medical implications; and reviewed, in each case, by an institutional review board operating in accordance with applicable federal regulations.

The bill requires that a physician or other health care provider who treats a patient for infertility 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.

In that regard, the bill specifies that:

-- a patient being treated for infertility, to whom information is provided pursuant to this bill, is to 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; and

-- a person who elects to donate, for research purposes, any embryos remaining after receiving infertility treatment is to provide written consent to that donation.

In addition, the bill:

C prohibits a person from knowingly, for valuable consideration,

purchasing or selling, or otherwise transferring or obtaining, or promoting the sale or transfer of, embryonic or cadaveric fetal tissue for research purposes pursuant to this bill (while permitting embryonic or cadaveric fetal tissue to be donated for research purposes in accordance with the provisions of the bill or other applicable State or federal law); and

- C provides that a person or entity who violates the above prohibition is guilty of a crime of the third degree and subject to a fine of up to \$50,000 for each violation.

The bill defines "valuable consideration" to mean financial gain or advantage, but would exclude, from this definition, reasonable payment for the removal, processing, disposal, preservation, quality control, storage, transplantation, or implantation of embryonic or cadaveric fetal tissue.

It is noted that this bill concerns the conduct of research involving material derived from human embryos and does not concern the treatment of infertility nor any health insurance benefits for that treatment.

As reported by the committee, this bill is identical to Senate Bill No. 1909 (1R) (Codey/Buono), which the committee also reported on this date.

COMMITTEE AMENDMENTS

The committee amendments to the bill:

- C delete the phrase "from any source" from subsection a. of section 2 of the bill;
- C clarify that donations of tissue for research purposes are subject not only to the provisions of this bill but also to other applicable State or federal law;
- C clarify that a person who knowingly, for valuable consideration, purchases or sells, or otherwise transfers or obtains, or promotes the sale or transfer of, embryonic or cadaveric fetal tissue for research purposes pursuant to the bill is guilty of a crime of the third degree, but subject to a fine of up to \$50,000 for each violation; and
- C prohibit the "cloning of a human being" (defined as 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) and provide that 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.

MINORITY STATEMENT

Submitted by Assemblywoman Vandervalk and Assemblyman
Thompson

Due to both the volume and content of the extensive testimony heard by the committee today, we cannot support the release of this bill at this time. Further, we believe the majority acted with undue haste in releasing the bill without taking time to give full consideration to the practical and ethical questions raised in the testimony.

The committee received testimony from doctors who specialize in medical research, and all concurred that evidence of the therapeutic benefits of embryonic stem cells is inconclusive. There is no scientific proof that use of these cells will produce the cures and remedies that so many advocates of this bill are promising.

Further, there was unanimous agreement among scientists presenting testimony that the current use of adult stem cells has produced widespread therapeutic results for patients suffering from various debilitating ailments. Therefore, it would be prudent to further enhance and improve the research and study of the medical use of adult stem cells (which produce proven therapeutic benefits), rather than embryonic stem cells which have yet to provide any therapeutic value - yet introduce staggering moral and ethical ramifications.

Testimony presented to the committee raises numerous questions regarding: the definition of "newborn stages," and the potential that this bill creates for the forced abortion of cloned embryos; the definition of "valuable consideration," which permits payment for implantation of cloned embryonic cells; the creation of a climate that replaces the current medical demand for aborted baby parts with cloned baby parts; the potential for medical abuses and exploitation of women and children; and the creation of a new class of human - one designated for the purpose of experimentation.

The committee was asked repeatedly to hold the bill for proper consideration of potentially grave consequences, yet the bill was released from committee with the majority's full endorsement and the promise that the sponsor would address the aforementioned concerns before the bill reaches the Assembly floor.

We believe the better course would have been for the committee to heed the calls for more careful consideration of the testimony and the issues raised, and to properly address them forthrightly at the committee level rather than hastily report the bill now with vague promises of future actions.

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Press Releases

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RELEASE: January 04, 2004

[Previous Screen](#)

McGreevey Signs Landmark Stem Cell Research Act

Takes Groundbreaking Step Towards Fulfilling Commitment to Make NJ National Medical Research Leader

(WEST ORANGE) -- Governor James E. McGreevey today signed into law S1909, the "Stem Cell Research" bill, making New Jersey the second state in the nation to legalize stem cell research. In signing this bill into law, the Governor takes a landmark step in fulfilling his commitment to make New Jersey the nation's leader for medical research.

"Two years ago we laid out a vision to make New Jersey a leader in medical research and medical care, to give hope to the hundreds of thousands of families across the state affected by chronic and life-threatening disease," said McGreevey. "Today, as New Jersey becomes the second state in the nation to legalize groundbreaking stem cell research, we build on our strength in medical research, and for the first time offer real hope to the hundreds of thousands suffering from diabetes, Parkinson's, Alzheimer's, ALS, cancer and spinal cord injuries.

"Despite facing overwhelming opposition from many fronts along the way, today we celebrate a great day for families, for research, and for the hope that miracles may be just around the corner."

The Governor signed the bill into law at the renowned Kessler Rehabilitation Institute in West Orange, where he was joined by actor Christopher Reeve. Reeve, who has fought tirelessly for stem cell research since he was paralyzed in a horseback riding accident, pledged with McGreevey, in the Fall of 2002, to get this legislation passed. The bill's legislative sponsors, doctors from the Kessler Institute, and families who have fought to make stem cell research a reality, also joined McGreevey.

The bill:

- Permits 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.

- Requires a review of issues related to this research by a nine-member institutional review board, which will advise the Governor and the Legislature.
- Requires physicians treating a patient for infertility to provide patients with information to allow them to make an informed and voluntary choice regarding the use of human embryos following infertility treatment.
- This legislation also prohibits a person from purchasing or selling, or deriving any financial gain or advantage through the use of embryonic or cadaveric fetal tissue for research purposes. However, such tissue can be donated. The law also punishes persons in violation of this law with a civil penalty of not more than \$50,000 or imprisonment for a term of not more than five years, or both, for each such incident.

"This law is one of the most significant laws ever passed in the State of New Jersey," said Democratic Senate President Richard J. Codey. "And with its passage, New Jersey finally gets to show the world exactly where we stand on stem cell research. We stand on the side of hope and on the side of cures for millions of people who are suffering in the world. Clearly that's the right side to be on, and I'm proud New Jersey's now on it."

"Today, New Jersey takes a giant step towards victory in the worldwide war against disease and human suffering," said Senator Barbara Buono, D-Middlesex. "What a monumental holiday gift for us all--to be able to say that this law is truly going to make the world a better place."

"Medically advanced research that could potentially discover cures for devastating and life-threatening illnesses is now a viable reality in New Jersey," said Assemblyman Neil Cohen, D-Union. "Our state will be national leader in cutting-edge medical technology and scientific research that will save lives."

"New Jersey is seizing the opportunity to be at the forefront of stem cell research," said Assemblyman John McKeon, D-Essex. "This new law will eliminate existing significant impediments to this emerging biotechnology."

"Scientific stem cell research would not only help develop innovative health care treatments, but it could unlock cures to Alzheimer's disease, Parkinson's disease, Multiple Sclerosis, cancer, diabetes, and other life-altering diseases," said Assemblyman Mims Hackett, D-Essex.

"Research shows that stem cell harvesting research is medically promising," said Assemblywoman Joan Quigley, D-Hudson. "The possibilities for further medical advancements are endless."

