

# STATE OF NEW YORK

5714--A

2005-2006 Regular Sessions

## IN SENATE

June 15, 2005

Introduced by Sen. SPANO -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to stem cell research and prohibiting reproductive cloning

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The public health law is amended by adding a new article  
2 24-A-1 to read as follows:

3 ARTICLE 24-A-1

4 STEM CELL RESEARCH

5 Section 2450. Legislative intent.

6 2451. State policy.

7 2452. Fertility and embryo information.

8 2453. Prohibition.

9 2454. Prohibition of reproductive cloning.

10 § 2450. Legislative intent. The legislature finds and declares all of  
11 the following:

12 1. An estimated one hundred twenty-eight million Americans suffer from  
13 the crippling economic and psychological burden of chronic, degenerative  
14 and acute diseases, including diabetes, Parkinson's disease, cancer and  
15 Alzheimer's disease.

16 2. The costs of treatment and lost productivity of chronic, degenera-  
17 tive and acute diseases in the United States constitute hundreds of  
18 billions of dollars every year. Estimates of the economic costs of these  
19 diseases do not account for the extreme human loss and suffering associ-  
20 ated with these conditions.

21 3. Stem cell research offers immense promise for developing new  
22 medical therapies for these debilitating diseases and a critical means  
23 to explore fundamental questions of biology. Stem cell research could

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

LBD09198-03-5

S. 5714--A

2

1 lead to unprecedented treatments and potential cures for diabetes,  
2 Alzheimer's disease, cancer and other diseases.

3 4. The United States and New York have historically been a haven for  
4 open scientific inquiry and technological innovation, and this environ-  
5 ment, coupled with the commitment of public and private resources, has  
6 made the United States the preeminent world leader in biomedicine and  
7 biotechnology.

8 5. New York's biomedical industry is a critical component of the  
9 state's economy that provides substantial employment, pays substantial  
10 wages and salaries, invests billions in research, reports billions in  
11 worldwide revenue, and would be significantly diminished by limitations  
12 imposed on stem cell research.

13 6. Stem cell research, including the use of embryonic stem cells for  
14 medical research, raises significant ethical and policy concerns and,  
15 although not unique, the ethical and policy concerns associated with  
16 stem cell research must be carefully considered.

17 7. Public policy on stem cell research must balance ethical and  
18 medical considerations. The policy must be based on an understanding of  
19 the science associated with stem cell research and grounded on a thor-  
20 ough consideration of the ethical concerns regarding this research.  
21 Public policy on stem cell research must be carefully crafted to ensure  
22 that researchers have the tools necessary to fulfill the promise of stem  
23 cell research.

24 § 2451. State policy. The policy of the state is as follows:

25 1. That research involving the derivation and use of human embryonic  
26 stem cells, human embryonic germ cells and human adult stem cells from  
27 any source, including somatic cell nuclear transplantation, shall be  
28 permitted and that full consideration of the ethical and medical impli-  
29 cations of such research be given; and

30 2. That research involving the derivation and use of human embryonic  
31 stem cells, human embryonic germ cells and human adult stem cells,  
32 including somatic cell nuclear transplantation, shall be reviewed by an  
33 approved institutional review board.

34 § 2452. Fertility and embryo information. 1. Every physician or other  
35 health care provider delivering fertility treatment shall provide his or  
36 her patient with timely, relevant and appropriate information to allow  
37 the patient to make an informed and voluntary choice regarding the  
38 disposition of any human embryos remaining following the fertility  
39 treatment.

40 2. Any patient to whom information is provided pursuant to subdivision  
41 one of this section shall be presented with the option of storing any  
42 unused embryos, donating them to another individual, discarding the  
43 embryos or donating the remaining embryos for research.

44 3. Any patient who elects to donate embryos remaining after fertility  
45 treatments for research shall provide written consent therefor.

46 § 2453. Prohibition. 1. No person shall knowingly, for valuable  
47 consideration, purchase or sell embryonic or cadaveric fetal tissue for  
48 research purposes.

49 2. For the purposes of this section, "valuable consideration" shall  
50 not include reasonable payment for the removal, processing, disposal,  
51 preservation, quality control, storage, transplantation or implantation  
52 of a part.

53 3. No person shall knowingly create an embryo by the method of ferti-  
54 lization with the sole intent of donating that embryo for research.  
55 This subdivision shall not be deemed to prohibit the creation of pre-im-

S. 5714--A

3

1 plantation embryo by somatic cell nuclear transfer parthenogenesis, or  
2 other asexual means for research purposes.

3 § 2454. Prohibition of reproductive cloning. 1. It shall be unlawful  
4 for any person or entity to knowingly:

5 (a) perform or attempt to perform reproductive cloning; or

6 (b) transfer or receive, in whole or in part, any oocyte, embryo,  
7 fetus or human somatic cell, for the purpose of reproductive cloning.

8 2. For the purposes of this section, "reproductive cloning" means  
9 creating a human embryo through somatic cell nuclear transfer for the  
10 purpose of gestation or the generating of a human embryo, created  
11 through somatic cell nuclear transfer, or the resulting fetus.

12 § 2. Subdivision 1 of section 2807-v of the public health law is  
13 amended by adding a new paragraph (yy) to read as follows:

14 (yy) Funds shall be reserved and accumulated from year to year and  
15 shall be available, including income from invested funds, for the  
16 purpose of funding stem cell research consistent with the provisions of  
17 article twenty-four-A-one of this chapter from the tobacco control and  
18 insurance initiatives pool, for the following periods in the following  
19 amounts:

20 (i) twenty-five million dollars for the period October first, two  
21 thousand five through March thirty-first, two thousand six; and

22 (ii) one hundred million dollars for the period April first, two thou-  
23 sand six through March thirty-first, two thousand seven.

24 § 3. This act shall take effect on the one hundred twentieth day after  
25 it shall have become a law; provided that the commissioner of health is  
26 authorized and directed to promulgate any and all rules and regulations  
27 and take any other measures necessary to implement the provisions of  
28 this act on its effective date on or before such date.