

By Mr. Travaglini, a petition (accompanied by bill, Senate, No. 25) of Robert E. Travaglini, Cynthia Stone Creem, Harriette L. Chandler and other members of the General Court for legislation to promote stem cell research. Economic Development and Emerging Technologies.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT PROMOTING STEM CELL RESEARCH.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Chapter 112 of the General Laws is hereby  
2 amended by inserting after section 12CC the following 2 sec-  
3 tions:—

4 Section 12DD. The general court finds and declares that:

5 (a) human embryonic stem cell research, and other research in  
6 regenerative medicine present a significant chance of yielding  
7 fundamental biological knowledge from which may emanate ther-  
8 apies to relieve, on a large scale, human suffering from disease  
9 and injury; and

10 (b) the extraordinary biomedical scientists situated in Massa-  
11 chusetts within institutions of higher education, research insti-  
12 tutes, hospitals and biotechnology and pharmaceutical companies  
13 possess the capability of contributing significantly to the welfare  
14 of mankind by performing outstanding research in this field.

15 Section 12EE. (a) For the purposes of this section and section  
16 12DD, the following words shall have the following meanings  
17 unless the context clearly requires otherwise:

18 "Donated to medicine", an embryo(s) originating from an in  
19 vitro process or human embryonic germ cells, when, for purposes  
20 of biomedical research or medical care or treatment, the persons  
21 contributing genetic material do so in the absence of financial  
22 inducement and after fulfillment of the requirements of applicable  
23 federal laws concerning informed consent.

24 “Embryo”, includes any human embryo whether formed by fer-  
25 tilization, somatic cell nuclear transfer, parthenogenesis, or other  
26 means.

27 “Financial inducement”, any valuable consideration, excluding:  
28 (i) reimbursement for reasonable costs incurred in connection with  
29 a donation; and (ii) reasonable compensation to a donor from  
30 whom an oocyte or somatic cell is recovered for the time, burden  
31 and risk of such recovery and the preparation for it. Whether costs  
32 or compensation are reasonable shall be determined by a duly  
33 appointed Institutional Review Board, provided the determination  
34 is made with due diligence and in good faith.

35 “In vitro”, a process conducted outside the human body in an  
36 artificial environment, such as in vitro fertilization or somatic cell  
37 nuclear transfer.

38 “Uterus”, a uterus or fallopian tube.

39 (b) It shall be the policy of the commonwealth to foster  
40 research and therapies in regenerative medicine, including, in par-  
41 ticular, that research and clinical applications involving the  
42 derivation and use of human embryonic stem cells, human embry-  
43 onic germ cells, placental and umbilical cord cells and any human  
44 adult stem cells, including research and clinical applications  
45 involving somatic cell nuclear transplantation, shall be permitted.

46 (c)(i) No person shall use a human embryo donated to medicine  
47 in scientific research or other kind of experimentation or study  
48 without the prior written approval of a duly appointed Institutional  
49 Review Board or other duly appointed ethics committee setting  
50 forth the approval of the Board or ethics committee for the  
51 research, experimentation or study. The written approval shall  
52 contain a detailed description of the research, experimentation or  
53 study by attachment of a protocol or other writing and shall be  
54 maintained as a permanent record by the Board, ethics committee,  
55 or the hospital or other entity for which the Board or ethics com-  
56 mittee acts.

57 (ii) No person shall knowingly sell any embryo donated to  
58 medicine for valuable consideration. For purposes of this subsec-  
59 tion “valuable consideration” excludes reasonable payments asso-  
60 ciated with storage, quality control, preservation, processing or  
61 transportation of such embryos donated to medicine.

62 (d) An embryo donated to medicine, pursuant to this section,  
63 shall not be transferred to a uterus.

64 (e) Human reproductive cloning is hereby prohibited.

65 (f) A person who violates subsections (d) or (e) shall be pun-  
66 ished by imprisonment in the state prison for not more than  
67 5 years, or in a jail or house of correction for not less than 1 year  
68 nor more than 2½ years or by a fine of not more than \$25,000, or  
69 by both such fine and imprisonment.

1 SECTION 2. Subsection (a) I of section 12J of said  
2 chapter 112, as appearing in the 2002 Official Edition, is hereby  
3 amended by adding the following paragraph:—

4 For the purposes of this section, fetus shall include a neonate  
5 and an embryo, but shall exclude an embryo donated to medicine  
6 pursuant to section 12EE.

1 SECTION 3. Subsection (a) IV of said section 12J of said  
2 chapter 112, as so appearing, is hereby amended by striking out  
3 the second sentence.

