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State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH SESSION

HOUSE FILE No. 34

January 8, 2007

Authored by Kahn, Hilty, Greiling, Hornstein, Bly and others

The bill was read for the first time and referred to the Committee on Biosciences and Emerging Technologies

February 12, 2007

Committee Recommendation and Adoption of Report:

Amended and re-referred to the Higher Education and Work Force Development Policy and Finance Division without further recommendation

March 1, 2007

Committee Recommendation and Adoption of Report:

To Pass as Amended and re-referred to the Committee on Public Safety and Civil Justice

March 19, 2007

Committee Recommendation and Adoption of Report:

To Pass as Amended

Read Second Time

1.1 A bill for an act
1.2 relating to health; establishing state policy for stem cell research; providing
1.3 criminal penalties; proposing coding for new law in Minnesota Statutes, chapters
1.4 137; 145.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. [137.45] STEM CELL RESEARCH.

1.7 The University of Minnesota may spend state-appropriated funds on stem cell
1.8 research.

1.9 Sec. 2. [145.427] STATE POLICY FOR STEM CELL RESEARCH.

1.10 Subdivision 1. Research use permitted. The policy of the state of Minnesota is
1.11 that research involving the derivation and use of human embryonic stem cells, human
1.12 embryonic germ cells, and human adult stem cells from any source, including somatic
1.13 cell nuclear transplantation, shall be permitted and that full consideration of the ethical
1.14 and medical implications of this research be given. Research involving the derivation and
1.15 use of human embryonic stem cells, human embryonic germ cells, and human adult stem
1.16 cells, including somatic cell nuclear transplantation, shall be reviewed by an approved
1.17 institutional review board.

1.18 Subd. 2. Informed consent. A physician, surgeon, or other health care provider
1.19 who is treating a patient for infertility shall provide the patient with timely, relevant, and
1.20 appropriate information sufficient to allow the patient to make an informed and voluntary
1.21 choice regarding the disposition of any human embryos remaining following the fertility
1.22 treatment. Any patient to whom information is provided under this subdivision shall
1.23 be presented with the options of storing any unused embryos, donating the embryos

2.1 to another individual, discarding the embryos, or donating the remaining embryos for  
2.2 research. Any patient who elects to donate embryos remaining after fertility treatments  
2.3 for research shall provide written consent to that donation.

2.4 Subd. 3. **Prohibiting sale of fetal tissue; cloning of human being.** (a) A person  
2.5 may not knowingly, for valuable consideration, purchase, sell, or otherwise transfer or  
2.6 obtain, or promote the sale or transfer of, embryonic or cadaveric fetal tissue for research  
2.7 purposes. However, embryonic or cadaveric fetal tissue may be donated for research  
2.8 purposes under this section. For purposes of this subdivision, "valuable consideration"  
2.9 means financial gain or advantage, but does not include reasonable payment for the  
2.10 removal, processing, disposal, preservation, quality control, storage, transplantation, or  
2.11 implantation of embryonic or cadaveric fetal tissue.

2.12 (b) Violation of paragraph (a) is a gross misdemeanor.

2.13 (c) A person who knowingly engages or assists, directly or indirectly, in the cloning  
2.14 of a human being is guilty of a felony.

2.15 As used in this section, "cloning of a human being" means the replication of a  
2.16 human individual by cultivating a cell with genetic material, other than the product of the  
2.17 fertilization of the egg of a human female by the sperm of a human male, through the egg,  
2.18 embryo, fetal, and newborn stages into a new human individual.