

A bill for an act

relating to health; establishing state policy for stem cell research; providing criminal penalties; proposing coding for new law in Minnesota Statutes, chapters 137; 145.

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

Section 1. **[137.45] STEM CELL RESEARCH.**

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

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

Subdivision 1. **Research use permitted.** The policy of the state of Minnesota is that 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, shall be permitted and that full consideration of the ethical and medical implications of this research be given. Research involving the derivation and use of human embryonic stem cells, including somatic cell nuclear transplantation, and embryos created for reproduction purposes that are in excess of clinical need and voluntarily donated for research shall be reviewed by an embryonic stem cell research oversight committee.

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

be presented with the options of storing any unused embryos, donating the embryos to another individual, discarding the embryos, or donating the remaining embryos for research. Any patient who elects to donate embryos remaining after fertility treatments for research shall provide written consent to that donation.

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

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

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

As used in this section, "cloning of a human being" means the replication of a human individual by cultivating a cell with genetic material, other than the product of the fertilization of the egg of a human female by the sperm of a human male, through the egg, embryo, fetal, and newborn stages into a new human individual, and transferring the cloned embryo into a woman for gestation and birth.