

A bill for an act
relating to health; establishing a state policy for stem cell research; 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] HUMAN PLURIPOTENT STEM CELL RESEARCH.**

(a) The policy of the state of Minnesota is to support basic and applied research
to develop techniques for the isolation, derivation, production, or testing of stem cells,
including pluripotent stem cells that have the flexibility of embryonic stem cells, whether
or not they have an embryonic source, that may result in improved understanding of, or
treatments for, diseases and other adverse health conditions, provided that the isolation,
derivation, production, or testing of such cells will not involve the following:

(1) creation of a human embryo or embryos for research purposes; or
(2) destruction or discarding of, or risk of injury to, a human embryo or embryos
other than those that are naturally dead.

(b) The commissioner of health shall issue guidelines that:

(1) provide guidance concerning the next steps required for additional research,
which shall include a determination of the extent to which specific techniques may require
additional animal research to ensure that any research involving human cells using these
techniques would clearly be consistent with the standards established in paragraph (a);

(2) prioritize research with the greatest potential for near-term clinical benefit;

(3) consistent with standards established under paragraph (a), take into account techniques outlined by the President's Council on Bioethics and any other appropriate techniques and research; and

(4) in the case of research involving stem cells from a naturally dead embryo, require assurances from grant applicants that no alteration of the time, methods, or procedures used to create, maintain, or intervene in the development of a human embryo was made solely for the purposes of deriving the stem cells.

(c) For the purposes of this section, the following terms have the meanings given:

(1) "Naturally dead" means having naturally and irreversibly lost the capacity for integrated cellular division, growth, and differentiation that is characteristic of an organism, even if some cells of the former organism may be alive in a disorganized state.

(2) "Human embryo or embryos" means any organism, not protected as a human subject under Code of Federal Regulations, title 45, part 46, as of the date of enactment of this section, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

(3) "Risk of injury" means subjecting a human embryo or embryos to risk of injury or death greater than that allowed for research on fetuses in utero under Code of Federal Regulations, title 45, section 46.204(b), and in the guidelines issued pursuant to paragraph (b).

Sec. 3. STATE AMNIOTIC AND PLACENTAL STEM CELL BANK.

The commissioner of health shall conduct a study to recommend an optimal structure for an amniotic and placental stem cell bank program and to address pertinent issues to maximize the potential of such technology, including collection, storage, standards setting, information sharing, distribution, reimbursement, research, and outcome measures. In conducting this study, the Department of Health should receive input from relevant experts including the existing operators of tissue bank programs and biomedical research programs. By January 15, 2009, the commissioner of health shall report the findings of this study to the legislature.