

As Introduced

**127th General Assembly
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S. B. No. 63

Senator Miller, R.

Cosponsor: Senator Smith

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A B I L L

To enact sections 2307.54, 2927.16, 3701.86, and 1
3701.861 of the Revised Code regarding stem cell 2
research. 3

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 2307.54, 2927.16, 3701.86, and 4
3701.861 of the Revised Code be enacted to read as follows: 5

Sec. 2307.54. (A) For the purposes of liability in tort or 6
contract, procuring, furnishing, donating, processing, 7
distributing, or using embryonic or cadaveric fetal tissue for 8
research purposes is declared to be the rendition of a service by 9
any participating person or entity whether or not there is payment 10
and is declared not to be a sale of any such items. Except as 11
provided in division (B) of this section, no warranties nor strict 12
tort liability shall be applicable to provision of the service. 13

(B) A person or entity involved in the rendition of a service 14
described in division (A) of this section warrants to the 15
recipient of the service that in providing the service the person 16
or entity has exercised due care and followed professional 17
standards of care in accordance with the Revised Code. 18

Sec. 2927.16. (A) No person shall knowingly, for 19
consideration, purchase or sell embryonic or cadaveric fetal 20
tissue for research purposes. Nothing in this section prevents a 21
person from receiving embryonic or cadaveric fetal tissue by 22
donation if the tissue is to be used for research purposes. 23

(B) For the purposes of this section, the giving or receiving 24
of reasonable payment or reimbursement for the removal, 25
processing, disposal, preservation, quality control, storage, 26
transplantation, or implantation of tissue does not constitute a 27
purchase or sale. 28

(C) Whoever violates division (A) of this section is guilty 29
of a misdemeanor of the first degree on the first offense and a 30
felony of the fifth degree on each subsequent offense. 31

Sec. 3701.86. Notwithstanding section 2919.14 of the Revised 32
Code, it shall be the public policy of the state that research 33
involving the derivation and use of human embryonic stem cells, 34
human embryonic germ cells, and human adult stem cells from any 35
source, including somatic cell nuclear transplantation, shall be 36
permitted and that the ethical and medical implications of this 37
research shall be given full consideration. 38

The department of health shall establish an institutional 39
review board to review research involving the derivation and use 40
of human embryonic stem cells, human embryonic germ cells, and 41
human adult stem cells, including somatic nuclear transplantation. 42

The director of health shall adopt rules in accordance with 43
Chapter 119. of the Revised Code as necessary to implement and 44
administer this section. 45

Sec. 3701.861. An individual receiving fertility treatment 46
shall have the option of choosing among the available means of 47

disposing of any unused human embryos remaining following the 48
fertility treatment. These means may include storing the embryos, 49
donating them to another individual, discarding them, or donating 50
them for research. 51

An individual who elects to donate unused embryos remaining 52
after fertility treatments shall provide written consent to the 53
donation to the person or entity responsible for facilitating the 54
donation. 55

Section 2. The General Assembly finds and declares all of the 56
following: 57

(A) An estimated 128 million Americans suffer from the 58
crippling economic and psychological burden of chronic, 59
degenerative, and acute diseases, including diabetes, Parkinson's 60
disease, cancer, and Alzheimer's disease. 61

(B) The costs of treatment and lost productivity of chronic, 62
degenerative, and acute diseases in the United States constitutes 63
hundreds of billions of dollars every year. Estimates of the 64
economic costs of these diseases do not account for the extreme 65
human loss and suffering associated with these conditions. 66

(C) Stem cell research offers immense promise for developing 67
new medical therapies for these debilitating diseases and a 68
critical means to explore fundamental questions of biology. Stem 69
cell research could lead to unprecedented treatments and potential 70
cures for diabetes, Alzheimer's disease, cancer, and other 71
diseases. 72

(D) The United States has historically been a haven for open 73
scientific inquiry and technological innovation, and this 74
environment, coupled with the commitment of public and private 75
resources, has made the United States the preeminent world leader 76
in biomedicine and biotechnology. 77

(E) Open scientific inquiry and publicly funded research will 78
be essential to realizing the promise of stem cell research and to 79
maintaining the United States' worldwide leadership in biomedicine 80
and biotechnology. Publicly funded stem cell research, conducted 81
under established standards of open scientific exchange, peer 82
review, and public oversight, offers the most efficient and 83
responsible means of fulfilling the promise of stem cells to 84
provide regenerative medical therapies. 85

(F) Stem cell research, including the use of embryonic stem 86
cells for medical research, raises significant ethical and policy 87
concerns, and, while not unique, the ethical and policy concerns 88
associated with stem cell research must be carefully considered. 89

(G) Public policy on stem cell research must balance ethical 90
and medical considerations. The policy must be based on an 91
understanding of the science associated with stem cell research 92
and grounded on a thorough consideration of the ethical concerns 93
regarding this research. Public policy on stem cell research must 94
be carefully crafted to ensure that researchers have the tools 95
necessary to fulfill the promise of stem cell research. 96