
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 945 Session of
2003

INTRODUCED BY FRANKEL, MANN, BEBKO-JONES, CURRY, DALEY,
D. EVANS, JAMES, LEACH, MUNDY, MYERS, PALLONE, STURLA AND
YOUNGBLOOD, MARCH 20, 2003

REFERRED TO COMMITTEE ON HEALTH AND HUMAN SERVICES,
MARCH 20, 2003

AN ACT

1 Authorizing human embryonic stem cell research.

2 The General Assembly of the Commonwealth of Pennsylvania
3 hereby enacts as follows:

4 Section 1. Short title.

5 This act shall be known and may be cited as the Stem Cell
6 Research Authorization Act.

7 Section 2. Definitions.

8 The following words and phrases when used in this act shall
9 have the meanings given to them in this section unless the
10 context clearly indicates otherwise:

11 "Embryo." An individual organism of the species *Homo sapiens*
12 that is comprised of an oocyte which has been fertilized through
13 the introduction of sperm and which has at present the capacity
14 to develop in utero into a human fetus. The term shall include
15 organisms that are fertilized *ex vivo* and *in vivo*. Organisms
16 with morphological similarity to an embryo but which were not

1 created with germ line cells from two human progenitors shall
2 not be considered to be an embryo. This definition shall only
3 apply to embryos existing outside the uterus.

4 "Embryonic stem cell." A cell that originates from the inner
5 cell mass of a human embryo and has the potential to develop
6 into all or nearly all of the tissues in a human body, the
7 potential known as pluripotentiality.

8 "Stem cell." An undifferentiated, primitive cell which can
9 divide, multiply or self-replicate in culture and differentiate
10 into specific or specialized kinds of cells.

11 Section 3. Human embryonic stem cell generation and research.

12 Scientists engaged in the use of previously derived embryonic
13 stem cells shall not be considered to have destroyed human
14 embryos.

15 Section 4. Sources of embryonic stem cells.

16 (a) General rule.--For purposes of carrying out research
17 under section 3, the human embryonic stem cells involved shall
18 be derived only from embryos that have been donated from public
19 or private fertility clinics after compliance with all of the
20 requirements of this section.

21 (b) Written determination.--A written determination signed
22 by the progenitors that the embryo will never be implanted in
23 utero and would otherwise be discarded is required. The written
24 determination can only occur prior to consideration of embryo
25 donation and after consultation with an independent party by the
26 progenitors, if both are known and available or by the female
27 progenitor, if only one of the progenitors is known. Reasonable
28 efforts must be made to contact the progenitors.

29 (c) Written consent.--After the determination under
30 subsection (b), the written consent of the progenitors, if both

1 are known, or the written consent of the female progenitor, if
2 only one is known, must be obtained for embryo donation. If
3 reasonable efforts to locate the progenitors fail, approval for
4 embryo donation is presumed.

5 (d) Financial incentives.--

6 (1) Except as provided in paragraph (2), no financial
7 incentive may be used as an indicant for the progenitor or
8 progenitors to donate an embryo. The donor or donors shall
9 have no legal right or standing to obtain the products
10 derived from the stem cell research.

11 (2) The progenitor or progenitors may receive
12 reimbursement for their reasonable expenses incurred with the
13 retrieval, storage, preparation and transportation of the
14 donated embryo.

15 Section 5. Restriction.

16 Human embryonic stem cell research may not result in the
17 creation of human embryos for reproductive purposes.

18 Section 6. Penalty.

19 A violation of any of the provisions of this act shall be a
20 misdemeanor of the third degree. Each day of violation shall
21 constitute a separate offense.

22 Section 7. Effective date.

23 This act shall take effect in 60 days.