

BILL ANALYSIS

Senate Research Center

C.S.S.B. 73
By: Nelson
Health & Human Services
5/12/2009
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Adult stem cells have been used to treat about 70 different diseases in almost 20,000 patients. Currently, 1.2 million Texans are afflicted with chronic disease that could potentially be treated with adult stem cell therapies. Adult stem cells come from bone marrow, umbilical cord blood, or cells circulating in the blood. No embryos are harmed in extracting adult stem cells. There are 30 sites throughout the state where adult stem cell research and therapies are being conducted, but no way of coordinating these activities. These sites include medical research centers, universities, and public cord blood banks.

C.S.S.B. 73 creates the Adult Stem Cell Research Consortium, to allow universities and cord blood banks working on adult stem cell research to coordinate.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter H, Title 3, Education Code, by adding Chapter 156, as follows:

CHAPTER 156. ADULT STEM CELL RESEARCH PROGRAM

Sec. 156.001. DEFINITIONS. Defines "adult stem cell," "consortium," "coordinating board," "institution of higher education," "multi-institutional, multi-investigator research project," "program," and "research oversight committee."

Sec. 156.002. PURPOSE. Sets forth the purpose of the Texas Adult Stem Cell Research Consortium (consortium).

Sec. 156.003. COMPOSITION OF RESEARCH OVERSIGHT COMMITTEE. (a) Sets forth the composition of the Texas Adult Stem Cell Research Oversight Committee (research oversight committee).

(b) Requires the governor to appoint five of the professional members, two of whom must be selected from a list of candidates prepared by the speaker of the house of representatives, and requires the lieutenant governor to appoint two of the professional members.

(c) Requires the governor to designate a member of the research oversight committee as the presiding officer of the research oversight committee. Provides that the presiding officer serves in that capacity at the will of the governor.

(d) Provides that the members of the research oversight committee serve staggered six-year terms, with four members' terms expiring February 1 of each odd-numbered year. Requires the appropriate appointing authority to appoint, in the same manner as the original appointment, another person to serve for the remainder of the unexpired term if a vacancy occurs on the research oversight committee.

(e) Provides that a research oversight committee member is not entitled to compensation, but is entitled to reimbursement for necessary expenses, including travel expenses, incurred in performing the duties of a research oversight committee member.

Sec. 156.004. CONFLICT OF INTEREST. (a) Defines "Texas trade association."

(b) Prohibits a person from being a member of the research oversight committee if the person is an officer, employee, or paid consultant of a Texas trade association in the field of medicine, or the person's spouse is an officer, manager, or paid consultant of a Texas trade association in the field of medicine.

(c) Prohibits a person from being a member of the research oversight committee if the person is required to register as a lobbyist under Chapter 305 (Registration of Lobbyists), Government Code, because of the person's activities for compensation on behalf of a profession related to the operation of the research oversight committee.

Sec. 156.005. COMPOSITION OF CONSORTIUM. (a) Requires the research oversight committee to establish the consortium.

(b) Provides that the consortium is composed of participating institutions of higher education that accept public money for adult stem cell research or otherwise agree to participate in the consortium, and the following umbilical cord blood banks: the Texas Cord Blood Bank; the M.D. Anderson Cord Blood Bank; and any not-for-profit umbilical cord blood bank operating in this state that stores umbilical cord blood for public use and agrees to participate in the consortium.

Sec. 156.006. ADVISORY COMMITTEE. (a) Requires the research oversight committee to establish an advisory committee to make recommendations based on prevailing international best practices in adult stem cell research to assist the research oversight committee in performing its duties.

(b) Sets forth the composition of the advisory committee.

(c) Provides that a member of the advisory committee is not entitled to compensation and is not entitled to reimbursement for expenses.

(d) Provides that Chapter 2110 (State Agency Advisory Committees), Government Code, does not apply to the advisory committee.

Sec. 156.007. ADMINISTRATION OF PROGRAM; GUIDELINES AND PROCEDURES. (a) Requires the research oversight committee to administer the program to make grants and loans on a competitive, peer review basis to consortium participants for multi-institutional, multi-investigator research projects involving adult stem cells, including projects to develop therapies, protocols, or medical procedures involving adult stem cells; and the commercialization of products or technology involving adult stem cell research and treatments; support consortium participants in all stages of the process of developing treatments and cures based on adult stem cell research, beginning with initial laboratory research through successful clinical trials; and establish appropriate regulatory standards and oversight bodies for adult stem cell research conducted by consortium participants.

(b) Requires the research oversight committee, in consultation with the advisory committee, to develop research priorities, guidelines, and procedures for providing grants and loans for specific research projects conducted by consortium participants. Requires that the priorities, guidelines, and procedures require the grants and loans to be made on a competitive, peer review basis, and only for multi-institutional, multi-investigator research projects.

(c) Prohibits money awarded under this chapter from being used for research using stem cells obtained after an induced abortion.

(d) Requires the research oversight committee to follow the recommendations of the advisory committee in performing its duties. Requires the research oversight committee, if the research oversight committee does not carry out a recommendation of the advisory committee, to provide a reason to the advisory committee in writing and include the reason in its biennial report.

Sec. 156.008. FUNDING; SUPPORT. (a) Authorizes the program to be funded by gifts, grants, or donations described by Section 156.009.

(b) Requires the Texas Higher Education Coordinating Board (THECB) to provide administrative support and resources necessary for the research oversight committee to perform its duties under this chapter.

Sec. 156.009. GIFTS AND GRANTS. Requires the consortium to solicit, and authorizes the research oversight committee to accept on behalf of the consortium, a gift, grant, or donation made from any public or private source for the purpose of promoting adult stem commercialization or multi-institutional, multi-investigator research projects.

Sec. 156.010. BIENNIAL REPORT. Requires the research oversight committee to submit a report of the research oversight committee's activities and recommendations to THECB and to the governor, the lieutenant governor, the speaker of the house of representatives, and the presiding officer of each legislative standing committee or subcommittee with jurisdiction over higher education not later than September 1 of each even-numbered year.

SECTION 2. (a) Requires the governor, lieutenant governor, executive commissioner of the Health and Human Services Commission (executive commissioner), and the commissioner of higher education, as soon as possible after the effective date of this Act, to appoint members to the research oversight committee in accordance with Chapter 156, Education Code, as added by this Act.

(b) Provides that in making initial appointments to the research oversight committee:

(1) the governor is required to appoint two members to serve a term expiring February 1, 2011, one member to serve a term expiring February 1, 2013, and one member to serve a term expiring February 1, 2015; and from a list of candidates prepared by the speaker of the house of representatives, one member to serve a term expiring February 1, 2011, and one member to serve a term expiring February 1, 2015;

(2) the lieutenant governor is required to appoint one member to serve a term expiring February 1, 2011, and one member to serve a term expiring February 1, 2013;

(3) the executive commissioner is required to appoint one member to serve a term expiring February 1, 2013, and one member to serve a term expiring February 1, 2015; and

(4) the commissioner of higher education is required to appoint one member to serve a term expiring February 1, 2013, and one member to serve a term expiring February 1, 2015.

SECTION 3. Requires the research oversight committee to submit the first report of the committee's activities and recommendations as required by Chapter 156, Education Code, as added by this Act, not later than September 1, 2010.

SECTION 4. Effective date: September 1, 2009.