

By: Zedler

H.B. No. 2342

A BILL TO BE ENTITLED

AN ACT

relating to the research, collection, and use of adult stem cells.

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

SECTION 1. Subtitle H, Title 3, Education Code, is amended by adding Chapter 156 to read as follows:

CHAPTER 156. ADULT STEM CELL RESEARCH PROGRAM

Sec. 156.001. DEFINITIONS. In this chapter:

(1) "Adult stem cell" means an undifferentiated cell that is:

(A) found in differentiated tissue; and

(B) able to renew itself and differentiate to yield all or nearly all of the specialized cell types of the tissue from which the cell originated.

(2) "Consortium" means the Texas Adult Stem Cell Research Consortium.

(3) "Institution of higher education" means an institution of higher education as defined by Section 61.003 or a private college or university that receives state funds.

(4) "Program" means the adult stem cell research program established under this chapter.

(5) "Research coordinating board" means the Texas Adult Stem Cell Research Coordinating Board.

Sec. 156.002. COMPOSITION OF RESEARCH COORDINATING BOARD.

(a) The Texas Adult Stem Cell Research Coordinating Board is

1 composed of:

2 (1) two members representing the Texas Higher
3 Education Coordinating Board, each of whom is appointed by the
4 commissioner of higher education;

5 (2) two members representing the Health and Human
6 Services Commission, each of whom is appointed by the executive
7 commissioner of the commission;

8 (3) one member who is an interested person appointed
9 by the lieutenant governor;

10 (4) seven professional members with special training
11 and interest in:

12 (A) adult stem cell research;

13 (B) clinical applications involving adult stem
14 cells; or

15 (C) commercialization of products or technology
16 involving adult stem cell research and treatments; and

17 (5) members representing institutions of higher
18 education participating in the consortium, with one member
19 appointed by the president of each institution.

20 (b) The governor shall appoint four of the professional
21 members, and the lieutenant governor shall appoint three of the
22 professional members.

23 (c) The governor shall designate as the presiding officer of
24 the research coordinating board a member of the board who does not
25 represent an institution of higher education. The presiding
26 officer serves in that capacity at the will of the governor.

27 (d) The members of the research coordinating board serve

1 staggered six-year terms. If a vacancy occurs on the board, the
2 appropriate appointing authority shall appoint, in the same manner
3 as the original appointment, another person to serve for the
4 remainder of the unexpired term.

5 Sec. 156.003. CONFLICT OF INTEREST. (a) In this section,
6 "Texas trade association" means a cooperative and voluntarily
7 joined association of business or professional competitors in this
8 state designed to assist its members and its industry or profession
9 in dealing with mutual business or professional problems and in
10 promoting their common interest.

11 (b) A person may not be a member of the research
12 coordinating board if:

13 (1) the person is an officer, employee, or paid
14 consultant of a Texas trade association in the field of medicine; or

15 (2) the person's spouse is an officer, manager, or paid
16 consultant of a Texas trade association in the field of medicine.

17 (c) A person may not be a member of the research
18 coordinating board if the person is required to register as a
19 lobbyist under Chapter 305, Government Code, because of the
20 person's activities for compensation on behalf of a profession
21 related to the operation of the board.

22 Sec. 156.004. COMPOSITION OF CONSORTIUM. (a) The research
23 coordinating board shall establish the Texas Adult Stem Cell
24 Research Consortium.

25 (b) The consortium is composed of participating
26 institutions of higher education and businesses that:

27 (1) accept public money for adult stem cell research;

1 or

2 (2) otherwise agree to participate in the consortium.

3 Sec. 156.005. ADMINISTRATION OF PROGRAM; GUIDELINES AND
4 PROCEDURES. (a) The research coordinating board shall administer
5 the program to:

6 (1) make grants and loans to consortium members for:

7 (A) adult stem cell research projects, including
8 projects to develop therapies, protocols, or medical procedures
9 involving adult stem cells;

10 (B) the development of facilities to be used
11 solely for adult stem cell research projects; and

12 (C) the commercialization of products or
13 technology involving adult stem cell research and treatments;

14 (2) support consortium members in all stages of the
15 process of developing treatments and cures based on adult stem cell
16 research, beginning with initial laboratory research through
17 successful clinical trials;

18 (3) establish appropriate regulatory standards and
19 oversight bodies for:

20 (A) adult stem cell research conducted by
21 consortium members; and

22 (B) the development of facilities for consortium
23 members conducting adult stem cell research; and

24 (4) assist consortium members in applying for grants
25 or loans under the program.

26 (b) The research coordinating board shall develop research
27 priorities, guidelines, and procedures for providing grants and

1 loans for specific research projects conducted by consortium
2 members. The priorities, guidelines, and procedures must require
3 the grants and loans to be made on a competitive, peer review basis.

4 Sec. 156.006. FUNDING. The program may be funded by:

5 (1) legislative appropriations; or

6 (2) gifts, grants, and donations described by Section
7 156.007.

8 Sec. 156.007. GIFTS, GRANTS, AND DONATIONS. The consortium
9 shall solicit, and the research coordinating board may accept on
10 behalf of the consortium, a gift, grant, or donation made from any
11 public or private source for the purpose of promoting adult stem
12 cell research or commercialization.

13 Sec. 156.008. BIENNIAL REPORT. Not later than September 1
14 of each even-numbered year, the research coordinating board shall
15 submit a report of the board's activities and recommendations to
16 the Texas Higher Education Coordinating Board and to the governor,
17 the lieutenant governor, the speaker of the house of
18 representatives, and the presiding officer of each legislative
19 standing committee or subcommittee with jurisdiction over higher
20 education.

21 SECTION 2. Section 162.001, Health and Safety Code, is
22 amended by adding Subdivision (4) to read as follows:

23 (4) "Adult stem cell" means an undifferentiated cell
24 that is:

25 (A) found in differentiated tissue; and

26 (B) able to renew itself and differentiate to
27 yield all or nearly all of the specialized cell types of the tissue

1 from which the cell originated.

2 SECTION 3. Chapter 162, Health and Safety Code, is amended
3 by adding Section 162.020 to read as follows:

4 Sec. 162.020. ADULT STEM CELL COLLECTION. Blood obtained
5 by a blood bank may be used for the collection of adult stem cells if
6 the donor consents in writing to that use.

7 SECTION 4. Section 241.003, Health and Safety Code, is
8 amended by amending Subdivision (1) and adding Subdivision (1-a) to
9 read as follows:

10 (1) "Adult stem cell" has the meaning assigned by
11 Section 162.001.

12 (1-a) "Advanced practice nurse" means a registered
13 nurse recognized as an advanced practice nurse by the Texas Board of
14 Nursing.

15 SECTION 5. Subchapter A, Chapter 241, Health and Safety
16 Code, is amended by adding Section 241.009 to read as follows:

17 Sec. 241.009. USE OF ADULT STEM CELLS. A hospital may use
18 adult stem cells in a procedure if a physician providing services at
19 the hospital determines that the use of adult stem cells in the
20 procedure is appropriate and the patient consents in writing to the
21 use.

22 SECTION 6. Not later than September 1, 2014, the Texas Adult
23 Stem Cell Research Coordinating Board shall submit the first report
24 of the board's activities and recommendations as required by
25 Chapter 156, Education Code, as added by this Act.

26 SECTION 7. This Act takes effect September 1, 2013.