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H.B. No. 177

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 seven members appointed as follows:

2 (1) three members who are interested persons,  
3 including at least one person who represents an institution of  
4 higher education and one person who is a representative of an  
5 advocacy organization representing patients, appointed by the  
6 governor;

7 (2) two members who are interested persons appointed  
8 by the lieutenant governor; and

9 (3) two members who are interested persons appointed  
10 by the speaker of the house of representatives.

11 (b) The governor shall designate as the presiding officer of  
12 the research coordinating board a board member appointed under  
13 Subsection (a)(1) who represents an institution of higher  
14 education. The presiding officer serves in that capacity at the  
15 will of the governor.

16 (c) The members of the research coordinating board serve  
17 staggered six-year terms. If a vacancy occurs on the board, the  
18 appropriate appointing authority shall appoint, in the same manner  
19 as the original appointment, another person to serve for the  
20 remainder of the unexpired term.

21 Sec. 156.003. CONFLICT OF INTEREST. (a) In this section,  
22 "Texas trade association" means a cooperative and voluntarily  
23 joined association of business or professional competitors in this  
24 state designed to assist its members and its industry or profession  
25 in dealing with mutual business or professional problems and in  
26 promoting their common interest.

27 (b) A person may not be a member of the research

1 coordinating board if:

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

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

6 (3) the person is a member of the Texas Higher  
7 Education Coordinating Board.

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

13 Sec. 156.004. COMPOSITION OF CONSORTIUM. (a) The research  
14 coordinating board shall establish the Texas Adult Stem Cell  
15 Research Consortium.

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

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

19 or

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

21 Sec. 156.005. ADMINISTRATION OF PROGRAM; GUIDELINES AND  
22 PROCEDURES. (a) The research coordinating board shall administer  
23 the program to:

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

25 (A) adult stem cell research projects, including  
26 projects to develop therapies, protocols, or medical procedures  
27 involving adult stem cells;

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

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

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

9           (3) establish appropriate regulatory standards and  
10 oversight bodies for:

11           (A) adult stem cell research conducted by  
12 consortium members; and

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

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

17           (b) The research coordinating board shall develop research  
18 priorities, guidelines, and procedures for providing grants and  
19 loans for specific research projects conducted by consortium  
20 members. The priorities, guidelines, and procedures must require  
21 the grants and loans to be made on a competitive, peer review basis.

22           Sec. 156.006. FUNDING. The program shall be funded by  
23 gifts, grants, and donations described by Section 156.007. The  
24 program may not be funded by legislative appropriations.

25           Sec. 156.007. GIFTS, GRANTS, AND DONATIONS. The consortium  
26 shall solicit, and the research coordinating board may accept on  
27 behalf of the consortium, a gift, grant, or donation made from any

1 public or private source for the purpose of promoting adult stem  
2 cell research or commercialization.

3 Sec. 156.008. BIENNIAL REPORT. Not later than September 1  
4 of each even-numbered year, the research coordinating board shall  
5 submit a report of the board's activities and recommendations to  
6 the Texas Higher Education Coordinating Board and to the governor,  
7 the lieutenant governor, the speaker of the house of  
8 representatives, and the presiding officer of each legislative  
9 standing committee or subcommittee with jurisdiction over higher  
10 education.

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

13 (4) "Adult stem cell" means an undifferentiated cell  
14 that is:

15 (A) found in differentiated tissue; and

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

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

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

24 SECTION 4. The heading to Chapter 1003, Health and Safety  
25 Code, is amended to read as follows:

26 CHAPTER 1003. [~~AUTOLOGOUS STEM CELL BANK FOR RECIPIENTS OF~~  
27 ~~BLOOD AND TISSUE COMPONENTS WHO ARE THE LIVE HUMAN DONORS~~

1                    ~~OF THE~~] ADULT STEM CELLS

2            SECTION 5. Chapter 1003, Health and Safety Code, is amended  
3 by adding Sections 1003.002 and 1003.003 to read as follows:

4            Sec. 1003.002. GENERAL REQUIREMENTS FOR ADULT STEM CELL USE  
5 IN HEALTH CARE. A person using adult stem cells in the provision of  
6 health care:

7                    (1) must use adult stem cells that are properly  
8 manufactured and stored; and

9                    (2) may only use adult stem cells in a clinical trial  
10 approved by the United States Food and Drug Administration.

11            Sec. 1003.003. ADDITIONAL REQUIREMENTS FOR ADULT STEM CELL  
12 USE IN HOSPITALS. A hospital may use adult stem cells in a  
13 procedure if:

14                    (1) a physician providing services at the hospital  
15 determines that the use of adult stem cells in the procedure is  
16 appropriate;

17                    (2) the patient consents in writing to the use;

18                    (3) the requirements for stem cell use under Section  
19 1003.002 are met;

20                    (4) the manufacturing processes for the adult stem  
21 cells satisfy current good manufacturing practices adopted by the  
22 United States Food and Drug Administration; and

23                    (5) appropriate state and federal guidelines on the  
24 use of adult stem cells are followed.

25            SECTION 6. (a) As soon as practicable after the effective  
26 date of this Act, the governor, lieutenant governor, and speaker of  
27 the house of representatives shall appoint members to the Texas

1 Adult Stem Cell Research Coordinating Board, as required by Section  
2 156.002, Education Code, as added by this Act, as follows:

3 (1) the governor shall appoint one member to a term  
4 expiring February 1, 2017, one member to a term expiring February 1,  
5 2019, and one member to a term expiring February 1, 2021;

6 (2) the lieutenant governor shall appoint one member  
7 to a term expiring February 1, 2019, and one member to a term  
8 expiring February 1, 2021; and

9 (3) the speaker of the house of representatives shall  
10 appoint one member to a term expiring February 1, 2019, and one  
11 member to a term expiring February 1, 2021.

12 (b) Not later than September 1, 2016, the Texas Adult Stem  
13 Cell Research Coordinating Board shall submit the first report of  
14 the board's activities and recommendations as required by Chapter  
15 156, Education Code, as added by this Act.

16 SECTION 7. This Act takes effect September 1, 2015.