

1-1 By: Zedler, et al. (Senate Sponsor - Bettencourt) H.B. No. 177
1-2 (In the Senate - Received from the House May 14, 2015;
1-3 May 14, 2015, read first time and referred to Committee on Health
1-4 and Human Services; May 22, 2015, reported favorably by the
1-5 following vote: Yeas 9, Nays 0; May 22, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	<u>Schwertner</u>	X		
1-9	<u>Kolkhorst</u>	X		
1-10	<u>Campbell</u>	X		
1-11	<u>Estes</u>	X		
1-12	<u>Perry</u>	X		
1-13	<u>Rodríguez</u>	X		
1-14	<u>Taylor of Collin</u>	X		
1-15	<u>Uresti</u>	X		
1-16	<u>Zaffirini</u>	X		

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to the research, collection, and use of adult stem cells.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Subtitle H, Title 3, Education Code, is amended
1-22 by adding Chapter 156 to read as follows:

1-23 CHAPTER 156. ADULT STEM CELL RESEARCH PROGRAM

1-24 Sec. 156.001. DEFINITIONS. In this chapter:

1-25 (1) "Adult stem cell" means an undifferentiated cell
1-26 that is:

1-27 (A) found in differentiated tissue; and
1-28 (B) able to renew itself and differentiate to
1-29 yield all or nearly all of the specialized cell types of the tissue
1-30 from which the cell originated.

1-31 (2) "Consortium" means the Texas Adult Stem Cell
1-32 Research Consortium.

1-33 (3) "Institution of higher education" means an
1-34 institution of higher education as defined by Section 61.003 or a
1-35 private college or university that receives state funds.

1-36 (4) "Program" means the adult stem cell research
1-37 program established under this chapter.

1-38 (5) "Research coordinating board" means the Texas
1-39 Adult Stem Cell Research Coordinating Board.

1-40 Sec. 156.002. COMPOSITION OF RESEARCH COORDINATING BOARD.

1-41 (a) The Texas Adult Stem Cell Research Coordinating Board is
1-42 composed of seven members appointed as follows:

1-43 (1) three members who are interested persons,
1-44 including at least one person who represents an institution of
1-45 higher education and one person who is a representative of an
1-46 advocacy organization representing patients, appointed by the
1-47 governor;

1-48 (2) two members who are interested persons appointed
1-49 by the lieutenant governor; and

1-50 (3) two members who are interested persons appointed
1-51 by the speaker of the house of representatives.

1-52 (b) The governor shall designate as the presiding officer of
1-53 the research coordinating board a board member appointed under
1-54 Subsection (a)(1) who represents an institution of higher
1-55 education. The presiding officer serves in that capacity at the
1-56 will of the governor.

1-57 (c) The members of the research coordinating board serve
1-58 staggered six-year terms. If a vacancy occurs on the board, the
1-59 appropriate appointing authority shall appoint, in the same manner
1-60 as the original appointment, another person to serve for the
1-61 remainder of the unexpired term.

2-1 Sec. 156.003. CONFLICT OF INTEREST. (a) In this section,
 2-2 "Texas trade association" means a cooperative and voluntarily
 2-3 joined association of business or professional competitors in this
 2-4 state designed to assist its members and its industry or profession
 2-5 in dealing with mutual business or professional problems and in
 2-6 promoting their common interest.

2-7 (b) A person may not be a member of the research
 2-8 coordinating board if:

2-9 (1) the person is an officer, employee, or paid
 2-10 consultant of a Texas trade association in the field of medicine;

2-11 (2) the person's spouse is an officer, manager, or paid
 2-12 consultant of a Texas trade association in the field of medicine; or

2-13 (3) the person is a member of the Texas Higher
 2-14 Education Coordinating Board.

2-15 (c) A person may not be a member of the research
 2-16 coordinating board if the person is required to register as a
 2-17 lobbyist under Chapter 305, Government Code, because of the
 2-18 person's activities for compensation on behalf of a profession
 2-19 related to the operation of the board.

2-20 Sec. 156.004. COMPOSITION OF CONSORTIUM. (a) The research
 2-21 coordinating board shall establish the Texas Adult Stem Cell
 2-22 Research Consortium.

2-23 (b) The consortium is composed of participating
 2-24 institutions of higher education and businesses that:

2-25 (1) accept public money for adult stem cell research;
 2-26 or

2-27 (2) otherwise agree to participate in the consortium.

2-28 Sec. 156.005. ADMINISTRATION OF PROGRAM; GUIDELINES AND
 2-29 PROCEDURES. (a) The research coordinating board shall administer
 2-30 the program to:

2-31 (1) make grants and loans to consortium members for:

2-32 (A) adult stem cell research projects, including
 2-33 projects to develop therapies, protocols, or medical procedures
 2-34 involving adult stem cells;

2-35 (B) the development of facilities to be used
 2-36 solely for adult stem cell research projects; and

2-37 (C) the commercialization of products or
 2-38 technology involving adult stem cell research and treatments;

2-39 (2) support consortium members in all stages of the
 2-40 process of developing treatments and cures based on adult stem cell
 2-41 research, beginning with initial laboratory research through
 2-42 successful clinical trials;

2-43 (3) establish appropriate regulatory standards and
 2-44 oversight bodies for:

2-45 (A) adult stem cell research conducted by
 2-46 consortium members; and

2-47 (B) the development of facilities for consortium
 2-48 members conducting adult stem cell research; and

2-49 (4) assist consortium members in applying for grants
 2-50 or loans under the program.

2-51 (b) The research coordinating board shall develop research
 2-52 priorities, guidelines, and procedures for providing grants and
 2-53 loans for specific research projects conducted by consortium
 2-54 members. The priorities, guidelines, and procedures must require
 2-55 the grants and loans to be made on a competitive, peer review basis.

2-56 Sec. 156.006. FUNDING. The program shall be funded by
 2-57 gifts, grants, and donations described by Section 156.007. The
 2-58 program may not be funded by legislative appropriations.

2-59 Sec. 156.007. GIFTS, GRANTS, AND DONATIONS. The consortium
 2-60 shall solicit, and the research coordinating board may accept on
 2-61 behalf of the consortium, a gift, grant, or donation made from any
 2-62 public or private source for the purpose of promoting adult stem
 2-63 cell research or commercialization.

2-64 Sec. 156.008. BIENNIAL REPORT. Not later than September 1
 2-65 of each even-numbered year, the research coordinating board shall
 2-66 submit a report of the board's activities and recommendations to
 2-67 the Texas Higher Education Coordinating Board and to the governor,
 2-68 the lieutenant governor, the speaker of the house of
 2-69 representatives, and the presiding officer of each legislative

3-1 standing committee or subcommittee with jurisdiction over higher
3-2 education.

3-3 SECTION 2. Section 162.001, Health and Safety Code, is
3-4 amended by adding Subdivision (4) to read as follows:

3-5 (4) "Adult stem cell" means an undifferentiated cell
3-6 that is:

3-7 (A) found in differentiated tissue; and

3-8 (B) able to renew itself and differentiate to
3-9 yield all or nearly all of the specialized cell types of the tissue
3-10 from which the cell originated.

3-11 SECTION 3. Chapter 162, Health and Safety Code, is amended
3-12 by adding Section 162.020 to read as follows:

3-13 Sec. 162.020. ADULT STEM CELL COLLECTION. Blood obtained
3-14 by a blood bank may be used for the collection of adult stem cells if
3-15 the donor consents in writing to that use.

3-16 SECTION 4. The heading to Chapter 1003, Health and Safety
3-17 Code, is amended to read as follows:

3-18 CHAPTER 1003. [~~AUTOLOGOUS STEM CELL BANK FOR RECIPIENTS OF~~
3-19 ~~BLOOD AND TISSUE COMPONENTS WHO ARE THE LIVE HUMAN DONORS~~
3-20 ~~OF THE]~~ ADULT STEM CELLS

3-21 SECTION 5. Chapter 1003, Health and Safety Code, is amended
3-22 by adding Sections 1003.002 and 1003.003 to read as follows:

3-23 Sec. 1003.002. GENERAL REQUIREMENTS FOR ADULT STEM CELL USE
3-24 IN HEALTH CARE. A person using adult stem cells in the provision of
3-25 health care:

3-26 (1) must use adult stem cells that are properly
3-27 manufactured and stored; and

3-28 (2) may only use adult stem cells in a clinical trial
3-29 approved by the United States Food and Drug Administration.

3-30 Sec. 1003.003. ADDITIONAL REQUIREMENTS FOR ADULT STEM CELL
3-31 USE IN HOSPITALS. A hospital may use adult stem cells in a
3-32 procedure if:

3-33 (1) a physician providing services at the hospital
3-34 determines that the use of adult stem cells in the procedure is
3-35 appropriate;

3-36 (2) the patient consents in writing to the use;

3-37 (3) the requirements for stem cell use under Section
3-38 1003.002 are met;

3-39 (4) the manufacturing processes for the adult stem
3-40 cells satisfy current good manufacturing practices adopted by the
3-41 United States Food and Drug Administration; and

3-42 (5) appropriate state and federal guidelines on the
3-43 use of adult stem cells are followed.

3-44 SECTION 6. (a) As soon as practicable after the effective
3-45 date of this Act, the governor, lieutenant governor, and speaker of
3-46 the house of representatives shall appoint members to the Texas
3-47 Adult Stem Cell Research Coordinating Board, as required by Section
3-48 156.002, Education Code, as added by this Act, as follows:

3-49 (1) the governor shall appoint one member to a term
3-50 expiring February 1, 2017, one member to a term expiring February 1,
3-51 2019, and one member to a term expiring February 1, 2021;

3-52 (2) the lieutenant governor shall appoint one member
3-53 to a term expiring February 1, 2019, and one member to a term
3-54 expiring February 1, 2021; and

3-55 (3) the speaker of the house of representatives shall
3-56 appoint one member to a term expiring February 1, 2019, and one
3-57 member to a term expiring February 1, 2021.

3-58 (b) Not later than September 1, 2016, the Texas Adult Stem
3-59 Cell Research Coordinating Board shall submit the first report of
3-60 the board's activities and recommendations as required by Chapter
3-61 156, Education Code, as added by this Act.

3-62 SECTION 7. This Act takes effect September 1, 2015.

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