

## **BILL ANALYSIS**

Senate Research Center  
80R4847 KEL-D

S.B. 1754  
By: Ellis  
S/C on Higher Education  
4/26/2007  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Due to attempts to ban stem cell research in this state, there is uncertainty among public and private institutions of higher education as to its current and future legal status. Many institutions of higher education are hesitant to accept private funds for such research because of this uncertainty and the fear of a future ban.

As proposed, S.B. 1754 reaffirms for public and private institutions of higher education that research relating to regenerative or reparative medical therapies or treatments, regardless of the approval of the state or federal government, is authorized if funded by private sources. The bill also clarifies how such research and funding is to be separated from state and federal funds.

### **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 Z, Chapter 51, Education Code, by adding Section 51.949, as follows:

Sec. 51.949. USE OF PRIVATE MONEY FOR RESEARCH REGARDING CERTAIN REGENERATIVE OR REPARATIVE MEDICAL THERAPIES OR TREATMENTS.

(a) Authorizes a public or private institution of higher education (institution) to use money from private sources to perform scientific research relating to regenerative or reparative medical therapies or treatments regardless of whether it has been specifically approved by the state or federal government, provided that the institution complies with all state or federal legal, fiscal, or administrative requirements governing the research.

(b) Requires an institution to maintain in a separate account all revenue from private sources that the institution intends to use for the purposes of performing the research described by Subsection (a). Prohibits the institution from commingling that revenue with any other state or federal money.

(c) Requires each institution to ensure compliance with all applicable requirements regarding use of state or federal money as necessary to obtain public funds in the maximum amount and most advantageous proportions possible; to seek funding in a manner that maximizes the total amount of money available all sources for regenerative or reparative medical therapies or treatments; and to authorize and account for the classification and spending of funds from all sources in carrying out regenerative or reparative medical therapies or treatments.

(d) Requires each institution to establish a review board (board) and require the board to review the research program and all related practices and procedures in the program periodically to ensure the necessary compliance with state and federal law. Authorizes the board to recommend and the institution of higher education to adopt practices and procedures for the program stricter than those required under state or federal law.

SECTION 2. Effective date: upon passage or September 1, 2007.