

ASSEMBLY BILL

No. 12

**Introduced by Assembly Member Patterson
(Coauthors: Assembly Members Grove, Jones, Mathis, and Wagner)**

August 17, 2015

An act to amend Section 125320 of the Health and Safety Code, relating to human tissue.

LEGISLATIVE COUNSEL'S DIGEST

AB 12, as introduced, Patterson. Cadaveric fetal tissue.

Existing law prohibits a person from knowingly, for valuable consideration, purchasing or selling embryonic or cadaveric fetal tissue for research purposes, pursuant to specified provisions of law. Existing law, for the purpose of this provisions, excludes from the definition of “valuable consideration” reasonable payment for the removal, processing, disposal, preservation, quality control, storage, transplantation, or implantation of a part.

This bill would, for the purpose of that provision, instead include in the definition of “valuable consideration” all forms of payment, including, but not limited to, payment for the removal, processing, disposal, preservation, quality control, storage, transplantation, or implantation of a part. The bill would also prohibit public funds from being used to support any facility that furnishes cadaveric fetal tissue for research.

The California Stem Cell Research and Cures Act, an initiative measure approved by the voters at the November 2, 2004, statewide general election as Proposition 71, provides that the Legislature may amend the nonbond statutory provisions of that act to enhance the ability of the California Institute for Regenerative Medicine to further the

purposes of the grant and loan programs created by that act, with a 70% vote of each house and compliance with specified procedural requirements.

Because this bill would amend certain provisions of the act, it would require for passage a 70% vote.

Vote: 70%. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 125320 of the Health and Safety Code
- 2 is amended to read:
- 3 125320. (a) A person ~~may~~ *shall* not knowingly, for valuable
- 4 consideration, purchase or sell embryonic or cadaveric fetal tissue
- 5 for research purposes pursuant to this chapter.
- 6 (b) For purposes of this section, “valuable consideration” ~~does~~
- 7 ~~not include reasonable~~ *includes all forms of payment, including,*
- 8 *but not limited to,* payment for the removal, processing, disposal,
- 9 preservation, quality control, storage, transplantation, or
- 10 implantation of a part.
- 11 (c) Embryonic or cadaveric fetal tissue may be donated for
- 12 research purposes pursuant to this chapter.
- 13 (d) *Notwithstanding any other law, public funds shall not be*
- 14 *used to support any facility that furnishes cadaveric fetal tissue*
- 15 *for research purposes.*

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