

1 Amend 17 Cal. Code of Regs. section 100090 to read:

2 **§ 100090. Special Considerations for CIRM-Funded Derivation.**

Scott Tocher 1/26/09 11:53 AM

**Deleted:** Additional Requirements

3 (a) Where CIRM funds are to be used for research intended to derive a covered stem cell  
4 line from human gametes, embryos, somatic cells or tissue, the SCRO committee must determine  
5 the requirements of Code of California Regulations, title 17, section 100080, subdivision (a)(2)  
6 or (a)(3), have been met.

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**Deleted:** For CIRM-funded derivation occurring after November 22, 2006, the SCRO committee must also confirm that donors provided voluntary and informed consent in accordance with Code of California Regulations, title 17, section 100100, subdivision (b).

7 (1) For embryos created on or before August 13, 2008, “valuable consideration” does not  
8 include payments to gamete donors in excess of “permissible expenses,” provided the embryo  
9 was originally created for reproductive purposes.

10 (2) For embryos created before November 22, 2006 consent exclusively from oocyte  
11 donors is sufficient provided the sperm donor cannot be identified and the donation was made in  
12 accordance with the legal requirements in force at the place and time of donation.

13 (b) Where a covered stem cell line is derived from human somatic cells, procured from  
14 human subjects after November 22, 2006, and the CIRM-funded research is designed to develop  
15 cells for transplantation into a live born human, the SCRO committee must confirm that donors  
16 provided voluntary and informed consent including the requirements of Code of California  
17 Regulations, title 17, section 100100, subdivision (b)(1)(E).

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**Deleted:** California Code of Regulations title 17, section 100090(a), does not apply to CIRM-funded research intended to derive a covered stem cell line from somatic cells when the SCRO committee has determined the requirements of California Code of Regulations title 17, section 100080, subdivisions (a)(3)(A) and (a)(3)(B), have been met.

18 (c) The modification of an acceptably derived stem cell line shall not be considered a  
19 CIRM-funded derivation.

- 1 Note: Authority cited: Article XXXV, California Constitution; Section 125290.40(j), Health and
- 2 Safety Code. Reference: Sections 125290.35, 125290.40 and 125290.55, Health and Safety
- 3 Code.