

SB 1260 (Ortiz/Runner) Analysis

SB 1260 is the successor to SB 18 (Ortiz/Runner) that was passed by the Legislature in 2005 but vetoed by the Governor because of an audit provision that is not included in this version.

SB 1260 would repeal the sunset for Department of Health Services regulation (as specified in SB 322 – 2003) of embryonic stem cell research not funded by Proposition 71, require the department to develop guidelines for stem cell research and require a report to the Legislature. The bill would prohibit transfer of embryos for any consideration beyond direct costs, including prohibiting payment in excess of the amount of reimbursement of expenses, specifies information to be provided women who donate eggs for research, and prohibits the sale of human oocytes.

The bill would declare that it is not to be construed to amend Proposition 71, and would encourage the ICOC to take prescribed actions, including reviewing studies concerning the health risks and benefits of ovarian stimulation drugs, and undertaking further research.

The legislation differs from the CIRM medical and ethical regulations in a number of important ways.

- SB 1260 requires the institutional review board (IRB) to review and approve all research involving the “derivation or use” of human embryonic stem cells. This requirement extends IRB review into areas where no human subjects may be involved. There are no provisions for Embryonic Stem Cell Research Oversight committee (ESCRO) review.
- SB 1260 requires psychological screening of all donors *following generally recognized standards*.
- SB 1260 prohibits egg donors for being compensated for lost wages resulting from participation in research.
- SB 1260 requires all eggs procured outside the state to meet the standards.