

BEFORE THE  
INDEPENDENT CITIZENS' OVERSIGHT COMMITTEE  
TO THE  
CALIFORNIA INSTITUTE FOR REGENERATIVE MEDICINE  
ORGANIZED PURSUANT TO THE  
CALIFORNIA STEM CELL RESEARCH AND CURES ACT  
SPECIAL MEETING

LOCATION: AS INDICATED ON THE AGENDA

DATE: MAY 12, 2009  
7:30 A.M.

REPORTER: BETH C. DRAIN, CSR  
CSR. NO. 7152

BRS FILE NO.: 84511

## BARRISTERS' REPORTING SERVICE

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**BARRISTERS' REPORTING SERVICE**

1 TUESDAY, MAY 12, 2009; 7:30 A.M.

2

3 MS. KING: WHY DON'T WE, BEFORE WE TAKE A  
4 ROLL CALL, JUST START WITH DR. LOMAX LEADING US  
5 THROUGH THE DOCUMENT, ITEM NO. 3.

6 DR. LOMAX: THANK YOU, MELISSA. GOOD  
7 MORNING, EVERYONE. THE DOCUMENT WE POSTED  
8 YESTERDAY, WHICH YOU ALL RECEIVED YESTERDAY  
9 AFTERNOON, IS OUR LATEST REVISION OF THE COMMENTS  
10 WHICH WE HAVE PROPOSED TO SUBMIT TO NIH. AND WE'VE  
11 TRIED TO OUTLINE A SET OF COMMENTS WHICH WE BELIEVE  
12 IS REFLECTIVE OF NOT JUST SORT OF INTERNAL  
13 DELIBERATIONS HERE, BUT AN EMERGING CONSENSUS REALLY  
14 NATIONALLY AROUND THE SORT OF TYPE OF OVERSIGHT AND  
15 REVIEW MECHANISMS WHICH SHOULD GUIDE THE UTILIZATION  
16 OF HUMAN EMBRYONIC STEM CELL LINES IN STEM CELL  
17 RESEARCH.

18 SO, AGAIN, I THINK THE POINT IS THAT THIS  
19 IS SORT OF A CONSENSUS APPROACH AMONG LEADING  
20 RESEARCH INSTITUTIONS, STATES THAT HAVE FUNDED STEM  
21 CELL RESEARCH. AND --

22 (OPERATOR JOINS ROBERT KLEIN AND JOAN  
23 SAMUELSON.)

24 MR. TORRES: THANK YOU FOR BEING HERE.  
25 GEOFF IS GOING OVER HIS RESPONSE TO NIH, BOB, AND

## BARRISTERS' REPORTING SERVICE

1 THEN WE'LL GET BACK TO YOU.

2 DR. LOMAX: I THINK TO REALLY KIND OF  
3 SUMMARIZE IT IN A NUTSHELL -- WELL, ACTUALLY LET ME  
4 JUST REMIND YOU ALL OF THE PROCESS. THIS DOCUMENT  
5 WAS ALSO REVIEWED BY THE TASK FORCE THAT WAS SET UP  
6 TO HELP US BRING THIS DRAFT FORWARD TODAY. SO WE'VE  
7 HAD THE BENEFIT OF A ROUND OF COMMENTS AND  
8 DELIBERATIONS FROM THE TASK FORCE IN RESPONSE TO  
9 THOSE COMMENTS. WE'VE TRIED TO RESTRUCTURE THINGS A  
10 BIT SO THEY HAVE A BIT MORE CLARITY AND ADDRESS SOME  
11 OTHER CONCERNS THERE.

12 I THINK JUST TO REALLY AT THE SORT OF  
13 HIGHEST LEVEL, WHAT THE FIRST REALLY THREE MAJOR  
14 RECOMMENDATIONS ALL SORT OF CONVERGE AROUND IS TO  
15 ENCOURAGE THE NIH TO ADOPT AN APPROACH THAT REALLY  
16 DRAWS OFF THE ESTABLISHED SYSTEM OF OVERSIGHT. IT  
17 DRAWS ON INSTITUTIONAL REVIEW BOARDS, BUT WOULD ALSO  
18 NOT PRECLUDE THE STEM CELL RESEARCH OVERSIGHT  
19 COMMITTEE MECHANISMS. SO WHAT WE'RE REALLY  
20 EMPHASIZING IS A PROCESS FOR BEING ABLE TO ESTABLISH  
21 THAT MATERIALS WERE DERIVED IN ACCORDANCE WITH CORE  
22 ETHICAL PRINCIPLES, BUT BE VERY CAUTIOUS ABOUT THE  
23 APPROACH THAT PRESCRIBES A VERY STRICT SET OF  
24 EVALUATION CRITERIA THAT MAY DISQUALIFY OR OTHERWISE  
25 HINDER THE USE OF SCIENTIFICALLY VALUABLE MATERIAL,

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1 PARTICULARLY MATERIALS THAT ARE ALREADY IN EXISTENCE  
2 THAT ARE PART OF THE RESEARCH STREAM.

3 AND IF YOU LOOK AT THE TABLES WE'VE ALSO  
4 ATTACHED IN THIS DOCUMENT, WE'VE TRIED TO REALLY LAY  
5 OUT THE MATERIALS THAT ARE ALREADY IN USE AND THE  
6 UTILITY BOTH FOR USE IN SCIENCE AND TOWARDS RESEARCH  
7 FOR PARTICULAR DISEASES.

8 (THE OPERATOR JOINS SAM HAWGOOD.)

9 DR. LOMAX: THE ONE FINAL THING I'D  
10 SUGGEST IS THAT TOWARDS THE END OF THOSE  
11 RECOMMENDATIONS, REALLY THE SORT OF SIX, SEVEN,  
12 EIGHT, AND NINE, WE'VE MADE A NUMBER OF KIND OF  
13 PROCESS, MORE SORT OF IMPLEMENTATION RECOMMENDATIONS  
14 ABOUT HOW THE NIH COULD SUPPORT THROUGH REGISTRIES  
15 AND ACCREDITATION PROGRAMS. I THINK SORT OF  
16 HINDSIGHT, WE WOULD HOPE THAT IN THE FINAL DOCUMENT  
17 THAT GOES TO NIH, WE MIGHT SORT OF CONSOLIDATE SOME  
18 OF THOSE RECOMMENDATIONS A BIT. ONE, BECAUSE THEY  
19 PERTAIN MORE TO IMPLEMENTATION RATHER THAN WHAT  
20 THEIR OVERALL POLICY WOULD BE; AND, TWO, BECAUSE WE  
21 JUST TRIED TO SORT OF LAY OUT EVERY SORT OF VARIABLE  
22 AND EVERY SORT OF NUANCE. THEY TEND TO KIND OF  
23 DILUTE THE RECOMMENDATIONS IN THE SORT OF FIRST  
24 THIRD OF THE DOCUMENT, WHICH I BELIEVE ARE THE MOST  
25 IMPORTANT FROM A SORT OF SUBSTANTIVE STANDPOINT. SO

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1 WE DON'T WANT TO SORT OF DILUTE THE SUBSTANCE AND  
2 IMPORTANCE OF THOSE RECOMMENDATIONS WITH SORT OF A  
3 LONG LAUNDRY LIST OF ITEMS THAT ARE IMPORTANT BUT  
4 SOMEWHAT DOWNSTREAM TO THE FORMULATION OF AN  
5 ADDITIONAL POLICY.

6 SO I THINK I'LL JUST LEAVE IT AT THAT AND  
7 TURN IT BACK OVER TO YOU, ART OR BOB.

8 MR. TORRES: I'LL TURN IT OVER TO BOB.

9 CHAIRMAN KLEIN: THANK YOU VERY MUCH. AND  
10 I THINK WE OWE A GREAT DEAL OF GRATITUDE TO YOU,  
11 GEOFF, FOR YOUR LEADERSHIP ON THIS, BOTH AT THE  
12 AGENCY AND IN THE INTERGOVERNMENTAL ALLIANCE OF  
13 STATES THAT HAVE --

14 (THE OPERATOR JOINS DR. AZZIZ.)

15 CHAIRMAN KLEIN: DR. AZZIZ, YOU WERE NOT  
16 ALONE, BUT WE HAVE JUST GONE THROUGH A QUICK SUMMARY  
17 BY DR. LOMAX OF THE MATERIALS ON THE NIH PRINCIPLES  
18 THAT WE ARE PROMULGATING HERE FOR CONSIDERATION  
19 TODAY. I WOULD ALSO, TO SET THE FRAMEWORK, LIKE TO  
20 SAY THAT WHAT WE ARE GOING TO CONSIDER TODAY IS  
21 TAKING AN ACTION ON THESE GUIDELINES TO BE ABLE TO  
22 IMMEDIATELY POST THEM IN A DRAFT FORM SUBJECT TO  
23 LEGAL REFINEMENT WITH COUNSEL AND HOPEFULLY WITH AN  
24 AUTHORITY FOR COUNSEL TO WORK ON ANY ADDITIONAL  
25 REFINEMENTS WITH DR. LOMAX AND STAFF AS THERE MAY BE

## BARRISTERS' REPORTING SERVICE

1 SOME INTERPLAY WITH THE NIH ON SUGGESTED REFINEMENTS  
2 OF LANGUAGE.

3 MS. KING: CHAIRMAN KLEIN, JUST TO CIRCLE  
4 BACK TO THE ROLL CALL, WE MIGHT WANT TO DO THAT NOW.  
5 WE HELD OFF ON THAT.

6 CHAIRMAN KLEIN: MELISSA, WHY DON'T YOU DO  
7 THE ROLL CALL.

8 MS. KING: RICARDO AZZIZ.

9 DR. AZZIZ: PRESENT.

10 MS. KING: ROBERT BIRGENEAU. FLOYD BLOOM.  
11 GORDON GILL FOR DAVID BRENNER.

12 DR. GILL: PRESENT.

13 MS. KING: SUSAN BRYANT.

14 DR. BRYANT: PRESENT.

15 MS. KING: MARSHA CHANDLER. MARCY FEIT.

16 MS. FEIT: HERE.

17 MS. KING: MICHAEL FRIEDMAN. LEEZA

18 GIBBONS. MICHAEL GOLDBERG.

19 MR. GOLDBERG: HERE.

20 MS. KING: SAM HAWGOOD.

21 DR. HAWGOOD: HERE.

22 MS. KING: BOB KLEIN.

23 CHAIRMAN KLEIN: PRESENT.

24 MS. KING: SHERRY LANSING.

25 MS. LANSING: HERE.

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1 MS. KING: GERALD LEVEY.  
2 DR. LEVEY: HERE.  
3 MS. KING: TED LOVE.  
4 DR. LOVE: HERE.  
5 MS. KING: ED PENHOET.  
6 DR. PENHOET: HERE.  
7 MS. KING: PHIL PIZZO.  
8 DR. PIZZO: HERE.  
9 MS. KING: CLAIRE POMEROY.  
10 DR. POMEROY: HERE.  
11 MS. KING: FRANCISCO PRIETO.  
12 DR. PRIETO: HERE.  
13 MS. KING: CARMEN PULIAFITO. ROBERT  
14 QUINT. JEANNIE FONTANA.  
15 DR. FONTANA: HERE.  
16 MS. KING: DUANE ROTH.  
17 MR. ROTH: HERE.  
18 (MR. IRELAND JOINED DR. BIRGENEAU TO  
19 THE CALL.)  
20 MS. KING: JOAN SAMUELSON.  
21 MS. SAMUELSON: PRESENT.  
22 MS. KING: DAVID SERRANO-SEWELL. JEFF  
23 SHEEHY.  
24 MR. SHEEHY: HERE.  
25 MS. KING: JON SHESTACK. AND OSWALD



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1 STEWARD, AND ART TORRES.

2 MR. TORRES: HERE.

3 MS. KING: AND ALSO, CHAIRMAN KLEIN, JUST  
4 SO YOU KNOW, THERE ARE A FEW PEOPLE ON THE LINE THAT  
5 I BELIEVE YOU KNOW HAVE TO LEAVE ON THE EARLIER  
6 SIDE. AS VICE CHAIRMAN TORRES WAS SAYING EARLIER,  
7 WE WILL TRY AND MOVE AS QUICKLY WE CAN TO THE ROLL  
8 CALL VOTES FOR THOSE PEOPLE THAT NEED TO LEAVE  
9 EARLY. SO I JUST WANTED TO REMIND YOU OF THAT AS  
10 WELL.

11 MR. TORRES: THAT EARLY MOTION IS NOT TO  
12 STIFLE DEBATE, BUT MERELY TO ALLOW THOSE PEOPLE WHO  
13 CAN VOTE TO DO SO. SHERRY HAS TO LEAVE BY 8 O'CLOCK  
14 AND OTHERS BY 8:30, SO WE'RE GOING TO TRY AND MOVE  
15 IT ALONG.

16 MS. LANSING: OR I CAN JUST CAST MY VOTE.

17 MR. TORRES: THAT'S WHAT WE'RE TRYING TO  
18 DO. SO WHY DON'T I MAKE A MOTION TO APPROVE THE  
19 LANGUAGE THAT'S PUT FORWARD TO US BY DR. LOMAX AND  
20 OTHER STAFF AS WELL WHO WORKED VERY HARD ON THIS AS  
21 WELL.

22 MS. SAMUELSON: CAN YOU IDENTIFY YOURSELF?

23 MS. KING: THAT IS VICE CHAIRMAN ART  
24 TORRES.

25 CHAIRMAN KLEIN: AND IS THERE A SECOND TO

**BARRISTERS' REPORTING SERVICE**

1 THAT MOTION?

2 DR. BRYANT: SECOND.

3 MS. KING: WHO WAS THE SECOND?

4 DR. BRYANT: SUE BRYANT.

5 MS. SAMUELSON: AND JOAN SAMUELSON.

6 CHAIRMAN KLEIN: SO DR. BRYANT IS THE  
7 SECOND.

8 WHAT WE ARE DOING HERE IS PROCEEDING, AS  
9 DISCUSSED BY ART TORRES, TO MAKE CERTAIN THAT WE GET  
10 THE MOTIONS ON BOARD QUICKLY SO THAT IF WE HAVE TIME  
11 CONSTRAINTS WITH INDIVIDUALS, WE CAN VOTE THOSE  
12 VOTES, LEAVING THE ROLL OPEN WHILE WE GO THROUGH  
13 ADDITIONAL DISCUSSION.

14 MS. BAUM: FOR CLARIFICATION, I THOUGHT  
15 THE RESOLUTION WAS ALSO SUBJECT TO LEGAL REFINEMENT  
16 BY COUNSEL WORKING WITH STAFF.

17 CHAIRMAN KLEIN: DOES THE MAKER OF THE  
18 MOTION INCORPORATE THAT INTO HIS MOTION?

19 MR. TORRES: YES. SUBJECT TO THE  
20 DELEGATION OF COUNSEL TO CONFORM CIRM'S RESPONSE TO  
21 APPLICABLE LEGAL REQUIREMENTS.

22 CHAIRMAN KLEIN: AND POTENTIAL REFINEMENTS  
23 THAT MAY OCCUR IN THE DIALOGUE WITH THE NIH.

24 MR. TORRES: THAT IS MY MOTION.

25 CHAIRMAN KLEIN: DOES THE SECOND CONFORM

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1 TO THAT?

2 DR. BRYANT: SORRY. YES, I DO.

3 CHAIRMAN KLEIN: THANK YOU. LET ME ASK  
4 HERE HOW MANY MEMBERS OF THE PUBLIC DO WE HAVE AND  
5 AT WHICH LOCATIONS?

6 MS. KING: WE HAVE ONE HERE IN SAN  
7 FRANCISCO AT THE CIRM.

8 MS. WERNETT: MARIJAYNE WERNETT IN SANTA  
9 ROSA.

10 DR. TROUNSON: IT'S ALAN TROUNSON HERE.  
11 UNFORTUNATELY I DIDN'T HAVE A CALL-IN NUMBER FOR AN  
12 INTERNATIONAL SITE, SO I'VE JUST JOINED YOU, SO I'M  
13 NOT SURE WHETHER YOU CAN BRING ME UP TO DATE ON WHAT  
14 YOU ARE DOING, BUT IT WOULD BE HELPFUL.

15 CHAIRMAN KLEIN: ALAN, YOU ARE JOINING AS  
16 JUST FOR SCIENTIFIC INPUT, NOT AS A VOTING MEMBER.  
17 SO THAT IS APPROPRIATE. AND GEOFF LOMAX HAS JUST  
18 REVIEWED THE RECOMMENDATIONS THAT YOU HAVE. THAT'S  
19 THE STATUS AT THAT POINT. AND WE HAVE A MOTION  
20 PENDING FOR APPROVAL WHICH INCLUDES AUTHORITY FOR  
21 COUNSEL TO WORK ON LEGAL REFINEMENTS WITH THE  
22 SCIENTIFIC STAFF AND TO DEVELOP (UNINTELLIGIBLE) IN  
23 THE DIALOGUE WITH NIH.

24 DR. TROUNSON: THANK YOU.

25 CHAIRMAN KLEIN: LET ME ASK. IS THERE ANY

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1 OTHER PUBLIC PRESENT AT ANY OF THE OTHER SITES?

2 OKAY. HEARING NO OTHER PUBLIC PRESENT, I'D LIKE TO  
3 GET SOME QUICK PUBLIC INPUT IF IT'S AVAILABLE. IS  
4 THERE PUBLIC INPUT IN SAN FRANCISCO?

5 MS. KING: NO. JUST FOR THE RECORD, I'D  
6 LIKE TO NOTE IS ROBERT BIRGENEAU ON THE LINE?

7 DR. BIRGENEAU: YES, I AM.

8 CHAIRMAN KLEIN: OKAY. IS THERE PUBLIC  
9 COMMENT AT SANTA ROSA?

10 MS. WERNETT: IT IS SANTA ROSA, BUT NO  
11 COMMENT.

12 CHAIRMAN KLEIN: THANK YOU. FOR THE  
13 RECORD, I WANTED TO QUICKLY MAKE IT CLEAR THAT  
14 PUBLIC COMMENT WAS AVAILABLE. BUT ADDITIONAL MEMBER  
15 COMMENT ON THE MOTION?

16 DR. PRIETO: BOB, JUST SORT OF A QUESTION  
17 FOR GEOFF LOMAX. WERE YOU SUGGESTING THAT IT WOULD  
18 IMPROVE OR IMPROVE OUR IMPACT IF WE HAD FEWER  
19 RECOMMENDATIONS AND TO MERGE SOME OF THESE BECAUSE  
20 IT SEEMED TO ME THAT SIX AND SEVEN SORT OF FLOW INTO  
21 EACH OTHER AND EIGHT AND NINE SIMILARLY. I DON'T  
22 KNOW IF THAT'S A MAJOR REVISION.

23 DR. LOMAX: THAT'S CORRECT. WE THOUGHT,  
24 FOR THE BENEFIT OF PROVIDING KIND OF A VERY DETAILED  
25 DESCRIPTION, WE WOULD NUMBER EVERYTHING INDIVIDUALLY

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1 BECAUSE THEY DO VARY SLIGHTLY. BUT YOUR QUESTION IS  
2 CORRECT. AGAIN, THERE'S SORT OF TWO POINTS THERE.  
3 ONE IS BECAUSE OUR UNDERSTANDING FROM NIH IS THEY'RE  
4 VERY SORT OF INTERESTED IN PURSUING AN APPROACH  
5 SUGGESTED BY THOSE RECOMMENDATIONS; HOWEVER, THAT  
6 APPROACH WILL REALLY BE MORE ON AN IMPLEMENTATION  
7 FOOTING OF WHATEVER THE FINAL POLICY IS AS OPPOSED  
8 TO FORMATIVE IN TERMS OF WHAT THE POLICY LOOKS LIKE.  
9 AND SO, YES, THEY'RE RELATED TO EACH OTHER. THEY  
10 COULD BE SORT OF GROUPED UNDER SOMETHING, A HEADING  
11 SOMETHING THAT WOULD SAY LIKE MECHANISMS FOR  
12 IMPROVING EFFICIENT IMPLEMENTATION, AND THEN WE  
13 COULD KIND OF GROUP THEM THAT WAY AS OPPOSED TO  
14 GIVING THEM SORT OF AN EQUIVALENT WEIGHT TO 1  
15 THROUGH 3, 1 THROUGH 4, WHICH ARE REALLY, I THINK,  
16 FROM A FORMATIVE STANDPOINT VERY IMPORTANT AT THIS  
17 TIME TO KIND OF SEE IF WE CAN GET -- SEE IF NIH CAN  
18 SORT OF INCORPORATE THAT INTO THE ACTUAL GUIDELINES.

19 SO IN SHORT, YES, FOR THE REASONS I JUST  
20 DESCRIBED.

21 CHAIRMAN KLEIN: I WOULD CONSIDER,  
22 FRANCISCO, THAT WITHIN THE CONTEXT OF THE MOTION,  
23 THAT SCIENTIFIC STAFF WITH THE LEGAL COUNSEL COULD  
24 CONSOLIDATE THESE RECOMMENDATIONS IN ORDER TO  
25 PROVIDE MORE IMPACT TO THE DELIVERY.

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1 DR. PRIETO: WE DON'T NEED A SPECIFIC  
2 AMENDMENT TO THAT EFFECT?

3 CHAIRMAN KLEIN: I WOULDN'T THINK SO  
4 BECAUSE WE'D BE CAPTURING THE CONTENT IN ANY CASE.  
5 BUT IN TERMS OF, FRANCISCO, IF YOU WOULD LIKE TO  
6 MAKE AN AMENDMENT THAT, IF THE STAFF CONCLUSION IS  
7 TO HAVE AN EXPLICIT PRIORITY FOR THE RECOMMENDATIONS  
8 AND INDICATE MORE OF AN IMPLEMENTATION STATUS FOR  
9 FIVE AND FOLLOWING OR ANY OF THOSE IN THIS SECTION  
10 FIVE OR FOLLOWING, WE COULD CERTAINLY HAVE AN  
11 AMENDMENT TO ADDRESS THAT.

12 DR. PRIETO: WELL, I GUESS I WOULD -- I'D  
13 MAKE SUCH AN AMENDMENT IF THE MAKER OF THE MOTION  
14 ACCEPTS THAT AS A FRIENDLY AMENDMENT.

15 MR. TORRES: OF COURSE. NO PROBLEM.

16 CHAIRMAN KLEIN: AND THE SECOND?

17 DR. BRYANT: NO PROBLEM.

18 CHAIRMAN KLEIN: FINE. SO THE MOTION. IS  
19 THERE ANY ADDITIONAL COMMENTS FROM MEMBERS?

20 MS. FEIT: RESTATE THE AMENDMENT, PLEASE.  
21 THIS IS MARCY FEIT.

22 CHAIRMAN KLEIN: THE AMENDMENT, AS I  
23 UNDERSTAND IT, IS THAT ITEMS 1 THROUGH 4 REPRESENT  
24 THE PRIORITY POSITIONS THAT ARE CRITICAL TO  
25 ACCOMPLISH, AND ITEMS 5 THROUGH 9, I BELIEVE, ARE --

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1 DR. LOMAX: SIX THROUGH NINE.

2 CHAIRMAN KLEIN: SIX THROUGH NINE -- THANK  
3 YOU FOR THE CORRECTION -- REPRESENT MORE  
4 IMPLEMENTATION DIRECTIVES OR TECHNICAL LANGUAGE THAT  
5 MIGHT BE PRESENTED AS EITHER OF SUBORDINATE  
6 IMPORTANCE AND/OR IN A SEPARATE COMMUNICATION  
7 (UNINTELLIGIBLE).

8 THE INTENT IS TO, I THINK, HAVE  
9 CONSISTENCY BETWEEN CALIFORNIA AND TO THE DEGREE  
10 POSSIBLE THE INTERSTATE ALLIANCE'S POSITIONS, BUT  
11 WITH CALIFORNIA TAKING A LEADING POSITION. AND WHAT  
12 STAFF IS REALLY SUGGESTING IS THEY WANT THE ABILITY  
13 TO REALLY EMPHASIZE THE PRIORITY. IS IT 1 THROUGH  
14 5, GEOFF THAT, YOU WANT TO EMPHASIZE THE PRIORITY  
15 ON?

16 DR. LOMAX: YES.

17 CHAIRMAN KLEIN: THAT IS THE ESSENCE OF  
18 THE AMENDMENT. IT HAS IN IT, MARCY, SOME DEGREE OF  
19 DISCRETION AND DELEGATION TO THE SCIENTIFIC AND  
20 LEGAL STAFF TO OPTIMIZE OUR POSITION AND COMMUNICATE  
21 OUR COMMENTS.

22 ANY ADDITIONAL DISCUSSION WITH MEMBERS?

23 DR. FONTANA: I WANTED TO THANK GEOFF IN  
24 PARTICULAR FOR ALL THE HARD WORK THAT HE'S DONE ON  
25 PUTTING THIS ALL TOGETHER AND EVERYBODY WHO'S

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1 CONTRIBUTED.

2 I HAVE TO COMMENT ON THIS BECAUSE I  
3 BELIEVE THAT ALL SCIENCE NEEDS TO BE FUNDED. AND I  
4 UNDERSTAND THE POLITICS AROUND SOMATIC CELL NUCLEAR  
5 TRANSFER AND WHY WE MAY OR MAY NOT WANT TO ADDRESS  
6 THAT IN THIS PARTICULAR BILL. BUT IN LIGHT OF THAT,  
7 I'M WONDERING IF IT'S POSSIBLE BECAUSE CIRM IS THE  
8 ONLY INSTITUTE THAT LEGALLY WILL FUND SUCH RESEARCH.  
9 AND I THINK IT WOULD BE IMPORTANT TO SUPPORT THAT.  
10 BY OMITTING IT COMPLETELY IN THIS DOCUMENT, I JUST  
11 AM WONDERING ARE WE NOT SUPPORTING SCNT BECAUSE OF  
12 THAT? AND AS A POSSIBLE SOLUTION, WITHOUT PUTTING  
13 IT IN A DRAFT, THAT WE COULD INCLUDE IN THAT  
14 ORIGINAL PARAGRAPH WHERE WE TALK ABOUT CIRM, HOW IT  
15 APPLAUDS THE NIH AND THAT CIRM WAS ESTABLISHED IN  
16 2004 WHEN 59 PERCENT OF THE VOTERS AGREED TO SUPPORT  
17 ETHICAL EMBRYONIC AND ADULT STEM CELL RESEARCH.  
18 WOULD IT BE POSSIBLE TO INCLUDE JUST A SENTENCE IN  
19 THERE THAT STATES THAT SOMATIC CELL NUCLEAR TRANSFER  
20 ALONG WITH PARTHENOGENESIS AND IVF CELL-DERIVED  
21 LINES UNDER ETHICAL GUIDELINES WERE VOTED BY THE  
22 VOTERS -- APPROVED BY THE VOTERS OF CALIFORNIA?

23 CHAIRMAN KLEIN: SURE. FOR CONTEXT FOR  
24 JEANNIE'S STATEMENT, I'D LIKE TO SAY THAT BECAUSE  
25 JEANNIE HAS BEEN SUCH A CHAMPION OF SCNT AND AN



## BARRISTERS' REPORTING SERVICE

1 ADVOCATE WITH NOT-FOR-PROFITS AND OTHER STATES  
2 SPECIFICALLY, COUNSEL WANTED TO MAKE SURE THEY  
3 VETTED WITH JEANNIE THE WHOLE RANGE OF HER  
4 INVOLVEMENT WITH SCNT, WHICH THEY HAVE DONE. AND  
5 SHE IS COMPLETELY AUTHORIZED TO DEAL ON POLICY. SHE  
6 DOESN'T HAVE ANY CONFLICTS WE KNOW OF OR ANY  
7 CONFLICTS OF ANY KIND THAT ANYONE HAS EVEN BROUGHT  
8 TO ANYONE'S ATTENTION. SO THAT ISSUE HAS BEEN  
9 CLEARED COMPLETELY. AND, JEANNIE, WE THANK YOU FOR  
10 YOUR CHAMPIONSHIP OF SCNT WHICH CLEARLY ARE  
11 SCIENTIFIC PRINCIPLES. IT'S IMPORTANT TO HAVE A  
12 WHOLE RANGE OF SCIENTIFIC INQUIRY.

13 ARE THERE MEMBERS WHO WOULD LIKE TO  
14 COMMENT ON JEANNIE'S POINT ABOUT MESSAGING OUTSIDE  
15 THE CONTEXT OF THESE PRINCIPLES?

16 DR. PIZZO: AND I WOULD LIKE TO STRONGLY  
17 ENDORSE AND SUPPORT JEANNIE'S COMMENTS. AND I  
18 APPRECIATED HER ADVOCACY FOR THEM FROM THE ONSET.

19 DR. FONTANA: THANK YOU.

20 DR. LOVE: I AGREE WITH THAT POINT AS  
21 WELL. I THINK JEANNIE HAS MADE AN IMPORTANT POINT  
22 THAT SHOULD BE TAKEN INTO CONSIDERATION.

23 CHAIRMAN KLEIN: OKAY. JEANNIE, AS I  
24 UNDERSTAND IT, IN THE CONVEYANCE DOCUMENTS YOU'RE  
25 SUGGESTING WE INCORPORATE THIS IN THE STATEMENT OF

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1 OUR CHARTER AND MISSION TO BRING IT AS A POINT OF  
2 IMPORTANCE. IS THAT --

3 DR. FONTANA: YES.

4 CHAIRMAN KLEIN: -- THE ESSENCE?

5 DR. FONTANA: YES.

6 CHAIRMAN KLEIN: AND SO THE SCIENTIFIC  
7 STAFF AND THE LEGAL COUNSEL HAVE HEARD THE CONTEXT  
8 OF IT. COUNSEL, IS JAMES HARRISON ON?

9 MR. HARRISON: YES.

10 CHAIRMAN KLEIN: JAMES, I DON'T THINK WE  
11 NEED A MOTION TO INCORPORATE THAT UNLESS MEMBERS  
12 WOULD LIKE TO DEBATE THAT AS A MATTER FOR A MOTION.  
13 I HAD ASKED THAT QUESTION, BUT DO YOU SEE A REASON  
14 TO HAVE -- TO NEED A MOTION TO INCORPORATE THAT?

15 MR. HARRISON: WHAT YOU MAY WANT TO  
16 CONSIDER IS ASKING THE MAKER AND THE SECOND TO THE  
17 MOTION TO INCLUDE ANOTHER SUBPOINT, WHICH IS TO  
18 INCORPORATE A STATEMENT REGARDING CIRM'S AUTHORITY  
19 TO FUND SCNT, IN THE INTRODUCTION AS PART OF THE  
20 MOTION.

21 CHAIRMAN KLEIN: OKAY. SO THIS IS NOT AS  
22 ONE OF OUR PRINCIPLES, BUT IT IS, IN FACT, IN THE  
23 INTRODUCTION TO OUR -- AS A MATTER OF INFORMATION IN  
24 OUR CONVEYANCE. IS THAT YOUR UNDERSTANDING, JAMES?

25 MR. HARRISON: YES, THAT'S CORRECT.

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1 CHAIRMAN KLEIN: FINE.

2 MR. TORRES: IT'S IN OUR PREAMBLE OF THIS  
3 DOCUMENT, AND I SO MOVE THAT AMENDMENT AS THE MAKER  
4 OF THE ORIGINAL MOTION.

5 CHAIRMAN KLEIN: AND DR. BRYANT?

6 DR. BRYANT: YES, I AGREE.

7 CHAIRMAN KLEIN: OKAY. ADDITIONAL  
8 COMMENT?

9 MS. KING: JUST SO YOU KNOW, WE HAVE ABOUT  
10 ONE MINUTE BEFORE WE WILL LOSE AT THE VERY LEAST  
11 MEMBER LANSING.

12 MR. HARRISON: BOB, WOULD YOU LIKE ME TO  
13 TRY TO RESTATE THE MOTION AS I UNDERSTAND IT AT THIS  
14 POINT IN TIME?

15 CHAIRMAN KLEIN: IF YOU COULD RESTATE THE  
16 MOTION, AND THEN WHAT I AM GOING TO DO IS I'M GOING  
17 TO ASK FOR A ROLL CALL.

18 MR. HARRISON: AS I UNDERSTAND IT, THE  
19 MOTION IS AS FOLLOWS: TO APPROVE CIRM'S RESPONSE TO  
20 THE DRAFT NIH GUIDELINES SUBJECT TO A DELEGATION OF  
21 AUTHORITY TO COUNSEL AND STAFF TO, NO. 1, CONFORM  
22 CIRM'S RESPONSE TO APPLICABLE LEGAL REQUIREMENTS;  
23 TWO, TO REFINE THE LANGUAGE IN DIALOGUE WITH NIH;  
24 THREE, TO PRIORITIZE RECOMMENDATIONS 1 THROUGH 5  
25 AND; FOUR, TO INCORPORATE A STATEMENT REGARDING

## BARRISTERS' REPORTING SERVICE

1 CIRM'S AUTHORITY TO FUND SCNT IN THE PREAMBLE.

2 CHAIRMAN KLEIN: AS A STATEMENT OF  
3 AUTHORITY AS AN IMPORTANT ELEMENT OF MEETING THE  
4 ENTIRE SCIENTIFIC MISSION WHICH IS CRITICAL TO  
5 ADVANCEMENT OF THIS FIELD.

6 MR. TORRES: I CALL FOR THE QUESTION.

7 CHAIRMAN KLEIN: DR. TROUNSON, ANY FINAL  
8 COMMENT YOU'D LIKE TO MAKE?

9 DR. TROUNSON: NO. I THINK IT'S IMPORTANT  
10 TO HAVE ICOC'S SUPPORT ON THIS DOCUMENT AND COMPLETE  
11 IT AS QUICKLY AS POSSIBLE BECAUSE WE'RE NOW FALLING  
12 WELL BEHIND THE OPPOSITION IN THIS AREA. SO I THINK  
13 IF WE HAVE A VERY CLEAR MANDATE OF WHAT WE CAN DO,  
14 WE CAN THEN ENCOURAGE, HOPEFULLY, OTHER SCIENTISTS  
15 TO LOOK AT OUR DOCUMENT AND SUPPORT WHAT THEY FEEL  
16 IS APPROPRIATE.

17 SO THE ONE THING THAT HAD SLIGHTLY  
18 CONCERNED ME ABOUT PUTTING IN THE NUCLEAR TRANSFER  
19 WAS IT WAS, YOU KNOW, IT WILL BE A LIGHTNING ROD TO  
20 CRITICISM. BUT WHERE IT IS IN THE INTRODUCTION, I  
21 THINK IT IS A FACT AND IT'S SUPPORTABLE. SO I THINK  
22 THAT IT'S OKAY. UNFORTUNATELY THERE ARE NO CELL  
23 LINES IN THAT AREA AVAILABLE AT THE MOMENT, SO IT  
24 DOESN'T BECOME A MAJOR SCIENTIFIC ISSUE UNTIL THERE  
25 IS.

## BARRISTERS' REPORTING SERVICE

1 DR. PIZZO: CAN I JUST QUICKLY MAKE ONE  
2 COMMENT?

3 CHAIRMAN KLEIN: ABSOLUTELY.

4 DR. PIZZO: I JUST WANT TO SAY TWO THINGS.  
5 FIRST IS I UNDERSTAND ALAN'S POINT, BUT I DO THINK,  
6 DESPITE THE LIGHTNING ROD, IT IS IMPERATIVE FOR CIRM  
7 TO STAND FOR WHAT IT BELIEVES IN.

8 AND THE SECOND THING IS THAT INDEPENDENT  
9 OF OUR INSTITUTIONAL RESPONSE, WE'RE ENCOURAGING  
10 INDIVIDUALS TO ALSO SEND IN RESPONSES TO THE NIH  
11 WEBSITE. AND I WONDER WHETHER AT SOME POINT CIRM  
12 SHOULDN'T DO THAT BECAUSE, AS IN ALL ACTIVITIES, AND  
13 ALAN WILL KNOW THIS BETTER THAN MOST, THE NUMBER OF  
14 RESPONSES IS GOING TO BE IMPORTANT IN ADDITION TO  
15 INSTITUTIONAL RESPONSES.

16 CHAIRMAN KLEIN: IMMEDIATELY AFTER THIS  
17 VOTE, I'M GOING TO HAVE OUR COUNSEL GIVE A CONTEXT  
18 FOR WHAT WE CAN DO IN THAT REGARD, DR. PIZZO.

19 DR. PIZZO: GREAT. THANK YOU.

20 CHAIRMAN KLEIN: CALL THE QUESTION. AND  
21 PLEASE CALL THE ROLL.

22 MS. KING: RICARDO AZZIZ. ROBERT  
23 BIRGENEAU.

24 DR. BIRGENEAU: YES.

25 MS. KING: GORDON GILL.

**BARRISTERS' REPORTING SERVICE**

1 DR. GILL: PRESENT.  
2 MS. KING: SUSAN BRYANT.  
3 DR. BRYANT: YES.  
4 MS. KING: MARSHA CHANDLER. MARCY FEIT.  
5 MS. FEIT: YES.  
6 MS. KING: MICHAEL GOLDBERG.  
7 MR. GOLDBERG: YES.  
8 MS. KING: SAM HAWGOOD.  
9 DR. HAWGOOD: YES.  
10 MS. KING: BOB KLEIN.  
11 CHAIRMAN KLEIN: YES.  
12 MS. KING: SHERRY LANSING.  
13 MS. LANSING: YES.  
14 MS. KING: GERALD LEVEY.  
15 DR. LEVEY: YES.  
16 MS. KING: TED LOVE.  
17 DR. LOVE: YES.  
18 MS. KING: ED PENHOET.  
19 DR. PENHOET: YES.  
20 MS. KING: PHIL PIZZO.  
21 DR. PIZZO: YES.  
22 MS. KING: CLAIRE POMEROY.  
23 DR. POMEROY: YES.  
24 MS. KING: FRANCISCO PRIETO.  
25 DR. PRIETO: YES.

**BARRISTERS' REPORTING SERVICE**

1 MS. KING: JEANNIE FONTANA.

2 DR. FONTANA: YES.

3 MS. KING: DUANE ROTH.

4 MR. ROTH: YES.

5 MS. KING: JOAN SAMUELSON.

6 MS. SAMUELSON: YES.

7 MS. KING: DAVID SERRANO-SEWELL. JEFF

8 SHEEHY.

9 MR. SHEEHY: YES.

10 MS. KING: OSWALD STEWARD. ART TORRES.

11 MR. TORRES: YES.

12 DR. AZZIZ: MELISSA, THIS IS RICARDO. I

13 THINK I HIT MUTE WHEN I SAID YES.

14 CHAIRMAN KLEIN: COUNSEL, DO WE HAVE A

15 QUORUM?

16 MR. HARRISON: YES. THAT MOTION CARRIES

17 BY A VOTE OF 20 TO ZERO.

18 CHAIRMAN KLEIN: THANK YOU. LET'S GO TO

19 DR. PIZZO'S ITEM. AND THEN WHAT I'M GOING TO DO --

20 MS. LANSING: I HAVE TO LEAVE, BUT I THINK

21 YOU HAVE A QUORUM FOR THE NEXT VOTE AS WELL.

22 MS. KING: WE DO. THANK YOU SO MUCH.

23 MS. LANSING: THANK YOU FOR DOING THIS

24 VOTE AT LEAST.

25 MR. TORRES: I JUST WANT TO POINT OUT TO

## BARRISTERS' REPORTING SERVICE

1 CHECK THE *NEW YORK TIMES*. DON GIBBONS ALERTED ME TO  
2 AN INCREDIBLE EDITORIAL, A LETTER TO THE EDITOR --  
3 *NEW YORK TIMES* EDITORIAL PAGE. VERY WELL DONE.

4 CHAIRMAN KLEIN: SO IN DIRECTING --  
5 SPECIFICALLY DIRECTED TO DR. PIZZO'S POINT, WHICH IS  
6 QUITE WELL TAKEN AND VERY IMPORTANT, DR. PIZZO,  
7 WE'VE TAKEN A CONSERVATIVE LEGAL POSITION AT THIS  
8 POINT, THAT THE AGENCY, WHILE IT CAN POST A LETTER  
9 WHICH OTHERS CAN LOOK AT AS A TEMPLATE AND IT IS  
10 CLEARLY IMPORTANT THAT THERE BE CONSISTENCY BETWEEN  
11 THE LETTERS COME IN SO THAT THEY CAN COUNTED AS PART  
12 OF A BLOCK REPRESENTING A SCIENTIFIC POSITION, WE  
13 CANNOT AS AN AGENCY PUT OUR LETTER OUT AS A MASS  
14 MAILING, FOR EXAMPLE, AND ASK ALL OF OUR FIELD --  
15 ALL OF THOSE GRANTEES IN THE FIELD TO SUPPORT THIS  
16 LETTER.

17 NOW, THOSE INDIVIDUALS MAY DECIDE TO DO  
18 SO. AND BOARD MEMBERS ACTING AS INDIVIDUALS OUTSIDE  
19 OF THIS BOARD AND NOT AS A BOARD CAN TAKE THEIR OWN  
20 POSITIONS. LEGAL COUNSEL, JAMES HARRISON, COULD YOU  
21 FURTHER COMMENT ON THAT?

22 MR. HARRISON: I THINK BOB HAS SUMMARIZED  
23 IT QUITE WELL. AS MEMBERS OF THE BOARD, YOU ARE  
24 FREE AS INDIVIDUALS TO URGE OTHERS TO CONTACT NIH TO  
25 SUPPORT THE COMMENTS THAT CIRM HAS SUBMITTED. AND



## BARRISTERS' REPORTING SERVICE

1 CIRM IS OBVIOUSLY AUTHORIZED TO SUBMIT ITS OWN  
2 COMMENTS TO NIH. BUT WE CAN'T USE THE AGENCY'S  
3 RESOURCES TO URGE OTHERS TO CONTACT NIH ON OUR  
4 BEHALF OR TO ADVOCATE THE POSITION THAT WE'VE  
5 ADVANCED.

6 DR. PIZZO: JAMES AND BOB, THAT MAKES VERY  
7 GOOD SENSE. I UNDERSTAND THAT. I WOULD JUST SAY  
8 THAT FOLLOWING ACTUALLY THE SUGGESTION THAT BOB  
9 MADE, I YESTERDAY IN MY BI-WEEKLY NEWSLETTER PUT OUT  
10 A CALL TO EVERYBODY AT STANFORD OR WHO READS IT TO  
11 SUBMIT RESPONSES. AND I WOULD THINK THAT AS  
12 INDIVIDUAL INSTITUTIONS, LEADERS COULD WITH WHAT  
13 VEHICLES THEY HAVE NOTIFY PEOPLE ABOUT THIS BECAUSE,  
14 AS WE ALL RECOGNIZE, THE MANY THOUSANDS, I THINK,  
15 OVER 7,000 TO DATE OF RESPONSES THAT HAVE COME INTO  
16 THE NIH HAVE HAD A MAJORITY OF THEM AGAINST STEM  
17 CELL RESEARCH FUNDING. AND I THINK WE NEED TO  
18 CLEARLY COUNTER THAT AS INDIVIDUALS.

19 I REALIZE WE CAN'T DO IT THROUGH CIRM, BUT  
20 WE COULD DO IT THROUGH OTHER CONTACTS.

21 CHAIRMAN KLEIN: I THINK THE HISTORY HAS  
22 BEEN THAT TO DATE THE RESPONSES HAVE BEEN SEVEN TO  
23 ONE NEGATIVE. IT IS A MATTER OF PUBLIC RECORD THAT  
24 THE CATHOLIC BISHOPS CONFERENCE HAS PUT OUT A  
25 WEBSITE AND A VERY SOPHISTICATED SYSTEM FOR

## BARRISTERS' REPORTING SERVICE

1 INDIVIDUALS WHO HAPPEN TO HAVE THAT POSITION TO  
2 STATE THEIR POSITION ON TEMPLATES THAT THEY HAVE  
3 PROVIDED.

4 ON A HISTORICAL BASIS DURING THE CLINTON  
5 ADMINISTRATION, THERE WERE 55,000 RESPONSES WITH  
6 ABOUT 90 PERCENT OF THEM BEING NEGATIVE. SO IT IS  
7 VERY IMPORTANT AS CITIZENS AND AS SCIENTISTS AND AS  
8 CLINICIANS THAT THE SCIENTIFIC AND CLINICAL  
9 COMMUNITY BE PRESENT IN LARGE NUMBERS TO EXPRESS  
10 THEIR POSITION.

11 DR. GILL: -- THE ADDRESS THAT COMMENTS  
12 SHOULD BE SENT TO?

13 MS. KING: DR. GILL, DON GIBBONS AND I AND  
14 GEOFF LOMAX CAN WORK WITH YOU ON THAT AFTER THE  
15 CALL, IF THAT WORKS.

16 CHAIRMAN KLEIN: JAMES HARRISON, MY  
17 UNDERSTANDING IS OUR LETTER WILL BE POSTED WITH THE  
18 ADDRESS, SHOWING THE FULL ADDRESS TO WHOM IT'S GONE  
19 TO THE ATTENTION OF.

20 MR. HARRISON: THAT'S CORRECT.

21 DR. PRIETO: BOB, WHAT WOULD BE THE  
22 APPROXIMATE TIMEFRAME WHEN WE MIGHT SEE THAT, DO YOU  
23 THINK?

24 CHAIRMAN KLEIN: IT WOULD BE POSTED TODAY  
25 IN DRAFT AND WITHIN THE NEXT 72 HOURS IN FINAL FORM,

## BARRISTERS' REPORTING SERVICE

1 BUT I WOULD SAY THAT THE DRAFT FORM WILL  
2 SUBSTANTIVELY CONVEY THE POINTS. AND SO TO THE  
3 EXTENT THAT PEOPLE ARE LOOKING TO THIS FOR  
4 INTELLECTUAL LEADERSHIP, THE DRAFT REPRESENTS THE  
5 POSITION.

6 DR. PIZZO: AND THE COMMENTS HAVE TO BE  
7 PLACED BY MAY 26TH. AND ACTUALLY I'M GOING TO SEND  
8 A LITTLE PARAGRAPH TO MELISSA RIGHT NOW THAT I SENT  
9 OUT.

10 MS. KING: VERY GOOD. THANK YOU, DR.  
11 PIZZO.

12 DR. TROUNSON: BOB, CAN I ASK THROUGH YOU  
13 IF WE'RE ABLE TO SEND A COPY OF THE DRAFT TO  
14 INTERESTED SCIENTISTS WHO HAVE REQUESTED IT?

15 CHAIRMAN KLEIN: WE SHOULD BE ABLE TO  
16 RESPOND TO ANY REQUEST.

17 DR. PRIETO: COULDN'T WE SEND THAT OUT  
18 JUST FOR INFORMATIONAL PURPOSES WITHOUT URGING  
19 SPECIFIC ACTION?

20 DR. PIZZO: THAT'S WHAT I DID.

21 CHAIRMAN KLEIN: SO, DR. PRIETO, BECAUSE  
22 WE WANT TO OPTIMIZE OUR ABILITY TO RESPOND, BUT  
23 BECAUSE THE FACT PATTERNS ARE IMPORTANT, POTENTIALLY  
24 YOU COULD ALLOW US TO WORK WITH COUNSEL TO TRY AND  
25 RESPOND OPTIMALLY TO EACH OF THE REQUESTS.

## BARRISTERS' REPORTING SERVICE

1 DR. PRIETO: OKAY.

2 CHAIRMAN KLEIN: ALL RIGHT. SO IF WE CAN,  
3 WE HAVE THE SAME DEADLINES HERE. I'D LIKE TO OPEN  
4 THE SECOND ITEM ON THE AGENDA. IS DUANE ROTH ON?

5 MR. ROTH: YES, I AM.

6 MS. KING: FOR EVERYBODY ON THE CALL, THIS  
7 IS ITEM NO. 4, AND YOU HAVE TWO DOCUMENTS RELATED TO  
8 THIS ITEM.

9 CHAIRMAN KLEIN: WHAT I'D LIKE TO DO IS I  
10 WANT TO OPEN THIS, GET INPUT AS TO OUR OUTREACH TO  
11 THE SPONSORS. I WANT TO SEE IF THERE IS A MOTION  
12 THAT CAN BE PUT ON THE TABLE, TAKE ANY VOTES FOR  
13 INDIVIDUALS WHO HAVE A TIME CONSTRAINT, AND KEEP IT  
14 OPEN GOING TO A FULL DISCUSSION WITH THE BOARD AND  
15 WITH THE PUBLIC. I WILL BE TURNING THIS OVER AT THE  
16 END OF THIS TO DUANE ROTH BECAUSE I HAVE TO CATCH A  
17 PLANE.

18 BUT LET US INITIATE THIS ITEM ON FEDERAL  
19 BIOSIMILAR LEGISLATION, HR 1427 AND 1548, BY  
20 BRINGING THE BOARD UP TO DATE ON ADDITIONAL INQUIRY  
21 THAT WAS DONE WITH THE STAFF. ART, COULD YOU REPORT  
22 ON THAT?

23 MR. TORRES: YES, OF COURSE. I'VE SPOKEN  
24 TO AND BEEN IN CONTACT WITH CONGRESSMAN WAXMAN'S  
25 OFFICE, AND NANCY, OUR LEGAL COUNSEL HERE, AND ALSO

## BARRISTERS' REPORTING SERVICE

1 WITH JASON MAHLER, WHO IS THE CHIEF OF STAFF TO  
2 CONGRESSMEMBER ESCHOO. AT THIS POINT CONGRESSWOMAN  
3 ESCHOO HAS 73 COSPONSORS TO HER LEGISLATION AND  
4 HENRY HAS TEN, BUT NEITHER OFFICE KNOWS WHEN THESE  
5 BILLS WILL BE TAKEN UP OR IF THEY'LL BE PART OF A  
6 LARGER HEALTH REFORM PACKAGE SINCE THE PRESIDENT IS  
7 ARGUING FOR COST SAVINGS, WHICH THESE BILLS BY  
8 IMPLICATION PROVIDE.

9 I THINK IT IS IMPORTANT THAT WE TAKE A  
10 POSITION IN FAVOR OF THE ESCHOO BILL FOR MANY OF THE  
11 REASONS THAT WE CITED AT OUR BOARD MEETING IN LOS  
12 ANGELES. AND PRIOR TO THAT, TO ALSO RECOGNIZE THAT  
13 I BELIEVE THIS BOARD HAS A RESPONSIBILITY, I THINK  
14 EVERYONE AGREES, TO COMMENT ON ISSUES THAT ARE  
15 IMPORTANT AS WE SEE THEM ON A PERIODIC BASIS. AND  
16 THAT'S THE ESSENCE OF THIS MOTION. SIMPLY BECAUSE  
17 WE DID NOT FEEL, AND DUANE CAN ENTER ON THIS AS  
18 WELL, WE DID NOT FEEL THAT THE STATEMENT OF  
19 PRINCIPLES WOULD BE ENOUGH TO BECOME A STAKEHOLDER  
20 IN THE DEBATE, THAT WE NEEDED TO TAKE A POSITION,  
21 NOT IN OPPOSING HENRY'S BILL, BUT MERELY SUPPORTING  
22 ESCHOO'S BILL AND THE PRINCIPLES THAT WE FIND  
23 CONSISTENT WITH THE VALUES AND THE INCENTIVES TO  
24 PROVIDE FOR INVESTMENT OPPORTUNITIES FOR UP AND  
25 COMING COMPANIES.

## BARRISTERS' REPORTING SERVICE

1 I ALSO WANTED TO CUE OVER TO DUANE AT THIS  
2 POINT. I THINK DR. LOVE HAD A COMMENT AS WELL.

3 CHAIRMAN KLEIN: DUANE, IF WE COULD, CAN  
4 WE DO DR. LOVE'S COMMENT AND THEN YOURS?

5 MR. ROTH: THAT WOULD BE FINE.

6 CHAIRMAN KLEIN: IS DR. LOVE ON?

7 DR. LOVE: I AM. AND I JUST WANT TO  
8 SECOND MANY OF THE POINTS THAT ART MADE. I ACTUALLY  
9 READ OVER THE STATEMENT OF PRINCIPLES. AND, QUITE  
10 FRANKLY, I STRONGLY FELT AS YOU LOOK AT THE  
11 COMPARISON THAT WE WERE GIVEN AT THE LAST MEETING  
12 BETWEEN THE ESCHOO BILL AND THE WAXMAN BILL, THE  
13 ICOC REALLY NEEDS TO STAND UP FOR THE ESCHOO BILL.

14 FUNDAMENTALLY I WOULD EMPHASIZE THAT  
15 ESCHOO IS MUCH STRONGER ON THE INNOVATION, AND I  
16 THINK THAT THIS BOARD AND OUR MISSION REALLY STANDS  
17 BEHIND INNOVATION.

18 THE OTHER POINT I WOULD SAY IS SAFETY.  
19 CONSISTENTLY, AS YOU READ THROUGH THE ESCHOO BILL,  
20 THERE ARE MUCH STRONGER DIRECTIVES IN TERMS OF WHAT  
21 NEEDS TO BE DONE TO APPROVE A BIOSIMILAR AROUND  
22 ESTABLISHMENT OF SAFETY, AND THERE'S MUCH MORE  
23 DIRECTION IN SUPPORT OF THE FDA TO TAKE A STAND ON  
24 SAFETY OF DRUGS.

25 SO I THINK REALLY JUST FOR THE MAJOR

## BARRISTERS' REPORTING SERVICE

1 PRINCIPLES OF SAFETY AND SUPPORTING OF INNOVATION AS  
2 CRITICAL TO WHAT I WOULD INTERPRET AS OUR MISSION,  
3 WE REALLY OUGHT TO SUPPORT THE ESCHOO BILL. AND I  
4 THINK IT'S ENTIRELY CONSISTENT WITH THE VERY  
5 PRINCIPLES THAT THE ICOC STANDS FOR, CIRM STANDS  
6 FOR.

7 AND GETTING BACK TO PHIL'S POINT EARLIER,  
8 I REALLY WOULD ENCOURAGE THE BOARD TO STAND UP FOR  
9 ITS PRINCIPLES.

10 CHAIRMAN KLEIN: OKAY. DUANE.

11 MR. ROTH: I DON'T NEED TO REPEAT ANY OF  
12 THE COMMENTS THAT HAVE BEEN SAID BECAUSE I AGREE  
13 WITH THEM. I DID INVESTIGATE WHETHER PRINCIPLES  
14 WOULD BE USEFUL, AND THE FEEDBACK I GOT IS IT'S WAY  
15 TOO LATE FOR THAT.

16 THE SECOND THING I WANTED TO CALL THE  
17 BOARD'S ATTENTION TO IS THE STATEMENT OF PRINCIPLES  
18 THAT NANCY DRAFTED. AND IT WAS A SUPERB JOB. I  
19 THINK IN THERE IS EMBEDDED, ESPECIALLY THE COMMENTS  
20 THAT BOB MADE AT THE LAST MEETING, ABOUT THE  
21 RESPONSIBILITY WE HAVE TO WORK WITH CONGRESS ON  
22 ANYTHING THAT AFFECTS OUR MISSION. AND THEN THE  
23 SECOND PART IS IN OUR DRAFT STRATEGIC PLAN, WHICH  
24 YOU'VE ALL HAD A CHANCE TO LOOK AT, THERE'S SOME  
25 VERY DEFINITIVE STATEMENTS IN THERE ABOUT WHAT WE

## BARRISTERS' REPORTING SERVICE

1 SHOULD BE DOING IN SUPPORT OF GETTING OUR RESEARCH  
2 FUNDED PROJECTS INTO PRODUCTS THAT CAN ACTUALLY HELP  
3 PATIENTS.

4 SO I CAN'T THINK OF ANYTHING MORE  
5 IMPORTANT TO BE AN INCENTIVE THAN SOMETHING LIKE  
6 MARKET EXCLUSIVITY SO THAT PEOPLE ARE INCLINED TO  
7 TAKE THE RISK TO GET THAT VERY FIRST PRODUCT ON THE  
8 MARKET.

9 CHAIRMAN KLEIN: SO I'D LIKE TO OPEN THIS  
10 TO OTHER BOARD COMMENTS.

11 DR. LEVEY: CAN I MAKE A COMMENT? WE'VE  
12 READ ALL THESE, READ BOTH BILLS, AND I TALKED TO  
13 DUANE, I TALKED TO TED. WE'VE TALKED A LOT OF THESE  
14 THINGS OVER. THE ONLY CONCERN I HAVE, I AGREE WITH  
15 EVERYTHING THEY'VE SAID SO FAR. THE ESCHOO BILL AS  
16 A BILL IS FAR BETTER FOR INDUSTRY. BUT THE THING  
17 THAT CONCERNS ME AND STILL CONCERNS ME IS THE FACT  
18 THAT I REALLY FEEL UNEASY ABOUT TAKING A STAND  
19 AGAINST A BILL SPONSORED BY HENRY WAXMAN BECAUSE HE  
20 IS VERY EXTREMELY THOUGHTFUL. I HAVE NOT SPOKEN TO  
21 HIM ABOUT THIS LEGISLATION. AND I JUST DON'T WANT  
22 TO SEE THE CIRM CAUGHT IN A POLITICAL BATTLE BECAUSE  
23 WE SEEM TO HAVE ENOUGH OF THOSE.

24 SO THAT'S MY ONLY CONCERN REGARDING THIS  
25 BECAUSE I THINK WE DO HAVE TO MAKE SOME SORT OF



## BARRISTERS' REPORTING SERVICE

1 STATEMENT ABOUT INNOVATION. AND HENRY'S BILL IS  
2 JUST NOT GOING TO FAVOR INNOVATION FROM AN INDUSTRY  
3 POINT OF VIEW.

4 AND THE LAST THING I WANT TO SAY, I'VE  
5 SPOKEN WITH SHERRY ABOUT THIS, AND I KNOW SHE FEELS  
6 SIMILAR TO WHAT I DO. THAT'S MY ONLY CONCERN WITH  
7 REGARD TO THIS ISSUE.

8 DR. STEWARD: I'D LIKE TO SAY SOMETHING AT  
9 SOME POINT.

10 MS. SAMUELSON: AND JOAN SAMUELSON WOULD  
11 AS WELL.

12 CHAIRMAN KLEIN: DR. LEVEY, I THINK ONE OF  
13 THE KEYS HERE IS THAT WHAT IS BEING PROPOSED IS TO  
14 SUPPORT ESCHOO'S BILL AND NOT TAKE AN OPPOSITION  
15 POSITION AGAINST WAXMAN, TO BE SUPPORTIVE  
16 CONSTRUCTIVELY ON A POLICY BASIS WITH ESCHOO'S BILL,  
17 POINTING OUT WHY WE THINK IT'S IMPORTANT TO OUR  
18 MISSION, BUT NOT IN ANY WAY LOBBYING OR TAKING A  
19 NEGATIVE POSITION ON WAXMAN.

20 SO IT IS -- THERE IS A DISTINCTION IN THE  
21 LEGISLATIVE ARENA OF BEING A SUPPORTER OF ONE  
22 APPROACH. THERE IS A DIFFERENT TYPE OF LEGISLATIVE  
23 POSITION WHERE YOU STRONGLY ADVOCATE ONE APPROACH  
24 AND STRONGLY OPPOSE AND NEGATIVELY CAMPAIGN AGAINST  
25 ANOTHER APPROACH. THAT IS NOT BEING PROPOSED HERE.

## BARRISTERS' REPORTING SERVICE

1 SO THAT'S AN IMPORTANT DISTINCTION.

2 IT'S ALSO IMPORTANT THAT THE LEGISLATIVE  
3 FEEDBACK IS QUITE CONSISTENT, THAT IF YOU DON'T TAKE  
4 A POSITION ON A BILL, YOU ARE NOT A PRINCIPAL TO BE  
5 DEALT WITH ON THIS BILL OR ANY OTHER BILL THAT  
6 RELATES TO US, WHETHER IT RELATES TO FDA OR ANYTHING  
7 ELSE, AND THAT THE PRINCIPLES ARE NOT GOING TO BE  
8 TAKEN INTO CONSIDERATION BECAUSE THE LEGISLATION IS  
9 MOVING TOO FAST IN THIS CONGRESS, AND IT IS TOO LATE  
10 IN THE PROCESS TO WORK WITH THE VARIOUS AUTHORS ON  
11 PRINCIPLES.

12 SO HOPEFULLY THAT DISTINCTION IS HELPFUL,  
13 BUT WE HAVE A COUPLE OF OTHER BOARD MEMBERS WHO WANT  
14 TO MAKE A COMMENT. JOAN. AND WHO WAS THE OTHER  
15 BOARD MEMBER?

16 DR. STEWARD: THIS IS OS. I'D LIKE TO SAY  
17 SOMETHING AS WELL.

18 MS. SAMUELSON: QUICK QUESTION FIRST. I  
19 THINK, ART, YOU TALKED WITH THE MR. WAXMAN'S OFFICE.  
20 I'M JUST WONDERING WHETHER ANYTHING CAME OF THAT  
21 THAT INFORMED YOU FOR US ABOUT JUST WHY HE'S TAKING  
22 A DIFFERENT POSITION OR WHERE HE'S HEADED WITH IT.

23 MR. TORRES: THE PROBLEM IS WE'VE NOT BEEN  
24 ABLE TO CONNECT WITH THE POINT PERSON BECAUSE SHE'S  
25 BEEN GONE FROM HENRY'S OFFICE. AND IT'S ALSO

## BARRISTERS' REPORTING SERVICE

1     IMPORTANT TO NOTE, BECAUSE I WANT TO SECOND DR.  
2     LEVEY AND SHERRY'S CONCERN, BECAUSE HENRY AND I HAVE  
3     BEEN FRIENDS FOR OVER 35 YEARS. AND THAT'S WHY I  
4     WOULD NEVER VOTE TO OPPOSE ANY OF HIS LEGISLATION  
5     BECAUSE HE'S TOO IMPORTANT TO US AND TO THE STATE.

6             BUT I DO FEEL, AFTER TALKING TO DUANE AND  
7     TO OTHERS AND TED AND OTHERS WHO HAVE ABOUT THIS,  
8     THAT I WANTED TO MAKE SURE THAT HENRY'S OFFICE, WHO  
9     I TALKED TO, RACHEL SHER, TO LET HER KNOW THAT WE  
10    WANT TO LEAVE THE DOOR OPEN FOR DISCUSSIONS DOWN THE  
11    ROAD, IF WE NEED TO. WE'RE NOT CLOSING TO THE DOOR  
12    ON HENRY'S BILL. WE'RE JUST SAYING RIGHT NOW WE'RE  
13    A LITTLE MORE COMFORTABLE WITH ANNA'S, AND WE FEEL  
14    WE NEED TO TAKE A POSITION ON THAT, BUT IN NO WAY  
15    REFLECTING OR IN NO WAY BREAKING COMMUNICATION OR IN  
16    ANY WAY OPPOSING ANY OF HENRY'S LEGISLATION BECAUSE  
17    I WOULD FEEL VERY UNCOMFORTABLE BEING PUT IN THAT  
18    POSITION.

19            MS. SAMUELSON: RIGHT. AND SO THEN MY  
20    COMMENT, I COMPLETELY AGREE. HE WAS MY FIRST MENTOR  
21    WHEN I WENT TO THE HILL TO TRY TO GET SOMETHING  
22    STARTED FOR PARKINSON'S. AND HE CAN BE A FORMIDABLE  
23    OPPONENT, BUT HE'S A WONDERFUL MAN. AND SO IT WOULD  
24    BE IN THE SPIRIT THAT YOU'RE OBVIOUSLY SUGGESTING,  
25    ART, THAT WE WANT TO WORK WITH HIM AS MUCH AS WE CAN

## BARRISTERS' REPORTING SERVICE

1 IN VARIOUS WAYS. WE HAVE AS A PRIORITY IN OUR  
2 LEGISLATION THE ACCESS TO PATIENTS OF ESTABLISHED  
3 THERAPIES, WHICH IS WHAT HE'S GETTING AT, KEEPING  
4 THINGS AFFORDABLE. SO OBVIOUSLY WE HAVE A CONCERN  
5 ABOUT THAT TOO, BUT OUR OVERRIDING CONCERN IS  
6 GETTING THERAPIES TO PATIENTS.

7 AND IT SOUNDS LIKE THE BIOSIMILAR PROBLEM,  
8 WITHOUT BEING ADDRESSED, IS AN INSURMOUNTABLE  
9 OBSTACLE AS I'M HEARING IT. IF BIOSIMILARS PLAY  
10 ANYTHING LIKE THE ROLE OF GENERICS IN THE DRUG  
11 WORLD, WE WILL NOT BE ABLE TO GET COMPANIES TO GO  
12 INTO THE BUSINESS, AND THEY HAVE TO TO ESTABLISH  
13 THERAPIES. SO IT SEEMS TO ME THAT THE ESCHOO BILL  
14 IS THE ONLY WAY TO GO FOR US AS AN ORGANIZATION  
15 BECAUSE OF WHAT OUR PRIORITIES ARE.

16 MR. TORRES: LET ME ALSO INTERJECT AND LET  
17 YOU KNOW, WHICH SOME OF YOU KNOW ALREADY, SENATOR  
18 KENNEDY HAS LEGISLATION WHICH IS VERY SIMILAR TO  
19 ANNA'S BILL IN THE SENATE. AND SENATOR SCHUMER HAS  
20 LEGISLATION VERY SIMILAR TO HENRY'S, SO THIS DEBATE  
21 IS GOING TO GO ON. AND I WOULD ENVISION, WHETHER  
22 IT'S PART OF A HEALTHCARE REFORM PACKAGE THAT COMES  
23 OUT OF HENRY'S COMMITTEE OR WHETHER IT'S A  
24 CONFERENCE COMMITTEE AT SOME POINT DOWN THE ROAD,  
25 IT'S NOT OVER YET.

## BARRISTERS' REPORTING SERVICE

1 AND I THINK NANCY ALSO WAS IN TOUCH WITH  
2 HENRY'S OFFICE AND WILL BE GETTING IN TOUCH WITH ANN  
3 WITT, WHO IS HENRY'S POINT PERSON, WHO'S BEEN OUT OF  
4 THE OFFICE, AND I WILL ALSO GET A PERSONAL CALL INTO  
5 TO HENRY AS WELL TO LET HIM KNOW WHAT WE'RE UP TO  
6 BECAUSE WE WANT TO CONTINUE TO WORK WITH THEM  
7 BECAUSE THERE ARE GOING TO BE SO MANY OTHER ISSUES  
8 DOWN THE ROAD THAT WE'RE GOING TO NEED HENRY ON.  
9 AND, QUITE FRANKLY, HE'S GOING TO NEED OUR SUPPORT  
10 TOO.

11 DR. LEVEY: I READ IN THE *WALL STREET*  
12 *JOURNAL* THIS WEEK ACTUALLY A NUMBER OF  
13 PHARMACEUTICAL FIRMS ARE STARTING THEIR OWN  
14 BIOSIMILAR DIVISIONS, MERCK BEING ONE OF THEM.

15 MR. ROTH: MERCK IS GOING TO BE IN THE  
16 BUSINESS, BUT THEY'RE GOING TO DO A FULL BATTERY OF  
17 TESTS, TO TED LOVE'S COMMENT ABOUT SAFETY. THEY  
18 AREN'T GOING TO JUST TRY TO TAKE SOMEBODY ELSE'S  
19 DATA AND PUT THEIR LABEL ON TOP OF IT. THEY'RE  
20 GOING TO DO THE FULL BATTERY OF TESTS, WHICH WILL  
21 BRING PRICES DOWN. THERE WILL BE COMPETITION, AND  
22 THAT WILL BE GOOD.

23 DR. STEWARD: THIS IS OS IF I COULD WEIGH  
24 IN WITH, I GUESS, WHAT I WOULD HAVE TO CALL A  
25 CONTRARIAN VIEWPOINT. AND IT ISN'T AGAINST ANY OF

## BARRISTERS' REPORTING SERVICE

1 THE ISSUES THAT WE'RE TALKING ABOUT, BUT IT'S REALLY  
2 ONE OF STRATEGY.

3 I GUESS THAT I HAVE TO SAY THAT I WOULD  
4 PREFER THAT OUR ORGANIZATION BE SEEN OVER THE LONG  
5 RUN AS ONE WHOSE OPINION REALLY COUNTS. AND BY THAT  
6 I MEAN ONE THAT DOESN'T ACT ON ISSUES LIKE THIS IN A  
7 WAY THAT I WOULD CALL LIKE A POLITICAL ACTION  
8 COMMITTEE. I WOULD MUCH PREFER TO HAVE US SEEN AS  
9 AN ORGANIZATION THAT ACTED WITH DUE CONSIDERATION  
10 AND THAT WAS RESPECTED AS MUCH AS, FOR EXAMPLE, THE  
11 NATIONAL ACADEMY. MAYBE THE NATIONAL ACADEMY HAS  
12 WEIGHED IN ON THIS. IF SO, I STAND CORRECTED. BUT  
13 IF THEY HAVE NOT, THEN I REALLY PREFER TO HAVE US  
14 STRONGLY STATE PRINCIPLES. THOSE PRINCIPLES COULD  
15 BE IDENTICAL TO ONE BILL OR ANOTHER, BUT JUST NOT  
16 SPECIFICALLY SUPPORT ONE BILL OR ANOTHER.

17 MR. SHEEHY: I'D LIKE TO SUPPORT OS'  
18 POSITION. I HAVE A LOT OF PROBLEMS SUPPORTING A  
19 PARTICULAR BILL ESPECIALLY GIVEN THAT I HAD TROUBLE  
20 SUPPORTING THE 12-YEAR TIMEFRAME, WHICH SEEMS  
21 EXCESSIVE FROM A PATIENT'S POINT OF VIEW, AND IT'S  
22 NOT GOING TO BE IN THE FINAL LEGISLATION GIVEN THAT  
23 EEC, THE EUROPEAN COMMISSION, HAS A TEN-YEAR LIMIT.  
24 AND SO THAT'S WHY I WAS MORE COMFORTABLE WITH THE  
25 IDEA OF POSITIONS OF SUPPORTING PRINCIPLES AS

## BARRISTERS' REPORTING SERVICE

1 OPPOSED TO ACTUALLY TAKING A POSITION ON A BILL  
2 BECAUSE I DON'T THINK CIRM SHOULD BE SUPPORTING THE  
3 LONGEST TIME PERIOD FOR MAINTAINING EXCLUSIVITY  
4 WHICH WILL LIMIT ACCESS, AT LEAST THE WAY OUR  
5 PRESENT HEALTHCARE SYSTEM IS ARRANGED, AND GETTING  
6 INTO THE MIDDLE OF THIS FIGHT. I AGREE WITH OS THAT  
7 IT'S NOT REALLY OUR ROLE, AND IT'S TAKING US FAIRLY  
8 DEEPLY INTO A LEGISLATIVE PROCESS THAT I'M NOT SURE  
9 THAT WE REALLY -- IS A ROLE WE SHOULD REALLY BE  
10 PLAYING.

11 CHAIRMAN KLEIN: IN TERMS OF THE  
12 POSITIONS, THE NATIONAL ACADEMY IS NOT WITHIN ITS  
13 CHARTER ABLE TO TAKE POSITIONS ON LEGISLATION THAT  
14 I'M AWARE OF, OS.

15 ADDITIONALLY, IT IS IMPORTANT TO NOTE THAT  
16 THERE'S BEEN QUITE A BIT OF RESEARCH AND SUBSTANTIAL  
17 AMOUNT OF MATERIALS THAT HAVE BEEN LOOKED AT HERE.  
18 AND, JEFF, IF WE TAKE A POSITION ON A BILL THAT'S  
19 GOT 12 YEARS AND KENNEDY HAS A SIMILAR BILL, THE  
20 ISSUE IS IS IT 12 OR IS IT FIVE. IF IT ENDS UP  
21 BEING TEN, THAT'S THE LEGISLATIVE PROCESS, AS YOU  
22 KNOW ONLY TOO WELL. BUT THE FUNDAMENTAL POINT IS  
23 THAT THIS CHARTER WE HAVE WAS TO HAVE A DIRECT  
24 INTERFACE WITH U.S. CONGRESS AND TAKE POSITIONS AS  
25 WE HAVE ON THE STEM CELL LEGISLATION. AND THIS IS

## BARRISTERS' REPORTING SERVICE

1 AS IMPORTANT TO US IN GETTING TO PATIENTS.

2 BUT HAVING A TEN- OR A 12-YEAR PERIOD IS A  
3 MINIMUM PERIOD TO GET ANY FINANCIAL SUPPORT,  
4 PARTICULARLY IN A FIELD LIKE OURS WHERE YOU WILL RUN  
5 THROUGH A PATENT PERIOD ALMOST COMPLETELY BEFORE YOU  
6 GET TO THE POINT THAT YOU'VE GOT TO COMMERCIALIZE  
7 PRODUCT. SO YOU'RE LOOKING FOR 15 YEARS ACTUALLY  
8 MORE AS A MINIMUM FOR CAPITAL INVESTMENT.

9 IN ANY CASE, ARE THERE OTHER MEMBERS THAT  
10 WOULD LIKE TO MAKE COMMENTS?

11 DR. LOVE: I'D LIKE TO RESPOND TO JEFF. I  
12 THINK JEFF RAISED AN IMPORTANT POINT. AND WHAT I  
13 WOULD SAY, JEFF, IS THAT IN MY CAREER IN INDUSTRY, I  
14 ACTUALLY THINK INNOVATIVE COMPANIES HAVE DONE MUCH  
15 MORE, QUITE FRANKLY, THAN GENERIC COMPANIES TO  
16 PROVIDE ACCESS TO DRUGS. AND I CAN REMEMBER VERY  
17 SPECIFICALLY THAT GENENTECH WAS VERY CONSISTENT  
18 ABOUT MAKING OUR DRUGS AVAILABLE ABSOLUTELY FREE OF  
19 CHARGE. WHEN I WAS A PRACTICING PHYSICIAN, I CAN  
20 REMEMBER AT MASSACHUSETTS GENERAL WE PROVIDED A  
21 GREAT DEAL OF FREE DRUGS THAT WAS PROVIDED AT NO  
22 COST BY GENENTECH.

23 I THINK INNOVATIVE COMPANIES HAVE ACTUALLY  
24 BEEN THE LEADERS MUCH MORE THAN GENERIC COMPANIES AT  
25 PROVIDING ACCESS. IT'S IMPORTANT TO KEEP IN MIND



## BARRISTERS' REPORTING SERVICE

1 THAT, MAYBE NOT SO MUCH WITH BIOLOGICS, BUT  
2 CERTAINLY CONSISTENT WITH GENERICS, THE PATIENT  
3 ULTIMATELY OFTEN SEES A COPAY. AND THE COPAY ISSUES  
4 REALLY AREN'T AN ISSUE WHEN THE DRUGS ARE BEING  
5 PROVIDED FREE OF CHARGE BY THE INNOVATOR. THEY ARE  
6 AN ISSUE CONSISTENTLY WITH THE GENERIC COMPANY  
7 BECAUSE, AT LEAST IN MY UNDERSTANDING, I'VE NEVER  
8 SEEN A GENERIC COMPANY PROVIDE ANY KIND OF OFFSET  
9 FOR THEIR COST.

10 AND THEN I WOULD GO BACK TO THE VERY  
11 INITIAL POINT, AND THAT IS THAT I DON'T KNOW IF IT  
12 WAS SHERRY, BUT SOMEONE AT THE LAST MEETING MADE THE  
13 POINT THAT, FIRST, WE'VE GOT TO HAVE SOMETHING THAT  
14 NEEDS TO BE MADE AVAILABLE. MY CONCERN RIGHT NOW,  
15 TO BE VERY HONEST WITH YOU, IS THAT I THINK THAT  
16 PRESSURES THAT ARE MOUNTING IN OUR INDUSTRY ARE  
17 DRIVING PEOPLE AWAY FROM SUPPORTING THE COST AND  
18 TAKING ON THE RISK OF DEVELOPING NEW THERAPIES. AND  
19 THAT'S WHY I REALLY WOULD ENCOURAGE US, JUST  
20 CONSISTENT WITH OUR INITIATIVE, TRYING TO GET  
21 THERAPIES OUT THERE TO TRY TO BE MORE SUPPORTIVE OF  
22 PROVIDING SOME INCENTIVE TO INNOVATORS WHICH SEEMS  
23 TO BE DWINDLING EVERY DAY.

24 DR. PENHOET: CAN I ASK ART A QUESTION?  
25 JUST A QUESTION. WE HEAR ON THE ONE HAND IT'S TOO

## BARRISTERS' REPORTING SERVICE

1 LATE TO ACTUALLY SET FORTH A SET OF PRINCIPLES TO  
2 AFFECT THIS BECAUSE THE TRAIN HAS LEFT THE STATION.  
3 THEN I ALSO HEARD YOU SAY, ART, THAT THIS IS GOING  
4 TO GO ON FOR A LONG TIME, SO I'M A LITTLE BIT  
5 CONFUSED ABOUT THE TIME PRESSURE ONE WAY OR THE  
6 OTHER. CAN YOU HELP CLARIFY THAT FOR ME?

7 MR. TORRES: CERTAINLY. THE RESPONSE I  
8 RECEIVED FROM CHIEF OF STAFF TO CONGRESSWOMAN ESCHOO  
9 WAS THAT HENRY, AS IS HIS RIGHT TO DO AS CHAIR OF  
10 THIS COMMITTEE, HAS NOT SET A HEARING ON HIS BILL OR  
11 ON ANNA'S BILL, BUT IT COULD COME THROUGH THE BACK  
12 DOOR TO THE HEALTH REFORM LEGISLATION THAT HENRY  
13 WILL BE THE CHIEF AUTHOR OF FOR THE PRESIDENT COMING  
14 OUT OF THE COMMITTEE, AND THAT COULD BE IN A MORE  
15 TIMELY FASHION.

16 SO AT THIS POINT I WANT TO MAKE SURE THAT  
17 WE ALL HAD THE SAME INFORMATION, AND THAT IS THAT WE  
18 DON'T KNOW WHEN THIS LEGISLATION IS GOING TO COME UP  
19 FOR HEARING, AND STAFF DOESN'T KNOW EITHER.

20 CHAIRMAN KLEIN: LET'S MAKE THIS CLEAR.  
21 IT'S IMPORTANT TO HAVE POSITIONS ON THE RECORD  
22 IMMEDIATELY BECAUSE WITH 73 CO-AUTHORS ON ESCHOO'S  
23 BILL, THERE ARE THOSE THAT WOULD SUPPORT THE WAXMAN  
24 BILL, BUT MAY WANT TO ATTACH IT TO OTHER  
25 LEGISLATION. AND THEY NEED TO BE AWARE OF THE FACT

## BARRISTERS' REPORTING SERVICE

1 THAT BEST -- THAT FROM OUR VIEWPOINT OF GETTING  
2 THERAPIES TO PATIENTS, WE ARE PROPOSING THAT WE NEED  
3 A LONGER PERIOD IF THIS MOTION PASSES. IF IT FAILS,  
4 WE ALSO MADE A STATEMENT.

5 BUT LET ME DO THIS. WE'RE GOING TO LOSE  
6 MEMBERS AT THIS POINT. I'D LIKE TO KNOW IF THERE IS  
7 A MOTION BECAUSE IF THERE'S A MOTION AND A SECOND, I  
8 CAN OPEN THE ROLL AND THEN TAKE PUBLIC COMMENT, BUT  
9 KEEP OPEN SO THAT THOSE WHO HAVE TO LEAVE CAN LODGE  
10 THEIR VOTE AND WE WON'T LOSE OUR QUORUM FOR OUR  
11 PROCESS.

12 MS. SAMUELSON: I'LL MAKE A MOTION TO  
13 SUPPORT THE ESCHOO BILL.

14 DR. LOVE: I'LL SECOND THAT. THIS IS TED.

15 CHAIRMAN KLEIN: OKAY. MOTION MADE AND  
16 SECONDED.

17 MR. TORRES: ALSO A FRIENDLY AMENDMENT TO  
18 THAT MOTION, THAT READS SUPPORTING THE ESCHOO BILL,  
19 BUT SUBJECT TO THE DELEGATION OF AUTHORITY TO THE  
20 LEGISLATIVE SUBCOMMITTEE TO MONITOR LEGISLATION  
21 RELATING TO BIOSIMILARS AND TO REFINE CIRM'S  
22 POSITION CONSISTENT WITH CIRM'S STATEMENT OF  
23 PRINCIPLES, PROPOSITION 71, AS THE LEGISLATION  
24 EVOLVES IN THE HOUSE AND THE SENATE. I JUST WANT TO  
25 MAKE SURE WE KEEP THE DOORS OPEN.

## BARRISTERS' REPORTING SERVICE

1 MS. SAMUELSON: I'LL ACCEPT THAT.

2 CHAIRMAN KLEIN: DOES THE SECOND ACCEPT  
3 THAT?

4 DR. LOVE: YES, ABSOLUTELY.

5 CHAIRMAN KLEIN: OKAY.

6 MR. SHEEHY: CAN I ASK A QUESTION ABOUT  
7 THE PROCESS? SO THE VOTE IS BEING HELD OPEN. AT  
8 WHAT POINT DOES THE VOTE CLOSE?

9 CHAIRMAN KLEIN: THE VOTE WILL CLOSE HERE  
10 ON THIS CALL. IT'S JUST BEING HELD OPEN SO THAT IF  
11 THERE ARE MEMBERS THAT NEED TO LEAVE, BECAUSE WE'VE  
12 BEEN TOLD THERE ARE SOME MEMBERS THAT NEED TO LEAVE  
13 EARLY, THEY CAN LODGE THEIR VOTE.

14 MR. SHEEHY: WHEN DO THEY LODGE THEIR  
15 VOTE? AFTER THE MEETING?

16 CHAIRMAN KLEIN: NO. NOW. DURING THE  
17 MEETING, THEY HAVE TO LODGE THEIR VOTE. DURING THE  
18 MEETING, FOR EXAMPLE, LIKE SHERRY HAD TO LEAVE, IF  
19 WE WEREN'T QUITE DONE WITH DEBATE, SHERRY COULD HAVE  
20 LODGED HER VOTE AND LEFT, AND THE DEBATE COULD HAVE  
21 GONE FOR TEN MORE MINUTES BEFORE WE HAD THE ROLL  
22 CALL.

23 MS. KING: AS LONG AS WE TAKE THIS VOTE  
24 RIGHT NOW, WE MIGHT NOT HAVE TO HOLD IT UP.

25 MR. SHEEHY: THIS IS A NEW PROCESS. I'M

## BARRISTERS' REPORTING SERVICE

1 NOT FAMILIAR WITH THIS.

2 MR. TORRES: IT'S A PROCESS THAT OCCURS IN  
3 THE LEGISLATURE WHERE A ROLL CALL IS HELD OPEN UNTIL  
4 THE MEETING IS ADJOURNED OF A COMMITTEE OR IN SOME  
5 CASES --

6 MR. SHEEHY: I KNOW THIS IS SUBJECT OF  
7 MUCH CONTENTION AMONG CERTAIN INDIVIDUALS WHEN ROLL  
8 CALLS ARE HELD OPEN FOR AN EXTENDED PERIOD OF TIME.  
9 IT'S NOT A PROCESS WE'VE EVER USED BEFORE, SO I'M  
10 NOT FAMILIAR WITH IT.

11 CHAIRMAN KLEIN: OKAY. IN TERMS OF TIME  
12 PERIOD, JEFF, WE'RE TALKING ABOUT 15 MINUTES.

13 MS. KING: WE PROBABLY DON'T HAVE TO DO  
14 IT, LIKE I SAID, IF WE TAKE THE VOTE RIGHT NOW.

15 MS. SAMUELSON: THIS IS JOAN. I'D LIKE TO  
16 MAKE ONE MORE COMMENT, RESPONDING TO ED'S CONCERN  
17 ABOUT SINCE THERE'S AVAILABLE TIME, WHY NOT HAVE A  
18 STATEMENT OF PRINCIPLES FOR A WHILE.

19 WITH PENDING LEGISLATION, IT'S JUST TOO  
20 LATE FOR THE FOLKS ON THE HILL TO CONSIDER OUR  
21 INVOLVEMENT PERIOD, I THINK, IS THE WAY I WOULD PUT  
22 IT.

23 MS. KING: WE ARE ABOUT TO LOSE VICE  
24 CHAIRMAN TORRES, SO IF WE DID WANT TO MAKE USE OF  
25 THAT PROCESS AND ALLOW HIM TO VOTE BEFORE HE LEAVES,

## BARRISTERS' REPORTING SERVICE

1 WE WOULD NEED TO DO THAT RIGHT NOW.

2 CHAIRMAN KLEIN: SO, JOAN, WITH YOUR LEAD,  
3 PLEASE, ARE THERE ANY OTHER MEMBERS THAT NEED TO  
4 LEAVE?

5 DR. POMEROY: I HAVE TO LEAVE RIGHT NOW.

6 CHAIRMAN KLEIN: WILL YOU TAKE THE ROLL  
7 CALL, PLEASE. WHO NEEDS TO LEAVE?

8 MS. KING: DR. POMEROY AND ART TORRES.

9 SHOULD I TAKE JUST THEIR VOTES, CHAIRMAN  
10 KLEIN, OR DO YOU WANT ME --

11 CHAIRMAN KLEIN: ONLY THOSE INDIVIDUALS  
12 THAT NEED TO LEAVE.

13 MS. KING: DR. POMEROY, YOU VOTE.

14 DR. POMEROY: I'M GOING TO ABSTAIN BECAUSE  
15 I'M NOT COMFORTABLE VOTING UNTIL I HEAR THE ENTIRE  
16 CONVERSATION. THANK YOU.

17 MS. KING: ART TORRES.

18 MR. TORRES: AYE.

19 MS. KING: THANK YOU.

20 DR. FONTANA: I HAVE TO LEAVE AT NINE. SO  
21 IF THIS IS NOT DONE BY THEN, I VOTE YES IN FAVOR OF  
22 ESCHOO.

23 DR. PENHOET: THIS IS ED. CAN I CLARIFY?  
24 JOAN PUT WORDS IN MY MOUTH. I WASN'T RECOMMENDING  
25 THE PRINCIPLES. I WAS SIMPLY SEEKING CLARIFICATION.

**BARRISTERS' REPORTING SERVICE**

1 MS. SAMUELSON: THAT'S WHAT I ASSUMED,  
2 YES.

3 CHAIRMAN KLEIN: THANK YOU. THANK YOU  
4 VERY MUCH, DR. PENHOET.

5 OKAY. IS THERE PUBLIC COMMENT IN SAN  
6 FRANCISCO?

7 MS. KING: NONE HERE.

8 CHAIRMAN KLEIN: IS THERE PUBLIC COMMENT  
9 IN SANTA ROSA?

10 MS. WERNETT: NO.

11 CHAIRMAN KLEIN: IS THERE PUBLIC COMMENT  
12 AT ANY OF THE OTHER SITES? OKAY. IS THERE  
13 ADDITIONAL -- ARE THERE ADDITIONAL MEMBERS WHO WOULD  
14 LIKE TO MAKE COMMENTS? ALL RIGHT. HEARING NO  
15 ADDITIONAL MEMBERS, IT APPEARS THAT WE CAN PROCEED  
16 WITH THE ROLL CALL. I JUST WANTED TO MAKE SURE THAT  
17 WE ACCOMMODATED ANY ADDITIONAL MEMBER COMMENTS.

18 DR. AZZIZ: BEFORE THE ROLL CALL, COULD WE  
19 RESTATE THE MOTION PLEASE, CLEARLY?

20 MR. HARRISON: THE MOTION IS TO ENDORSE  
21 THE ESCHOO BILL HR 1548 SUBJECT TO THE DELEGATION OF  
22 AUTHORITY TO THE LEGISLATIVE SUBCOMMITTEE TO MONITOR  
23 THE LEGISLATION RELATING TO BIOSIMILARS AND TO  
24 REFINE CIRM'S POSITION CONSISTENT WITH THE STATEMENT  
25 OF PRINCIPLES AND PROP 71 AS THE LEGISLATION EVOLVES

## BARRISTERS' REPORTING SERVICE

1 IN THE HOUSE AND THE SENATE.

2 CHAIRMAN KLEIN: WITH THE INTENT TO KEEP  
3 THE DOORS OPEN IN COMMUNICATION WITH THE WAXMAN  
4 OFFICE IN PARTICULAR.

5 DR. AZZIZ: WE ARE NOT VOTING ON THE  
6 STATEMENT OF PRINCIPLES, ITEM 4.

7 CHAIRMAN KLEIN: WE ARE NOT. WE ARE NOT.  
8 THIS IS TO TAKE A VOTE IN SUPPORT OF ESCHOO. IT IS  
9 NOT A VOTE -- THERE IS NO PART OF THIS MOTION THAT  
10 HAS AN OPPOSITION TO WAXMAN, AND THERE IS A DESIRE  
11 TO CONTINUE THAT DISCUSSION. OKAY.

12 COULD YOU CONTINUE WITH THE ROLL CALL  
13 GIVEN THAT THERE'S NO ADDITIONAL MEMBERS. AND DAVID  
14 SERRANO-SEWELL WASN'T AVAILABLE FOR THE LAST VOTE,  
15 BUT HE IS HERE IN THIS MEETING.

16 MS. KING: RICARDO AZZIZ.

17 DR. AZZIZ: ABSTAIN.

18 MS. KING: ROBERT BIRGENEAU.

19 DR. BIRGENEAU: YES.

20 MS. KING: GORDON GILL.

21 DR. GILL: YES.

22 MS. KING: SUSAN BRYANT.

23 DR. BRYANT: YES.

24 MS. KING: MARSHA CHANDLER. MARCY FEIT.

25 MS. FEIT: YES.



## BARRISTERS' REPORTING SERVICE

1 MS. KING: MICHAEL GOLDBERG.  
2 MR. GOLDBERG: YES.  
3 MS. KING: SAM HAWGOOD.  
4 DR. HAWGOOD: YES.  
5 MS. KING: BOB KLEIN.  
6 CHAIRMAN KLEIN: YES.  
7 MS. KING: GERALD LEVEY.  
8 DR. LEVEY: NO.  
9 MS. KING: TED LOVE.  
10 DR. LOVE: YES.  
11 MS. KING: ED PENHOET.  
12 DR. PENHOET: YES.  
13 MS. KING: PHIL PIZZO.  
14 DR. PIZZO: YES.  
15 MS. KING: FRANCISCO PRIETO.  
16 DR. PRIETO: YES.  
17 MS. KING: DUANE ROTH.  
18 MR. ROTH: YES.  
19 MS. KING: JOAN SAMUELSON.  
20 MS. SAMUELSON: YES.  
21 MS. KING: DAVID SERRANO-SEWELL.  
22 MR. SERRANO-SEWELL: YES.  
23 MS. KING: JEFF SHEEHY. OSWALD STEWARD.  
24 DR. STEWARD: NO.  
25 DR. PIZZO: WONDER IF JEFF IS ON MUTE.

## BARRISTERS' REPORTING SERVICE

1 CHAIRMAN KLEIN: OKAY. COUNSEL, WHAT IS  
2 THE VOTE?

3 MR. HARRISON: THE MOTION CARRIES BY A  
4 VOTE OF 16 YESES, TWO NOES, AND TWO ABSTENTIONS.

5 DR. STEWARD: I REALLY HAVE TO RAISE THE  
6 ISSUE THAT JEFF SHEEHY RAISED. WE HAVE NEVER DONE  
7 THIS PROCESS BEFORE. AND IF WE EVER HAD BEEN ABLE  
8 TO, WE WOULD HAVE AVOIDED ALL KINDS OF PROBLEMS AT  
9 ICOC MEETINGS WITH PEOPLE LEAVING EARLY. I JUST  
10 DON'T UNDERSTAND WHY THIS PROCESS HAS BEEN INVOKED  
11 NOW TODAY, AND I HAVE TO SAY IN A VERY STRANGE WAY.

12 MR. ROTH: OS, IT HAS TO DO WITH A SINGLE  
13 MOTION. YOU CAN'T LEAVE THE MEETING AND VOTE ON  
14 ANYTHING ELSE.

15 DR. STEWARD: WE HAVE THIS PROBLEM ALL THE  
16 TIME IN ICOC MEETINGS WHEN THERE ARE TOPICS UNDER  
17 DISCUSSION.

18 MR. ROTH: NO. NO.

19 DR. STEWARD: WE DO. WHEN THERE ARE  
20 TOPICS UNDER DISCUSSION, WHEN A VOTE IS IMMINENT AND  
21 PEOPLE HAVE TO CATCH A PLANE, WE COULD EASILY DO  
22 THIS AND AVOID THE LOSS OF MEMBERS AND A LOSS OF A  
23 QUORUM. I DON'T UNDERSTAND WHY IT'S BEING INVOKED  
24 HERE AND NOT ANY OTHER TIME.

25 DR. PIZZO: I THINK IT'S A BIGGER QUESTION

## BARRISTERS' REPORTING SERVICE

1 BECAUSE I THINK IT ALSO IMPACTS ON THE QUALITY OF  
2 THE DISCUSSION AS WELL.

3 DR. STEWARD: I ABSOLUTELY AGREE.

4 DR. PIZZO: WHEREAS, I LIKE THE IDEA OF  
5 FACILITATING THE PROCESS, I THINK AT A SUBSEQUENT  
6 ICOC MEETING WE SHOULD DISCUSS IT BECAUSE IT DOES  
7 IMPACT ON OUR CULTURE AND HOW WE DO THINGS.

8 DR. LEVEY: I'D JUST LIKE TO ADD TO WHAT  
9 PHIL SAID BECAUSE I REALLY AGREE WITH THAT AND I  
10 AGREE WITH WHAT OS IS SAYING. I WAS REALLY  
11 RELUCTANT TO VOTE NO, BUT I FELT WE'RE JUMPING IN  
12 HERE MUCH TOO QUICKLY.

13 DR. PIZZO: I HAVE THE SAME REACTION EVEN  
14 WITH REGARD TO MY VOTE. I THINK WE'VE BEEN ENRICHED  
15 OVER THE YEARS BY HEARING EACH OTHER'S POINT OF  
16 VIEW. I WORRY THAT WE'RE GOING TO WIND UP COMING IN  
17 WITH PREFIXED IDEAS THAT DON'T NECESSARILY ALLOW  
18 THEMSELVES TO BE ATTENTIVE TO NEW INSIGHTS.

19 CHAIRMAN KLEIN: SO THIS IS BOB. I'D LIKE  
20 TO SAY THE VERY REASON THAT WE DON'T USE THIS AT  
21 REGULAR ICOC MEETINGS IS TWOFOLD. A, THAT WE DON'T  
22 WANT TO DO THIS EARLY IN THE DAY WHEN PEOPLE  
23 ANNOUNCE QUITE UNEXPECTEDLY AT TIMES THAT THEY NEED  
24 TO LEAVE BECAUSE WE HAVEN'T HAD THE CHANCE FOR A  
25 DISCUSSION. THIS ITEM, AS YOU KNOW, WAS DISCUSSED

## BARRISTERS' REPORTING SERVICE

1 AT A PRIOR BOARD MEETING AS WELL AS IN THIS MEETING.

2 DR. STEWARD: LET ME JUST POINT OUT, BOB,  
3 THE VOTE WENT THE OTHER WAY IN THAT PRIOR VOTE,  
4 WHICH IS EXACTLY THE REASON I'M A LITTLE OFFENDED BY  
5 THIS.

6 CHAIRMAN KLEIN: HOLD ON. EXCUSE ME.  
7 POINT OF ORDER HERE. LISTEN, THE SECOND REASON IS  
8 THAT THIS IS -- THERE ARE ONLY TWO ITEMS ON THIS  
9 AGENDA. IT WAS UTILIZED IN A VERY LIMITED SENSE IN  
10 THE CASE WHERE THE FACT IS IT IS ONLY FOR TEN OR 15  
11 MINUTES, WHICH I SAID WHEN THE QUESTION WAS RAISED  
12 WHEN WE HAVE HAD SUBSTANTIAL MATERIALS DISBURSED AND  
13 WE HAVE HAD -- THE DEBATE HAD ALREADY OCCURRED. BUT  
14 IT IS -- WE WILL DEFINITELY DISCUSS THIS AS AN ITEM  
15 AS TO WHETHER WE CAN USE THIS PROCESS IN A LIMITED  
16 MANNER.

17 AND, FRANKLY, TO THE EXTENT THAT WE HAVE  
18 NONCONTROVERSIAL ISSUES AT THE END OF AN ICOC  
19 MEETING, NONCONTROVERSIAL ISSUES, THEN IT WOULD SEEM  
20 TO BE APPROPRIATE.

21 THE OTHER REASON IS THAT, AS NOTED, THERE  
22 WAS NO PUBLIC COMMENT HERE THAT WAS PENDING. THERE  
23 WAS NO PUBLIC CONTROVERSY AT THIS MEETING. SO I'M  
24 TRYING TO BE VERY CAREFUL AND SENSITIVE TO USE IT IN  
25 A VERY LIMITED ROLE, BUT WE CERTAINLY WILL DEBATE IT

**BARRISTERS' REPORTING SERVICE**

1 AND HAVE DISCUSSION.

2 I'D LIKE TO THANK EVERYONE FOR  
3 PARTICIPATION IN THE MEETING. AND I'D LIKE TO THANK  
4 THE MEMBERS THAT WORKED HARD ON THE RESEARCH AND THE  
5 BACKGROUND FOR THIS, AND WE'LL LOOK FORWARD TO THE  
6 NEXT MEETING.

7 MS. KING: WE DO HAVE A PUBLIC COMMENT  
8 HERE IN SAN FRANCISCO AT THIS TIME. THIS IS DON  
9 REED.

10 MR. REED: I'D JUST LIKE TO ADD ON THE  
11 IMPORTANCE OF THE INDIVIDUAL PARTICIPATION OF BOARD  
12 MEMBERS AND ALL OF YOUR FRIENDS, RELATIVES, FAMILY  
13 MEMBERS. THE BILL, THE NIH GUIDELINES VOTE ON THIS  
14 WILL BE WIDELY PUBLICIZED. IT'S GOING TO USED AS AN  
15 ARGUMENT AGAINST THE RESEARCH. IT'S GOING TO BE  
16 VERY IMPORTANT IN STATE EFFORTS. (UNINTELLIGIBLE)  
17 BORDERLINE OF YES, NO, WE CAN SAY, LOOK, (INAUDIBLE)  
18 IT'S REALLY IMPORTANT THAT EVERYBODY AS AN  
19 INDIVIDUAL TAKE THOUGHT AS TO HOW THEY CAN AFFECT  
20 THIS PROCESS.

21 CHAIRMAN KLEIN: THANK YOU ALL.

22 (THE MEETING WAS THEN CONCLUDED AT  
23 08:45 A.M.)

24  
25

**BARRISTERS' REPORTING SERVICE**

**REPORTER'S CERTIFICATE**

I, BETH C. DRAIN, A CERTIFIED SHORTHAND REPORTER IN AND FOR THE STATE OF CALIFORNIA, HEREBY CERTIFY THAT THE FOREGOING TRANSCRIPT OF THE TELEPHONIC PROCEEDINGS BEFORE THE INDEPENDENT CITIZEN'S OVERSIGHT COMMITTEE OF THE CALIFORNIA INSTITUTE FOR REGENERATIVE MEDICINE IN THE MATTER OF ITS SPECIAL MEETING ON MAY 12, 2009, WAS HELD AS HEREIN APPEARS AND THAT THIS IS THE ORIGINAL TRANSCRIPT THEREOF AND THAT THE STATEMENTS THAT APPEAR IN THIS TRANSCRIPT WERE REPORTED STENOGRAPHICALLY BY ME AND TRANSCRIBED BY ME. I ALSO CERTIFY THAT THIS TRANSCRIPT IS A TRUE AND ACCURATE RECORD OF THE PROCEEDING.

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