

SENATE BILL NO. 273—SENATOR SCHNEIDER

MARCH 16, 2009

Referred to Committee on Commerce and Labor

SUMMARY—Provides for various activities related to nonembryonic cells. (BDR 54-874)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to health; providing for the scope of regulation of certain activities related to nonembryonic cells; providing that nothing in this act shall be construed to indicate the status under federal law of the activities authorized under this act; providing for cell or tissue banks; providing for the administration of nonembryonic cells to a person; providing for the compounding of drugs, medicines or health products using nonembryonic cells; providing for the importation and administration of nonembryonic cells under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 6 of this bill provides that no state or local entity may regulate the activities related to nonembryonic cells authorized in this bill except as otherwise provided in certain portions of this bill.

Section 7 of this bill provides that nothing in this bill shall be construed to indicate the status under federal law of the activities authorized under this bill.

Section 8 of this bill authorizes cell or tissue banks to operate in this State.

Section 9 of this bill authorizes the administration, whether assisted or not, of nonembryonic cells to a person.

Section 10 of this bill authorizes the compounding of a drug, medicine or health product using nonembryonic cells.

Section 11 of this bill authorizes the importation and administration, whether assisted or not, of nonembryonic cells under certain circumstances.



THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 629 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 11, inclusive, of this act.

Sec. 2. *As used in sections 2 to 11, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Allogeneic” means originating from the body of another person.*

Sec. 4. *“Autologous” means originating from within a person’s own body.*

Sec. 5. *“Nonembryonic cells” means autologous or allogeneic cellular material, including, without limitation, stem cells and immune cells, that:*

1. Has not been isolated or obtained directly from human embryos; and

2. May have been or may be combined with one or more:

(a) Naturally occurring biomaterials; or

(b) Materials approved or cleared for any purpose by the United States Food and Drug Administration or other applicable agency or authority.

Sec. 6. 1. *Notwithstanding any other provision of law, any department, commission, board or agency of a state or local government, including, without limitation, a state professional board, shall not:*

(a) Except as otherwise provided in subsection 2 of section 9 of this act and subsection 2 of section 11 of this act, regulate the activities authorized by sections 2 to 11, inclusive, of this act; or

(b) Take disciplinary action or impose civil or criminal liabilities or penalties against a person for engaging in an activity authorized by sections 2 to 11, inclusive, of this act.

2. This section does not:

(a) Absolve a professional licensing board of the duty to regulate licensees or otherwise prohibit or limit the powers and duties of a licensing board to regulate the procedures used to administer the nonembryonic stem cells.

(b) Absolve any person of civil or criminal liability or penalty for failure to use the reasonable care, skill or knowledge ordinarily used in rendering medical services under similar circumstances.

Sec. 7. *Nothing in sections 2 to 11, inclusive, of this act shall be construed to indicate the status of any of the activities*



1 authorized pursuant to sections 2 to 11, inclusive, of this act as
2 regards federal law.

3 **Sec. 8. 1. Notwithstanding any other provision of law, a**
4 **cell or tissue bank may operate in this State.**

5 **2. As used in this section, "cell or tissue bank" means a**
6 **facility that stores nonembryonic cells or tissues, or both.**

7 **Sec. 9. Notwithstanding any other provision of law,**
8 **nonembryonic cells may be administered to a person by:**

9 **1. That person himself; or**

10 **2. A person licensed or authorized in this State to administer**
11 **or assist in the administration of medicine or health care to others**
12 **if the mode of delivery used by the person to deliver the**
13 **nonembryonic cells is a mode of delivery permitted under the**
14 **person's license or authorization.**

15 **Sec. 10. Notwithstanding any other provision of law:**

16 **1. A drug, medicine or health product may be compounded**
17 **using as an ingredient, by itself or with other ingredients,**
18 **nonembryonic cells; and**

19 **2. A pharmacy that compounds a drug, medicine or health**
20 **product described in subsection 1 may be owned or operated, or**
21 **both, in this State.**

22 **Sec. 11. Notwithstanding any other provision of law:**

23 **1. A person may import into this State any compound, drug**
24 **or other treatment containing nonembryonic cells if:**

25 **(a) The compound, drug or other treatment was obtained**
26 **without violating the laws of the jurisdiction in which it was**
27 **obtained; and**

28 **(b) The compound, drug or other treatment is for personal use.**

29 **2. A person who is licensed or authorized in this State to**
30 **administer or assist in the administration of medicine or health**
31 **care to others may administer or assist in the administration of, to**
32 **a person described in subsection 1, the imported compound, drug**
33 **or other treatment if the mode of delivery used to deliver the**
34 **nonembryonic cells by the person who is licensed or authorized in**
35 **this State is a mode of delivery permitted under the person's**
36 **license or authorization.**

37 **Sec. 12. This act becomes effective on July 1, 2009.**

