

**House Study Bill 205 - Introduced**

HOUSE FILE \_\_\_\_\_

BY (PROPOSED COMMITTEE ON  
STATE GOVERNMENT BILL BY  
CHAIRPERSON COWNIE)

**A BILL FOR**

1 An Act relating to the use of adult stem cells in this state,  
2 including uses relating to the practice of medicine, the  
3 practice of pharmacy, and clinical research.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 136E.1 Definitions.

2 As used in this chapter unless the context otherwise  
3 requires:

4 1. "*Adult stem cells*" means autologous or allogeneic  
5 cellular material including but not limited to stem cells,  
6 immune cells, and other types of mature cells that may have  
7 been or may be combined with naturally occurring biomaterials  
8 or materials approved or cleared for any purpose by the United  
9 States food and drug administration or other applicable agency  
10 or authority.

11 2. "*Allogeneic*" means originating from the body of another  
12 person.

13 3. "*Autologous*" means originating from a person's own body.

14 4. "*Cell or tissue bank*" means a facility that stores adult  
15 stem cells or tissue.

16 Sec. 2. NEW SECTION. 136E.2 Practices relating to adult  
17 stem cells.

18 1. Notwithstanding any law to the contrary:

19 a. A person licensed to practice medicine pursuant to  
20 chapter 148 in this state may extract, process, or administer  
21 autologous adult stem cells.

22 b. A person licensed or authorized to administer or assist  
23 in the administration of medicine or health care in this state  
24 may extract, process, or administer autologous adult stem  
25 cells to the extent permitted under the person's license or  
26 authorization.

27 c. A person may operate a cell or tissue bank in this state.

28 d. A pharmacy owned or operated in this state, or a  
29 pharmacist licensed pursuant to chapter 155A, may compound a  
30 drug, medicine, or health product using adult stem cells as an  
31 ingredient.

32 e. A person licensed to practice medicine in this state may  
33 conduct adult stem cell clinical research for development of  
34 therapies and cures consistent with chapter 707C. This chapter  
35 shall not be interpreted to limit or prohibit any activity

1 otherwise authorized pursuant to chapter 707C.

2 *f.* A person authorized to conduct adult stem cell clinical  
3 research in the state may import into this state any compound  
4 or drug containing adult stem cells if the compound or drug is  
5 obtained in accordance with the laws of the jurisdiction from  
6 which the compound or drug is obtained and the compound or drug  
7 is used for the purposes of clinical research.

8 *g.* A person who is authorized to extract, process, or  
9 administer autologous adult stem cells under this section  
10 may import into this state compounds and drugs used in the  
11 administration of such stem cells if the compound or drug is  
12 obtained in accordance with the laws of the jurisdiction from  
13 which the compound or drug is obtained and the compound or drug  
14 is used for administration of autologous adult stem cells to a  
15 person in a treatment plan by a person licensed or authorized  
16 to extract, process, or administer autologous adult stem cells.

17 2. *a.* The board of medicine, the board of pharmacy, and  
18 other appropriate licensing boards established pursuant to  
19 chapter 147 shall adopt rules in accordance with this chapter.  
20 The rules adopted shall not prohibit the activities authorized  
21 in this chapter and shall not impose disciplinary action or  
22 civil or criminal penalties against a person for engaging  
23 in any activity authorized by this chapter. This paragraph  
24 shall not be interpreted to authorize the adoption of rules  
25 that absolve a person from civil or criminal liability or  
26 disciplinary action otherwise applicable if the person engages  
27 in an activity authorized under this chapter but fails to use  
28 the reasonable care, skill, or knowledge ordinarily used in  
29 rendering medical services under similar circumstances.

30 *b.* The board of medicine, the board of pharmacy, and other  
31 appropriate licensing boards may adopt rules to regulate the  
32 procedures used to administer adult stem cells in this state.

33 EXPLANATION

34 This bill relates to the use of adult stem cells in the  
35 state, including uses relating to the practice of medicine, the

1 practice of pharmacy, and clinical research.

2 The bill defines terms used in the bill and authorizes  
3 certain activities relating to adult stem cells. The bill  
4 authorizes a person licensed to practice medicine in the state  
5 to extract, process, or administer autologous adult stem cells.  
6 "Autologous" means originating from the person's own body.  
7 The bill also provides that a person licensed or authorized  
8 to administer or assist in the administration of medicine or  
9 health care in this state may extract, process, or administer  
10 autologous adult stem cells to the extent permitted under the  
11 person's license or authorization.

12 The bill authorizes all of the following: the operation  
13 of a cell or tissue bank in this state; a pharmacy owned or  
14 operated in the state or a licensed pharmacist to compound  
15 a drug, medicine, or health product using adult stem cells  
16 as an ingredient; a person licensed to practice medicine to  
17 conduct adult stem cell clinical research for development of  
18 therapies and cures consistent with Code chapter 707C (human  
19 stem cell research and cloning) while clarifying that the  
20 bill is not to be interpreted as limiting or prohibiting  
21 any activity authorized under chapter 707C; a person who is  
22 authorized to conduct adult stem cell clinical research to  
23 import any compound or drug containing adult stem cells if  
24 the compound or drug is obtained in accordance with the laws  
25 of the originating jurisdiction and is used for clinical  
26 research; and a person who is authorized to extract, process,  
27 or administer autologous adult stem cells to import compounds  
28 and drugs used in the administration of such stem cells if the  
29 compound or drug is obtained in accordance with the laws of the  
30 originating jurisdiction and the compound or drug is used for  
31 administration of autologous adult stem cells to a person in a  
32 treatment plan by a person licensed or authorized to extract,  
33 process, or administer autologous adult stem cells.

34 The bill directs the board of medicine, the board of  
35 pharmacy, and other appropriate licensing boards to adopt rules

1 in accordance with the bill, but provides that the rules shall  
2 not prohibit the activities authorized in the bill and shall  
3 not impose disciplinary action or civil or criminal penalties  
4 against a person for engaging in any activity authorized  
5 under the bill. However, the bill is not to be interpreted  
6 to authorize the adoption of rules that absolve a person who  
7 engages in an activity authorized under the bill from civil or  
8 criminal liability or disciplinary action otherwise applicable  
9 for failure to use the reasonable care, skill, or knowledge  
10 ordinarily used in rendering medical services under similar  
11 circumstances. The bill does authorize the board of medicine,  
12 the board of pharmacy and other appropriate licensing boards to  
13 adopt rules to regulate the procedures used to administer adult  
14 stem cells in this state.