

Senate Bill 381

By: Senators Thompson of the 14th, Hufstetler of the 52nd, Burke of the 11th, Mullis of the 53rd, Albers of the 56th and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to  
2 provide regulations for administration, compounding, and importation of certain cellular  
3 material; to specifically prohibit administration of certain cellular material; to provide for  
4 definitions; to provide a short title; to provide for related matters; to provide for an effective  
5 date; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 This Act shall be known and may be cited as the "Nonembryonic and Nonfetal Cell Therapy  
9 Act."

10 **SECTION 2.**

11 Title 31 of the Official Code of Georgia Annotated, relating to health, is amended by adding  
12 a new Chapter 52 to read as follows:

13 "CHAPTER 52

14 31-52-1.

15 As used in this chapter, the term:

16 (1) 'Allogeneic' means originating from the body of another individual.

17 (2) 'Autologous' means originating from within an individual's own body.

18 (3) 'Nonembryonic and nonfetal cells' means cellular material, including, but not limited  
19 to, stem cells and immune cells that have not been isolated or obtained by any means  
20 from human embryos or fetuses. Such term includes:

21 (A) Stem cells obtained from umbilical cord blood banking procedures; and

22 (B) Such cellular material after combination with one or more naturally occurring  
23 biomaterials or materials approved or cleared for any purpose by the United States Food  
24 and Drug Administration or other applicable agency or authority.

25 31-52-2.

26 (a) Except as otherwise provided in this chapter, no entity shall regulate, take disciplinary  
27 action against, or impose civil or criminal liability or any other penalty upon an activity  
28 authorized by and in compliance with this chapter.

29 (b) Subsection (a) of this Code section shall not absolve:

30 (1) A professional licensing board of the duty to regulate licensees or otherwise prohibit  
31 or limit the powers and duties of a licensing board to regulate the procedures used to  
32 isolate or administer nonembryonic and nonfetal cells; or

33 (2) A person of civil or criminal liability or penalty for failure to use the reasonable care,  
34 skill, or knowledge ordinarily used in rendering medical services under similar  
35 circumstances.

36 31-52-3.

37 Nothing in this chapter shall be construed to prescribe that activities authorized in this  
38 chapter are authorized by or in compliance with federal laws or regulations.

39 31-52-4.

40 (a) Autologous nonembryonic and nonfetal cells shall only be administered to an  
41 individual:

42 (1) By himself or herself; or

43 (2) By a physician licensed or authorized in this state by the Georgia Composite Medical  
44 Board or the department to practice medicine or provide health care to others, provided  
45 that such physician is also licensed or authorized to use the specific mode of delivery to  
46 administer such cells.

47 (b) Allogeneic nonembryonic and nonfetal cells shall not be administered to an individual.

48 31-52-5.

49 (a) A drug, medicine, or health product may be compounded using nonembryonic and  
50 nonfetal cells as a single ingredient or in combination with other ingredients in this state.

51 (b) A pharmacy that compounds a drug, medicine, or health product described in  
52 subsection (a) of this Code section may be owned or operated in this state.

53 31-52-6.

54 (a) An individual may import a compound, drug, or other treatment containing autologous  
55 nonembryonic and nonfetal cells into this state if:

56 (1) The individual obtained the compound, drug, or other treatment without violating the  
57 laws of the jurisdiction in which it was obtained; and

58 (2) The compound, drug, or other treatment is solely for such individual's use.

59 (b) A physician as described in subsection (b) of Code Section 31-52-4 may administer,  
60 or assist in the administration of, nonembryonic and nonfetal cells imported in compliance  
61 with subsection (a) of this Code section."

62 **SECTION 3.**

63 This Act shall become effective upon its approval by the Governor or upon its becoming law  
64 without such approval.

65 **SECTION 4.**

66 All laws and parts of laws in conflict with this Act are repealed.