

Empire State Stem Cell Board
Ethics Committee Meeting Minutes
May 12, 2009

The Empire State Stem Cell Board Ethics Committee held a meeting on Tuesday, May 12, 2009, at the Department of Health offices, 90 Church Street, New York, New York. Commissioner Richard F. Daines, M.D., presided as Chairperson.

Ethics Committee Members Present:

Dr. Richard F. Daines, Chairperson
Fr. Thomas Berg
Ms. Nancy Neveloff Dubler
Ms. Brooke Ellison
Dr. Samuel Gorovitz (*via videoconference*)
Dr. David Hohn
Dr. Robert Klitzman
Dr. Vivian Lee
Rev. H. Hugh Maynard-Reid
Dr. Samuel Packer
Mr. Robert Swidler (*via videoconference*)

Department of Health Staff Present:

Dr. David Anders
Mr. Thomas Conway
Ms. Judy Doeschate
Ms. Amy Nickson
Ms. Virginia Reyes
Ms. Beth Roxland
Ms. Lokia Rucker
Dr. Lawrence Sturman
Dr. Ann Willey

Observers Present:

Mr. Ed Ellison
Ms. Jean Ellison
Mr. Robert Feldman
Ms. Barbara Meara
Ms. Kelly Ryan

Opening Remarks and Introductions

Chairman Daines called the meeting to order and welcomed Board members, staff and the public. Dr. Daines announced that he had appointed Ms. Roxland to the position of Executive Director of the Task Force on Life and the Law and congratulated her on her appointment.

Dr. Daines reported that Dr. Sulmasy had officially submitted his resignation effective May 1, 2009 and that staff would work expeditiously to fill this vacancy.

Dr. Daines then asked Committee members and staff to introduce themselves.

Approval of Minutes of the March 16, 2009 Meeting of the Ethics Committee

Dr. Daines directed members to the draft minutes for the March 16, 2009, meeting of the Ethics Committee included in their agenda books and inquired if members had a chance to review them. Committee members and staff noted the minutes should be changed to delete Mr. Conway's name as an attendee, correct the spelling of Mr. Emmanuel's name on page 16 and clarify Mr. Swidler's comments on page 5 of the draft minutes.

Ms. Dubler then moved to approve the minutes for the March 16, 2009, meeting of the Ethics Committee, with the changes as noted. Rev. Maynard-Reid seconded the motion. The motion passed unanimously.

Report on Funding Committee Activities

Dr. Daines advised members that the Funding Committee met on April 23, 2009 and adopted the Ethics Committee's recommended changes to the standards applicable to funded scientists with regard to obtaining informed consent from donors.

Dr. Daines reported that the Funding Committee also discussed the standards proposed by the National Institutes of Health (NIH) for human embryonic stem cell research (hESC) funded by NIH and concluded it would be appropriate for the Board to officially comment on the draft standards. He advised members that the Funding Committee decided to authorize the Ethics Committee to draft the letter on behalf of the entire Board while providing guidance on the comments to be included in the letter.

Dr. Daines also noted that the Funding Committee commented on the draft annual report, reviewed existing funding commitments and provided guidance to staff for the development of future Requests for Applications (RFAs).

Program Updates

Dr. Sturman reported on the status of all awards approved as of the date of the meeting and advised members that NYSTEM's Office of Extramural Grants Administration continues to work to move the most recent awards through the approval process.

Dr. Sturman reported that twenty-four of the twenty-five contractors awarded Institutional Development Grants have submitted reimbursement vouchers totaling \$9.1 million and that twenty-one have submitted progress reports. He also noted that NYSTEM staff has begun to conduct on-site visits to audit the awards.

Dr. Sturman stated that planning activities and progress reports are underway for the consortia planning grants. He advised members that NYSTEM staff has scheduled a forum for September 8th in New York City where awardees will have an opportunity to present their

plans. He advised members that a Request for Information to solicit additional comments relative to developing research consortia will be published in the *State Register*.

Dr. Sturman advised members that:

- The Summer Undergraduate Research Experience RFA was released on April 8th and applications are due June 1st.
- The RFA to develop Undergraduate Curricula on Stem Cell Science and Related Ethical, Legal and Societal Implications was published on March 18th and applications are due May 22nd.
- The Requests for Proposals (RFP) for the Assessment of the Economic and Other Benefits of the NYSTEM Program was published on April 6th and proposals are due June 23rd.
- The RFP to plan and manage the NYSTEM Annual Scientific Symposia for 2010-2014 is expected to be published shortly.

Dr. Sturman also advised members that the four RFAs approved by the Funding Committee at its February meeting were being processed and should be issued over the next few months. He noted the Funding Committee has been discussing additional funding options for museum exhibits and other public education initiatives, pre and post doctoral fellowships, groundbreaking research and partnerships.

Dr. Sturman reported that the 2009 Grantees Conference is scheduled for June 12th and that the agenda includes plenary sessions focused on models and tissues, programs and reprogramming, neurons and disease and emerging opportunities and challenges. He noted that Susan Solomon will be the conference keynote speaker.

Dr. Sturman closed by reporting on the Economic Development/Intellectual Property Workgroup, which includes Funding Committee members Ken Adams, Robin Elliott, Michael Stocker and Madelyn Wils, Ethics Committee members Samuel Packer and Robert Swidler, and David Hohn, who represents both Committees. He advised members that the workgroup identified professionals experienced in industry development to join its discussions, including Anthony Giaccio, a partner with the law firm Kenyon and Kenyon and President of the NY Intellectual Property Association; Lenzie Harcum, Vice President, Biosciences, New York City Economic Development Corporation and Susan Solomon, Chief Executive Officer, the New York Stem Cell Foundation. He reported that the workgroup met on May 5th in Albany and heard from representatives from Pfizer, Geron, Invitrogen and BioSpherix regarding business development in the field of stem cell research. The workgroup plans to continue discussions on June 4th in New York City where the discussion will focus on intellectual property, technology transfer and patent protection. He advised members that the workgroup will prepare a background paper to be presented to the full Board at its June 11th meeting.

In response to a request from Fr. Berg, Dr. Sturman agreed to send his written program updates to Committee members. Dr. Sturman then reviewed the charts included in the members' agenda books showing funding commitments made to date as compared to projected ranges for expenditures established in the Board's Strategic Plan.

Several members expressed concerns about the Economic Development and Intellectual Property Workgroup discussing intellectual property issues without considering the related social

and distributive justice issues. Members suggested creating a similar workgroup to address distributive justice issues, but concluded it would be better to have those issues discussed as an integral part of workgroup's deliberations. Dr. Sturman advised the Committee that the workgroup was gathering information to assist the Board in its deliberation on this issue and that the workgroup was not expected to meet after June 4th. It was agreed that the workgroup would attempt to include one or more speakers to address the distributive justice aspects of this issue at its next meeting. Dr. Daines noted that many of the distributive justice issues relate to the future development of therapies and that New York's current contribution to such outcomes would likely be considered to be minimal. Dr. Hohn noted that the more pressing issue is for individuals to have access to clinical trials and mentioned bills pending in Congress that would help address this issue. Dr. Daines suggested the Committee should also consider this issue later when discussing future agenda items.

Update on Activities of the Interstate Alliance for Stem Cell Research

Dr. Daines advised the Committee that both Dr. Willey and Ms. Roxland attended a meeting of the Interstate Alliance for Stem Cell Research (IASCR) in Washington, D.C. on May 5th and 6th and asked Dr. Willey to provide the Committee with information about that meeting.

Dr. Willey advised members that a significant portion of the meeting was taken up discussing the recently issued NIH Draft Guidelines for Human Stem Cell Research ("NIH Draft Guidelines") and that members of the NIH Stem Cell Task Force attended the meeting and responded to questions about the guidelines. Dr. Willey noted that the NIH Draft Guidelines would be discussed in the next portion of the meeting.

Dr. Willey then provided a brief overview of the state activities reported on by the participants representing California, Connecticut, Massachusetts, Maryland, New Jersey, Ohio, Rhode Island, Wisconsin and Texas. She noted that the United Kingdom, Canada, the National Academy of Science (NAS), and the International Society for Stem Cell Research (ISSCR) were also represented at the meeting and reported on their stem-cell related activities. She noted that members also discussed issues related to verification of regulatory compliance, ISSCR's development of a voluntary registry of cell lines, and the documentation of the provenance of stem cell lines.

Dr. Willey stated that the meeting participants were advised that NAS' involvement in the development of stem cell policies in the future was uncertain and that NAS would no longer be providing funding for IASCR meetings. Dr. Willey also advised members that IASCR was developing a document that would include the comments of meeting participants on the NIH Draft Guidelines.

National Institutes of Health Draft Guidelines for Human Stem Cell Research

Dr. Daines then turned the floor over to Ms. Roxland to provide an overview of the NIH Draft Guidelines and review a proposed letter to the NIH commenting on those guidelines.

Ms. Roxland advised members that the NIH Draft Guidelines:

- closely track the NAS guidelines more than the ISSCR guidelines,
- limit funding for hESC research to research using only cell lines derived from embryos in excess of clinical need,
- do not require review by an Embryonic Stem Cell Research Oversight (ESCRO) committee,
- require re-consent for donation only from individuals who sought reproductive services,
- do not “grandfather” in the “Presidential lines” or other lines that have complied with NAS or ISSCR but do not meet every detail of the new requirements, and
- contain several ambiguities.

Committee members then discussed the draft letter commenting on the NIH Draft Guidelines. Several members stated that they thought the letter should be worded to advocate more strongly for specific changes and provide the rationale for the Board’s positions. Ms. Ellison emphasized the need not only to “grandfather” in lines previously approved for NIH-funded research, but also to ensure that other lines created since 2001 were eligible for use in NIH-funded research because so much valuable research is being conducted using those lines.

Fr. Berg noted that he would not be in agreement with the positions taken in the letter and asked how that would be addressed. After some discussion, it was agreed that the letter would be sent by Dr. Daines on behalf of the Board while noting Fr. Berg’s dissent.

Members also agreed that the letter should advocate for changes to the NIH Draft Guidelines that would make it clear that the requirement for a “clear separation” of the decision to create embryos for clinical need from the decision to donate the embryos in excess of clinical need should not prohibit the initial donor consent for gamete or embryo donation for clinical need from authorizing the use of excess gametes or embryos for research purposes.

Ms. Dubler suggested the letter should include a statement encouraging the NIH to include more of the standards contained in the ISSCR standards since the Committee had found those standards to be more directive and informative than the NAS guidelines. Dr. Klitzman agreed and suggested that the letter specifically state that the Board had found that ISSCR guidelines supplemented the NAS guidelines in important ways. Mr. Swidler noted that the Committee had also found the ISSCR standards to be ethically sound.

Dr. Willey advised members that the NAS staff in attendance at the IASCR meeting did not feel that the NIH Draft Guidelines reflected NAS’ efforts or guidelines. She also noted that many IASCR participants had been encouraging NIH to follow the Common Rule and the basic principles of informed consent, i.e. informed consent should be voluntary, without undue coercion and subject to oversight by an IRB or ESCRO committee. She stated a significant concern was that the listing of elements in the NIH Draft Guidelines would encourage people to focus on “magic words” in a consent document, rather than the underlying process. Ms. Dubler concurred that the Common Rule might do less harm than the NIH Draft Guidelines and suggested the letter specifically include an appeal to the Common Rule as well as a statement that New York found the ISSCR guidelines to be more helpful. Dr. Daines also suggested the letter should highlight the benefits of requiring ESCRO committee oversight.

Committee members also discussed whether the letter should advocate for changes in the federal Dickey-Wicker Amendment, but decided not to address that issue because it was not within NIH's control.

Mr. Conway recommended that the letter be revised so the Committee could vote on the letter before the end of the meeting. The Committee agreed to take a lunch break and consider the draft annual report while Ms. Roxland redrafted the letter. Due to scheduling constraints, the Committee also agreed to postpone the discussion on respect for the embryo to another meeting, but address payments to gamete donors.

Discussion of Draft Annual Report

Dr. Daines noted that a draft annual report was included in the Committee's agenda binders and that the Board would be asked to approve the final report at its June 11th meeting. He then asked Dr. Sturman for his comments about the draft report before soliciting input from Committee members.

Dr. Sturman stated that the same format would be utilized from the first annual report, with some additions. He noted that publications, patents and award data would be added. Dr. Sturman also noted that the draft report included highlights of stem cell research in New York State, although not necessarily supported with Board funding. The draft report also contained an overview of recent major developments in the field of stem cell research to provide a context for the work being done in New York State.

Members expressed appreciation for the quality of draft report and the work being done to put the Board's work in the context of the significant progress being made by stem cell researchers locally, nationally and internationally. Members suggested that the portion of the report relating to educational programs be updated to include a reference to the letters of intent submitted in response to the published RFAs, include a map showing the distribution of awards across the State and include references and links to meeting minutes available on-line.

Members were encouraged to provide staff with any editorial suggestions they might have as soon as possible so those comments could be reflected in the final version that would be provided to Board members in advance of the June 11th meeting.

National Institutes of Health Draft Guidelines for Human Stem Cell Research – Continuation of the Development of Official Comments on the Guidelines

Dr. Daines then turned the floor over to Ms. Roxland to review the changes she had made to the draft letter commenting on the NIH Draft Guidelines.

Ms. Roxland noted she had made minor changes in the first two paragraphs to clarify that the letter was on behalf of a majority of the Board and that the Board was guided in part by the Common Rule for informed consent in the development of its standards. Ms. Dubler suggested the letter needed to reflect that it was much more than a majority of the Board supporting the statements in the letter. It was agreed that the letter would be amended to make it clear that it was being sent on behalf of the Board with a footnote noting Fr. Berg's dissent.

Ms. Roxland then directed members to a paragraph she added that strongly encouraged NIH to harmonize its guidelines with the Common Rule on voluntary informed consent and the NAS and/or ISSCR guidelines, including consideration of the value of the special expertise and scope of review of ESCROs. Dr. Hohn suggested the letter should include an endorsement of ESCROs, rather than just encouraging NIH to consider them. Dr. Klitzman noted there was a footnote expressing support for ISSCR and Ms. Dubler expressed a preference for moving that point into the text if possible.

Ms. Roxland then directed members to the added language in the paragraph referring the grandfathering of the “Presidential lines.” Dr. Daines noted that the new language did not capture Ms. Ellison’s point that substantial research has been conducted with other hESC cell lines developed since 2001 and that it was important to grandfather in those lines as well as the lines previously approved for use in NIH-funded research. It was agreed that Ms. Roxland would modify the language to specifically address that point. Dr. Packer also suggested the letter should not refer to the previously approved lines as “Presidential lines” or “Bush lines.”

Dr. Lee suggested that the language on page two of the letter asking NIH to “reconsider its limitation” on funding only research using lines that were derived from embryos that were created for reproductive purposes and in excess of clinical need should be changed to expressly advocate for NIH funding of research on lines derived from embryos that were created for research purposes. Ms. Roxland confirmed that members agreed with that clarification.

Ms. Roxland then directed members’ attention to the paragraph addressing the ambiguity regarding the “clear separation” of the consent for the creation of embryos for reproductive purposes and the consent to donate any excess embryos for use in research. Dr. Lee suggested that the phrase in the middle of the sentence that requested clarification of NIH’s position be eliminated so that the letter would advocate for the outcome desired by the Board.

Members also discussed the need to distribute the letter widely and suggested various ways this might be done. After confirming those were the only comments on the revised draft letter, Dr. Daines asked for a motion to accept the draft letter with the changes discussed, subject to stylistic amendments. Dr. Lee so moved and Dr. Hohn seconded the motion. The motion passed with all members except Fr. Berg voting in favor. Fr. Berg abstained.

Development of Standards for Payment of Gamete Donors

Dr. Daines noted that the next item on the agenda was the payment of gamete donors and turned the floor over to Ms. Roxland. Ms. Roxland noted that she had passed out a chart of the various donor payment options that she has used before. She reminded members that the Committee had decided that it was preferable to allow reimbursement for out-of-pocket expenses rather than excluding all payments or reimbursements to donors and that the Committee had not yet decided whether to allow reimbursement for time and burden in addition to out-of-pocket expenses. She noted that the minutes from the last meeting were very detailed, but asked whether members wanted her to review the arguments made during the last meeting.

Ms. Roxland reminded members that Mr. Swidler had asked for clarification of New York State’s policies with respect to the payment of donors for reproductive purposes. She

advised members that the Department of Health's policy is to use a reasonability standard that is in line with the American Society for Reproductive Medicine (ASRM), which allows compensation in the range of \$5,000 to \$8,000, but prohibited payments over \$10,000. In response to questions, Mr. Conway stated that the Department's position has been established in enforcement mechanisms and Dr. Willey clarified that compliance is also addressed through the Department's licensure process and on-site reviews. Ms. Dubler confirmed that there was nothing in New York State laws or regulations that would prohibit the Board from allowing payment for time and effort for gamete donors donating solely for research purposes in the same manner as gamete donors are compensated for donating for reproductive purposes.

Mr. Swidler noted that the Committee had not identified an ethical basis for distinguishing between payments to a donor donating for private reproductive purposes and a donor donating for the purpose of research, which would benefit the public generally. He noted that although it is a separate question as to whether the Board should support those payments with public funds, he thought the Board should support such payments if they are needed for important and compelling research projects as determined by ESCRO review. He also commented that although lines developed from gametes donated solely for research by women who have been compensated for time and burden may not be able to be used in research performed in other states, the research performed in New York State would still have the potential to lead to benefits and advance the science. He emphasized that if such research does not pass ESCRO muster, then it shouldn't qualify for funding.

Dr. Gorovitz noted that much of the opposition to payment for gamete donation for research purposes is not the result of a rigid moral opposition, but rather a concern that there hasn't been adequate disclosure of the short and long term risks of the process. He suggested that the Committee should keep that in mind in its deliberations about this kind of compensation. Fr. Berg concurred and noted that Dr. Racowsky had pointed out that there is a lot of difficulty with being able to obtain genuinely informed consent. Dr. Klitzman also concurred, but noted that the risks are the same as for women donating for reproductive purposes. He suggested that the Committee should pay careful attention to the phrasing of any resolution on which the Committee votes and should mention the need for a careful review by an IRB or ESCRO committee.

Ms. Roxland suggested that the Committee should vote on whether it supported compensation for time and burden for oocyte donors donating solely for research purposes and then address how payments would be calculated. Ms. Dubler moved the issue as amended by Dr. Klitzman. Ms. Ellison seconded the motion. Mr. Swidler then asked for clarification of the precise language of the resolution on which the Committee was voting. Dr. Daines stated the motion was to "allow reimbursement for out-of-pocket expenses and time and burden, but prohibit valuable consideration for oocytes themselves for research purposes." Dr. Klitzman suggested adding "pending careful review with the other provisions of informed consent." Ms. Roxland suggested adding language to assure against undue inducements. Ms. Roxland then suggested that staff would bring specific language back to the Committee at its next meeting for a formal vote and recommended the Committee move forward with discussing how it wants to calculate payments. Ms. Doesschate noted that not everyone present at the meeting would be able to attend on June 11th. After some discussion, members agreed that they were close to resolving the issue and should attempt to vote on the issue before the end of the meeting.

Ms. Dubler suggested that any action taken by the Committee should have a preamble that stated that: 1. the charge of the Ethics Committee is to support good science while also protecting individual rights; 2. women donating for reproductive purposes receive reimbursement for time and burden; 3. there is no difference in the risks for women donating for research and women donating for reproductive purposes; 4. nothing makes it unethical to pay women in the research setting; and 5. although the Committee is concerned with the risks to women donating for research purposes, the Committee is equally concerned with those risks for women donating for reproductive purposes and believes the risks should be fully addressed in the informed consent process. Dr. Gorovitz stated that he thought such a preamble would be helpful, but questioned whether the Committee's mission should be framed as balancing between advancing good science and protecting individual rights. He suggested that it should be phrased in terms of advancing good science in a way that is respectful of ethical considerations, which are not limited to individual rights.

Mr. Swidler expressed a concern that the proposed preamble did not address undue inducement, excessive inducement and commodification, i.e. a free market approach. He stated he would not support a free market approach, but thought the Committee's support for reimbursement for time, effort and burden appropriately limits the categories and amount of compensation. He stated he believed the Committee's approach strikes a balance between the concern about undue inducement and commodification, potential exploitation and the need for eggs to move the research forward. Dr. Klitzman suggested the preamble should also address the fact that the lack of payment for oocytes has been an impediment to women donating for research purposes.

Ms. Roxland suggested the Committee return to the question of what payment model the Committee wanted to use. Dr. Daines questioned whether it wouldn't be appropriate to rely on the work of the ASRM rather than working the potential principles and arriving at a different figure than what was allowed under ASRM. Dr. Klitzman noted that ASRM arrives at its figures through a wage payment methodology while also imposing a ceiling. Dr. Gorovitz suggested that a limit was only necessary if the Board would be funding the expense, and therefore, had a supportable interest; otherwise the limit would be what is legal under New York State law. Dr. Daines and Mr. Conway expressed concerns about allowing different payment levels in funded research depending upon who would be paying the donor and questioned whether the Committee wanted to make that distinction. Mr. Conway also noted that the law could change. Ms. Dubler suggested that the way of addressing the issue would be to allow the same compensation that is allowed in the clinical setting and not set a specific dollar amount.

Members then discussed what might go into the contract for awardees. Ms. Doesschate suggested that it might help if she read some proposed language that had two primary decision points. The proposed language would amend the standards for human stem cell research appended to NYSTEM contracts with regard to the compensation of oocyte donors saying "researchers may conduct research involving the use of cell lines, or deriving new cell lines, in which oocyte donors are, or have been, reimbursed for out-of-pocket expenses, including payments for travel, housing, medical care, child care and similar expenses incurred as a result of the donation and compensated for time, inconvenience and burden associated with the donation in a manner consistent with New York State standards applicable to women who

donate oocytes for reproductive purposes in an amount not to exceed the amounts permitted by ASRM guidelines. If reimbursement for research participation is provided, there must be a detailed and rigorous review by the ESCRO committee and the IRB, if required, to ensure that reimbursement of direct expenses and/or other compensation does not constitute an undue inducement. At no time should financial consideration of any kind be given for the number or quality of oocyte donations to be provided for the research. NYSTEM funds shall/shall not be used to compensate oocyte donors.” Ms. Doesschate noted that the first decision point was whether the suggested language referring to the ASRM guidelines was acceptable or whether the Committee wanted to impose a specific cap on the amount that could be paid to donors or use some other standard, and the other decision point was whether NYSTEM funds can be used to pay for donor expenses and compensation.

Dr. Lee stated that in her reading of the ASRM standard, there was no minimum amount of compensation and that there did not appear to be a hard cap. She questioned whether people were clear about the actual dollar amount allowed in New York State and noted that that this could be interpreted differently by different researchers and clinics. She cautioned that the lack of clarity could cause problems and thought the Board and staff should be very careful in implementing this initiative.

Dr. Hohn and Ms. Dubler suggested that it may also be appropriate to establish a minimum from an equity standpoint. Dr. Klitzman noted that may preclude New York funded researchers from using cell lines derived in other states where payment for gamete donors was not permitted. Dr. Daines also noted that some donations for reproductive purposes, such as sibling donations, occur without compensation.

Fr. Berg commented that the idea of putting NYSTEM funds in the hands of women for their eggs escalates the whole question and should require a considerable amount of debate. He suggested this was a very different question from setting standards for the amount of compensation that might be considered to be ethically acceptable.

Dr. Daines suggested the Committee should first address the question of standards for payment for oocyte donation and later deal with whether a NYSTEM RFA could pay for those expenses. Dr. Daines then asked Ms. Doesschate to re-read her draft contract language. Ms. Doesschate noted that she had also drafted a preamble that recognized that New York State currently permits payment for oocyte donation for reproductive purposes for expenses and time and burden and that such reimbursement is widely considered to be ethically permissible, and that the lack of certain types of payments to oocytes donors can serve as potential barrier to furthering stem cell research. She then re-read the language set forth above recommending the Funding Committee adopt changes to the standards for hESC research appended to all NYSTEM contracts with regard to the compensation of oocyte donors.

Mr. Swidler moved the resolution as drafted by Ms. Doesschate. In response to questions, Mr. Swidler clarified that he was suggesting that the Committee should first vote on the question without considering the issue of NYSTEM funds being used to pay donors. Dr. Gorovitz seconded the motion. The motion passed with only Fr. Berg voting in opposition.

Ms. Dubler then moved to add the final sentence to the NYSTEM contract appendix that would allow NYSTEM funds to be used to compensate oocyte donors. Ms. Ellison

seconded the motion. Mr. Swidler questioned whether it was advisable to move forward with the question since the ten remaining minutes would not allow for a thorough discussion of the issue. He asked what the implications of holding off might be. Ms. Doesschate noted that if the Funding Committee did not act on the proposal at the next meeting, it would not apply to the next round of RFAs. The Committee then discussed various options and agreed that it would attempt to take this issue up at the meeting of the full Board. Ms. Dubler then withdrew her motion.

Dr. Hohn suggested members may want to think about what alternative sources might be available to support this kind of research. Ms. Dubler commented that if the Committee decides something is ethical to do, it is ethical to use New York taxpayer funds in pursuit of it and segregating out payment for research can create the kinds of non-helpful barriers that were created in research institutions over federal monies and non-federal monies in the past. Fr. Berg responded saying that the Committee should keep in mind that there are tens of thousands of New Yorkers who might have a problem with using taxpayer funds for this.

Discussion of Future Agendas

Dr. Daines advised members that the next meeting of the Committee will occur on Thursday, June 11th at the Empire State Plaza in Albany as part of the full Board meeting. He stated that the meeting will include a scheduled presentation by Dr. Gearhart to address the issue of chimeras during the Ethics Committee portion of that meeting and that the agenda for the full Board meeting will include discussion and adoption of the annual report, a report from the Economic Development and Intellectual Property workgroup and further discussion of formal and informal educational opportunities. He also noted that the Funding Committee is expected to take up the recommendations of this Committee on the payment of gamete donors, and consider two or three RFAs. The Ethics Committee would also be attempting to follow up on the use of NYSTEM funds to compensate gamete donors. He observed this left little time for additional topics at the June meeting, but asked members for their priorities. After some clarification about scheduling at the June meeting, members agreed that respect for the embryo and distributive justice issues should be topics on the Committee's September meeting agenda. Dr. Klitzman also asked Ms. Roxland to identify some articles to distribute on the tension between distributive justice and intellectual property issues.

Adjourn

Dr. Daines asked for a motion to adjourn the meeting of the Ethics Committee. Dr. Hohn so moved. Dr. Klitzman seconded the motion. The motion passed unanimously.

*Approved: June 11, 2009
s/ Judy L. Doesschate, Esq.
Executive Secretary to the
Empire State Stem Cell Board*