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Stem cell foes plot next step

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LINCOLN — Some opponents of human embryonic stem cell research, foiled in their attempts to change University of Nebraska policy on such research, are looking again to the Legislature.

But pursuing legislation to restrict the controversial research would violate an agreement reached in 2008, say the lawmakers who led the negotiations.

“Nothing fundamentally has changed,” said State Sen. Brad Ashford of Omaha. “If somebody decides, in spite of the agreement, they’re going to bring a bill, they’re going to have to answer to public opinion and they’re going to have to answer to the Legislature.”

Chip Maxwell, executive director of the Nebraska Coalition for Ethical Research, said he favors going to the Legislature in light of the NU regents’ 4-4 split last week on a resolution to restrict embryonic stem cell research.

The resolution would have allowed research only with stem cell lines approved under former President George W. Bush.

The tie vote means researchers can use any lines approved by the federal government, including new ones approved since President Barack Obama took office.

Researchers value stem cells taken from days-old embryos because they can become any type of cell in the human body.

Maxwell said the agreement with the Legislature no longer applies because Regent Jim McClurg of Lincoln voted against the restrictions, despite having won the endorsement of Nebraska Right to Life.

“The agreement was premised on us getting a fair shot with the regents,” Maxwell said. “McClurg effectively shredded the agreement by declaring that the Legislature settled the issue in favor of expanded embryonic stem cell research — and did it with our blessing.”

Julie Schmit-Albin, executive director of Nebraska Right to Life, said her group has not decided whether to seek legislation but will discuss that option.

Both groups were part of the compromise that cleared the way for 48-0 passage of Legislative Bill 606.

The law bans state money, facilities or resources from being used for research that destroys human embryos or that creates cloned embryos for research or reproduction.

The agreement aimed at creating a truce between supporters and opponents of the embryonic stem cell research, at least as far as the Legislature goes.

Under it, the two sides agreed not to introduce or support future legislation on the issue unless certain conditions were met.

The conditions were:

• If any private research were undertaken that destroyed human embryos or created a cloned embryo in Nebraska.

• If scientific advances created new ethical considerations.

• If the prohibitions in LB 606 were violated.

Sen. Steve Lathrop of Omaha said that none of the conditions applies to the current situation and that the issue should not be coming before the Legislature again.

“Losing at the (NU) Board of Regents was not a condition,” he said.

Not all lawmakers see the agreement as a bar to considering legislative restrictions on the research.

Sen. Chris Langemeier of Schuyler, who named LB 606 his priority bill, said the university policy runs contrary to what he believed to be the intent of the agreement.

“I don’t think the intent in any way was to allow for stem cell research different than what we had at that time,” he said.

However, legislative debate on LB 606 included discussion that the number of federally approved lines could expand with a new president and Congress. Lathrop said during debate that language addressing changes in federal guidelines was discussed but not made part of the agreement.

Sen. Mark Christensen of Imperial, who had introduced a ban on human cloning, said he knew the agreement was a gamble just ahead of the November 2008 elections. His proposal was killed in favor of LB 606.

Christensen said lawmakers make changes all the time in previous agreements, and the 2008 compromise should not prohibit consideration of restrictions on embryonic stem cell research in the Legislature.

“If somebody wants to bring something, I’ll support it in a heartbeat,” he said.

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