

## NIH Stem Cell Research Funding Policy

The National Institutes of Health (NIH) published draft guidelines on federal funding for human embryonic stem cell research on April 23, 2009. The guidelines expand NIH funding for research using human embryonic stem cells that were derived from surplus embryos created by in vitro fertilization (IVF). Funding continues to be allowed for human stem cell research using adult stem cells and induced pluripotent stem cells.

No federal funding is permitted for research using human embryonic stem cells derived from other sources, including somatic cell nuclear transfer, parthenogenesis, and IVF embryos created for research purposes. Neither the executive order or NIH guidelines affect the Dickey-Wicker Amendment; and, thus, federal funding for creation of a human embryo for research purposes or for research in which human embryos are destroyed continues to be prohibited.

The NIH guidelines are intended to be a compromise to open the door to significantly more funded research by NIH and the Department of Defense, but not to the considerable controversy that would be expected if the Administration adopted a broader policy, including the funding of stem cell lines derived from human embryos developed for research purposes.

“The Administration has taken a conservative approach by failing to finance disease specific embryonic stem cell lines that could be used in promising scientific research that may result in treatments or cures for some of our most horrific diseases,” said Representative Pryce, a champion for stem cell and other biomedical research, who is now a consultant with Womble Carlyle Sandridge & Rice. Pryce served in Congress from 1993 to 2008, during which time, she was a vocal advocate for stem cell legislation. It is likely the Congress will act to expand on this progress.

We believe that a strong outcry from the biomedical research community and patient groups may encourage a broadening of the funding policy to include research using human embryonic stem cell lines developed for research using private funding.

Such an outcry may be heard by Representative DeGette who has committed to drafting legislation to codify President Obama’s Executive Order 13505 on the ethical federal funding for human embryonic stem cells, which will provide an opportunity to expand the permitted federal funding options. The legislation is expected to move through Congress by year's end.

Written comments on NIH’s guidelines are due to NIH by May 26, 2009. Womble Carlyle has unique capabilities to assist biotech companies and biomedical research institutions who have an interest in influencing the Administration’s funding policy or in obtaining federal funds for stem cell research through the NIH or Department of Defense -- just ask us how.

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If you have any questions, feel free to contact [Representative Pryce](mailto:dpryce@wcsr.com) (dpryce@wcsr.com) or [Lori Salley](mailto:lsalley@wcsr.com) (lsalley@wcsr.com) or the Womble Carlyle lawyer with whom you normally communicate.

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