UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.

JOURNAL OF THE SENATE.

Wednesday, March 30, 2005.

Met at twenty-two minutes past one o'clock P.M.

The President, members, guests and employees then recited the pledge of allegiance to the flag.

Distinguished Guests.

The President handed the gavel to Senator Morrissey for the purpose of introducing members of the Massachusetts Chapter of the Civilian Conservation Corps. Members included Frank Derwin, Massachusetts Chapter President, and Bud Rines.

Communication.

A communication from the Executive office for Administration and Finance (pursuant to Section 3B of chapter 433 of the General Laws) giving notice of its intention to amend 801 CMR 4.02: Fees for Licenses, Permits, and Services to be charged by State Agencies, relative to chiropractic facilities (a copy having been forwarded to the Committee on State Administration and Regulatory Oversight) (received Tuesday, March 29, 2005),— **was placed on file.**

Paper from the House.

A message from His Excellency the Governor recommending legislation relative to updating and improving certain tax provisions of the Commonwealth (House, No. 2606),— **was referred, in concurrence, to the committee on Revenue.**

Resolutions.

The following resolution (having been filed with the Clerk) was considered forthwith and adopted, as follows:—

Resolutions (filed by Mr. Joyce) "congratulating Paul Francis Duddy, Sr."

Communication.

There being no objection, during consideration of the Orders of the Day, Ms. Walsh read the following communication from the Senator from Middlesex, Mr. Shannon:

Statement by Senator Charles E. Shannon
Relative to Senate Bill 2028, "Promoting Stem Cell Research"
March 30, 2005

Mr. President, My Fellow Colleagues, Ladies & Gentlemen. . .

You all know me, and you know that if I could have been here today, I most certainly would have.

I want you all to know, that while I am continuing to beat my cancer and I remain confident I will again return to a full remission, the treatments I have undergone has taken its toll, and I am literally rebuilding my strength from the ground up.

Please accept my most heartfelt appreciation and gratitude for the outpouring of support I have received from so many of my colleagues and friends in the Legislature and state government.

I plan on returning for the expected follow-up vote on this matter.

As we are debating an issue — that given my recent diagnosis — I have a deep personal interest in what this legislation means, and what it can do for people in need.

There is so much misinformation on the content, on the extent, and on the purpose of this legislation.

I am not in favor of "cloning" another human being.

But I've been around here long enough to see how easily the right buzzword can be effectively used as a transparent scare tactic.

This bill provides the Commonwealth a golden opportunity to be out front, in an emerging technology, and most importantly, WILL HELP SAVE LIVES!!!

Arguably, we are regarded as having the best medical facilities in the world, this I know first-hand, and so shouldn't we provide the technology that gives our hospitals the tools they need?

This legislation will also serve as a vital economic stimulus package that will greatly assist in rebounding our state economy.

You all know me as a common sense guy; this legislation just makes sense.

Thank you, and I look forward to seeing you all again.

Orders of the Day

The Orders of the Day were considered, as follows:

The Senate Bill promoting stem cell research (Senate, No. 2028),— was read a third time.

Pending the question on passing the bill to be engrossed, Ms. Creem moved to amend the bill, in section 1, in proposed section 5 of chapter 111L of the General Laws, by adding the following subsection:—

"(f) The department of public health shall establish a program to educate maternity patients with regard to the subject of 'cord blood banking.' This program shall provide such patients with sufficient information to make an informed decision on whether or not to participate in a private or public umbilical cord blood banking program, including but not limited to, an explanation of the difference between public and private umbilical cord blood banking, the medical process involved in umbilical cord blood banking, the current and potential future medical uses of stored umbilical cord blood, the benefits and any risks involved in banking umbilical cord blood, and the availability and cost of public or private umbilical cord blood banks."

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at six minutes past two o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 36 — nays 0) **[Yeas and Nays No. 8]**:

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Brown, Scott P.	O'Leary, Robert A.
Buoniconti, Stephen J.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.

Creedon, Robert S., Jr.	Resor, Pamela
Creem, Cynthia Stone	Rosenberg, Stanley C.
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Havern, Robert A.	Timilty, James E.
Hedlund, Robert L.	Tisei, Richard R.
Joyce, Brian A.	Travaglini, Robert E.
Knapik, Michael R.	Tucker, Susan C.
Lees, Brian P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — **36.**

NAYS — 0.

ABSENT OR NOT VOTING.

Berry, Frederick E.	Shannon, Charles E.
Moore, Richard T.	Tolman, Steven A. — **4.**

The yeas and nays having been completed at ten minutes past two o'clock P.M., the amendment was **adopted.**

Messrs. Brown, Tarr, Ms. Walsh and Ms. Chandler and Mr. Tisei moved to amend the bill by adding the following sections:—

"Section 7. (a) The department of public health shall establish and maintain, in partnership with the University of Massachusetts Medical Center at Worcester, a public bank for umbilical cord and placental tissue for the purpose of collecting and storing umbilical cord blood and placental tissue that is donated by maternity patients in the commonwealth. The public bank shall collect any donated umbilical cord blood and placental tissue from participating hospitals and store said blood and tissue, and tissue to be made available for research pursuant to the provisions of this act.

(b) Notwithstanding any general or special law to the contrary, all licensed hospitals shall inform pregnant patients, not later than 30 days from the commencement of their third trimester of pregnancy, of the opportunity to donate to a publicly accessible certified cord blood and placental tissue bank blood and tissue extracted from the umbilical cord and placenta following delivery of a newborn child. Donations for research pursuant to this act shall be made at no expense to the donor. Donations must be made without financial inducement to the donor and after informed consent.

(c) Institutions licensed under section 6 may reach agreement with the public umbilical cord blood bank to acquire donated umbilical cord blood or placental tissue for the purpose of conducting research. This agreement shall provide for the payment of the estimated expenses of the collection and storage of the donated umbilical cord blood and placental tissue, as well as any reasonable administrative fees by the institution.

(d) Nothing in this section shall obligate a hospital to collect umbilical cord blood or placental tissue if, in the professional judgment of a physician licensed to practice medicine in all its branches or of a nurse, the collection would threaten the health of the mother or child.

(e) Nothing in this section shall impose a requirement upon any hospital employee, physician, nurse or hospital that is directly affiliated with a bona fide religious denomination that includes as an integral part of its beliefs and practices the tenet that blood transfer is contrary to an essential part of its doctrine or beliefs."; and by adding the following section:—

"SECTION 4. The advisory board, together with the department of public health shall conduct a feasibility study on the establishment and maintenance of a public bank for the collection and storage of umbilical cord blood and cells and placental tissue and cells for the purpose of making these resources available to donors and their families for individual medical research and treatment.

This study shall include but not be limited to the development of an appropriate fee structure to be charged to individuals participating in the bank, any necessary eligibility requirements to ensure access to the bank for citizens of all geographic regions of the commonwealth of all levels of income, the costs of operating and maintaining said bank and any possible need for and appropriateness of public subsidies for those costs, any necessary regulations and protocols to govern donations to the bank and the release and use of banked cells, tissue or blood, the potential for and desirability of additional partnerships in operating the bank, and any ethical considerations involved in its creation and maintenance.

The board shall report the findings of the study, together with all necessary legislative recommendations for the establishment and maintenance of the bank, to the secretary of administration and finance, the clerks of the house of representatives and senate, the president of the senate and the speaker of the house of representatives, and the joint committee on economic development and emerging technologies, not later than 180 days following the passage of this act.

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at fourteen minutes past two o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 38 — nays 0) **[Yeas and Nays No. 9]**:

YEAS.

Antonioni, Robert A.	Montigny, Mark C.
Augustus, Edward M., Jr.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Brown, Scott P.	O'Leary, Robert A.
Buoniconti, Stephen J.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Resor, Pamela
Creem, Cynthia Stone	Rosenberg, Stanley C.
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Havern, Robert A.	Timilty, James E.
Hedlund, Robert L.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
Knapik, Michael R.	Travaglini, Robert E.
Lees, Brian P.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian
Menard, Joan M.	Wilkerson, Dianne — **38.**

NAYS — 0.

ABSENT OR NOT VOTING.

Berry, Frederick E.	Shannon, Charles E. — **2.**

The yeas and nays having been completed at seventeen minutes past two o'clock P.M., the amendment was adopted.

Messrs. Hart and Montigny moved to amend the bill, in section 1, in the second sentence of proposed subsection (a) of section 4 of chapter 111L of the General Laws, by striking out the figure "7" and inserting in place thereof the following figure:— "8"; and

In said section 1, in said proposed subsection (a), by adding the following sentence:— "The eighth member shall be the commissioner of public health."

After remarks, the amendment was **adopted.**

Mr. Tarr moved to amend the bill, in section 1, in subsection (a) of section 6 of said proposed chapter 111L of the General Laws, by striking out, in each instance, the words "somatic cell nuclear transfer" and inserting in place thereof, in each instance, the following words:— "human embryonic stem cell research"; and

In said section 1, in subsection (a) of said section 6 of said proposed chapter 111L, by adding the following paragraph:—

"Any institution which applies for a license and complies with clauses (i) and (ii) shall not have said license unreasonable withheld. If 30 days following an application for a license the department has failed to issue said license to an applying institution which is in compliance with this section, said institution shall be considered to be licensed and the department shall issue said

license accordingly. In the event that an application is considered by the department to be incomplete, the department shall immediately issue notice to the applicant of any further information or corrections necessary for the issuance of the license pursuant to this section."; and

By adding the following section:—

"SECTION 4. Any institution currently conducting human embryonic stem cell research in the commonwealth shall have 180 days from the effective date of this act to come into compliance with this act. No research currently being conducted by institutions in the commonwealth relative to human embryonic stem cell research shall be deemed to be in violation of clause (i) of subsection (b) of section 3 of chapter 111L of the General Laws after the effective date of this act and of subsection (b) of section 6 subsection (b) of said chapter 111L for 180 days after the effective date of this act.

The amendment was **adopted.**

Mr. Moore moved to amend the bill, in section 1, in proposed subsection (a) of section 3 of chapter 111L of the General Laws, by adding the following 2 sentences:— "In order to prevent the victimization of women in the acquisition of potential acquisition of human eggs for research purposes, no research or clinical applications involving the derivation and use of human embryonic stem cells or human embryonic germ cells shall be permitted before the promulgation of regulations by the Massachusetts department of public health that ensure that the highest ethical standards are in place for governing such research and prior approval by the department before any such research is initiated and that penalties have been adopted for violations of said standards. For the purpose of this section, the term "highest ethical standards" shall mean standards that prohibit the creation and destruction of human life for the purpose of research and shall prevent the victimization of women in the acquisition of human eggs for research."

Pending the question on adoption of the amendment, Ms. Resor moved to amend the pending amendment by substituting the following text:—

In section 1, in section 2 of proposed chapter 111L of the General Laws, by striking out the definition of "Informed consent", and inserting in place thereof, the following:—

"Informed consent", consent for the donation of embryos, consent for participation in vitro fertilization, or consent for any other process where an egg is extracted from a women, or other participation in research pursuant to this chapter, which complies with requirements of a duly appointed institutional review board, and which follows the procedures stipulated in 45 CFR Part 46.116 and 117."; and

In said section 1, in paragraph (i) of subsection (b) of section 3 of said proposed chapter 111L, by striking out the last sentence and inserting in place thereof the following sentence:— "The written approval shall contain a detailed description of the research, experimentation or study by attachment of a protocol or other writing, shall include written documentation of informed consent as defined by section 2 of this act and shall be maintained as a permanent record by the IRB or the hospital or other entity for which the IRB acts."; and

In said section 1, in subsection (b) of section 5 of said proposed chapter 111L, by adding the following 2 paragraphs:—

"The department of public health shall prescribe and provide for use by physicians and other health care providers who treat patients for infertility through in vitro or any other process where an egg is extracted from a woman the following 2 documents (in multiple languages as determined by the department):

(1) An informational pamphlet, describing the procedure by which an egg is intended to be extracted from the patient, including all short and long-term potential health impacts of the procedure on the patient, any drugs or devices to be used, including whether they have received approval from the United States Food and Drug Administration, the risks involved, any discomfort and side-effects that may be experienced, any alternatives which the patient has and their attendant risks and benefits, medical treatment available to the patient should complications arise, and that the particular treatment may involve currently unforeseeable risks to the patient, embryo or fetus. A physician or other health care provider treating a woman with any procedure by which an egg is intended to be extracted shall provide the patient with this pamphlet or a legible copy thereof, and provide any other treatment information which may be specific to the patient's treatment; and

(2) an informed consent form, stating that the patient has been given, has reviewed and understands the informational pamphlet described in clause (1), has consulted with her physician or health care provider concerning the general procedures and her specific medical situation, and, understanding the procedure, process and risks, consents to proceed with the procedure or process. The informed consent form shall also contain a 'Notes' section, to be completed by the physician or health care provider. This notes section shall contain any medical information, alternative procedures, medicines, devices, considerations or risks relevant to the specific patient's informed consent to proceed and shall be completed by the physician or health care provider in each case. A physician or other health care provider treating a woman by any procedure by which an egg is intended to be

extracted shall provide the patient with this form or a legible copy thereof, and shall keep a signed copy of this document in the patient's medical file.

A physician or other health care provider shall not provide such treatment before providing the patient with both the informational pamphlet and the informed consent form, and receiving in return a complete and fully-executed informed consent form from the patient. A physician or other health care provider shall seek such informed consent only under circumstances that provide the prospective patient reasonable opportunity to consider whether or not to receive such treatment and that minimize the possibility of coercion or undue influence. The information that is given to the patient shall be in language understandable to the patient. No informed consent, whether oral or written, may include a waiver of legal rights beyond those specifically acknowledged as waived by the terms of the consent."

After remarks, the amendment was **adopted.**

The pending amendment (Moore) (as amended, Resor) was then considered; and it was **adopted.**

Ms. Chandler and Mr. Tarr moved to amend the bill in section 1, in subsection (c) of section 1 of proposed chapter 111L of the General Laws, by striking out the words ", human embryonic germ cells, placental"; and

In said section 1, in said section 2 of said proposed chapter 111L, by striking out the definition of "Human embryonic germ cell"; and

In said section 1, in section 3 of said proposed chapter 111L, by striking subsection (a) and inserting in place thereof the following subsection:—

"(a) Research and clinical applications involving the derivation and use of human embryonic stem cells, human adult stem cells from any source, somatic cell nuclear transplantation and umbilical cord stem cells shall be permitted in the commonwealth in accordance with this chapter."

After remarks, the amendment was **adopted.**

Ms. Creem moved to amend the bill, in section 1, in proposed section 2 of chapter 111L of the General Laws, by adding the following definition after the definition of "in vitro fertilization":—

"Parthenote", the product of egg development without fertilization.; and

By adding in said section 1, in subsection (a) in section 3 of said proposed chapter 111L, after the words, "umbilical cord stem cells" the following word:— ", parthenotes,"; and

By adding in section 2, in the proposed addition to subsection (a)I of section 12J of chapter 112 of the General Laws, after the words, "pre-implantation embryo" the following 2 words:— ", or parthenote".

The amendment was **adopted.**

Mr. Tarr and Ms. Chandler moved to amend the bill in section 1, in section 2 of proposed chapter 111L of the General Laws, following the words " ', parthenogenesis', the embryonic development of an egg without fertilization." by inserting the following definition: "Public institutional review board", a board established in accordance with the requirements of 45 CFR 46 Subpart A, as amended from time to time."; and

In said section 1, in said proposed chapter 111L, by adding the following section:—

"Section 7. (a) The University of Massachusetts, through the University of Massachusetts Medical School at Worcester, is authorized and directed to establish and maintain a public institutional review board ('public IRB'). The public IRB shall operate pursuant to the provisions contained in section 2 of this act. The public IRB shall be established not later than 120 days from the passage of this act. The public IRB shall be available on an ongoing basis to any institution for review of that institution's experimentation, study and procedures for the purposes of conducting research pursuant to this chapter. The public IRB shall be available to any institution that employing 50 or fewer full time employees.

(b) An institution may access the services of the public IRB only through a written instrument of contract.

The contract shall include the payment to the public IRB of a reasonable fee, calculated pursuant to a methodology approved by the advisory board to account for the costs of operating and maintaining the public IRB, and the relevant position of those costs attributable to the particular institution receiving the benefit.";

In said section 1, in paragraph (i) of subsection (b) in section 3, in said proposed chapter 111L, by adding after the words "duly appointed IRB" the following three words "or public IRB"; and

In said section 1, in clause (ii) of subsection (a) in section 6, in said proposed chapter 111L by adding after the words "demonstrating that the institution has a duly appointed IRB" the following words:— "or a copy of a valid contract between the institution and the public IRB".

The amendment was **adopted.**

Mr. Lees moved that the bill be amended by striking out all after the enacting clause and inserting in place thereof the following text:—

"SECTION 1. The general court finds and declares that:

(a) human stem cell research, and other research in the life sciences and regenerative medicines present a significant chance of yielding fundamental biological knowledge from which may emanate therapies to relieve, on a large scale, human suffering from disease and injury;

(b) the extraordinary biomedical scientists working in the commonwealth within institutions of higher education, research institutes, hospitals, biotechnology companies and pharmaceutical companies can contribute significantly to the welfare of mankind by performing outstanding research in these fields; and

(c) it shall be the policy of the commonwealth to actively foster research and therapies in the life sciences and regenerative medicine by authorizing research and clinical applications involving the use of certain human embryonic stem cells, placental and umbilical cord cells, and human adult stem cells. It shall further be the policy of the commonwealth to prohibit human cloning for any purpose.

SECTION 2. The General Laws are hereby amended by inserting after chapter 111K the following chapter:—

Chapter 111L.
REGULATION OF THE BIOTECHNOLOGY INDUSTRY
IN THE COMMONWEALTH.

Section 1. As used in this chapter the following words shall have the following meanings:—

'Adult stem cell', an undifferentiated cell found in a differentiated tissue that can renew itself and differentiate to yield specialized cell types.

'Asexual reproduction', reproduction not initiated by the union of an oocyte and sperm.

'Commissioner', the commissioner of public health.

'Council', the biomedical research advisory council.

'Department', the department of public health.

'Enucleated oocyte', a fertilized or unfertilized occyte, the nuclear material of which has been removed or inactivated.

'Fertilization', the process whereby the male and female gametes unite to form an embryo.

'Gametes', a sperm or occyte.

'Human cloning', the asexual reproduction accomplished by introducing nuclear material from one or more human somatic cells into an enucleated oocyte so as to produce a human embryo having genetic material that is virtually identical to the genetic material of an existing or previously existing human organism for any purpose.

'Human embryo', a human organism from the single cell stage to eight weeks' development, whether derived by fertilization, parthenogenesis, cloning, or any other means.

'Human parthenogenesis', the process of manipulating the genetic material of a human oocyte, without introducing into the oocyte the genetic material from any other cell, in a way that causes the oocyte to become a human embryo.

'Informed consent', the written consent of the donors or patients obtained in accordance with the requirements of 45 CFR 46.116 and 45 CFR 46.117, as may be amended from time to time.

'Institution', a corporation, association, partnership, non-profit organization, or other legal entity which appoints or retains and Institutional Review Board to approve research authorized by this chapter.

‘Institutional review board’, a board established in accordance with 45 CFR 46 subpart A, as may be amended from time to time.

‘In vitro fertilization’, an assisted reproductive technique in which fertilization is accomplished outside of the human body.

‘Person’, any natural person, corporation, association, partnership, or other legal entity.

‘Placental Cells’, cells derived from the placenta.

‘Somatic Cell’, a cell that has a complete set of chromosomes and that is obtained or derived from a living or dead human organism at any stage of development.

‘Umbilical Cord Cells’, cells derived from an umbilical cord.

‘Valuable Consideration’, includes any interest, profit or benefit of value, but shall not include reasonable payment for the removal, processing, disposal, preservation, quality control, storage, transplantation, or implantation of gametes, embryonic or cadaveric fetal tissue.

Section 2. (a) Research involving human stem cells used or derived in a manner consistent with this chapter shall be permitted. Said research includes research involving embryos donated for research pursuant to section 3, human adult stem cells from any source, and umbilical cord and placental cells donated pursuant to section 4. Any such research involving human embryos shall only be conducted upon the written approval of a duly authorized institutional review board. The written approval of the institutional review board shall include a detailed description of the research, experimentation or study to be conducted and a detailed description of the research or a copy of the protocol all of which shall be maintained as a permanent record by such board or by the hospital or institution for which the board acts. In addition to the approval process described above, the institutional review board shall consider the ethical and medical implications of the proposed research and shall withhold approval from any research involving the creation of human embryos for the purpose of harvesting stem cells.

(b) An institution may be liable if an institutional review board appointed by the institution knowingly votes to authorize research prohibited by this chapter. The department of public health may assess a civil administrative penalty of not more than $100,000 after an adjudicatory proceeding conducted pursuant to chapter 30A.

(c) No person shall knowingly engage in, or directly or indirectly assist in, research that violates this section. A person who violates this section shall be punished by imprisonment in a jail or house of correction for not less than 1 year nor more than 2½ years or by imprisonment in the state prison for not more than 5 years and by the imposition of a fine of up to $100,000.

Section 3. A physician or other health care provider who treats patients with in vitro fertilization therapy shall, after completion of said therapy and not earlier, provide to such patients timely information sufficient to allow informed and voluntary choices regarding any unwanted embryos or gametes that remain following said treatment. The options presented pursuant to this section shall include storing, giving up for adoption, and donating for research purposes any such embryos or gametes. Those who elect to donate for research purposes any such embryos or gametes shall do so only upon the fulfillment of all requirements of applicable federal and state law concerning informed consent for said donations. Those who elect to donate for research purposes any such unwanted embryos or gametes shall receive no valuable consideration for such donations.

Section 4. (a) Any hospital or medical facility licensed pursuant to chapter 111 shall make known to a maternity patient the option of donating the blood extracted from the umbilical cord or placenta of the patient’s newborn child to a certified public cord blood bank. Said hospital or medical facility, unless it is medically inadvisable, and only after the informed consent of the patient is obtained, shall permit said patient to arrange for the donation of the blood extracted from the umbilical cord or placenta of the patient’s newborn child to a certified public cord blood bank. A patient who donates umbilical cord or placental blood to a public cord blood bank shall not receive any valuable consideration for said donation. Nothing in this section shall prohibit a maternity patient from donating or storing blood extracted from the unbilical cord or placenta of said patient’s newborn child to a private umbilical cord blood bank.

(b) A hospital or hospital employee, including a physician, nurse, or other medical staff, shall not be required to collect umbilical cord or placental blood if said collection conflicts with the bona fide religious practices and beliefs of the hospital or hospital employee.

Section 5. No person shall knowingly engage in, or directly or indirectly assist in, human cloning. No person shall knowingly purchase, sell, transfer, or otherwise obtain human embryonic, gametic or cadaveric fetal tissue for the purpose of human cloning. A person who violates the provisions of this section shall be punished by imprisonment in a jail or house of correction for not less than 5 years nor more than 10 years or by imprisonment in the state prison for not more than 10 years and by a fine of up to $1,000,000.

Section 6. No person shall knowingly create an embryo with the sole intent of donating said embryo for research purposes. No person shall knowingly and for valuable consideration purchase, sell, transfer, or otherwise obtain human embryos, gametes, or

cadaveric fetal tissue for research purposes. A person who violates this section shall be punishable by imprisonment in a jail or house of correction for not less than 1 year nor more than 2½ years or by imprisonment in the state prison for not more than 5 years and by the imposition of a fine of up to $100,000.

Section 7. (a) As used in this section, the following words shall have the following meanings:—

(i) 'Employee', any individual who performs services for and under the control and direction of an employer for wages or other remuneration.

(ii) 'Employer', any individual, partnership, association, corporation or any person or group of persons acting directly or indirectly on behalf of, and shall also include any public or privately owned corporation, all branches of state and federal government, or the several counties and municipalities thereof, or any other political subdivisions of the state, or any special district, or any authority, commission, or board or any other agency or instrumentality thereof. Employer shall also include agents, contractors or subcontractors of an employer.

(iii) 'Public body', (a) the United States Congress, any state legislature, including the general court, or any popularly elected local government body, or any member or employee thereof; (b) any federal, state or local judiciary, or any member or employee thereof, or any grand or petit jury; (c) any federal, state or local regulatory, administrative or public agency or authority, or instrumentality thereof; (d) any federal, state or local law enforcement agency, prosecutorial office, or police or peace officer; or (e) any division, board, bureau, office, committee or commission of any of the public bodies described in the above paragraphs of this subsection.

(iv) 'Supervisor', any individual to whom an employer has given the authority to direct and control the work performance of the affected employee, who has authority to take corrective action regarding the violation of the law, rule or regulation of which the employee complains, or who has been designated by the employer on the notice required under subsection (g).

(v) 'Retaliatory action', the discharge, suspension or demotion of an employee, or other adverse employment action taken against an employee in the terms and conditions of employment.

(b) An employer shall not take any retaliatory action against an employee because the employee:

(i) discloses, or threatens to disclose to a supervisor or to a public body an activity, policy or practice related to the section of the employer, or of another employer with whom the employee's employer has a business relationship, that the employee reasonably believes is in violation of this section, or a rule or regulation promulgated pursuant to this section, or which the employee reasonably believes poses a risk to public health, safety or the environment;

(ii) provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into any violation of this section, or a rule or regulation promulgated pursuant to this section, or activity, policy or practice related to this section which the employee reasonably believes poses a risk to public health, safety or the environment by the employer, or by another employer with whom the employee's employer has a business relationship; or

(iii) objects to, or refuses to participate in any activity, policy or practice related to this section which the employee reasonably believes is in violation of this section, or a rule or regulation promulgated pursuant to this section, or which the employee reasonably believes poses a risk to public health, safety or the environment.

(c)(i) Except clause (i) of provided in paragraph (ii), the protection against retaliatory action provided by subsection (b) shall not apply to an employee who makes a disclosure to a public body unless the employee has brought the activity, policy or practice in violation of a law, or a rule or regulation promulgated pursuant to law, or which the employee reasonably believes poses a risk to public health, safety or the environment, to the attention of a supervisor of the employee by written notice and has afforded the employer a reasonable opportunity to correct the activity, policy or practice.

(ii) An employee is not required to comply with paragraph (i) if he: (a) is reasonably certain that the activity, policy or practice is known to one or more supervisors of the employer and the situation is emergency in nature; (b) reasonably fears physical harm as a result of the disclosure provided; or (c) makes the disclosure to a public body as defined in clause (b) or (d) of the definition for 'public body' in subsection (a) for the purpose of providing evidence of what the employee reasonably believes to be a crime.

(d) Any employee or former employee aggrieved of a violation of this section may, within 2 years, institute a civil action in the superior court. Any party to said action shall be entitled to claim a jury trial. All remedies available in common law tort actions shall be available to prevailing plaintiffs. These remedies are in addition to any legal or equitable relief provided herein. The court may: (i) issue temporary restraining orders or preliminary or permanent injunctions to restrain continued violation of this section; (ii) reinstate the employee to the same position held before the retaliatory action, or to an equivalent position; (iii) reinstate full fringe benefits and seniority rights to the employee; (iv) compensate the employee for three times the lost wages, benefits and other remuneration, and interest thereon; and (v) order payment by the employer of reasonable costs, and attorneys' fees.

(e)(i) Except as provided in paragraph (ii), in any action brought by an employee under subsection (d), if the court finds said action was without basis in law or in fact, the court may award reasonable attorneys' fees and court costs to the employer.

(ii) An employee shall not be assessed attorneys' fees under paragraph (i) if, after exercising reasonable and diligent efforts after filing a suit, the employee moves to dismiss the action against the employer, or files a notice agreeing to a voluntary dismissal, within a reasonable time after determining that the employer would not be found liable for damages.

(f) Nothing in this section shall be deemed to diminish the rights, privileges or remedies of any employee under any other federal or state law or regulation, or under any collective bargaining agreement or employment contract; except that the institution of a private action in accordance with subsection (d) shall be deemed a waiver by the plaintiff of the rights and remedies available to him, for the actions of the employer, under any other contract, collective bargaining agreement, state law, rule or regulation, or under the common law.

(g) An employer shall conspicuously display notices reasonably designed to inform its employees of their protection and obligations under this section, and use other appropriate means to keep its employees so informed. Each notice posted pursuant to this subsection shall include the name of the person or persons the employer has designated to receive written notifications pursuant to subsection (c).

Section 8. (a) There is hereby established a biomedical research advisory council. Said council shall consist of 15 members including 5 members appointed by the governor, 5 members appointed by the president of the senate, and 5 members appointed by the speaker of the house of representatives. Each appointing official shall appoint 1 member who shall be a scientist with experience in biomedical research in the fields of cell differentiation, nuclear programming, tissue formation and regeneration, stem cell biology, developmental biology, regenerative medicine, or related fields, one member who shall be shall be a physician licensed to practice in the commonwealth, one member who shall have expertise in medical ethics, one member who shall be a member of the bar of the commonwealth with a background in legal issues related to biotechnology, stem cell research, in vitro fertilization, or health law, and one member who shall be a member of the public.

(b) The council shall make recommendations to the governor and the general court regarding changes to this chapter, as well as to any other chapter of the General Laws, or regulations promulgated pursuant thereto, necessary to promote scientific inquiry and to protect the dignity of human life.

(c) The council shall submit an annual report of its findings, conclusions, proposals, and recommendations as provided in subsection (b) no later than January 1. Said report shall be submitted to the governor, the president of the senate, the speaker of the house, the house and senate chairs of the joint committee on economic development and emerging technologies, the clerk of the senate and the clerk of the house.

(d) Each member of the council shall serve without compensation for a term of 3 years, or until his successor is appointed. A chairman of the council shall be elected annually from the membership. The department shall provide administrative support to the council as requested.

Section 9. The department shall enforce this chapter and shall adopt regulations, with the advice of the biomedical research advisory council, relating to the administration and enforcement of this chapter.

SECTION 3. Subsection (a) I of section 12J of chapter 112 of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by adding the following paragraph:—

For the purposes of this section, fetus shall include a neonate and an embryo, but shall not include an embryo donated for research pursuant to section 3 of chapter 111L.

SECTION 4. Section 12J of said chapter 112, as so appearing, is hereby amended by striking out, in line 38, the word 'neonate,' and inserting in place thereof the following words:— , neonate but shall exclude an embryo donated for research pursuant to section 3 of chapter 111L.

SECTION 5. Said section 12J of said chapter 112, as so appearing, is hereby further amended by striking out, in lines 59 through 61, the words 'District Attorney for the county in which the hospital or other institution for which the board acts, is located.' and inserting in place thereof the following words:— attorney general.

Section 6. Said section 12J of said chapter 112, as so appearing, is hereby further amended by striking out, in line 75, the words 'District Attorney' and inserting in place thereof the following words:— Attorney General.

SECTION 7. Said section 12J of said chapter 112, as so appearing, is hereby further amended by striking out, in lines 82 and 83; the words 'District Attorney for the district where said procedure is performed' and inserting in place thereof the following words:— attorney general.

SECTION 8. Said section 12J of said chapter 112, as so appearing, is hereby further amended by striking out, in line 91, the words ‘District Attorney’ and inserting in place thereof the following words:—

SECTION 9. Said section 12J of said chapter 112, as so appearing, is hereby further amended by striking out, in line 98, the words ‘District Attorney’ and inserting in place thereof the following words:— attorney general.

SECTION 10. Said section 12J of said chapter 112, as so appearing, is hereby amended by striking out, in lines 111 and 112, the words ‘District Attorney for the district where the procedure is performed’ and inserting in place thereof the following words:— attorney general.

SECTION 11. Said section 12J of said chapter 112, as so appearing, is hereby amended by striking out, in line 116, the words ‘District Attorney’ and inserting in place thereof the following words:— attorney general.

SECTION 12. Said section 12J of said chapter 112, as so appearing, is hereby amended by striking out, in lines 118, the words ‘District Attorney’ and inserting in place thereof the following words:— attorney general.

SECTION 13. Said section 12J of said chapter 112, as so appearing, is hereby amended by striking out, in lines 127 and 128, the words ‘District Attorney’ and inserting in place thereof the following words:— attorney general.

SECTION 14. Said section 12J of said chapter 112, as so appearing, is hereby amended by striking out, in line 165, the words ‘District Attorney’ and inserting in place thereof the following words:— attorney general.

SECTION 15. Said section 12J of said chapter 112, as so appearing, is hereby amended by striking out, in line 173, the words ‘District Attorney’ and inserting in place thereof the following words:— attorney general.

SECTION 16. Section 7 of chapter 113 of the General Laws, as so appearing, is hereby amended by striking out, in line 21, the word ‘parts.’ and inserting in place thereof the following words:— ‘parts’; but any gametes, as that term is defined in section 1 of chapter 111L, shall be donated in accordance with said chapter 111L.

SECTION 17. Notwithstanding any general or special law to the contrary, the biomedical research advisory council created pursuant to section 8 of chapter 111L shall make recommendations to the commissioner on proposed regulations for biomedical research, including research involving the derivation or use of embryonic stem cells in the commonwealth no later than January 31, 2006.

SECTION 18. Notwithstanding any general or special law to the contrary, the biomedical research advisory council created pursuant to section 8 of chapter 111L of the General Laws shall investigate the feasibility of establishing a public placental and umbilical cord blood bank at the University of Massachusetts medical school or other appropriate institution within the commonwealth. The council shall report its findings, together with any proposed legislation, to the governor, house and senate chairs of the joint committee on economic development and emerging technologies, and the house and senate chairs of the joint committee on health care financing no later than January 31, 2006.

SECTION 19. Notwithstanding any general or special law to the contrary, the members of the biomedical research advisory council created pursuant to section 8 of chapter 111L of the General Laws shall be appointed no later than July 31, 2005.

SECTION 20. Notwithstanding any general or special law to the contrary, the department of public health shall promulgate regulations required pursuant to sections 2 and 9 of chapter 111L of the General Laws no later than July 31, 2006.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-three minutes before three o’clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 3 — nays 35) **[Yeas and Nays No. 10]**:

YEAS.

Hedlund, Robert L.	Lees, Brian P. **— 3.**
Knapik, Michael R.	

NAYS.

Antonioni, Robert A.	Havern, Robert A.
Augustus, Edward M., Jr.	Joyce, Brian A.
Baddour, Steven A.	McGee, Thomas M.
Barrios, Jarrett T.	Menard, Joan M.
Brewer, Stephen M.	Montigny, Mark C.

Brown, Scott P.	Moore, Richard T.
Buoniconti, Stephen J.	Morrissey, Michael W.
Chandler, Harriette L.	Murray, Therese
Creedon, Robert S., Jr.	Nuciforo, Andrea F., Jr.
Creem, Cynthia Stone	O'Leary, Robert A
Fargo, Susan C.	Pacheco, Marc R.
Hart, John A., Jr.	Panagiotakos, Steven C.
Resor, Pamela	Tolman, Steven A.
Rosenberg, Stanley C.	Travaglini, Robert E.
Spilka, Karen E.	Tucker, Susan C.
Tarr, Bruce E.	Walsh, Marian
Timilty, James E.	Wilkerson, Dianne — **35.**
Tisei, Richard R.	

ABSENT OR NOT VOTING.

Berry, Frederick E.	Shannon, Charles E. — **2.**

The yeas and nays having been completed at twenty minutes before three o'clock P.M., the amendment was *rejected.*

Mr. Hart moved to amend the bill by inserting before the enacting clause the following emergency preamble:—

"*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is forthwith to promote stem cell research, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health and convenience."

The amendment was **adopted.**

Mr. Lees moved to amend the bill, in section 1, in proposed section 4(a) of chapter 111L of the General Laws, by striking out the fourth sentence and inserting in place thereof the following words:—

"Two members shall be appointed by the president of the senate, 1 member appointed by the senate minority leader, 2 members appointed by the speaker of the house of representatives, 1 member appointed by the minority leader of the house of representatives, and the 1 community member shall be appointed by the governor."

The amendment was *rejected*.

Mr. Montigny moved to amend the bill in section 1, in section 4 of proposed chapter 111 of the General Laws by adding the following subsection:—

"(i) The department of public health, with the advice and assistance of the Massachusetts stem cell research advisory board, shall enforce this chapter and shall adopt regulations relative to the administration and enforcement of this chapter."

The amendment was *rejected*.

Mr. Montigny moved to amend the bill, in section 1, in proposed subsection (d) of section 5 of chapter 111L of the General Laws, by striking out paragraphs (iii) and (iv) and inserting in place thereof the following paragraph:—

"(iii) The protection against retaliatory action shall not apply to the public disclosure of confidential or proprietary information, trade secrets or other confidential materials unless such confidential disclosure is made by the employee directly to and exclusively with the office of the attorney general or the department of public health. The department of public health shall not publicly disclose any such confidential information but shall submit the information to the attorney general forthwith."

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at nineteen minutes before three o'clock P.M., on motion of Mr. Montigny, as follows, to wit (yeas 38 — nays 0 **[Yeas and Nays No. 11]**:

YEAS.

Antonioni, Robert A.	Montigny, Mark C.
Augustus, Edward M., Jr.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Brown, Scott P.	O'Leary, Robert A.
Buoniconti, Stephen J.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Resor, Pamela
Creem, Cynthia Stone	Rosenberg, Stanley C.
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Havern, Robert A.	Timilty, James E.
Hedlund, Robert L.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
Knapik, Michael R.	Travaglini, Robert E.
Lees, Brian P.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian
Menard, Joan M.	Wilkerson, Dianne — **38.**

NAYS — 0.

ABSENT OR NOT VOTING.

Berry, Frederick E.	Shannon, Charles E. — **2.**

The yeas and nays having been completed at a quarter before three o'clock P.M., the amendment was **adopted.**

Mr. Montigny moved to amend the bill, in section 1, in subsection (c) in Section 4 of the proposed chapter 111L of the General Laws by striking out the second sentence and inserting in place thereof the following 4 sentences:— "Any disclosure that, in the opinion of the institution or person submitting disclosure, is a trade secret, proprietary or confidential shall be submitted separately from the annual report with a statement explaining the reasons that the information should be deemed confidential to the attorney general, who shall determine whether such information should be kept confidential as proprietary. The attorney general shall submit all disclosures deemed not proprietary to the Massachusetts stem cell research advisory board after notice to the institution or person submitting the disclosure. All disclosures deemed proprietary shall be kept confidential by the office of the attorney general and, notwithstanding any law to the contrary, shall not be deemed a public record. The attorney general may establish procedures to effectively carry out this paragraph."

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at fourteen minutes before three o'clock P.M., on motion of Mr. Montigny, as follows, to wit (yeas 38 — nays 0) **[Yeas and Nays No. 12]**:

YEAS.

Antonioni, Robert A.	Montigny, Mark C.
Augustus, Edward M., Jr.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Brown, Scott P.	O'Leary, Robert A.
Buoniconti, Stephen J.	Pacheco, Marc R.

Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Resor, Pamela
Creem, Cynthia Stone	Rosenberg, Stanley C.
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Havern, Robert A.	Timilty, James E.
Hedlund, Robert L.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
Knapik, Michael R.	Travaglini, Robert E.
Lees, Brian P.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian
Menard, Joan M.	Wilkerson, Dianne — **38.**

NAYS — 0.

ABSENT OR NOT VOTING.

Berry, Frederick E.	Shannon, Charles E. — **2.**

The yeas and nays having been completed at twelve minutes before three o'clock P.M., the amendment was **adopted.**

Ms. Resor, Ms. Walsh, Ms. Tucker and Ms. Wilkerson moved to amend the bill in section 1, in section 2 of proposed chapter 111L of the General Laws, by striking out the definition of "Informed consent", and inserting in place thereof the following:—

"Informed consent", consent for the donation of embryos, consent for participation in invitro fertilization, or consent for any other process where an egg is extracted from a women, or other participation in research pursuant to this chapter, which complies with requirements of a duly appointed institutional review board, and which follows the procedures stipulated in 45 CFR Part 46.116 and 117."; and

In said section 1, in paragraph (i) of subsection (b) of section 3 of said proposed chapter 111L, by striking out the last sentence and inserting in place thereof the following sentence:— "The written approval shall contain a detailed description of the research, experimentation or study by attachment of a protocol or other writing, shall include written documentation of informed consent as defined by section 2 of this act and shall be maintained as a permanent record by the IRB or the hospital or other entity for which the IRB acts."; and

In said section 1, in subsection (b) in section 5 of said proposed chapter 111L, by inserting after the words "as appropriate." the following:—

"A physician or other health care provider who treats a patient for infertility through in vitro fertilization or any other process where an egg is extracted from a woman shall also provide the patient with an explanation of the procedures to be followed in the treatment, any drug or device to be utilized, a description of any attendant discomforts and risks reasonably to be expected from the treatment, a statement that the particular treatment or procedure may involve risks to the patient or to the embryo or fetus which are currently unforeseeable, a disclosure of any appropriate alternative procedures, drugs or devices that might be advantageous to the patient, and their relative risks and benefits, information of the avenues of medical treatment, if any, available to the patient after the treatment if complications should arise and an opportunity to ask any questions concerning the treatment or the procedures involved. A physician or other health care provider shall not provide such treatment before obtaining the legally effective informed consent of the patient. A physician or other health care provider shall seek such consent only under circumstances that provide the prospective patient sufficient opportunity to consider whether or not to receive such treatment and that minimize the possibility of coercion or undue influence. The information that is given to the patient shall be in language understandable to the patient. No informed consent, whether oral or written, may include any exculpatory language through which the patient is made to waive or appear to waive any of her legal rights."

Pending the question on adoption of the amendment, Ms. Wilkerson and Mr. Barrios moved to amend the amendment substituting the following text:—

"In section 1, in proposed section 4 of chapter 111L of the General Laws by inserting after subsection (f) the following subsection:—

(f½) The board shall study the implementation of this chapter and the conduct of research, and shall make recommendations to the general court on ways to encourage disproportionately impacted populations participation in, and benefit from, human embryonic stem cell research, including requiring the IRB to develop methods for such participation."

After remarks, the question on adoption of the further amendment was determined by a call of the yeas and nays, at five minutes before three o'clock P.M., on motion of Ms. Wilkerson, as follows, to wit (yeas 38 — nays 0) **[Yeas and Nays No. 13]**:

YEAS.

Antonioni, Robert A.	Montigny, Mark C.
Augustus, Edward M., Jr.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Brown, Scott P.	O'Leary, Robert A.
Buoniconti, Stephen J.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Resor, Pamela
Creem, Cynthia Stone	Rosenberg, Stanley C.
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Havern, Robert A.	Timilty, James E.
Hedlund, Robert L.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
Knapik, Michael R.	Travaglini, Robert E.
Lees, Brian P.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian
Menard, Joan M.	Wilkerson, Dianne — **38.**

NAYS — 0.

ABSENT OR NOT VOTING.

Berry, Frederick E.	Shannon, Charles E. — **2.**

The yeas and nays having been completed at two minutes before three o'clock P.M., the further amendment was **adopted.**

The pending amendment (Resor et al) was then adopted, as amended.

The question on passing the bill (Senate, No. 2028, amended) to be engrossed was determined by a call of the yeas and nays, at one minute before three o'clock P.M., on motion of Mr. Hart, as follows, to wit (yeas 35 — nays 2) **[Yeas and Nays No. 14]**:

YEAS.

Antonioni, Robert A.	Morrissey, Michael W.
Augustus, Edward M., Jr.	Murray, Therese
Baddour, Steven A.	Nuciforo, Andrea F., Jr.
Barrios, Jarrett T.	O'Leary, Robert A.
Brewer, Stephen M.	Pacheco, Marc R.
Brown, Scott P.	Panagiotakos, Steven C.
Buoniconti, Stephen J.	Resor, Pamela

Chandler, Harriette L.	Rosenberg, Stanley C.
Creedon, Robert S., Jr.	Spilka, Karen E.
Creem, Cynthia Stone	Tarr, Bruce E.
Fargo, Susan C.	Timilty, James E.
Hart, John A., Jr.	Tisei, Richard R.
Havern, Robert A.	Tolman, Steven A.
Hedlund, Robert L.	Travaglini, Robert E.
Joyce, Brian A.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian
Menard, Joan M.	Wilkerson, Dianne — **35.**
Montigny, Mark C.	

NAYS.

Knapik, Michael R.	Lees, Brian P. — **2.**

PAIRED.

YEA. NAY.

Charles E. Shannon	Richard T. Moore *(present)* — **2.**

ABSENT OR NOT VOTING.

Berry, Frederick E. — **1.**

The yeas and nays having been completed at one minute past three o'clock P.M., the bill was passed to be engrossed [For text of bill, printed as amended, see Senate, No. 2032].
Sent to the House for concurrence.

Message from the Governor.

A message from His Excellency the Governor (under the provisions of Article LXXXIX of the Amendments to the Constitution) (pursuant to the provisions of Article II, Section 9, Paragraph 1, Clause (2) of the Amendments to the Constitution, as amended by Article LXXXIX) recommending legislation relative to the placement of an office on the 2005 annual election ballot in the town of Webster (Senate, No. 2030) (received in the office of the Clerk of the Senate on Wednesday, March 30, 2005 at twenty-five minutes past eleven o'clock A.M.),— was referred to the committee on Senate Ethics and Rules.

Subsequently, Mr. Travaglini, for the committee on Senate Ethics and Rules, on the message of His Excellency the Governor, a Bill relative to the placement of an office on the 2005 annual election ballot in the town of Webster (printed in Senate, No. 2030);
The bill was read. There being no objection, the rules were suspended, on motion of Mr. Moore, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed.
Sent to the House for concurrence.

Order Adopted.

On motion of Mr. Joyce,—

Ordered, That when the Senate adjourns today, it adjourn to meet again tomorrow at eleven o'clock A.M., and that the Clerk be directed to dispense with the printing of a calendar.

On motion of the same Senator, at three minutes past three o'clock P.M., the Senate adjourned to meet on the following day at eleven o'clock A.M.