

By Kerry Grens

NEWS

Calif. court okays stem cell funding

The state's Supreme Court rules agency can start distributing grants to scientists

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After over two years of stalling out under [legal](#) tangles, the [California Institute of Regenerative Medicine](#) (CIRM) may begin distributing grants for stem cell research, the California Supreme Court ruled yesterday (May 16).

In its ruling, the Court honored the [decision](#) of a lower state court that upheld the constitutionality of Proposition 71, the act that implemented CIRM in 2004.

"Finally the day has come when we're free from the frivolous lawsuits that have been holding us back," Bernard Siegel, Executive Director of the [Genetics Policy Institute](#), told *The Scientist*. According to CIRM's Web site, CIRM will begin distributing \$48.5 million in funding for shared laboratories grants and \$222 million in grants for research at California universities, hospitals, and research institutes.

According to a report in the [San Jose Mercury News](#), Dana Cody, the attorney for one of the plaintiffs, [Life Legal Defense Foundation](#), said CIRM may face future legal actions. But another plaintiff, California Family Bioethics Council, said it will not sue CIRM again.

In 2004, California voters approved \$3 billion in spending for stem cell research through Proposition 71. "The voters' mandate will be fulfilled and the promise of stem cell research will be lifted to new heights with California's billions in funding," Robert Klein, chairman of the Independent Citizen's Oversight Committee (ICOC), which oversees CIRM, said in a statement released today.

CIRM had [already begun distributing grants](#) this year after Governor Arnold

Schwarzenegger meted \$150 million to CIRM from the state's general fund. "Patient advocates take their hats off to Governor Schwarzenegger," Siegel said. "As a result, while the lawsuit has held things back, it hasn't been a total loss of time."

The lawsuits began when [People's Advocate](#) and National Tax Limitation Foundation sued Governor Schwarzenegger and the ICOC. According to [court documents](#), People's Advocate complained that CIRM "delegates the disbursement of huge sums of public money to the unfettered discretion of an institution whose governing board and working groups are unaccountable to the public."

In February, 2007 the appellate court [upheld](#) Proposition 71's constitutionality after additional complaints from California Family Bioethics Council and the Legal Life Defense Foundation, which claimed CIRM was clogged with conflicts of interest.

Dale Carlson, a CIRM spokesperson, told *The Scientist* the litigation has not held up CIRM's objectives. "Two and a half years ago this institution didn't exist. Today it is the largest funding organization for stem cell research in world."

The Legal Life Defense Foundation and People's Advocate did not immediately respond to requests for comment.

Siegel said the court's decision marks a paradigm-shift in the way states participate in funding basic research. "California has gone through all the legal tests and leaped over all legal hurdles. It is really significant, it's a milestone."

Kerry Grens
mail@the-scientist.com

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