

Stem Cell Research in Korea: A Legislative Aspect

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1. An Overview

Korea has been among the scientific leaders in the development of stem cell research and reproductive technologies. The fourth to succeed in producing an *in-vitro* fertilization (IVF) baby, Korea is leading in the culture of a stem cell line from an embryo created through a somatic-cell nuclear-transfer technology.¹ The progress in stem cell research in Korea, however, has sparked a vigorous ethical and legal debate. Korea finally adopted the regulations of stem cell research in December 2003 after a vigorous three-year debate triggered by Dolly the Sheep and the assertions of human cloning by Clonaid in Korea, originating from the United Kingdom. Korea passed Bioethics and Biosafety Act (BES Act), which regulates the use of embryonic stem cells for research purposes along with somatic-cell nuclear transfer (SCNT). In addition, Korea enacted Law on Bioethics and Safety and Law on Generative Cells.

BES Act came into effect on January 1, 2005. Its detailed regulations were released as either presidential decrees (BES Decree) or ordinances of the Ministry of Health and Welfare (BES Ordinance). Additional provisions and guidelines are still going through the legislative process.² As a special note, the current legislative process will be discussed herein.

Its from, and the donation of such to, physically and mentally healthy and multiparous women aged above twenty. Moreover, only the use of a surplus egg is permissible, except when the donor has a rare and incurable disease.³ It also restricts the period of extracting eggs and the frequency of such.⁴ Furthermore, the protection and management of all information regarding the registering donators, recipients, and generative cells is mandatory.⁵

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¹ See Hwang W.S., et al., *Stem cell research in Korea* 305 SCIENCE 944-45 (2004). See also T. Tamkins, *Human embryos cloned*, available at <http://www.biomedcentral.com/news/20040212/02> (last visited on Apr. 5. 2008).

² See Kim J.H., *A Critical study of Bioethics and Safety Law*, 7 BIO WAVE (2005), chapter 2 (available only in Korean).

³ *Id.*

⁴ *Id.* at 5.

⁵ *Id.*