

1 HB138  
2 123848-2  
3 By Representatives McClurkin, Love and Ison  
4 RFD: Health  
5 First Read: 03-MAR-11

SYNOPSIS: Under existing law, there are no express provisions regarding the use of umbilical cord blood.

This bill would establish the Umbilical Cord Blood Use Act and would provide for education about umbilical cord blood and its storage and use.

A BILL  
TO BE ENTITLED  
AN ACT

To establish the Umbilical Cord Blood Use Act; to provide for the dissemination of information to pregnant women regarding umbilical cord blood donation, use, and storage.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall be known and may be cited as the "Umbilical Cord Blood Use Act."

Section 2. The Legislature declares that the purpose of this act is to educate pregnant women and others regarding the potential medical benefits and use of stem cells found in

1 umbilical cord blood and to provide opportunities for banking  
2 or donating umbilical cord blood when desired by a pregnant  
3 woman.

4 Section 3. As used in this act, the following terms  
5 shall have the following meanings:

6 (1) BANKING. The act of storing umbilical cord blood  
7 in a private facility for possible use by the woman, her  
8 child, or her biological family.

9 (2) DONATING. The act of storing umbilical cord  
10 blood in a public facility for use by non-family persons who  
11 are medically eligible.

12 (3) HEALTH CARE FACILITY. An institution providing  
13 health care services to pregnant women, including a hospital,  
14 a clinic, or other inpatient center, outpatient facility, or  
15 diagnostic or treatment center.

16 (4) HEALTH CARE PROVIDER. A medical physician,  
17 osteopathic physician, certified nurse practitioner, or  
18 certified nurse midwife who is licensed, certified, or  
19 otherwise authorized by law to provide or render health care  
20 services to pregnant women in Alabama in the ordinary course  
21 of business or practice of a profession.

22 (5) UMBILICAL CORD BLOOD. The blood that remains in  
23 the umbilical cord and placenta after the birth of a newborn  
24 child.

25 Section 4. All health care providers providing  
26 health care services to a pregnant woman during the last  
27 trimester of her pregnancy directly related to her pregnancy

1 shall advise her of the possible medical uses of stem cells  
2 found in the umbilical cord blood and options for banking or  
3 donating umbilical cord blood following the delivery of a  
4 newborn child. Provision in a timely manner of the website  
5 address of the Department of Public Health or of publications  
6 prepared by the Department of Public Health relating to the  
7 Umbilical Cord Blood Use Act shall constitute compliance with  
8 this subsection.

9           Section 5. The Department of Public Health, by  
10 January 1 after the effective date of this act, shall prepare  
11 and distribute by electronic means to health care providers  
12 written publications that include all of the following  
13 information:

14           (1) The medical processes involved in the collection  
15 of umbilical cord blood.

16           (2) The medical risks, if any, to a mother and her  
17 newborn child of umbilical cord blood collection.

18           (3) The current and potential future medical uses  
19 and benefits of stem cells in the umbilical cord blood and its  
20 collection for a mother, her newborn child, and her biological  
21 family.

22           (4) The current and potential future medical uses  
23 and benefits of stem cells in the umbilical cord blood and its  
24 collection for persons who are not biologically related to a  
25 mother or her newborn child.

26           (5) Any costs that may be incurred by a pregnant  
27 woman who chooses to bank or donate an umbilical cord blood.

1                   (6) Options for ownership and future use of the  
2                   banked or donated material.

3                   (7) The availability in this state of umbilical cord  
4                   blood banks and donations.

5                   (8) Resources available for further information.

6                   Section 6. (a) Unless it is medically inadvisable,  
7                   all health care facilities and health care providers treating  
8                   a pregnant woman during the delivery of a newborn child, if  
9                   requested by that woman, shall permit her to arrange for  
10                  banking or donating her umbilical cord blood.

11                  (b) Nothing in this section imposes an obligation  
12                  upon a health care facility or health care provider to permit  
13                  umbilical cord blood banking or donating if in the  
14                  professional judgment of the health care provider the banking  
15                  or donating of umbilical cord blood would threaten the health  
16                  of the mother or newborn child.

17                  (c) Nothing in this section imposes an obligation  
18                  upon a health care facility or health care provider to permit  
19                  umbilical cord blood banking or donating if the banking or  
20                  donating conflicts with bona fide religious beliefs of the  
21                  health care facility or health care provider. If a health care  
22                  facility or health care provider declines to engage in  
23                  umbilical cord blood banking or donating, that fact shall be  
24                  made known to pregnant patients of that facility or provider  
25                  as soon as reasonably feasible.

26                  (d) Nothing in this section creates a medical  
27                  standard of care and any failure to comply with this section

1       shall in no way be deemed to be a breach or violation of any  
2       medical standard of care.

3               Section 7. This act shall become effective on the  
4       first day of the third month following its passage and  
5       approval by the Governor, or its otherwise becoming law.