

1 SB45
2 125990-2
3 By Senator Ward
4 RFD: Health
5 First Read: 01-MAR-11
6 PFD: 02/23/2011

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

11 This bill would establish the Umbilical Cord
12 Blood Storage Information Act and would provide for
13 education about umbilical cord blood and its
14 storage and use.

15
16 A BILL
17 TO BE ENTITLED
18 AN ACT

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20 To establish the Umbilical Cord Blood Storage
21 Information Act; to provide for the dissemination of
22 information to pregnant women regarding umbilical cord blood
23 donation, use, and storage.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. This act shall be known and may be cited
26 as the "Umbilical Cord Blood Storage Information Act."

1 Section 2. The Legislature declares that the purpose
2 of this act is to educate pregnant women and others regarding
3 the potential medical benefits and use of stem cells found in
4 umbilical cord blood and to provide opportunities for a
5 pregnant woman to donate her child's umbilical cord blood
6 after birth.

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

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

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

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

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

25 (5) UMBILICAL CORD BLOOD. The blood that remains in
26 the umbilical cord and placenta after the birth of a newborn
27 child.

1 Section 4. All health care providers providing
2 health care services to a pregnant woman during the last
3 trimester of her pregnancy directly related to her pregnancy
4 shall advise her of the possible medical uses of stem cells
5 found in the umbilical cord blood and options for banking or
6 donating umbilical cord blood following the delivery of her
7 newborn child. Notifications in a timely manner of the website
8 address for the Department of Public Health or publications
9 prepared by the Department of Public Health relating to the
10 Umbilical Cord Blood Storage Information Act shall constitute
11 compliance with this section.

12 Section 5. The Department of Public Health, by
13 January 1, 2012, shall prepare and distribute by electronic
14 means to health care providers written publications that
15 include all of the following information:

16 (1) The medical processes involved in the collection
17 of umbilical cord blood.

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

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

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

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

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

5 (7) The availability in this state and contiguous
6 states of umbilical cord blood banks and donations.

7 (8) Resources available for further information.

8 Section 6. (a) Unless it is medically inadvisable,
9 all health care facilities and health care providers treating
10 a pregnant woman during the delivery of a newborn child, if
11 requested by that woman, shall permit her to arrange for
12 banking or donating her child's umbilical cord blood and shall
13 assist her in the preparation for collection of the umbilical
14 cord blood and, when appropriate, the umbilical cord and
15 placenta.

16 (b) Nothing in this section imposes an obligation
17 upon a health care facility or health care provider to permit
18 umbilical cord blood banking or donating if in the
19 professional judgment of the health care provider the banking
20 or donating of umbilical cord blood would threaten the health
21 of the mother or newborn child.

22 (c) Nothing in this section imposes an obligation
23 upon a health care facility or health care provider to permit
24 umbilical cord blood banking or donating if the banking or
25 donating conflicts with bona fide religious beliefs of the
26 health care facility or health care provider. If a health care
27 facility or health care provider declines to engage in

1 umbilical cord blood banking or donating, that fact shall be
2 made known to pregnant patients of that facility or provider
3 as soon as reasonably feasible.

4 (d) Nothing in this section creates a medical
5 standard of care and any failure to comply with this section
6 shall in no way be deemed to be a breach or violation of any
7 medical standard of care.

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