Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 695 of the Regular Session

A Bill

State of Arkansas
86th General Assembly
Regular Session, 2007


For An Act To Be Entitled
AN ACT TO CREATE THE NEWBORN UMBILICAL CORD BLOOD BANK FOR POSTNATAL TISSUE AND FLUID; TO PROVIDE FOR THE ARKANSAS COMMISSION FOR THE NEWBORN UMBILICAL CORD BLOOD INITIATIVE; TO PROVIDE FOR CERTAIN FUNDING MECHANISMS; TO PROVIDE AN INCOME TAX CHECKOFF; AND FOR OTHER PURPOSES.

Subtitle
AN ACT TO CREATE THE NEWBORN UMBILICAL CORD BLOOD BANK FOR POSTNATAL TISSUE AND FLUID.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 20, Chapter 8 is amended to add an additional subchapter to read as follows:

20-8-501. Title.
This subchapter shall be known and may be cited as the "Newborn Umbilical Cord Blood Initiative Act".

20-8-502. Legislative findings.
The General Assembly finds that:
(1) More than one hundred million (100,000,000) Americans and two billion (2,000,000,000) other humans worldwide suffer from diseases that may eventually be treated more effectively or even cured with stem cells;
(2) Stem cell research has been hampered by the controversy over the use of embryonic stem cells;

(3) Stem cells are not found only in embryos;

(4) The umbilical cord, placenta, and amniotic fluid are rich in stem cells that may be used for scientific research and medical treatment without destroying embryos;

(5) Stem cell research using stem cells from postnatal tissue and fluid has already resulted in treatments for anemia, leukemia, lymphoma, lupus, multiple sclerosis, rheumatoid arthritis, sickle cell disease, spinal cord injury, and Crohn’s disease;

(6) Stem cell therapies using stem cells from postnatal tissue and fluid are being studied for diseases as wide-ranging and diverse as corneal degeneration, heart disease, stroke, Parkinson's disease, and Alzheimer's disease;

(7) It is the public policy of this state to encourage the donation, collection, and storage of stem cells collected from postnatal tissue and fluid and to make such stem cells available for both scientific research and medical treatment; and

(8) It shall be the public policy of this state to encourage ethical research in life science and regenerative medicine.

20-8-503. Definitions.
As used in this subchapter:

(1) "Amniotic fluid" means the fluid inside the amnion;

(2) "Nonembryonic stem cell research" means medical research involving stem cells that have not been derived from a human embryo or fetus;

(3) "Placenta" means the organ that forms on the inner wall of the human uterus during pregnancy;

(4) "Postnatal tissue and fluid" means the placenta, umbilical cord, and amniotic fluid expelled or extracted in connection with the birth of a human being;

(5) "Stem cell" means an unspecialized or undifferentiated cell that can self-replicate and has the potential to differentiate into a specialized cell type; and

(6) "Umbilical cord" means the gelatinous tissue and blood vessels connecting an unborn human being to the placenta.

(a)(1) On or before June 30, 2008, the Arkansas Commission for the Newborn Umbilical Cord Blood Initiative shall establish a network of postnatal tissue and fluid banks in partnership with one (1) or more public or private colleges or universities, public or private hospitals, nonprofit organizations, or private firms in this state for the purpose of collecting and storing postnatal tissue and fluid.

(2) The Newborn Umbilical Cord Blood Bank shall create a voluntary program to make tissue and fluid available for scientific research and medical treatment in accordance with this subchapter.

(3) A parent of a child born in this state may voluntarily contribute postnatal tissue and fluid to the Newborn Umbilical Cord Blood Bank.

(b)(1) The commission shall develop a voluntary program to educate pregnant patients with respect to the banking of postnatal tissue and fluid.

(2) The program shall include:

(A) An explanation of the difference between public and private postnatal tissue and fluid banking programs;

(B) The medical process involved in the collection and storage of postnatal tissue and fluid;

(C) The current and potential future medical uses of stored postnatal tissue and fluid;

(D) The benefits and risks involved in the banking of postnatal tissue and fluid; and

(E) The availability and cost of storing postnatal tissue and fluid in public and private umbilical cord blood banks.


(a) The Arkansas Commission for the Newborn Umbilical Cord Blood Initiative is created.

(b)(1) The commission shall consist of eleven (11) members appointed as follows:

(A) Three (3) members appointed by the Governor as follows:
As Engrossed: H3/15/07

(i) One (1) member who is a physician licensed by
the Arkansas State Medical Board;

(ii) One (1) member who has a financial background;
and

(iii) One (1) member who has a legal background or
an ethicist background, or both;

(B) Three (3) members appointed by the Speaker of the
House of Representatives as follows:

(i) One (1) member who is a physician licensed by
the Arkansas State Medical Board;

(ii) One (1) member who has a financial background;
and

(iii) One (1) member who has a legal background or
an ethicist background, or both;

(C) Three (3) members appointed by the President Pro
Tempore of the Senate as follows:

(i) One (1) member who is a physician licensed by
the Arkansas State Medical Board;

(ii) One (1) member who has a financial background;
and

(iii) One (1) member who has a legal background or
an ethicist background, or both;

(D) The Dean of the Fay W. Boozman College of Public
Health or his or her designee; and

(E) The Director of the Division of Health of the
Department of Health and Human Services or his or her designee.

(2) The commission shall include one (1) consultant, nonvoting
member who shall be the Director of Cell Therapy and Transfusion Medicine of
the College of Medicine of the University of Arkansas for Medical Sciences.

(c) The Governor shall designate one (1) member as chair of the
commission.

(d) The chair shall call the first meeting of the commission within
sixty (60) days of his or her appointment.

(e)(1) At the first meeting of the commission, the members shall draw
lots so that three (3) members serve two-year terms, three (3) members serve
three-year terms, and three (3) members serve four-year terms.
(2) After the initial terms, members shall serve four-year terms.

(f) The commission shall meet at least quarterly.

(g)(1) A majority of the membership of the commission shall constitute a quorum.

(2) A majority vote of those members present shall be required for any action of the commission.

(h) Vacancies on the commission due to death, resignation, removal, or other causes shall be filled in the same manner as is provided in this section for initial appointments.


(a) The Arkansas Commission for the Newborn Umbilical Cord Blood Initiative shall:

(1) Investigate the implementation of this subchapter and recommend improvements in this subchapter to the General Assembly;

(2) Make available to the public the records of all meetings of the commission and of all business transacted by the commission;

(3) Oversee the operations of the Newborn Umbilical Cord Blood Bank, including without limitation the approval of all fees established to cover administration, collection, and storage costs;

(4) Undertake the Newborn Umbilical Cord Blood Initiative by promoting awareness of the blood bank and encouraging donation of postnatal tissue and fluid to the blood bank;

(5) Ensure the privacy of persons who donate umbilical cord blood, amniotic fluid, and placental tissue to the blood bank;

(6) Develop a plan for making postnatal tissue and fluid collected under the Newborn Umbilical Cord Blood Initiative available for scientific research and medical treatment in compliance with all relevant national practice and quality standards;

(7) Develop a plan for private storage of postnatal tissue and fluid for medical treatment;

(8) Participate in the National Cord Blood Program and register postnatal tissue and fluid collected with registries operating in connection with the program;
(9) If funds are available, employ staff and enter into contracts necessary to implement this subchapter; and

(10) Report annually to the General Assembly on or before October 1 of each year concerning the activities of the commission.

(b) The commission may seek additional funding from any source, including without limitation federal grants and private grants.

20-8-507. Income tax check-off program for contributions to the Newborn Umbilical Cord Blood Initiative.

(a)(1) It is the purpose of this section to provide a means by which an individual taxpayer may designate a portion or all of his or her income tax refund to be withheld and contributed for the purposes set forth in this section.

(2) It is the intent of the General Assembly that the income tax check-off program established in this section is supplemental to any funding and in no way is intended to take the place of funding that would otherwise be appropriated for this purpose.

(b) The Revenue Division of the Department of Finance and Administration shall include on the Arkansas individual income tax forms, including those forms on which a husband and wife file separately on the same form and on all corporate income tax forms, a designation as follows:

"(1) If you are entitled to a refund, check if you wish to designate [ ] $1, [ ] $5, [ ] $10, [ ] $20, [ ] $ ............... (write in amount), or [ ] all refund due, of your tax refund for the Newborn Umbilical Cord Blood Initiative. Your refund will be reduced by this amount."

"(2) If you owe an additional amount, check if you wish to contribute an additional [ ] $1, [ ] $5, [ ] $10, [ ] $20, [ ] $ ............... (write in amount) for the Newborn Umbilical Cord Blood Initiative. If you wish to make a contribution to the program, you must enclose a separate check for the amount of your contribution, payable to the Newborn Umbilical Cord Blood Initiative."

(c) The department shall certify quarterly to the Treasurer of State the amount contributed to the program through this state income tax checkoff during the quarter as authorized by this section, and the Treasurer of State shall deduct from the Income Tax Withholding Fund the amount so certified.

(d) The Director of the Department of Finance and Administration shall
promulgate all rules and all income tax forms, returns, and schedules
necessary to carry out the program.

/s/ Woods, et al

APPROVED: 3/30/2007