
House Engrossed

State of Arizona
House of Representatives
Forty-seventh
Legislature
Second Regular Session
2006

CHAPTER 329

HOUSE BILL 2286

AN ACT

AMENDING TITLE 32, CHAPTER 32, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-3210; AMENDING TITLE 36, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 36-112; RELATING TO HEALTH CARE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Title 32, chapter 32, article 1, Arizona Revised Statutes, is amended by adding section 32-3210, to read:

32-3210. Umbilical cord blood donations; information; definition

A. BEGINNING JANUARY 1, 2007, IF A HEALTH PROFESSIONAL HAS A PATIENT WHO IS IN HER SECOND TRIMESTER OF PREGNANCY, THE HEALTH PROFESSIONAL MUST INFORM THE PATIENT OF THE FOLLOWING OPTIONS RELATING TO STEM CELLS THAT ARE CONTAINED IN THE UMBILICAL CORD BLOOD AFTER THE DELIVERY OF HER CHILD:

1. DISCARD THE STEM CELLS.
2. DONATE THE STEM CELLS TO A PUBLIC UMBILICAL CORD BLOOD BANK.
3. STORE THE STEM CELLS IN A FAMILY UMBILICAL CORD BLOOD BANK FOR USE BY THE IMMEDIATE AND EXTENDED FAMILY MEMBERS.
4. STORE THE STEM CELLS FOR FAMILY USE THROUGH A FAMILY OR SIBLING DONOR BANKING PROGRAM THAT PROVIDES FREE COLLECTION, PROCESSING AND STORAGE WHERE THERE IS A MEDICAL NEED.
- B. IF THE DEPARTMENT OF HEALTH SERVICES HAS ISSUED A PAMPHLET ON THIS SUBJECT, THE HEALTH PROFESSIONAL MUST ALSO PROVIDE THE PATIENT WITH THIS PAMPHLET.
- C. A HEALTH PROFESSIONAL MEETS THE NOTIFICATION REQUIREMENTS OF THIS SECTION BY PROVIDING THIS INFORMATION VERBALLY OR IN WRITING OR BY PROVIDING THE WOMAN WITH A PUBLICATION PREPARED BY THE DEPARTMENT OF HEALTH SERVICES.
- D. THIS SECTION DOES NOT IMPOSE AN OBLIGATION ON A HEALTH PROFESSIONAL TO INFORM A PREGNANT WOMAN REGARDING THE OPTION OF UMBILICAL CORD BLOOD COLLECTION IF THAT INFORMATION CONFLICTS WITH THE HEALTH PROFESSIONAL'S BONA FIDE RELIGIOUS BELIEFS.
- E. A PERSON WHO ACTS IN GOOD FAITH PURSUANT TO THIS SECTION IS NOT SUBJECT TO CIVIL OR CRIMINAL LIABILITY OR PROFESSIONAL DISCIPLINE FOR THOSE ACTS.
- F. FOR THE PURPOSES OF THIS SECTION, "UMBILICAL CORD BLOOD" MEANS THE BLOOD THAT REMAINS IN THE UMBILICAL CORD AND PLACENTA AFTER THE BIRTH OF A NEWBORN CHILD.

Sec. 2. Title 36, chapter 1, article 1, Arizona Revised Statutes, is amended by adding section 36-112, to read:

36-112. Umbilical cord donations; information pamphlet; distribution; health care institution responsibilities; definition

A. ON OR BEFORE JANUARY 1, 2007, THE DEPARTMENT OF HEALTH SERVICES SHALL PREPARE A PAMPHLET THAT INCLUDES INFORMATION REGARDING THE FOLLOWING:

1. THE MEDICAL PROCESSES INVOLVED IN THE COLLECTION OF UMBILICAL CORD BLOOD.
2. THE MEDICAL RISKS OF UMBILICAL CORD BLOOD COLLECTION TO THE MOTHER AND HER NEWBORN CHILD.
3. THE CURRENT AND POTENTIAL FUTURE MEDICAL USES, RISKS AND BENEFITS OF UMBILICAL CORD BLOOD COLLECTION TO A MOTHER, HER NEWBORN CHILD AND HER BIOLOGICAL FAMILY.
4. THE CURRENT AND POTENTIAL FUTURE MEDICAL USES, RISKS AND BENEFITS OF UMBILICAL CORD BLOOD COLLECTION TO PERSONS WHO ARE NOT BIOLOGICALLY RELATED TO A MOTHER OR HER NEWBORN CHILD.
5. ANY COSTS THAT MAY BE INCURRED BY A PREGNANT WOMAN WHO CHOOSES TO MAKE AN UMBILICAL CORD BLOOD DONATION.
6. OPTIONS FOR OWNERSHIP AND FUTURE USE OF THE DONATED MATERIAL.
7. THE AVERAGE COST OF PUBLIC AND PRIVATE UMBILICAL CORD BLOOD BANKING.

B. THE DEPARTMENT SHALL UPDATE THE PAMPHLET PREPARED PURSUANT TO THIS SECTION AS NECESSARY.

C. THE DEPARTMENT SHALL DISTRIBUTE THE PAMPHLET FREE OF CHARGE TO PHYSICIANS AND HEALTH CARE INSTITUTIONS ON REQUEST AND SHALL MAKE THE PAMPHLET AVAILABLE ON ITS WEB SITE.

D. THE DEPARTMENT MAY ACCEPT GIFTS, GRANTS AND DONATIONS FOR THE PURPOSES OF THIS SECTION.

E. A HEALTH CARE INSTITUTION LICENSED PURSUANT TO CHAPTER 4 OF THIS TITLE THAT TREATS A PREGNANT WOMAN DURING THE DELIVERY OF HER CHILD SHALL PERMIT HER TO ARRANGE FOR AN UMBILICAL CORD BLOOD DONATION IF SHE HAS MADE THIS REQUEST UNLESS, IN THE PROFESSIONAL JUDGMENT OF A HEALTH CARE PROVIDER, THE DONATION WOULD THREATEN THE HEALTH OF THE MOTHER OR THE NEWBORN CHILD.

F. THIS SECTION DOES NOT IMPOSE AN OBLIGATION ON A HEALTH CARE PROVIDER TO PERMIT AN UMBILICAL CORD BLOOD COLLECTION IF THE COLLECTION CONFLICTS WITH THE PROVIDER'S BONA FIDE RELIGIOUS BELIEFS AND THE PROVIDER MAKES THIS FACT KNOWN TO THE WOMAN AS SOON AS REASONABLY FEASIBLE.

G. A HEALTH CARE INSTITUTION THAT ACTS IN GOOD FAITH PURSUANT TO THIS SECTION IS NOT SUBJECT TO CIVIL OR CRIMINAL LIABILITY OR REGULATORY DISCIPLINE FOR THOSE ACTS.

H. FOR THE PURPOSES OF THIS SECTION, "UMBILICAL CORD BLOOD" MEANS THE BLOOD THAT REMAINS IN THE UMBILICAL CORD AND PLACENTA AFTER THE BIRTH OF A NEWBORN CHILD.

APPROVED BY THE GOVERNOR JUNE 21, 2006.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JUNE 21, 2006.