

SENATE BILL 605

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Nancy Rodriguez

AN ACT

RELATING TO HEALTH CARE; ENACTING THE UMBILICAL CORD BLOOD BANKING ACT;
REQUIRING HEALTH CARE FACILITIES AND PROVIDERS TO GIVE PREGNANT PATIENTS
INFORMATION REGARDING UMBILICAL CORD BLOOD DONATIONS; REQUIRING HEALTH CARE
FACILITIES TO PERMIT PREGNANT PATIENTS TO ARRANGE FOR UMBILICAL CORD BLOOD
DONATIONS; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHORT TITLE.--This act may be cited as the "Umbilical Cord
Blood Banking Act".

Section 2. PURPOSE OF ACT.--The purpose of the Umbilical Cord Blood
Banking Act is to educate pregnant women regarding the potential benefits of
umbilical cord blood donations and to provide opportunities for the donation
and storage of umbilical cord blood when desired by a pregnant woman.

Section 3. DEFINITIONS.--As used in the Umbilical Cord Blood Banking
Act:

A. "health care facility" means an institution providing health
care services, including a hospital, clinic or other inpatient center,

outpatient facility or diagnostic or treatment center that is licensed by the department of health;

B. "health care provider" means a person who is licensed, certified or otherwise authorized by law to provide or render health care services to pregnant women in New Mexico in the ordinary course of business or practice of a profession, but is limited to a medical physician, osteopathic physician, doctor of oriental medicine, certified nurse practitioner and certified nurse-midwife; and

C. "umbilical cord blood" means the blood that remains in the umbilical cord and placenta after the birth of a newborn child.

Section 4. DISSEMINATION OF INFORMATION.--

A. All health care providers providing health care services to a pregnant woman during the last trimester of her pregnancy, which health care services are directly related to her pregnancy, shall advise her of options to donate umbilical cord blood following the delivery of a newborn child. Provision in a timely manner of publications prepared by the department of health pursuant to Section 5 of the Umbilical Cord Blood Banking Act shall constitute compliance with this subsection.

B. Nothing in this section imposes an obligation upon a health care provider to inform a pregnant woman regarding the option of umbilical cord blood donations if such information conflicts with bona fide religious beliefs of the health care provider.

Section 5. INFORMATIONAL PUBLICATIONS.--The department of health shall, by January 1, 2006, prepare and distribute to health care providers written publications that include the following information:

A. the medical processes involved in the collection of umbilical cord blood;

B. the medical risks to a mother and her newborn child of

umbilical cord blood collection;

C. the current and potential future medical uses and benefits of umbilical cord blood collection to a mother, her newborn child and her biological family;

D. the current and potential future medical uses and benefits of umbilical cord blood collection to persons who are not biologically related to a mother or her newborn child;

E. any costs that may be incurred by a pregnant woman who chooses to make an umbilical cord blood donation;

F. options for ownership and future use of the donated material;
and

G. the availability in this state of umbilical cord blood donations.

Section 6. DONATION OF UMBILICAL CORD BLOOD.--

A. Unless it is medically inadvisable, all health care facilities and health care providers treating a pregnant woman during the delivery of a newborn child shall, if requested by that woman, permit her to arrange for an umbilical cord blood donation.

B. Nothing in this section imposes an obligation upon a health care facility or health care provider to permit an umbilical cord blood donation if in the professional judgment of a health care provider the donation of umbilical cord blood would threaten the health of the mother or newborn child.

C. Nothing in this section imposes an obligation upon a health care facility or health care provider to permit an umbilical cord blood donation if the donation conflicts with bona fide religious beliefs of the health care facility or health care provider. If a health care facility or health care provider declines to engage in umbilical cord blood donation,

that fact shall be made known to pregnant patients of that facility or provider as soon as reasonably feasible.

Section 7. APPROPRIATION.--Twenty-five thousand dollars (\$25,000) is appropriated from the general fund to the department of health for expenditure in fiscal year 2006 to carry out the provisions of the Umbilical Cord Blood Banking Act. Any unexpended or unencumbered balance remaining at the end of fiscal year 2006 shall revert to the general fund.

Section 8. SEVERABILITY.--If any part or application of the Umbilical Cord Blood Banking Act is held invalid, the remainder or its application to other situations or persons shall not be affected.

Section 9. EFFECTIVE DATE.--

A. The effective date of the provisions of Sections 1 through 3, 5, 7 and 8 of this act is July 1, 2005.

B. The effective date of the provisions of Sections 4 and 6 of this act is January 1, 2006.