

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 874 Session of 2007

INTRODUCED BY HERSHEY, HENNESSEY, BENNINGTON, BOYD, CAPPELLI, CLYMER, COHEN, CREIGHTON, CUTLER, EVERETT, FAIRCHILD, GEIST, GINGRICH, KAUFFMAN, M. KELLER, W. KELLER, KENNEY, KILLION, LEACH, McILHATTAN, MUNDY, MYERS, NAILOR, OLIVER, O'NEILL, PALLONE, PICKETT, RAPP, REICHLEY, ROHRER, RUBLEY, SAYLOR, SCAVELLO, SCHRODER, SOLOBAY, STERN, SWANGER, TANGRETTI, TRUE, VULAKOVICH, WATSON, YOUNGBLOOD, JAMES, SIPTROTH, DENLINGER, LONGIETTI AND CALTAGIRONE, MARCH 22, 2007

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JULY 7, 2007

AN ACT

1 Providing for umbilical cord blood banking; requiring health
2 care facilities and providers to give pregnant patients
3 information regarding umbilical cord blood banking; and
4 requiring health care facilities to permit pregnant patients
5 to arrange for umbilical cord blood donations.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Short title.

9 This act shall be known and may be cited as the Umbilical
10 Cord Blood Banking EDUCATION AND DONATION Act. <—

11 Section 2. Purpose of act.

12 The purpose of this act is to educate pregnant women
13 regarding the potential benefits of umbilical cord blood banking
14 and to provide opportunities for the donation and storage of
15 umbilical cord blood when desired by a pregnant woman.

16 Section 3. Definitions.

1 The following words and phrases when used in this act shall
2 have the meanings given to them in this section unless the
3 context clearly indicates otherwise:

4 "Department." The Department of Health of the Commonwealth.

5 "Health care facility." An institution providing health care
6 services to a pregnant woman that are directly related to her
7 pregnancy, including a hospital, clinic or other inpatient
8 center, outpatient facility or diagnostic or treatment center
9 that is licensed by the Department of Health.

10 "Health care provider." A person who is licensed, certified
11 or otherwise authorized by law to provide or render health care
12 services to pregnant women in this Commonwealth in the ordinary
13 course of business or practice of a profession but is limited to
14 a medical physician, osteopathic physician, certified nurse
15 practitioner and certified nurse-midwife.

16 "Umbilical cord blood." The blood that remains in the
17 umbilical cord and placenta after the birth of a newborn child.
18 Section 4. Dissemination of information.

19 (a) Options.--All health care providers providing health
20 care services to a pregnant woman by the end of the second
21 trimester (28th week), which health care services are directly
22 related to her pregnancy, shall advise her of options to donate
23 umbilical cord blood following the delivery of a newborn child,
24 by providing standardized objective information about cord blood
25 banking that is sufficient to allow a pregnant woman to make an
26 informed decision on whether to participate in a public or
27 private umbilical cord blood banking program. This shall include
28 information on the free family banking and sibling donor
29 programs where there is an existing medical need by a family
30 member. Provision in a timely manner of publications prepared by

1 the department pursuant to section 5 shall constitute compliance
2 with this subsection.

3 (b) Exemption.--Nothing in this section imposes an
4 obligation upon a health care provider to inform a pregnant
5 woman regarding her umbilical cord blood banking options if such
6 information conflicts with bona fide religious beliefs of the
7 health care provider.

8 Section 5. Informational publications.

9 The department shall, on the department's Internet website,
10 make available to health care providers printable publications
11 that include the following information:

12 (1) An explanation of the differences between public and
13 private umbilical cord blood banking.

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

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

18 (4) The current and potential future medical uses and
19 benefits of umbilical cord blood collection to a mother, her
20 newborn child and her biological family.

21 (5) The current and potential future medical uses and
22 benefits of umbilical cord blood collection to persons who
23 are not biologically related to a mother or her newborn
24 child.

25 (6) Any costs that may be incurred by a pregnant woman
26 who chooses to make an umbilical cord blood donation.

27 (7) The average costs of public and private umbilical
28 cord blood banking.

29 (8) Options for ownership and future use of the donated
30 material.

1 (9) The availability in this Commonwealth of umbilical
2 cord blood donations.

3 Section 6. Donation of umbilical cord blood.

4 (a) Arrangements for donations.--Unless it is medically
5 inadvisable, all health care facilities and health care
6 providers treating a pregnant woman during the delivery of a
7 newborn child shall, if requested by that woman, permit her to
8 arrange for an umbilical cord blood donation.

9 (b) Exceptions relating to health of mother.--Nothing in
10 this section imposes an obligation upon a health care facility
11 or health care provider to permit an umbilical cord blood
12 donation if, in the professional judgment of a health care
13 provider, the donation of umbilical cord blood would threaten
14 the health of the mother or newborn child.

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

24 Section 7. Effective date.

25 This act shall take effect in 60 days.