AN ACT

relating to information regarding umbilical cord blood options.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 162, Health and Safety Code, is amended by adding Sections 162.018 and 162.019 to read as follows:

Sec. 162.018. BROCHURE ON UMBILICAL CORD BLOOD OPTIONS.

(a) The executive commissioner of the Health and Human Services Commission shall prepare and update as necessary a brochure based on nationally accepted, peer reviewed, scientific research information regarding stem cells contained in the umbilical cord blood after delivery of an infant. The information in the brochure must include:

(1) the current and potential uses, risks, and benefits of stem cells contained in umbilical cord blood to a potential recipient of donated stem cells, including a biological family member, extended family member, or nonrelated individual;

(2) the options available for future use or storage of umbilical cord blood after delivery of an infant, including:

(A) discarding the stem cells;

(B) donating the stem cells to a public umbilical cord blood bank;

(C) storing the stem cells in a private family umbilical cord blood bank for use by immediate and extended family members; and
(D) storing the stem cells for immediate and
extended family use through a family or sibling donor banking
program that provides free collection, processing, and storage when
a medical need exists;

(3) the medical process used to collect umbilical cord
blood after delivery of an infant;

(4) any risk associated with umbilical cord blood
collection to the mother and the infant;

(5) any costs that may be incurred by a pregnant woman
who chooses to donate or store umbilical cord blood after delivery
of the woman's infant; and

(6) the average cost of public and private umbilical
cord blood banking.

(b) The Department of State Health Services shall make the
brochure available on the department's website and shall distribute
the brochure on request to physicians or other persons permitted by
law to attend a pregnant woman during gestation or at delivery of an
infant.

Sec. 162.019. DUTY OF CERTAIN PROFESSIONALS. (a) Except as
otherwise provided by this section, a physician or other person
permitted by law to attend a pregnant woman during gestation or at
delivery of an infant shall provide the woman with the brochure
described in Section 162.018 before the third trimester of the
woman's pregnancy or as soon as reasonably feasible.

(b) A person described in Subsection (a) who attends a
pregnant woman during delivery of her infant shall permit the
mother to arrange for umbilical cord blood storage or donation if
the mother requests unless, in the opinion of the person, the

      (c) A person described by Subsection (a) is not required to
distribute the brochure under Subsection (a) or to permit for the
arrangement of umbilical cord blood storage or donation under
Subsection (b) if the action conflicts with the person's religious
beliefs and the person makes this fact known to the mother as soon
as reasonably feasible.

      (d) A person described by Subsection (a) is not required to
distribute the brochure under Subsection (a) while treating the
pregnant woman for an emergency condition or when the mother
presents in labor and delivers the infant during that presentation.

      (e) A person described by Subsection (a) is not required to
distribute the brochure under Subsection (a) if the woman provides
the person with a written statement that she chooses to view the
materials on the website described by Section 162.018(b).

      (f) A person described by Subsection (a) who fails to
distribute the brochure is not subject to discipline by the
appropriate licensing agency and a cause of action is not created by
any failure to distribute the brochure as required by this section.

      SECTION 2. Not later than January 1, 2008, the executive
commissioner of the Health and Human Services Commission shall
prepare and the Department of State Health Services shall
distribute the brochure required by Section 162.018, Health and
Safety Code, as added by this Act.

      SECTION 3. A physician or other person permitted by law to
attend a pregnant woman during gestation or at delivery of an infant
is not required to comply with Section 162.019, Health and Safety Code, as added by this Act, before January 1, 2008.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2007.
I certify that H.B. No. 709 was passed by the House on April 11, 2007, by the following vote: Yeas 145, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 709 on May 3, 2007, by the following vote: Yeas 141, Nays 0, 2 present, not voting.

I certify that H.B. No. 709 was passed by the Senate, with amendments, on May 1, 2007, by the following vote: Yeas 31, Nays 0.

APPROVED: ____________________
Date

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Governor