

# SENATE BILL 442

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SB 631/08 – FIN

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By: **Senators Jacobs, Colburn, Forehand, Greenip, Kittleman, Mooney,  
Munson, Simonaire, and Stone**

Introduced and read first time: February 2, 2009

Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **Department of Health and Mental Hygiene – Umbilical Cord Blood Banking –**  
3 **Educational Publication**

4 FOR the purpose of requiring a hospital to allow a pregnant patient to arrange for the  
5 donation of umbilical cord blood to a certified private cord blood bank under  
6 certain circumstances; requiring the Department of Health and Mental  
7 Hygiene, in consultation with certain groups, to develop an educational  
8 publication; specifying the content of the publication; requiring the Department  
9 to update and distribute a certain publication; requiring providers of obstetrical  
10 services to distribute a certain publication under certain circumstances; making  
11 a certain exception; providing that certain providers of obstetrical services may  
12 not be subject to certain discipline; prohibiting the creation of a certain cause of  
13 action; requiring the Department to complete the development of a certain  
14 publication by a certain date; and generally relating to the development of an  
15 educational publication concerning the banking of umbilical cord blood.

16 BY repealing and reenacting, with amendments,  
17 Article – Health – General  
18 Section 19–308.7  
19 Annotated Code of Maryland  
20 (2005 Replacement Volume and 2008 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
22 MARYLAND, That the Laws of Maryland read as follows:

23 **Article – Health – General**

24 19–308.7.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) Unless it is medically inadvisable, each hospital shall allow a pregnant  
2 patient to arrange for the donation of the blood extracted from the umbilical cord of  
3 the patient's newborn child to a certified public **OR PRIVATE** cord blood bank.

4 (b) A patient who agrees to donate cord blood to a public cord blood bank  
5 may not be charged for the costs of collecting, storing, or transporting the cord blood.

6 (c) A hospital is not required to collect cord blood if in the professional  
7 judgment of a licensed physician the collection of the cord blood would threaten the  
8 health of the mother or newborn child.

9 (d) A hospital or hospital employee, including a physician, nurse, or other  
10 medical staff, may not be required to collect cord blood if the collection of cord blood  
11 conflicts with the bona fide religious practices and beliefs of the hospital or hospital  
12 employee.

13 (e) This section may not be construed to require a hospital to arrange for the  
14 donation of blood extracted from umbilical cords.

15 (f) (1) The Department, in consultation with obstetricians, the Maryland  
16 Hospital Association, and interested groups, shall develop **AN** educational [materials  
17 concerning the values, uses, and donation of umbilical cord blood for the purposes of  
18 paragraph (2) of this subsection.

19 (2) Each obstetrician and hospital that provides obstetrical services  
20 shall distribute the educational materials described in paragraph (1) of this subsection  
21 to pregnant patients] **PUBLICATION CONTAINING CURRENT AND MEDICALLY  
22 ACCURATE INFORMATION ABOUT THE BENEFITS OF UMBILICAL CORD BLOOD  
23 STEM CELLS AND UMBILICAL CORD BLOOD BANKING THAT IS SUFFICIENT TO  
24 ALLOW A PREGNANT PATIENT TO MAKE AN INFORMED DECISION REGARDING  
25 HER NEWBORN'S CORD BLOOD STEM CELLS, INCLUDING:**

26 (I) **AN EXPLANATION OF THE DIFFERENCES BETWEEN  
27 PUBLIC AND PRIVATE UMBILICAL CORD BLOOD BANKING;**

28 (II) **THE POTENTIAL OPTIONS AVAILABLE TO A PATIENT  
29 REGARDING STEM CELLS THAT ARE CONTAINED IN THE UMBILICAL CORD  
30 BLOOD AFTER DELIVERY OF HER NEWBORN, INCLUDING:**

31 **1. DONATING THE STEM CELLS TO A PUBLIC  
32 UMBILICAL CORD BLOOD BANK WHERE FACILITIES ARE AVAILABLE;**

33 **2. STORING THE STEM CELLS IN A PRIVATE FAMILY  
34 UMBILICAL CORD BLOOD BANK FOR USE BY IMMEDIATE AND EXTENDED FAMILY  
35 MEMBERS;**

1                   **3.    STORING THE STEM CELLS FOR USE BY**  
2 **IMMEDIATE OR EXTENDED FAMILY MEMBERS THROUGH A FAMILY OR SIBLING**  
3 **DONOR BANKING PROGRAM THAT PROVIDES FREE COLLECTION, PROCESSING,**  
4 **AND STORAGE WHEN THERE IS AN EXISTING MEDICAL NEED; AND**

5                   **4.    DISCARDING THE STEM CELLS;**

6                   **(III) THE MEDICAL PROCEDURES UTILIZED IN THE**  
7 **COLLECTION OF UMBILICAL CORD BLOOD;**

8                   **(IV) ANY RISKS ASSOCIATED WITH UMBILICAL CORD BLOOD**  
9 **COLLECTION TO THE MOTHER OR NEWBORN CHILD;**

10                  **(V) THE CURRENT AND POTENTIAL FUTURE MEDICAL USES**  
11 **AND BENEFITS OF STEM CELLS CONTAINED IN UMBILICAL CORD BLOOD TO THE**  
12 **MOTHER, HER NEWBORN CHILD, AND BIOLOGICALLY RELATED FAMILY**  
13 **MEMBERS;**

14                  **(VI) THE CURRENT AND POTENTIAL FUTURE MEDICAL USES**  
15 **AND BENEFITS OF STEM CELLS CONTAINED IN UMBILICAL CORD BLOOD TO**  
16 **PERSONS WHO ARE NOT BIOLOGICALLY RELATED TO THE NEWBORN CHILD;**

17                  **(VII) THE MEDICAL OR FAMILY HISTORY CRITERIA THAT CAN**  
18 **IMPACT ON A PATIENT’S CONSIDERATION OF UMBILICAL CORD BLOOD BANKING;**

19                  **(VIII) OPTIONS FOR OWNERSHIP AND FUTURE USE OF**  
20 **DONATED UMBILICAL CORD BLOOD;**

21                  **(IX) THE AVERAGE COST OF PUBLIC AND PRIVATE**  
22 **UMBILICAL CORD BLOOD BANKING; AND**

23                  **(X) A REFERENCE TO THE LIST OF RESEARCH STUDIES**  
24 **USING CORD BLOOD THAT ARE APPROVED BY THE FEDERAL GOVERNMENT AND**  
25 **AVAILABLE ON THE WEBSITE OF THE NATIONAL INSTITUTES OF HEALTH.**

26                  **(2) THE DEPARTMENT SHALL:**

27                  **(I) UPDATE THE EDUCATIONAL PUBLICATION AS**  
28 **APPROPRIATE;**

29                  **(II) DISTRIBUTE THE PUBLICATION FREE OF CHARGE ON**  
30 **THE REQUEST OF A PROVIDER OF OBSTETRICAL SERVICES; AND**

1                   (III) POST THE PUBLICATION ON ITS WEBSITE IN A  
2 PRINTABLE FORMAT.

3                   (3) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH  
4 (II) OF THIS PARAGRAPH, A PROVIDER OF OBSTETRICAL SERVICES TO A  
5 PREGNANT PATIENT SHALL DISTRIBUTE THE PUBLICATION DESCRIBED IN  
6 PARAGRAPH (1) OF THIS SUBSECTION BEFORE THE THIRD TRIMESTER OF THE  
7 PREGNANCY OF THE PATIENT OR AS SOON AS REASONABLY PRACTICABLE.

8                   (II) A PROVIDER OF OBSTETRICAL SERVICES IS NOT  
9 REQUIRED TO DISTRIBUTE THE PUBLICATION DESCRIBED IN PARAGRAPH (1) OF  
10 THIS SUBSECTION IF:

11                   1. THE COLLECTION OF CORD BLOOD CONFLICTS  
12 WITH THE BONA FIDE RELIGIOUS PRACTICES AND BELIEFS OF THE PROVIDER;  
13 AND

14                   2. THE PROVIDER MAKES THE CONFLICT KNOWN TO  
15 THE PATIENT AS SOON AS REASONABLY PRACTICABLE.

16                   (III) IN THE CASE OF A PROVIDER OF OBSTETRICAL  
17 SERVICES WHO DOES NOT DISTRIBUTE THE PUBLICATION:

18                   1. THE PROVIDER IS NOT SUBJECT TO DISCIPLINE  
19 BY THE APPROPRIATE LICENSING AUTHORITY; AND

20                   2. A CAUSE OF ACTION AGAINST THE PROVIDER IS  
21 NOT CREATED.

22                   SECTION 2. AND BE IT FURTHER ENACTED, That, on or before November 1,  
23 2009, the Department of Health and Mental Hygiene shall complete the development  
24 of the publication described in Section 1 of this Act.

25                   SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
26 July 1, 2009.