

SENATE BILL 332

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2004 Regular Session
4r2138
CF 4r1490

By: **Senators Jacobs, Kelley, Lawlah, and Stone**
Introduced and read first time: February 3, 2004
Assigned to: Finance

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 8, 2004

CHAPTER _____

1 AN ACT concerning

2 **Hospitals - Umbilical Cord Blood - Donation**

3 FOR the purpose of requiring each hospital to ~~offer~~ allow pregnant patients the option
4 of ~~donating~~ arranging for the donation of certain umbilical cord blood to a
5 certain cord blood bank with a certain exception; prohibiting a patient from
6 being charged for the collection, storage, or transportation of donated cord blood;
7 providing that a hospital is not required to collect cord blood from certain
8 patients in certain circumstances; ~~prohibiting the required collection of cord~~
9 ~~blood by certain hospitals and certain hospital employees directly affiliated with~~
10 ~~a bona fide religious denomination with certain religious beliefs relating to the~~
11 ~~transfer of human blood~~ providing that a hospital or hospital employee may not
12 be required to collect cord blood if the collection of cord blood conflicts with the
13 bona fide religious practices and beliefs of the hospital or hospital employee;
14 providing for the construction of this Act; and generally relating to the donation
15 of umbilical cord blood through hospitals.

16 BY adding to
17 Article - Health - General
18 Section 19-308.7
19 Annotated Code of Maryland
20 (2000 Replacement Volume and 2003 Supplement)

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

1

Article - Health - General

2 19-308.7.

3 (A) UNLESS IT IS MEDICALLY INADVISABLE, EACH HOSPITAL SHALL ~~OFFER~~
4 ALLOW A PREGNANT PATIENT THE OPTION OF DONATING TO ARRANGE FOR THE
5 DONATION OF THE BLOOD EXTRACTED FROM THE UMBILICAL CORD OF THE
6 PATIENT'S NEWBORN CHILD TO A CERTIFIED PUBLIC CORD BLOOD BANK.

7 (B) A PATIENT WHO AGREES TO DONATE CORD BLOOD TO A PUBLIC CORD
8 BLOOD BANK MAY NOT BE CHARGED FOR THE COSTS OF COLLECTING, STORING, OR
9 TRANSPORTING THE CORD BLOOD.

10 (C) A HOSPITAL IS NOT REQUIRED TO COLLECT CORD BLOOD IF IN THE
11 PROFESSIONAL JUDGMENT OF A LICENSED PHYSICIAN THE COLLECTION OF THE
12 CORD BLOOD WOULD THREATEN THE HEALTH OF THE MOTHER OR NEWBORN CHILD.

13 (D) ~~ANY A HOSPITAL OR ANY HOSPITAL EMPLOYEE, INCLUDING PHYSICIANS,~~
14 ~~NURSES, AND OTHER MEDICAL STAFF, THAT ARE DIRECTLY AFFILIATED WITH A~~
15 ~~BONA FIDE RELIGIOUS DENOMINATION, THAT INCLUDES AS AN INTEGRAL PART OF~~
16 ~~ITS BELIEFS AND PRACTICES THE TENET THAT BLOOD TRANSFER IS CONTRARY TO~~
17 ~~THE MORAL PRINCIPLES THAT THE DENOMINATION CONSIDERS TO BE AN~~
18 ~~ESSENTIAL PART OF ITS BELIEFS~~ A PHYSICIAN, NURSE, OR OTHER MEDICAL STAFF,
19 MAY NOT BE REQUIRED TO COLLECT CORD BLOOD IF THE COLLECTION OF CORD
20 BLOOD CONFLICTS WITH THE BONA FIDE RELIGIOUS PRACTICES AND BELIEFS OF
21 THE HOSPITAL OR HOSPITAL EMPLOYEE.

22 (E) THIS SECTION MAY NOT BE CONSTRUED TO REQUIRE A HOSPITAL TO
23 ARRANGE FOR THE DONATION OF BLOOD EXTRACTED FROM UMBILICAL CORDS.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
25 effect October 1, 2004.