

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE
Revised

House Bill 565

(Delegate Bobo, *et al.*)

Health and Government Operations

Finance

Hospitals - Bone Marrow Donation

This bill requires a hospital that offers bone marrow transplant services to allow an individual to donate bone marrow to any individual, notwithstanding any other provision of law. The donation may occur if a licensed physician determines, based on the physician's best judgment, that the donation is in the best interests of the donee and there is no substantial risk of medical injury to the donor.

Fiscal Summary

State Effect: The bill would not directly affect governmental operations or finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: A minor who is at least 17 years old, without parental or guardian consent, may give blood to a program that is voluntary; does not pay money for the blood; and is approved by the American Association of Blood Banks or the American Red Cross. A minor who is at least 16 years old and has obtained parental or guardian consent may give blood to the above programs. Parental or guardian consent may be obtained by telephone or electronic means.

Background: Bone marrow contains stem cells that can be transplanted into a person to restore stem cells that were destroyed by high doses of chemotherapy and/or radiation therapy. The National Cancer Institute reports that bone marrow transplants are most

commonly used for treating persons with leukemia or lymphoma, but may also be used to treat childhood brain tumors and neuroblastoma. Donating bone marrow typically does not create significant problems for the donor because only a small amount of bone marrow is removed. The anesthesia used during the procedure poses the most serious risk. After a few weeks time, the donor's body replaces the donated bone marrow. Recovery time after the procedure can vary from two to three days to up to three to four weeks.

The National Marrow Donor Program (NMDP) requires donors to be at least 18, which is the minimum age of donors in 39 other countries as well. According to NMDP, no registry sets the donation age limit below 17 years old. The law has traditionally treated individuals under 18 as being incapable of making an informed decision. Most state legislatures set 18 as the age of majority, with Alabama (19), Nebraska (19), Pennsylvania (21), and Mississippi (21) setting an older age.

NMDP facilitates unrelated bone marrow and blood stem cell transplants for patients with life-threatening diseases who do not have matching donors in their families. NMDP coordinates more than 150 transplants per month. There are more than 5 million potential donors in NMDP's registry.

Additional Information

Prior Introductions: A similar bill, HB 1293 of 2004, had a hearing in the Health and Government Operation Committee and no further action was taken.

Cross File: None.

Information Source(s): Department of Health and Mental Hygiene; National Cancer Institute; *Minimum Age Requirements for Joining the NMDP Registry*, National Marrow Donor Program White Paper; Department of Legislative Services

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