

SENATE BILL 631

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By: **Senators Jacobs and Kittleman**

Introduced and read first time: February 1, 2008

Assigned to: Finance

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 public or private cord blood bank under
6 specified 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 specified circumstances;
11 making a certain exception; providing that certain providers of obstetrical
12 services may not be subject to certain discipline; prohibiting the creation of a
13 certain cause of action; requiring the Department to complete the development
14 of a certain publication by a certain date; and generally relating to the
15 development of an educational publication concerning the banking of umbilical
16 cord blood.

17 BY repealing and reenacting, with amendments,
18 Article - Health - General
19 Section 19-308.7
20 Annotated Code of Maryland
21 (2005 Replacement Volume and 2007 Supplement)

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

24 **Article - Health - General**

25 19-308.7.

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 STANDARDIZED, OBJECTIVE**
22 **INFORMATION ABOUT UMBILICAL CORD BLOOD BANKING THAT IS SUFFICIENT**
23 **TO ALLOW A PREGNANT PATIENT TO MAKE AN INFORMED DECISION ABOUT**
24 **WHETHER TO PARTICIPATE IN A PUBLIC OR PRIVATE UMBILICAL CORD**
25 **BANKING PROGRAM, INCLUDING:**

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

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

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

33 **2. STORING THE STEM CELLS IN A PRIVATE FAMILY**
34 **UMBILICAL CORD 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 BANKING;**

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

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

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

24 **(I) UPDATE THE EDUCATIONAL PUBLICATION AS**
25 **APPROPRIATE;**

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

28 **(III) POST THE PUBLICATION ON ITS WEBSITE IN A**
29 **PRINTABLE FORMAT.**

30 **(3) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH**
31 **(II) OF THIS PARAGRAPH, A PROVIDER OF OBSTETRICAL SERVICES TO A**

1 PREGNANT PATIENT SHALL DISTRIBUTE THE PUBLICATION DESCRIBED IN
2 PARAGRAPH (1) OF THIS SUBSECTION BEFORE THE THIRD TRIMESTER OF THE
3 PREGNANCY OF THE PATIENT OR AS SOON AS REASONABLY PRACTICABLE.

4 (II) A PROVIDER OF OBSTETRICAL SERVICES IS NOT
5 REQUIRED TO DISTRIBUTE THE PUBLICATION DESCRIBED IN PARAGRAPH (1) OF
6 THIS SUBSECTION, IF THE COLLECTION OF CORD BLOOD:

7 1. CONFLICTS WITH THE BONA FIDE RELIGIOUS
8 PRACTICES AND BELIEFS OF THE PROVIDER; AND

9 2. THE PROVIDER MAKES THE CONFLICT KNOWN TO
10 THE PATIENT AS SOON AS REASONABLY PRACTICABLE.

11 (III) A PROVIDER OF OBSTETRICAL SERVICES WHO DOES
12 NOT DISTRIBUTE THE PUBLICATION:

13 1. IS NOT SUBJECT TO DISCIPLINE BY THE
14 APPROPRIATE LICENSING AUTHORITY; AND

15 2. A CAUSE OF ACTION AGAINST THE PROVIDER IS
16 NOT CREATED.

17 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before November 1,
18 2008, the Department of Health and Mental Hygiene shall complete the development
19 of the publication described in Section 1 of this Act.

20 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 July 1, 2008.