

1 HB444  
2 116826-1  
3 By Representatives McClurkin, Love, Hubbard, Allen, Greeson,  
4 Millican and Bridges  
5 RFD: Health  
6 First Read: 26-JAN-10

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8 SYNOPSIS: Under existing law, there are no express  
9 provisions regarding the use of umbilical cord  
10 blood.

11 This bill would establish the Umbilical Cord  
12 Blood Use Act and would provide for education about  
13 umbilical cord blood and its storage and use.

14  
15 A BILL  
16 TO BE ENTITLED  
17 AN ACT  
18

19 To establish the Umbilical Cord Blood Use Act; to  
20 provide for the dissemination of information to pregnant women  
21 regarding umbilical cord blood donation, use, and storage.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. This act shall be known and may be cited  
24 as the "Umbilical Cord Blood Use Act."

25 Section 2. The Legislature declares that the purpose  
26 of this act is to educate pregnant women and others regarding  
27 the potential medical benefits and use of stem cells found in

1 umbilical cord blood and to provide opportunities for banking  
2 or donating umbilical cord blood when desired by a pregnant  
3 woman.

4 Section 3. As used in this act, the following terms  
5 shall have the following meanings:

6 (1) BANKING. The act of storing umbilical cord blood  
7 in a private facility for possible use by the woman, her  
8 child, or her biological family.

9 (2) DONATING. The act of storing umbilical cord  
10 blood in a public facility for use by non-family persons who  
11 are medically eligible.

12 (3) HEALTH CARE FACILITY. An institution providing  
13 health care services to pregnant women, including a hospital,  
14 a clinic, or other inpatient center, outpatient facility, or  
15 diagnostic or treatment center.

16 (4) HEALTH CARE PROVIDER. A medical physician,  
17 osteopathic physician, certified nurse practitioner, or  
18 certified nurse midwife who is licensed, certified, or  
19 otherwise authorized by law to provide or render health care  
20 services to pregnant women in Alabama in the ordinary course  
21 of business or practice of a profession.

22 (5) UMBILICAL CORD BLOOD. The blood that remains in  
23 the umbilical cord and placenta after the birth of a newborn  
24 child.

25 Section 4. All health care providers providing  
26 health care services to a pregnant woman during the last  
27 trimester of her pregnancy directly related to her pregnancy

1 shall advise her of the possible medical uses of stem cells  
2 found in the umbilical cord blood and options for banking or  
3 donating umbilical cord blood following the delivery of a  
4 newborn child. Provision in a timely manner of publications  
5 prepared by the Department of Public Health relating to the  
6 Umbilical Cord Blood Use Act shall constitute compliance with  
7 this subsection.

8 Section 5. The Department of Public Health, by  
9 January 1, 2010, shall prepare and distribute by electronic  
10 means to health care providers written publications that  
11 include all of the following information:

12 (1) The medical processes involved in the collection  
13 of umbilical cord blood.

14 (2) The medical risks, if any, to a mother and her  
15 newborn child of umbilical cord blood collection.

16 (3) The current and potential future medical uses  
17 and benefits of stem cells in the umbilical cord blood and its  
18 collection for a mother, her newborn child, and her biological  
19 family.

20 (4) The current and potential future medical uses  
21 and benefits of stem cells in the umbilical cord blood and its  
22 collection for persons who are not biologically related to a  
23 mother or her newborn child.

24 (5) Any costs that may be incurred by a pregnant  
25 woman who chooses to bank or donate an umbilical cord blood.

26 (6) Options for ownership and future use of the  
27 banked or donated material.

1           (7) The availability in this state of umbilical cord  
2 blood banks and donations.

3           (8) Resources available for further information.

4           Section 6. (a) Unless it is medically inadvisable,  
5 all health care facilities and health care providers treating  
6 a pregnant woman during the delivery of a newborn child, if  
7 requested by that woman, shall permit her to arrange for  
8 banking or donating her umbilical cord blood.

9           (b) Nothing in this section imposes an obligation  
10 upon a health care facility or health care provider to permit  
11 umbilical cord blood banking or donating if in the  
12 professional judgment of the health care provider the banking  
13 or donating of umbilical cord blood would threaten the health  
14 of the mother or newborn child.

15           (c) Nothing in this section imposes an obligation  
16 upon a health care facility or health care provider to permit  
17 umbilical cord blood banking or donating if the banking or  
18 donating conflicts with bona fide religious beliefs of the  
19 health care facility or health care provider. If a health care  
20 facility or health care provider declines to engage in  
21 umbilical cord blood banking or donating, that fact shall be  
22 made known to pregnant patients of that facility or provider  
23 as soon as reasonably feasible.

24           Section 7. This act shall become effective on the  
25 first day of the third month following its passage and  
26 approval by the Governor, or its otherwise becoming law.