

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 695 of the Regular Session

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007
4

As Engrossed: H3/15/07

A Bill

HOUSE BILL 2416

5 By: Representatives Woods, Bond, E. Brown, Glidewell, Greenberg, House, D. Hutchinson, Key, King,
6 Lamoureux, M. Martin, Pierce, S. Prater, Ragland, Shelby, L. Smith, Walters, Webb, Wills, *Burris*
7
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For An Act To Be Entitled

10 AN ACT TO CREATE THE NEWBORN UMBILICAL CORD BLOOD
11 BANK FOR POSTNATAL TISSUE AND FLUID; TO PROVIDE
12 FOR THE ARKANSAS COMMISSION FOR THE NEWBORN
13 UMBILICAL CORD BLOOD INITIATIVE; TO PROVIDE FOR
14 CERTAIN FUNDING MECHANISMS; TO PROVIDE AN INCOME
15 TAX CHECKOFF; AND FOR OTHER PURPOSES.
16

Subtitle

17 AN ACT TO CREATE THE NEWBORN UMBILICAL
18 CORD BLOOD BANK FOR POSTNATAL TISSUE AND
19 FLUID.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

25 SECTION 1. Arkansas Code Title 20, Chapter 8 is amended to add an
26 additional subchapter to read as follows:

27 20-8-501. Title.

28 This subchapter shall be known and may be cited as the "Newborn
29 Umbilical Cord Blood Initiative Act".
30

31 20-8-502. Legislative findings.

32 The General Assembly finds that:

33 (1) More than one hundred million (100,000,000) Americans and
34 two billion (2,000,000,000) other humans worldwide suffer from diseases that
35 may eventually be treated more effectively or even cured with stem cells;



1 (2) Stem cell research has been hampered by the controversy over
2 the use of embryonic stem cells;

3 (3) Stem cells are not found only in embryos;

4 (4) The umbilical cord, placenta, and amniotic fluid are rich in
5 stem cells that may be used for scientific research and medical treatment
6 without destroying embryos;

7 (5) Stem cell research using stem cells from postnatal tissue
8 and fluid has already resulted in treatments for anemia, leukemia, lymphoma,
9 lupus, multiple sclerosis, rheumatoid arthritis, sickle cell disease, spinal
10 cord injury, and Crohn's disease;

11 (6) Stem cell therapies using stem cells from postnatal tissue
12 and fluid are being studied for diseases as wide-ranging and diverse as
13 corneal degeneration, heart disease, stroke, Parkinson's disease, and
14 Alzheimer's disease;

15 (7) It is the public policy of this state to encourage the
16 donation, collection, and storage of stem cells collected from postnatal
17 tissue and fluid and to make such stem cells available for both scientific
18 research and medical treatment; and

19 (8) It shall be the public policy of this state to encourage
20 ethical research in life science and regenerative medicine.

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22 20-8-503. Definitions.

23 As used in this subchapter:

24 (1) "Amniotic fluid" means the fluid inside the amnion;

25 (2) "Nonembryonic stem cell research" means medical research
26 involving stem cells that have not been derived from a human embryo or fetus;

27 (3) "Placenta" means the organ that forms on the inner wall of
28 the human uterus during pregnancy;

29 (4) "Postnatal tissue and fluid" means the placenta, umbilical
30 cord, and amniotic fluid expelled or extracted in connection with the birth
31 of a human being;

32 (5) "Stem cell" means an unspecialized or undifferentiated cell
33 that can self-replicate and has the potential to differentiate into a
34 specialized cell type; and

35 (6) "Umbilical cord" means the gelatinous tissue and blood
36 vessels connecting an unborn human being to the placenta.

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2 20-8-504. Newborn Umbilical Cord Blood Initiative.

3 (a)(1) On or before June 30, 2008, the Arkansas Commission for the
4 Newborn Umbilical Cord Blood Initiative shall establish a network of
5 postnatal tissue and fluid banks in partnership with one (1) or more public
6 or private colleges or universities, public or private hospitals, nonprofit
7 organizations, or private firms in this state for the purpose of collecting
8 and storing postnatal tissue and fluid.

9 (2) The Newborn Umbilical Cord Blood Bank shall create a
10 voluntary program to make tissue and fluid available for scientific research
11 and medical treatment in accordance with this subchapter.

12 (3) A parent of a child born in this state may voluntarily
13 contribute postnatal tissue and fluid to the Newborn Umbilical Cord Blood
14 Bank.

15 (b)(1) The commission shall develop a voluntary program to educate
16 pregnant patients with respect to the banking of postnatal tissue and fluid.

17 (2) The program shall include:

18 (A) An explanation of the difference between public and
19 private postnatal tissue and fluid banking programs;

20 (B) The medical process involved in the collection and
21 storage of postnatal tissue and fluid;

22 (C) The current and potential future medical uses of
23 stored postnatal tissue and fluid;

24 (D) The benefits and risks involved in the banking of
25 postnatal tissue and fluid; and

26 (E) The availability and cost of storing postnatal tissue
27 and fluid in public and private umbilical cord blood banks.

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29 20-8-505. Arkansas Commission for the Newborn Umbilical Cord Blood
30 Initiative – Creation – Members.

31 (a) The Arkansas Commission for the Newborn Umbilical Cord Blood
32 Initiative is created.

33 (b)(1) The commission shall consist of eleven (11) members appointed
34 as follows:

35 (A) Three (3) members appointed by the Governor as
36 follows:

1 (i) One (1) member who is a physician licensed by
2 the Arkansas State Medical Board;

3 (ii) One (1) member who has a financial background;
4 and

5 (iii) One (1) member who has a legal background or
6 an ethicist background, or both;

7 (B) Three (3) members appointed by the Speaker of the
8 House of Representatives as follows;;

9 (i) One (1) member who is a physician licensed by
10 the Arkansas State Medical Board;

11 (ii) One (1) member who has a financial background;
12 and

13 (iii) One (1) member who has a legal background or
14 an ethicist background, or both;

15 (C) Three (3) members appointed by the President Pro
16 Tempore of the Senate as follows:

17 (i) One (1) member who is a physician licensed by
18 the Arkansas State Medical Board;

19 (ii) One (1) member who has a financial background;
20 and

21 (iii) One (1) member who has a legal background or
22 an ethicist background, or both;

23 (D) The Dean of the Fay W. Boozman College of Public
24 Health or his or her designee; and

25 (E) The Director of the Division of Health of the
26 Department of Health and Human Services or his or her designee.

27 (2) The commission shall include one (1) consultant, nonvoting
28 member who shall be the Director of Cell Therapy and Transfusion Medicine of
29 the College of Medicine of the University of Arkansas for Medical Sciences.

30 (c) The Governor shall designate one (1) member as chair of the
31 commission.

32 (d) The chair shall call the first meeting of the commission within
33 sixty (60) days of his or her appointment.

34 (e)(1) At the first meeting of the commission, the members shall draw
35 lots so that three (3) members serve two-year terms, three (3) members serve
36 three-year terms, and three (3) members serve four-year terms.

1 (2) After the initial terms, members shall serve four-year
2 terms.

3 (f) The commission shall meet at least quarterly.

4 (g)(1) A majority of the membership of the commission shall constitute
5 a quorum.

6 (2) A majority vote of those members present shall be required
7 for any action of the commission.

8 (h) Vacancies on the commission due to death, resignation, removal, or
9 other causes shall be filled in the same manner as is provided in this
10 section for initial appointments.

11
12 20-8-506. Arkansas Commission for the Newborn Umbilical Cord Blood
13 Initiative – Powers and duties.

14 (a) The Arkansas Commission for the Newborn Umbilical Cord Blood
15 Initiative shall:

16 (1) Investigate the implementation of this subchapter and
17 recommend improvements in this subchapter to the General Assembly;

18 (2) Make available to the public the records of all meetings of
19 the commission and of all business transacted by the commission;

20 (3) Oversee the operations of the Newborn Umbilical Cord Blood
21 Bank, including without limitation the approval of all fees established to
22 cover administration, collection, and storage costs;

23 (4) Undertake the Newborn Umbilical Cord Blood Initiative by
24 promoting awareness of the blood bank and encouraging donation of postnatal
25 tissue and fluid to the blood bank;

26 (5) Ensure the privacy of persons who donate umbilical cord
27 blood, amniotic fluid, and placental tissue to the blood bank;

28 (6) Develop a plan for making postnatal tissue and fluid
29 collected under the Newborn Umbilical Cord Blood Initiative available for
30 scientific research and medical treatment in compliance with all relevant
31 national practice and quality standards;

32 (7) Develop a plan for private storage of postnatal tissue and
33 fluid for medical treatment;

34 (8) Participate in the National Cord Blood Program and register
35 postnatal tissue and fluid collected with registries operating in connection
36 with the program;

1 (9) If funds are available, employ staff and enter into
2 contracts necessary to implement this subchapter; and

3 (10) Report annually to the General Assembly on or before
4 October 1 of each year concerning the activities of the commission.

5 (b) The commission may seek additional funding from any source,
6 including without limitation federal grants and private grants.

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8 20-8-507. Income tax check-off program for contributions to the
9 Newborn Umbilical Cord Blood Initiative.

10 (a)(1) It is the purpose of this section to provide a means by which
11 an individual taxpayer may designate a portion or all of his or her income
12 tax refund to be withheld and contributed for the purposes set forth in this
13 section.

14 (2) It is the intent of the General Assembly that the income tax
15 check-off program established in this section is supplemental to any funding
16 and in no way is intended to take the place of funding that would otherwise
17 be appropriated for this purpose.

18 (b) The Revenue Division of the Department of Finance and
19 Administration shall include on the Arkansas individual income tax forms,
20 including those forms on which a husband and wife file separately on the same
21 form and on all corporate income tax forms, a designation as follows:

22 "(1) If you are entitled to a refund, check if you wish to
23 designate [] \$1, [] \$5, [] \$10, [] \$20, [] \$ (write in
24 amount), or [] all refund due, of your tax refund for the Newborn Umbilical
25 Cord Blood Initiative. Your refund will be reduced by this amount."

26 "(2) If you owe an additional amount, check if you wish to
27 contribute an additional [] \$1, [] \$5, [] \$10, [] \$20, [] \$
28 (write in amount) for the Newborn Umbilical Cord Blood
29 Initiative. If you wish to make a contribution to the program, you must
30 enclose a separate check for the amount of your contribution, payable to the
31 Newborn Umbilical Cord Blood Initiative."

32 (c) The department shall certify quarterly to the Treasurer of State
33 the amount contributed to the program through this state income tax checkoff
34 during the quarter as authorized by this section, and the Treasurer of State
35 shall deduct from the Income Tax Withholding Fund the amount so certified.

36 (d) The Director of the Department of Finance and Administration shall

1 promulgate all rules and all income tax forms, returns, and schedules
2 necessary to carry out the program.

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/s/ Woods, et al

APPROVED: 3/30/2007