

# The General Laws of Massachusetts

## PART I. ADMINISTRATION OF THE GOVERNMENT

### TITLE XVI. PUBLIC HEALTH

#### CHAPTER 111L. BIOTECHNOLOGY

##### **Chapter 111L: Section 5. Bank for umbilical cord blood and placental tissue; donations; exceptions for religious beliefs; agreements with research institutions; educational program**

Section 5. (a) The department, in partnership with the University of Massachusetts Medical School at Worcester, shall, subject to appropriation, establish and maintain a public bank for the purpose of collecting and storing umbilical cord blood and placental tissue donated by maternity patients at participating hospitals. The bank shall make the umbilical cord blood and placental tissue available for research in accordance with section 3.

(b) Notwithstanding any general or special law to the contrary, all licensed hospitals shall inform pregnant patients under their care, not later than 30 days from the commencement of their third trimester of pregnancy, of the opportunity to donate blood and tissue extracted from the umbilical cord and placenta following delivery of a newborn child to a publicly accessible certified umbilical cord blood and placental tissue bank. Donations to research pursuant to this chapter shall be made at no expense to the donor. Nothing in this section shall prohibit a maternity patient from donating or storing blood extracted from the umbilical cord or placenta of the patient's newborn child to a private umbilical cord blood and placental tissue bank.

(c) Institutions conducting research pursuant to this chapter may reach agreement with the public umbilical cord blood and placental tissue bank to acquire donated umbilical cord blood or placental tissue for the purpose of conducting research. This agreement shall provide for the payment of the estimated expenses of the collection and storage of the donated umbilical cord blood and placental tissue, as well as any reasonable administrative fees established by the public umbilical cord blood and placental tissue bank.

(d) Nothing in this section shall obligate a hospital to collect umbilical cord blood or placental tissue if, in the professional judgment of a physician licensed to practice medicine in all its branches or of a nurse, the collection would threaten the health of the mother or child.

(e) Nothing in this section shall impose a requirement upon an employee, physician, nurse, or other medical staff to the extent that blood transfer conflicts with sincerely-held religious practices or beliefs.

(f) The department shall establish a program to educate maternity patients with regard to the subject of cord blood banking. This program shall provide such patients with sufficient information to make an informed decision on whether or not to participate in a private or public

umbilical cord blood banking program. This program shall include, but not be limited to, an explanation of the difference between public and private umbilical cord blood banking, the medical process involved in umbilical cord blood banking, the current and potential future medical uses of stored umbilical cord blood, the benefits and risks involved in banking umbilical cord blood, and the availability and cost of public or private umbilical cord blood banks.