

2008 -- S 2160 SUBSTITUTE A AS AMENDED

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LC01016/SUB A/2
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2008

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A N A C T

RELATING TO HEALTH AND SAFETY -- UMBILICAL CORD BLOOD BANK ACT

Introduced By: Senators Blais, Paiva-Weed, McBurney, Goodwin, and Alves

Date Introduced: January 31, 2008

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 23 of the General Laws entitled "HEALTH AND SAFETY" is hereby
2 amended by adding thereto the following chapter:

3 CHAPTER 83

4 THE UMBILICAL CORD BLOOD DONATION NOTIFICATION ACT

5 **23-83-1. Short title.** – This chapter shall be known and may be cited as "The Umbilical
6 Cord Blood Donation Notification Act."

7 **23-83-2. Definitions.** – As used in this chapter, the following terms are defined as
8 follows:

9 (1) "Umbilical cord blood" is the blood that remains in the umbilical cord and placenta
10 after the birth of a newborn child.

11 (2) "Public cord blood bank" is a bank that maintains a supply of unrelated cord blood
12 units that are philanthropically donated for transplantation or research purposes. This bank may
13 also store a limited number of units for autologous or family use when a disease that is treatable
14 by cord blood transplantation is known to exist within the donor's family.

15 (3) "Private cord blood bank" is a bank that for a fee stores cord blood units for
16 autologous or family use.

17 (4) "Mixed bank" is a bank that maintains a supply of unrelated cord blood units
18 philanthropically donated by transplantation or research purposes to unrelated recipients and also
19 for a fee stores cord blood for autologous use and use by family members.

1 (5) "Obstetrical professional or facility" is licensed health care providers, including, but
2 not limited to, hospitals, birthing centers, health clinics, midwives, obstetricians and other
3 physicians who provide obstetrical services.

4 **23-83-3. Notification of option to donate umbilical cord blood.** – (a) At a time
5 determined to be appropriated by the treating clinician, in consultation with the patient, after the
6 first trimester of pregnancy, and as soon as reasonably feasible, every obstetrical professional or
7 facility in the state shall inform the pregnant woman once during her pregnancy of the following
8 options relating to stem cells that are contained in her umbilical cord blood after the delivery of
9 her child:

10 (1) Donate the stem cells to a public umbilical cord blood bank;

11 (2) Store the stem cells at the patient's expense in a family umbilical cord blood bank for
12 use by the immediate family and extended family members;

13 (3) Store the stem cells for family use through a family or sibling donor banking program
14 that provides free collection, processing and storage where there is a medical need; or

15 (4) Discard the stem cells.

16 (b) A person who acts in good faith pursuant to this section is not subject to civil or
17 criminal liability or professional discipline for those acts.

18 (c) Any obstetrical professional or facility receiving financial remuneration for the
19 collection, processing, or transport of umbilical cord blood shall provide written disclosure of
20 this information to the pregnant woman at the time that the notification of options for umbilical
21 cord blood collection and donation is made pursuant to section 23-83-3.

22 (d) Nothing in this chapter shall be construed to require a patient to donate her umbilical
23 cord blood.

24 **23-83-4. No fees for donation.** – A person who agrees to donate her umbilical cord
25 blood to a public cord blood bank or a mixed bank for use by the cord blood bank shall not be
26 charged any fee for the costs of collecting, processing, transporting or storing the cord blood.

27 **23-83-5. Collection not required if health of mother or newborn impacted.** – An
28 obstetrical professional or facility is not required to collect cord blood or cooperate in the
29 collection of cord blood if in the professional judgment of a licensed obstetrical professional the
30 collection of the cord blood would threaten the health of the mother or the newborn child.

31 **23-83-6. Hospitals required to facilitate donations.** – Unless it is medically
32 inadvisable, each hospital or other obstetrical facility in the state shall cooperate with the
33 collection staff of a cord blood bank designated by a patient to facilitate the donation of the blood
34 extracted from the umbilical cord of the patient's newborn child to a cord blood bank.

1 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO HEALTH AND SAFETY -- UMBILICAL CORD BLOOD BANK ACT

1 This act would require hospitals and other obstetrical facilities and professionals to
2 inform their patients of the option of donating umbilical cord blood to umbilical cord blood
3 banks. This act would also require hospitals and other obstetrical facilities to facilitate the
4 donation of umbilical cord blood to umbilical cord blood banks.

5 This act would take effect upon passage.

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Presented by