

No. 2008-12

AN ACT

HB 874

Providing for umbilical cord blood banking; requiring health care facilities and providers to give pregnant patients information regarding umbilical cord blood banking; and requiring health care facilities to permit pregnant patients to arrange for umbilical cord blood donations.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Short title.

This act shall be known and may be cited as the Umbilical Cord Blood Banking Education and Donation Act.

Section 2. Purpose of act.

The purpose of this act is to educate pregnant women regarding the potential benefits of umbilical cord blood banking and to provide opportunities for the donation and storage of umbilical cord blood when desired by a pregnant woman.

Section 3. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Department.” The Department of Health of the Commonwealth.

“Health care facility.” An institution providing health care services to a pregnant woman that are directly related to her pregnancy, including a hospital, clinic or other inpatient center, outpatient facility or diagnostic or treatment center that is licensed by the Department of Health.

“Health care provider.” A person who is licensed, certified or otherwise authorized by law to provide or render health care services to pregnant women in this Commonwealth in the ordinary course of business or practice of a profession but is limited to a medical physician, osteopathic physician, certified nurse practitioner and certified nurse-midwife.

“Umbilical cord blood.” The blood that remains in the umbilical cord and placenta after the birth of a newborn child.

Section 4. Dissemination of information.

(a) Options.—All health care providers providing health care services to a pregnant woman by the end of the second trimester (28th week), which health care services are directly related to her pregnancy, shall advise her of options to donate umbilical cord blood following the delivery of a newborn child, by providing standardized objective information about cord blood banking that is sufficient to allow a pregnant woman to make an informed decision on whether to participate in a public or private umbilical cord blood banking program. This shall include information on the free family banking

and sibling donor programs where there is an existing medical need by a family member. Provision in a timely manner of publications prepared by the department pursuant to section 5 shall constitute compliance with this subsection.

(b) Exemption.—Nothing in this section imposes an obligation upon a health care provider to inform a pregnant woman regarding her umbilical cord blood banking options if such information conflicts with bona fide religious beliefs of the health care provider.

Section 5. Informational publications.

The department shall, on the department's Internet website, make available to health care providers printable publications that include the following information:

(1) An explanation of the differences between public and private umbilical cord blood banking.

(2) The medical processes involved in the collection of umbilical cord blood.

(3) The medical risks to a mother and her newborn child of umbilical cord blood collection.

(4) The current and potential future medical uses and benefits of umbilical cord blood collection to a mother, her newborn child and her biological family.

(5) The current and potential future medical uses and benefits of umbilical cord blood collection to persons who are not biologically related to a mother or her newborn child.

(6) Any costs that may be incurred by a pregnant woman who chooses to make an umbilical cord blood donation.

(7) The average costs of public and private umbilical cord blood banking.

(8) Options for ownership and future use of the donated material.

(9) The availability in this Commonwealth of umbilical cord blood donations.

Section 6. Donation of umbilical cord blood.

(a) Arrangements for donations.—Unless it is medically inadvisable, all health care facilities and health care providers treating a pregnant woman during the delivery of a newborn child shall, if requested by that woman, permit her to arrange for an umbilical cord blood donation.

(b) Exceptions relating to health of mother.—Nothing in this section imposes an obligation upon a health care facility or health care provider to permit an umbilical cord blood donation if, in the professional judgment of a health care provider, the donation of umbilical cord blood would threaten the health of the mother or newborn child.

(c) Exceptions relating to religion.—Nothing in this section imposes an obligation upon a health care facility or health care provider to permit an umbilical cord blood donation if the donation conflicts with bona fide religious beliefs of the health care facility or health care provider. If a health

care facility or health care provider declines to engage in umbilical cord blood donation, that fact shall be made known to pregnant patients of that facility or provider as soon as reasonably feasible.

Section 7. Effective date.

This act shall take effect in 60 days.

APPROVED—The 3rd day of April, A.D. 2008.

EDWARD G. RENDELL