

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL 3060

By: Hamilton, Reynolds, Walker,
Kern, Peterson (Pam),
Terrill and Faught of the
House

6 and

7 Gumm of the Senate
8

9
10 COMMITTEE SUBSTITUTE

11 [public health - establishment of cord blood bank -
12 requesting certain information - codification -
effective date -

emergency]

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15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

16 SECTION 1. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 2175 of Title 63, unless there
18 is created a duplication in numbering, reads as follows:

19 A. Contingent on the provision of appropriated funds designated
20 for the State Department of Health or the donation of private funds
21 to the State Department of Health for such purpose, on or before
22 January 1, 2009, the State Department of Health, in collaboration
23 with a private blood donor or private blood bank organization, shall
24 establish, operate and maintain a public umbilical cord blood bank

1 or cord blood collection operation for the purpose of collecting and
2 storing umbilical cord blood and placental tissue donated by
3 maternity patients at hospitals licensed in this state.

4 B. On or before January 1, 2009, the State Department of
5 Health, in collaboration with a private blood donor or private blood
6 bank organization shall establish a program to educate maternity
7 patients with respect to the subject of cord blood banking. The
8 program shall provide maternity patients with sufficient information
9 to make an informed decision on whether or not to participate in a
10 private or public umbilical cord blood banking program and shall
11 include, but not be limited to, explanations and information on:

12 1. The difference between public and private umbilical cord
13 blood banking;

14 2. The medical process involved in umbilical cord blood
15 banking;

16 3. The current and potential future medical uses of stored
17 umbilical cord blood;

18 4. The benefits and risks involved in banking umbilical cord
19 blood; and

20 5. The availability and cost of storing umbilical cord blood
21 and placental tissue in public and private umbilical cord blood
22 banks.

23 C. 1. Each physician licensed in this state and each hospital
24 licensed in this state shall inform each pregnant patient under the

1 care of the physician or hospital, not later than thirty (30) days
2 from the commencement of the patient's third trimester of pregnancy,
3 of the opportunity to donate to the public umbilical cord blood
4 bank, established under subsection A of this section, blood and
5 tissue extracted from the umbilical cord and placenta, following
6 delivery of a newborn child, at no cost to the patient.

7 2. Nothing in this section shall be construed to:

- 8 a. obligate a hospital to collect umbilical cord blood or
9 placental tissue if, in the professional judgment of a
10 physician licensed in this state, the collection would
11 threaten the health of the mother or child,
- 12 b. prohibit a maternity patient from donating or storing
13 blood extracted from the umbilical cord or placenta of
14 the patient's newborn child to a private umbilical
15 cord blood and placental tissue bank, or
- 16 c. impose a requirement upon attending medical personnel
17 who object to umbilical cord blood or placental tissue
18 donation as being in conflict with their religious
19 tenets and practice.

20 SECTION 2. NEW LAW A new section of law to be codified in
21 the Oklahoma Statutes as Section 2175.1 of Title 63, unless there is
22 created a duplication in numbering, reads as follows:

23 A. On or before July 1, 2008, the Commissioner of Health shall
24 request information from one or more umbilical cord blood banks

1 concerning the establishment of a public cord blood collection
2 operation within this state to collect, transport, process and store
3 cord blood units from Oklahoma residents for therapeutic and
4 research purposes. Any such request for information shall contain
5 provisions inquiring about the ability of the umbilical cord blood
6 bank to:

7 1. Establish and operate one or more collection sites within
8 the state to collect a targeted number of cord blood units;

9 2. Implement collection procedures designed to collect cord
10 blood units that reflect the state's racial and ethnic diversity;

11 3. Set up public cord blood collection operations not later
12 than six (6) months after execution of a contract with the state,
13 provided the umbilical cord blood bank is able to negotiate any
14 necessary contracts related to the collection sites within that time
15 frame;

16 4. Participate in the National Cord Blood Coordinating Center
17 or similar national cord blood inventory center by listing cord
18 blood units in a manner that assures maximum opportunity for use;

19 5. Have a program that provides cord blood units for research
20 and agree to provide cord blood units that are unsuitable for
21 therapeutic use to researchers located within the state at no
22 charge; and

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1 6. Maintain national accreditation by an accrediting
2 organization recognized by the federal Health Resources and Services
3 Administration.

4 B. On or before January 1, 2009, the Commissioner of Health
5 shall submit, as and in the manner provided for by law, a summary of
6 the responses to the request for information, along with any
7 recommendations, to the Governor, the Speaker of the House of
8 Representatives, the President Pro Tempore of the Senate, and the
9 chairs of those committees of the Legislature with legislative
10 responsibility over matters relating to public health.

11 SECTION 3. This act shall become effective July 1, 2008.

12 SECTION 4. It being immediately necessary for the preservation
13 of the public peace, health and safety, an emergency is hereby
14 declared to exist, by reason whereof this act shall take effect and
15 be in full force from and after its passage and approval.

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