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THE STATE SENATE
Monday, March 31, 2008

Committee Substitute for
ENGROSSED

House Bill No. 3060

COMMITTEE SUBSTITUTE FOR ENGROSSED HOUSE BILL NO. 3060 - By:
Hamilton, Reynolds, Walker, Kern, Peterson (Pam), Terrill and Faught
of the House and Gumm of the Senate.

[public health - establishment of cord blood bank -
requesting certain information - codification - effective
date -
emergency]

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

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

A. Contingent on the provision of appropriated funds designated
for the State Department of Health or the donation of private funds
to the State Department of Health for such purpose, on or before
January 1, 2009, the State Department of Health, in collaboration
with a private blood donor or private blood bank organization, shall
establish, operate and maintain a public umbilical cord blood bank
or cord blood collection operation for the purpose of collecting and
storing umbilical cord blood and placental tissue donated by
maternity patients at hospitals licensed in this state.

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

9 1. The difference between public and private umbilical cord
10 blood banking;

11 2. The medical process involved in umbilical cord blood
12 banking;

13 3. The current and potential future medical uses of stored
14 umbilical cord blood;

15 4. The benefits and risks involved in banking umbilical cord
16 blood; and

17 5. The availability and cost of storing umbilical cord blood
18 and placental tissue in public and private umbilical cord blood
19 banks.

20 C. 1. Each physician licensed in this state and each hospital
21 licensed in this state shall inform each pregnant patient under the
22 care of the physician or hospital, not later than thirty (30) days
23 from the commencement of the patient's third trimester of pregnancy,

1 of the opportunity to donate to the public umbilical cord blood
2 bank, established under subsection A of this section, blood and
3 tissue extracted from the umbilical cord and placenta, following
4 delivery of a newborn child, at no cost to the patient.

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

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

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

21 A. On or before July 1, 2008, the Commissioner of Health shall
22 request information from one or more umbilical cord blood banks
23 concerning the establishment of a public cord blood collection

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

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

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

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

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

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

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.

16 COMMITTEE REPORT BY: COMMITTEE ON HEALTH & HUMAN RESOURCES, dated
17 3-27-08 - DO PASS, As Amended.