

1 ENGROSSED HOUSE  
2 BILL NO. 2421

By: Enns, Hilliard, Hamilton,  
Shelton, Sherrer, Williams  
and Virgin of the House

3  
4 and

5 Anderson of the Senate

6  
7  
8 ( public health and safety - establishment of a  
9 public umbilical cord blood bank - increase birth  
10 certificate fee - State Board of Health - establish  
11 program of education for maternity patients -  
12 information available to pregnant patients -  
13 revolving fund -  
14 effective date )

15  
16  
17 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

18 SECTION 1. AMENDATORY 63 O.S. 2011, Section 2175, is  
19 amended to read as follows:

20 Section 2175. A. ~~Contingent on the provision of appropriated~~  
21 ~~funds designated for the State Department of Health or the donation~~  
22 ~~of private funds to the State Department of Health for such purpose,~~  
23 ~~on~~ On or before January 1, 2009 ~~the State Department of Health, in~~  
24 ~~collaboration with~~ 2013, a private blood donor or private blood bank

1 organization in this state, shall establish, operate and maintain a  
2 public umbilical cord blood bank or cord blood collection operation  
3 for the purpose of collecting, processing, and storing umbilical  
4 cord blood and placental tissue donated by maternity patients at  
5 hospitals licensed in this state.

6 B. In order to fund the public umbilical cord blood bank or  
7 cord blood collection operation, beginning January 1, 2013, the  
8 State Board of Health shall:

9 1. Increase the fee to obtain a birth certificate by Five  
10 Dollars (\$5.00); and

11 2. Deposit such five-dollar increase per birth certificate in  
12 the revolving fund established pursuant to Section 3 of this act.

13 The State Board of Health shall remove such five-dollar increase  
14 after a five-year period.

15 C. On or before January 1, ~~2009~~ 2013, ~~the State Department of~~  
16 ~~Health, in collaboration with~~ a private blood donor or private blood  
17 bank organization in this state shall establish a program to educate  
18 maternity patients with respect to the subject of cord blood  
19 banking. The program shall provide maternity patients with  
20 sufficient information to make an informed decision on whether or  
21 not to participate in a private or public umbilical cord blood  
22 banking program and shall include, but not be limited to,  
23 explanations and information on:  
24

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

3 2. The medical process involved in umbilical cord blood  
4 banking;

5 3. The current and potential future medical uses of stored  
6 umbilical cord blood;

7 4. The benefits and risks involved in banking umbilical cord  
8 blood; and

9 5. The availability and cost of storing umbilical cord blood  
10 and placental tissue in public and private umbilical cord blood  
11 banks.

12 ~~C. D.~~ 1. ~~Each physician~~ Physicians licensed in this state and  
13 ~~each hospital~~ hospitals licensed in this state shall have available  
14 information to inform each pregnant patient patients under the care  
15 of the ~~physician~~ physicians or ~~hospital,~~ not later than thirty (30)  
16 ~~days from the commencement of the patient's third trimester of~~  
17 ~~pregnancy,~~ hospitals of the opportunity to donate to the public  
18 umbilical cord blood bank, established under subsection A of this  
19 section, blood and tissue extracted from the umbilical cord and  
20 placenta, following delivery of a newborn child, at no cost to the  
21 patient.

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

23 a. obligate a hospital to collect umbilical cord blood or  
24 placental tissue if, in the professional judgment of a

1 physician licensed in this state, the collection would  
2 threaten the health of the mother or child,

3 b. prohibit a maternity patient from donating or storing  
4 blood extracted from the umbilical cord or placenta of  
5 the patient's newborn child to a private umbilical  
6 cord blood and placental tissue bank, or

7 c. impose a requirement upon attending medical personnel  
8 who object to umbilical cord blood or placental tissue  
9 donation as being in conflict with their religious  
10 tenets and practice.

11 SECTION 2. AMENDATORY 63 O.S. 2011, Section 2175.1, is  
12 amended to read as follows:

13 Section 2175.1 A. On or before ~~July~~ December 1, 2008 2012, the  
14 State Commissioner of Health shall request information from one or  
15 more ~~umbilical cord~~ private blood banks in this state concerning the  
16 establishment of a public cord blood collection operation within  
17 this state to collect, transport, process and store cord blood units  
18 from Oklahoma residents for therapeutic and research purposes. Any  
19 such request for information shall include provisions requiring  
20 certification that the private blood donor or private blood bank  
21 organization:

22 1. Had a principal place of business located in the state prior  
23 to January 1, 2012;  
24

1        2. Held operations in at least four separate cities located in  
2 the state in which cord blood collections could potentially occur  
3 prior to January 1, 2012;

4        3. Held accreditation from the Foundation for the Accreditation  
5 of Cellular Therapy prior to January 1, 2012; and

6        4. Can establish a demonstrable history of cell collections.

7        Any such request for information shall contain provisions  
8 inquiring about the ability of the umbilical cord blood bank to:

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

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

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

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

21        5. Have a program that provides cord blood units for research  
22 and agree to provide cord blood units that are unsuitable for  
23 therapeutic use to researchers for basic research located within the  
24 state at no 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~~ 2013, the State Commissioner of  
5 Health shall submit, as and in the manner provided for by law, a  
6 summary of the responses to the request for information, along with  
7 any 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.       NEW LAW       A new section of law to be codified  
12 in the Oklahoma Statutes as Section 2175.2 of Title 63, unless there  
13 is created a duplication in numbering, reads as follows:

14           There is hereby created in the State Treasury a revolving fund  
15 for the State Department of Health to be designated as the "Public  
16 Umbilical Cord Blood Bank Fund". The fund shall be a continuing  
17 fund, not subject to fiscal year limitations, and shall consist of  
18 all monies deposited to the credit of the fund by law. All monies  
19 accruing to the credit of said fund shall be budgeted and expended  
20 by the State Department of Health for the establishment of the  
21 public umbilical cord blood bank. Expenditures from said fund shall  
22 be made upon warrants issued by the State Treasurer against claims  
23 filed as prescribed by law with the Director of the Office of State  
24 Finance for approval and payment.

