

Introduced by Senator Migden

February 23, 2007

An act to add Section 124991 to the Health and Safety Code, relating to umbilical cord blood banking.

LEGISLATIVE COUNSEL'S DIGEST

SB 962, as amended, Migden. ~~Umbilical cord blood banking; information.~~ *Umbilical cord blood collection program.*

Existing law imposes various responsibilities upon the State Department of Health Services and prenatal care providers with respect to prenatal care, screening, and counseling.

Existing law, administered by State Department of Health Services, also contains provisions governing the licensure of blood banks, including provisions relating to licensure or accreditation for purposes of umbilical cord blood banking. Existing law also requires the department to conduct the Umbilical Cord Blood Community Awareness Campaign.

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Existing law, the Hereditary Disorders Act, requires the State Department of Health Services to establish regulations and standards for a hereditary disorders program, including with respect to prenatal testing programs for newborns. A violation of these provisions is a crime.

Pursuant to this act, existing regulations require clinicians to provide all pregnant women, at the first prenatal visit, with information about the use and availability of prenatal screening for birth defects of the fetus. If a pregnant woman voluntarily requests prenatal screening, these

regulations, among other things, require a clinician to make available to her the opportunity to read and sign a consent document, as specified.

Effective July 1, 2007, responsibility for the administration of the above-mentioned provisions will be transferred to the State Department of Public Health.

~~This bill would require that the information and opportunities provided to pregnant women related to prenatal screening also include the same manner of information and opportunities related to umbilical cord blood banking, as specified.~~

The bill would require the department to establish a state umbilical cord blood banking program to collect, process, and store umbilical cord blood stem cells for the purposes of transplantation and research, and would require the department to establish fees relating to these purposes to cover the costs of administering the program. The bill would set forth the various duties of the department in implementing the program, including updating the information currently provided by clinicians to pregnant women pursuant to the above-described existing regulations, by providing prescribed information. The bill would create the Umbilical Cord Blood Collection Program Fund, into which fees collected pursuant to the bill would be deposited, with the fund to be used by the department, upon appropriation by the Legislature, for purposes of administering the program, as prescribed.

By expanding the definition of an existing crime, this bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares that the
- 2 removal and discarding of umbilical cord blood from a pregnant
- 3 woman at the time of birth delivery, without the understanding
- 4 and approval of the expectant families, is a growing concern to
- 5 the people of this state.

1 SEC. 2. Section 124991 is added to the Health and Safety Code,
2 to read:

3 ~~124991. (a) For purposes of this section, “umbilical cord~~
4 ~~blood” means the blood that remains in the umbilical cord and~~
5 ~~placenta after the birth of a newborn child.~~

6 ~~(b) The information provided to pregnant women pursuant to~~
7 ~~Section 6527 of Title 17 of the California Code of Regulations,~~
8 ~~and the requirements associated therewith, shall also include the~~
9 ~~option of umbilical cord blood banking. For purposes of this~~
10 ~~section, these options shall include:~~

11 ~~(1) Discarding the stem cells.~~

12 ~~(2) Donating the stem cells to a public umbilical cord blood~~
13 ~~bank.~~

14 ~~(3) Storing the stem cells in a family umbilical cord blood bank~~
15 ~~for the use by the immediate and extended family members.~~

16 *124991. (a) The State Department of Public Health shall*
17 *establish the Umbilical Cord Blood Collection Program for the*
18 *purpose of collecting, processing, and storing umbilical cord blood*
19 *stem cells to be used for transplantation and research.*

20 *(b) In implementing this program, the department shall do all*
21 *of the following:*

22 *(1) Establish a repository for umbilical cord blood cells that*
23 *ensures that all umbilical cord blood is collected, stored, and*
24 *distributed in accordance with the donor’s wishes.*

25 *(2) Establish a system to retrieve and transport umbilical cord*
26 *blood donations.*

27 *(3) Establish a system for matching umbilical cord blood donors*
28 *with recipients of umbilical cord blood for medicinal use.*

29 *(4) Update the information provided to pregnant women*
30 *pursuant to Section 6527 of Title 17 of the California Code of*
31 *Regulations with information about this program. The requirements*
32 *associated with this section shall also include the option of*
33 *umbilical cord blood banking. For purposes of this section, these*
34 *options shall include all of the following:*

35 *(A) Discarding the stem cells.*

36 *(B) Donating the stem cells to a public umbilical cord blood*
37 *bank.*

38 *(C) Storing the stem cells in a family umbilical cord blood bank*
39 *for the use by immediate and extended family members.*

1 (c) In order to implement this program, the department shall
2 establish fees of an amount that shall not exceed the costs of
3 administering the program, which the department shall collect
4 from researchers and health care providers who have been
5 approved by the department and who seek to use the umbilical
6 cord blood for research or transplantation.

7 (d) Fees collected pursuant to subdivision (c) shall be deposited
8 into the Umbilical Cord Blood Collection Program Fund, which
9 is hereby created in the State Treasury. The fund shall be composed
10 of all fees collected pursuant to subdivision (c) and,
11 notwithstanding Section 16305.7 of the Government Code, all
12 interest and dividends earned on money in the fund. The fund may
13 be used by the department, upon appropriation by the Legislature,
14 for the purposes specified in subdivision (e).

15 (e) The fund shall be used by the department in accordance with
16 both of the following:

17 (1) For fees collected related to umbilical cord blood that is
18 used for research, the fees shall pay for costs related to data
19 management, including data linkage and entry, and umbilical cord
20 blood storage, retrieval, processing, inventory, and shipping.

21 (2) For fees collected related to umbilical cord blood that is
22 used for transplantation, the fees shall pay for the costs related to
23 conducting and analyzing tests, transplants, or other medical
24 activities, as approved by the department and in accordance with
25 this section.

26 (f) The department shall adopt rules and regulations necessary
27 for the purpose of implementing this section.

28 SEC. 3. No reimbursement is required by this act pursuant to
29 Section 6 of Article XIII B of the California Constitution because
30 the only costs that may be incurred by a local agency or school
31 district will be incurred because this act creates a new crime or
32 infraction, eliminates a crime or infraction, or changes the penalty
33 for a crime or infraction, within the meaning of Section 17556 of
34 the Government Code, or changes the definition of a crime within
35 the meaning of Section 6 of Article XIII B of the California
36 Constitution.

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