

AMENDED IN SENATE AUGUST 16, 2010
AMENDED IN ASSEMBLY FEBRUARY 24, 2010
AMENDED IN ASSEMBLY JANUARY 26, 2010
CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

Assembly Concurrent Resolution

No. 74

Introduced by Assembly Members Portantino and Hill

May 18, 2009

Assembly Concurrent Resolution No. 74—Relative to umbilical cord blood banking.

LEGISLATIVE COUNSEL'S DIGEST

ACR 74, as amended, Portantino. Umbilical cord blood banking.

This measure would state that the Legislature desires to find ways to help California gain a viable public umbilical cord blood banking system to ensure that all races and ethnicities have an equal probability of finding a match when medically necessary. This measure would also specify that the Legislature supports related research being done with collected units that are not suitable for transplantation.

Fiscal committee: no.

- 1 WHEREAS, Since the first umbilical cord blood transplant in
- 2 1988, the industry of collecting umbilical cord blood for public or
- 3 private use has grown rapidly, both as a treatment for over 70
- 4 medical conditions and as an industry of biological insurance; and
- 5 WHEREAS, Even with the industry's rapid growth and umbilical
- 6 cord blood's current use to treat blood cancers, such as leukemia,
- 7 myeloma, and lymphoma, and more than 70 inherited
- 8 immunodeficiencies and other genetic and acquired blood diseases,

1 including sickle cell anemia, thalassemias, hemoglobinopathies,
2 aplastic anemias, and marrow failure disorders, and inherited
3 disorders or errors of metabolism, the public is largely unaware
4 of the critical differences between public umbilical cord blood
5 banking and private umbilical cord blood banking systems; and
6

7 Private Umbilical Cord Blood Banking
8

9 WHEREAS, Umbilical cord blood can be collected privately
10 for any consumer who wishes to pay for both collection and
11 storage. The private umbilical cord blood banking industry is
12 entirely supported by consumers who pay about \$2,000 to collect,
13 and \$125 annually to store, their families' umbilical cord blood.
14 Private banks do not charge consumers for release of their umbilical
15 cord blood and any decision regarding the use of the unit is up to
16 the donor or the donor's family; and

17 WHEREAS, Consumers are informed that banking their
18 families' umbilical cord blood may be clinically useful for their
19 future medical needs, but ~~since most transplants do not involve~~
20 ~~privately banked umbilical cord blood, some medical organizations~~
21 ~~recommend against private umbilical cord blood banking unless~~
22 ~~there are clear medical reasons for its use; and should be aware~~
23 ~~that to date, most transplants have been provided by public banks~~
24 ~~because a patient's malignant or genetic disease was most~~
25 ~~effectively treated by stem cells from another individual, although~~
26 ~~stem cells from a matched sibling have been especially suitable;~~
27 ~~and~~

28 WHEREAS, The exploration of umbilical cord blood's capacity
29 to cure is in its early stages, but since there is a strong likelihood
30 that the use of one's own stem cells, specifically in regenerative
31 medicine, will increase, the future of this incredible potential
32 supports private umbilical cord blood banking as a prudent choice
33 for those who can afford it; and

34 WHEREAS, Over the last 20 years, transplant physicians chose
35 family banks to transplant perfectly matched siblings. Recently,
36 neurological disorders, such as cerebral palsy and other injuries
37 to the brain, are being treated with the donor's own stem cells, and
38 there are clinical trials approved by the United States Food and
39 Drug Administration (FDA) to evaluate the use of a child's own
40 umbilical cord blood in regenerative therapies for diseases and

1 conditions that could not previously be treated, such as juvenile
2 diabetes. These indicate many future cures may come from
3 autologous cells using the patient's own immune system; and

4 WHEREAS, The private banking industry has been largely
5 responsible for the public's current knowledge of umbilical cord
6 blood banking and has been a consistent advocate of disseminating
7 information about umbilical cord blood banking to pregnant women
8 and their families; and

9 WHEREAS, The trend of disseminating information about
10 umbilical cord blood banking culminated in California with the
11 enactment of Senate Bill 1555 (Chapter 484 of the Statutes of
12 2006) that authorizes distribution of information to families about
13 umbilical cord blood banking; and

14 WHEREAS, Several other states passed similar laws around
15 the same time as the enactment of Senate Bill 1555; and

16
17 Public Umbilical Cord Blood Banking
18

19 WHEREAS, In 2007, the California Legislature shifted its focus
20 from disseminating information about umbilical cord blood banking
21 to taking measures to ensure all races and ethnicities of all incomes
22 have an equal probability of finding a suitable match on public
23 umbilical cord blood registries; and

24 WHEREAS, Umbilical cord blood collected for public use is
25 in high demand; and

26 WHEREAS, The collection and storage of umbilical cord blood
27 for public use is free of charge to the donor and listed on public
28 registries for access by health providers for transplantation; and

29 WHEREAS, Public umbilical cord blood banks have been
30 chosen by transplanting physicians to provide stem cell units for
31 approximately 95 percent of the 20,000 transplants performed to
32 date; and

33 WHEREAS, Since the probability of finding a tissue match is
34 greatest among persons of similar genetic backgrounds and the
35 current inventory is deficient of genetically diverse umbilical cord
36 blood, especially from specific ethnic, racial, and multiracial
37 individuals, collection efforts are aimed directly at
38 underrepresented groups; and

39 WHEREAS, Since only about one-third of collected umbilical
40 cord blood is usable for transplantation, the remaining units should

1 be provided to research institutions exploring the potential of
2 umbilical cord blood stem cells to treat many debilitating and lethal
3 medical conditions; and

4 WHEREAS, The public umbilical cord blood banking system
5 needs financial support to ensure inventories can provide all ethnic
6 and racial groups with an equal probability of a match. Since public
7 umbilical cord blood systems do not charge donors, funds do not
8 flow until units are released to transplanting health providers, at
9 a cost of about \$20,000 to \$25,000 per unit. However, the current
10 low inventory means the number of matches are limited, and this
11 system under which payment is made after a match is found makes
12 it difficult for public banks to generate enough capital to fund
13 significant increases in the inventory without outside support; and

14 WHEREAS, The federal government enacted the Stem Cell
15 Therapeutic and Research Act of 2005 to collect and maintain
16 umbilical cord blood for public use in transplantation and research.
17 To help in this effort, Assembly Bill 34 (Chapter 516 of the Statutes
18 of 2007) was enacted to create a public banking infrastructure in
19 California that adds genetically diverse umbilical cord blood units
20 to the national public inventory to ensure Californians, who are
21 ethnically and genetically diverse, have their ethnic and genetic
22 diversity reflected in the inventory. The more the inventory mirrors
23 the genetic makeup of our state's population, the greater the chance
24 our constituents will find a match when they are in need; and

25 WHEREAS, These actions changed California's focus from
26 being about disseminating information about umbilical cord blood
27 banking to funding efforts that would collect and store umbilical
28 cord blood for public use; and

29 WHEREAS, Since almost half the births in California are to
30 mothers enrolled in state-funded programs who cannot afford to
31 bank privately, their only option is public banking; and

32 WHEREAS, The National Marrow Donor Program, in a recent
33 plea to states to help increase the national umbilical cord blood
34 public inventory, stated the following:

35 (1) States can help expand the number of publicly available
36 umbilical cord blood units by appropriating additional resources
37 for the collection and storage of units.

38 (2) Many states are currently passing legislation that mandates
39 public awareness campaigns or development of educational
40 materials, or both. These efforts can create a demand that cannot

1 be met in many areas and they do little to expand the national
2 public umbilical cord blood inventory; and

3 WHEREAS, The future of medicine that relies on umbilical
4 cord blood stem cells will likely require both public and private
5 family umbilical cord blood banking systems and collaborations
6 between the two systems. However, without building a viable
7 public banking system, these joint ventures will not be realized
8 and many Californians will be unable to access the benefits of
9 current and future health remedies umbilical cord blood does and
10 will provide; now, therefore, be it

11 *Resolved by the Assembly of the State of California, the Senate*
12 *thereof concurring*, That the Legislature desires to find ways to
13 help California gain a viable public umbilical cord blood banking
14 system to ensure all races and ethnicities have an equal probability
15 of finding a match when medically necessary; and be it further

16 *Resolved*, That the Legislature supports related research being
17 done with collected units that are not suitable for transplantation;
18 and be it further

19 *Resolved*, That the Chief Clerk of the Assembly transmit copies
20 of this resolution to the State Department of Public Health and the
21 California Institute for Regenerative Medicine.