

2008 -- H 7963

LC02038

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2008

A N A C T

RELATING TO HEALTH AND SAFETY -- UMBILICAL CORD BLOOD DONATION
NOTIFICATION ACT

Introduced By: Representatives Naughton, McNamara, Ajello, Slater, and Rice

Date Introduced: February 26, 2008

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 23 of the General Laws entitled "HEALTH AND SAFETY" is hereby
2 amended by adding thereto the following chapter:

3 CHAPTER 83

4 THE UMBILICAL CORD BLOOD DONATION NOTIFICATION ACT

5 **23-83-1. Short title.** – This chapter shall be known and may be cited as "The Umbilical
6 Cord Blood Donation Notification Act."

7 **23-83-2. Definitions.** – As used in this chapter, the following terms are defined as
8 follows:

9 (1) "Umbilical cord blood" means the blood that remains in the umbilical cord and
10 placenta after the birth of a newborn child.

11 (2) "Umbilical cord blood bank" means a facility that collects and stores umbilical cord
12 blood, as well as, performs other medical procedures and services related to umbilical cord blood.

13 (3) "Obstetrical professional or facility" means licensed health care providers, including,
14 but not limited to, hospitals, birthing facilities, health clinics, midwives, obstetricians and other
15 physicians who provide obstetrical services.

16 **23-83-3. Notification of option to donate umbilical cord blood.** – (a) Beginning in the
17 second trimester of pregnancy or after admission to a hospital or other obstetrical facility for
18 obstetrical services, every obstetrical professional or facility in the state must inform the pregnant

1 woman of the following options relating to stem cells that are contained in her umbilical cord
2 blood after the delivery of her child:

3 (1) Donate the stem cells to a public umbilical cord blood bank;

4 (2) Store the stem cells at the patient's expense in a family umbilical cord blood bank for
5 use by the immediate family and extended family members;

6 (3) Store the stem cells for family use through a family or sibling donor banking program
7 that provides free collection, processing and storage where there is a medical need; or

8 (4) Discard the stem cells.

9 (b) An obstetrical professional or facility meets the requirements of this section by
10 providing the notification verbally or in writing, or by providing the patient with a publication
11 containing the required notification prepared or approved by the department of health, if
12 available.

13 (c) A person who acts in good faith pursuant to this section is not subject to civil or
14 criminal liability or professional discipline for those acts.

15 (d) Any obstetrical professional or facility receiving financial remuneration for the
16 collection of umbilical cord blood shall provide written disclosure of this information to any
17 patient postpartum or parent of a newborn from whom the umbilical cord blood is collected prior
18 to the harvesting of the umbilical cord blood.

19 (e) Nothing in this chapter shall be construed to require a patient to donate her umbilical
20 cord blood.

21 **23-83-4. No fees for donation.** – A patient who agrees to donate her umbilical cord
22 blood to a public cord blood bank for unspecified use by the cord blood bank shall not be charged
23 any fee for the costs of collecting, storing, or transporting the cord blood.

24 **23-83-5. Collection not required if health of mother or newborn impacted.** – An
25 obstetrical professional or facility is not required to collect cord blood or cooperate in the
26 collection of cord blood if in the professional judgment of a licensed obstetrical professional the
27 collection of the cord blood would threaten the health of the mother or newborn child.

28 **23-83-6. Hospitals required to facilitate donations.** – Unless it is medically
29 inadvisable, each hospital or other obstetrical facility in the state shall cooperate with the
30 collection staff of a certified public cord blood bank designated by patient to facilitate the
31 donation of the blood extracted from the umbilical cord of the patient's newborn child to a
32 certified public cord blood bank.

33 **23-83-7. Rules and regulations.** – No later than July 1, 2009 the director of the
34 department of health shall promulgate any necessary regulations and memoranda of agreement to

1 put in place an organized system of cord blood collection and donation for Rhode Islanders
2 wishing to donate to a certified public cord blood bank. This shall be accomplished through the
3 development of a cooperative agreement with a certified public cord blood bank in the region
4 which, at a minimum ensures that Rhode Islanders wishing to donate to a certified public cord
5 blood bank can do so at no cost to the donor, and that Rhode Island researchers have guaranteed
6 access for research purposes to cord blood donated by Rhode Island families and made available
7 for research purposes by the public cord blood bank.

8 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would require hospitals and other obstetrical facilities and professionals to
2 inform their patients of the option of donating umbilical cord blood to umbilical cord blood
3 banks. This act would also require hospitals and other obstetrical facilities to facilitate the
4 donation of umbilical cord blood to umbilical cord blood banks.

5 This act would take effect upon passage.

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