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SENATE BILL NO. 370

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Health, Welfare and Institutions
on February 21, 2006)

(Patrons Prior to Substitute—Senators Saslaw and Howell)

A *BILL to amend the Code of Virginia by adding in Chapter 2 of Title 32.1 an article numbered 8.2, consisting of a section numbered 32.1-69.3, relating to establishment of the Virginia Cord Blood Bank Initiative.*

Whereas, umbilical cord blood is a unique source of large numbers of young, undifferentiated stem cells; and

Whereas, umbilical cord blood is being used for the treatment of life-threatening illnesses and debilitating conditions and is being studied for its potential in the treatment of many disorders; and

Whereas, umbilical cord blood can provide hope for patients and advance the science of stem cell research, while posing no health risk to either a mother or her newborn infant; and

Whereas, umbilical cord blood can be easily collected and cost-effectively stored for medical and research use; now, therefore,

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 2 of Title 32.1 an article numbered 8.2, consisting of a section numbered 32.1-69.3 as follows:

Article 8.2.

Virginia Cord Blood Bank Initiative.

§ 32.1-69.3. Virginia Cord Blood Bank Initiative established.

A. *There is hereby established the Virginia Cord Blood Bank Initiative (hereinafter referred to as the "Initiative") as a public resource for Virginians for the treatment of patients with life-threatening diseases or debilitating conditions, for use in advancing basic and clinical research, and, in the event of a terrorist attack, to be used in the treatment of the injured citizens of the Commonwealth.*

The Initiative shall be established as a nonprofit legal entity to collect, screen for infectious and genetic diseases, perform tissue typing on, cryopreserve, and store umbilical cord blood as a public resource and shall be formed as a collaborative consortium that covers all geographical regions of Virginia.

B. *The State Health Commissioner shall develop or shall arrange for or contract with a nonprofit entity for the development of the collaborative consortium to be known as the Initiative, which may consist of any entity having the expertise or experience or willingness to develop the expertise or experience necessary to participate in the Initiative.*

C. *In developing the consortium, the Commissioner shall ensure that all geographical areas of the Commonwealth are included in the Initiative. To accomplish this goal, the Commissioner shall contact Eastern Virginia Medical School and its participating hospitals, Virginia Commonwealth University School of Medicine, Virginia Commonwealth University Health System, the University of Virginia School of Medicine, the University of Virginia Health System, and other entities located in Virginia, such as hospitals and hospital systems, biotechnology companies, regional blood banks, laboratories, or other health care providers or medical researchers, or local coalitions of health care providers that could provide coverage of the various geographical regions of Virginia, to request their participation in the Initiative consortium and assist in the design and implementation of the Initiative.*

D. *Any nonprofit entity having an arrangement or contract with the Commissioner for the development of the Initiative and any medical school, hospital, or other health care provider choosing to participate in the Initiative shall submit an estimate of the costs of implementing the Initiative for the region in which it is located. The Commissioner shall assist in the development of the cost estimates, compare and evaluate such estimates, and negotiate with the various entities to implement the Initiative.*

Further, the Commissioner shall coordinate (i) appropriate contact with pregnant women to provide information about umbilical cord blood donations; (ii) the development of procedures for obtaining informed consent for cord blood donations; (iii) the design of the Initiative, including the period of years for storage of the cord blood to ensure the integrity of the cells; (iv) a system for recycling the blood at the end of the established storage period that provides for the sale or transfer of the cord blood samples being taken out of storage to be used in basic or clinical research development at reasonable rates and fees for cord blood products.

E. *The entities joining the Initiative shall work collaboratively, each with the community resources in its local or regional area. The Initiative participants shall align their outreach programs and activities to all geographic areas and ethnic and racial groups of the Commonwealth, and shall conduct specific and culturally appropriate outreach and research to identify potential donors among all ethnic and*

60 racial groups.

61 *F. The Commissioner shall disseminate information about the Initiative, focusing on hospitals,*
62 *birthing facilities, physicians, midwives, and nurses, and providing information through local health*
63 *departments.*

64 *Initiative consortium participants shall also be encouraged to disseminate information about the*
65 *Initiative.*

66 *In addition, the Director of the Department of Medical Assistance Services shall include information*
67 *about the Initiative in printed materials distributed by the Department to recipients of medical assistance*
68 *services and persons enrolled in the Family Access to Medical Insurance Security Plan.*

69 *G. Any woman admitted to a hospital or birthing facility for obstetrical services may be offered the*
70 *opportunity to donate umbilical cord blood to the Initiative. However, no woman shall be required to*
71 *make a cord blood donation.*

72 *H. Any health care facility or health care provider receiving financial remuneration for the collection*
73 *of umbilical cord blood shall, prior to harvesting the umbilical cord blood, disclose this information in*
74 *writing to any woman postpartum or to the parent of a newborn from whom the umbilical cord blood is*
75 *to be collected.*

76 *I. This section shall not be construed to require participation in the Initiative on the part of any*
77 *health care facility or health care provider who objects to transfusion or transplantation of blood on the*
78 *basis of bona fide religious beliefs.*

79 *J. The Initiative shall be implemented with such funds as may be appropriated or otherwise provided*
80 *for its purpose. Upon implementation, the Commissioner shall initiate the development of a nonprofit*
81 *entity to assume the operation and administration of the Initiative and may seek federal, state, and*
82 *private grant funds for its continuation.*

83 **2. That the provisions of this act shall not become effective unless an appropriation of general**
84 **funds effectuating the purposes of this act is included in the general appropriations act passed by**
85 **the 2006 Session of the General Assembly, which becomes law.**