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HOUSE BILL NO. 85

Offered January 13, 2010

Prefiled January 4, 2010

A *BILL to amend the Code of Virginia by adding in Article 8.2 of Chapter 2 of Title 32.1 a section numbered 32.1-69.4 and by adding a section numbered 54.1-2403.02, relating to information about umbilical cord blood.*

Patrons—Marshall, R.G., BaCote, Dance, Herring, Howell, A.T., James, McQuinn, O'Bannon, Pogge, Pollard, Spruill, Stolle, Tyler and Ward; Senator: Saslaw

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 8.2 of Chapter 2 of Title 32.1 a section numbered 32.1-69.4 and by adding a section numbered 54.1-2403.02 as follows:

§ 32.1-69.4. *Publication of information regarding cord blood education.*

A. *In addition to the requirements of § 32.1-69.3, the Commissioner shall develop and make publicly available, by posting on the public website of the Department of Health, a publication relating to umbilical cord blood that includes the following information:*

1. *An explanation of the potential value and uses of umbilical cord blood, including cord blood cells and stem cells, for individuals who are, as well as individuals who are not, biologically related to a mother or her newborn child.*

2. *An explanation of the differences between using one's own cord blood cells and using related or unrelated cord blood stem cells in the treatment of disease.*

3. *An explanation of the differences between public and private umbilical cord blood banking.*

4. *The options available to a mother relating to stem cells that are contained in the umbilical cord blood after the delivery of her newborn, including (i) donating the stem cells to a public umbilical cord blood bank where facilities are available; (ii) storing the stem cells in a private family umbilical cord blood bank for use by immediate and extended family members; (iii) storing the stem cells for immediate or extended family members through a family or sibling donor banking program that provides free collection, processing, and storage where there is an existing medical need; and (iv) discarding the stem cells.*

5. *The medical processes involved in the collection of cord blood.*

6. *Medical or family history criteria that can impact a family's consideration of umbilical cord blood banking, including the likelihood of using a baby's cord blood to serve as a match for a family member who has a medical condition.*

7. *Options for ownership and future use of donated umbilical cord blood.*

8. *The average cost of public and private umbilical cord blood banking.*

9. *The availability of public and private cord blood banks to Virginians, including (i) a list of public cord blood banks and the hospitals served by such banks; (ii) a list of private cord blood banks that are available; and (iii) the availability of free family banking and sibling donor programs where there is an existing medical need by a family member.*

10. *An explanation of which racial and ethnic groups are in particular need of publicly donated cord blood samples based upon medical data developed by the U.S. Health Resources and Services Administration.*

B. *The Commissioner shall also develop a written patient informed consent document relating to cord blood disposition to be presented and signed, to the extent feasible, by an expectant woman not later than two weeks before her estimated delivery date. Such informed consent document shall include the following:*

1. *Information providing a balanced perspective on the different options for cord blood banking, including public donation, private banking, and disposal.*

2. *Information on the medical value of cord blood stem cells in the treatment of disease.*

3. *A declaration, to be signed, of a woman's chosen option for the disposition of a child's cord blood stem cells, whether public donation, private banking, or other disposal.*

§ 54.1-2403.02. *Routine component of prenatal care; cord blood education.*

As a routine component of prenatal care, every practitioner licensed pursuant to this subtitle who renders prenatal care, including any holder of a multistate licensure privilege to practice nursing, regardless of the site of such practice, shall (i) prior to the beginning of his patient's third trimester of the pregnancy or, if later, at the first visit of such pregnant woman to the provider, provide her with

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58 *information developed pursuant to subsection A of § 32.1-69.4 relating to the woman's options with*
59 *respect to umbilical cord blood banking; and (ii) after providing such information and, to the extent*
60 *feasible, not later than two weeks before the woman's estimated date of delivery, obtain a written*
61 *informed consent described in subsection B of § 32.1-69.4 relating to the woman's decision regarding*
62 *disposition of cord blood stem cells or document that the provider sought such consent and the woman*
63 *refused or declined to provide it.*