

ENROLLED HOUSE
BILL NO. 3060

By: Hamilton, Reynolds, Walker,
Kern, Peterson (Pam),
Terrill, Faught, Sherrer,
Hoskin and Kiesel of the
House

and

Gumm of the Senate

An Act relating to public health and safety;
providing for the establishment, operation and
maintenance of a public umbilical cord blood bank;
establishing program of education for maternity
patients; providing requirements for education
program; specifying certain disclosure; providing for
certain exclusions from scope of act; directing the
State Commissioner of Health to request certain
information regarding the establishment of a public
cord blood collection operation; specifying
requirements for certain information; directing the
Commissioner to submit a summary of responses;
providing for codification; providing an effective
date; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 2175 of Title 63, unless there
is created a duplication in numbering, reads as follows:

A. Contingent on the provision of appropriated funds designated
for the State Department of Health or the donation of private funds
to the State Department of Health for such purpose, on or before
January 1, 2009, the State Department of Health, in collaboration
with a private blood donor or private blood bank organization, shall

establish, operate and maintain a public umbilical cord blood bank or cord blood collection operation for the purpose of collecting and storing umbilical cord blood and placental tissue donated by maternity patients at hospitals licensed in this state.

B. On or before January 1, 2009, the State Department of Health, in collaboration with a private blood donor or private blood bank organization shall establish a program to educate maternity patients with respect to the subject of cord blood banking. The program shall provide maternity patients with sufficient information to make an informed decision on whether or not to participate in a private or public umbilical cord blood banking program and shall include, but not be limited to, explanations and information on:

1. The difference between public and private umbilical cord blood banking;

2. The medical process involved in umbilical cord blood banking;

3. The current and potential future medical uses of stored umbilical cord blood;

4. The benefits and risks involved in banking umbilical cord blood; and

5. The availability and cost of storing umbilical cord blood and placental tissue in public and private umbilical cord blood banks.

C. 1. Each physician licensed in this state and each hospital licensed in this state shall inform each pregnant patient under the care of the physician or hospital, not later than thirty (30) days from the commencement of the patient's third trimester of pregnancy, of the opportunity to donate to the public umbilical cord blood bank, established under subsection A of this section, blood and tissue extracted from the umbilical cord and placenta, following delivery of a newborn child, at no cost to the patient.

2. Nothing in this section shall be construed to:

a. obligate a hospital to collect umbilical cord blood or placental tissue if, in the professional judgment of a physician licensed in this state, the collection would threaten the health of the mother or child,

- b. prohibit a maternity patient from donating or storing blood extracted from the umbilical cord or placenta of the patient's newborn child to a private umbilical cord blood and placental tissue bank, or
- c. impose a requirement upon attending medical personnel who object to umbilical cord blood or placental tissue donation as being in conflict with their religious tenets and practice.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2175.1 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. On or before July 1, 2008, the State Commissioner of Health shall request information from one or more umbilical cord blood banks concerning the establishment of a public cord blood collection operation within this state to collect, transport, process and store cord blood units from Oklahoma residents for therapeutic and research purposes. Any such request for information shall contain provisions inquiring about the ability of the umbilical cord blood bank to:

1. Establish and operate one or more collection sites within the state to collect a targeted number of cord blood units;

2. Implement collection procedures designed to collect cord blood units that reflect the state's racial and ethnic diversity;

3. Set up public cord blood collection operations not later than six (6) months after execution of a contract with the state, provided the umbilical cord blood bank is able to negotiate any necessary contracts related to the collection sites within that time frame;

4. Participate in the National Cord Blood Coordinating Center or similar national cord blood inventory center by listing cord blood units in a manner that assures maximum opportunity for use;

5. Have a program that provides cord blood units for research and agree to provide cord blood units that are unsuitable for therapeutic use to researchers located within the state at no charge; and

6. Maintain national accreditation by an accrediting organization recognized by the federal Health Resources and Services Administration.

B. On or before January 1, 2009, the Commissioner of Health shall submit, as and in the manner provided for by law, a summary of the responses to the request for information, along with any recommendations, to the Governor, the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the chairs of those committees of the Legislature with legislative responsibility over matters relating to public health.

SECTION 3. This act shall become effective July 1, 2008.

SECTION 4. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 6th day of May, 2008.

Presiding Officer of the House
of Representatives

Passed the Senate the 8th day of April, 2008.

Presiding Officer of the Senate