

AN ACT

relating to information regarding umbilical cord blood options.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 162, Health and Safety Code, is amended by adding Sections 162.018 and 162.019 to read as follows:

Sec. 162.018. BROCHURE ON UMBILICAL CORD BLOOD OPTIONS.

(a) The executive commissioner of the Health and Human Services Commission shall prepare and update as necessary a brochure based on nationally accepted, peer reviewed, scientific research information regarding stem cells contained in the umbilical cord blood after delivery of an infant. The information in the brochure must include:

(1) the current and potential uses, risks, and benefits of stem cells contained in umbilical cord blood to a potential recipient of donated stem cells, including a biological family member, extended family member, or nonrelated individual;

(2) the options available for future use or storage of umbilical cord blood after delivery of an infant, including:

(A) discarding the stem cells;

(B) donating the stem cells to a public umbilical cord blood bank;

(C) storing the stem cells in a private family umbilical cord blood bank for use by immediate and extended family members; and

1 (D) storing the stem cells for immediate and
2 extended family use through a family or sibling donor banking
3 program that provides free collection, processing, and storage when
4 a medical need exists;

5 (3) the medical process used to collect umbilical cord
6 blood after delivery of an infant;

7 (4) any risk associated with umbilical cord blood
8 collection to the mother and the infant;

9 (5) any costs that may be incurred by a pregnant woman
10 who chooses to donate or store umbilical cord blood after delivery
11 of the woman's infant; and

12 (6) the average cost of public and private umbilical
13 cord blood banking.

14 (b) The Department of State Health Services shall make the
15 brochure available on the department's website and shall distribute
16 the brochure on request to physicians or other persons permitted by
17 law to attend a pregnant woman during gestation or at delivery of an
18 infant.

19 Sec. 162.019. DUTY OF CERTAIN PROFESSIONALS. (a) Except as
20 otherwise provided by this section, a physician or other person
21 permitted by law to attend a pregnant woman during gestation or at
22 delivery of an infant shall provide the woman with the brochure
23 described in Section 162.018 before the third trimester of the
24 woman's pregnancy or as soon as reasonably feasible.

25 (b) A person described in Subsection (a) who attends a
26 pregnant woman during delivery of her infant shall permit the
27 mother to arrange for umbilical cord blood storage or donation if

1 the mother requests unless, in the opinion of the person, the
2 donation threatens the health of the mother or her infant.

3 (c) A person described by Subsection (a) is not required to
4 distribute the brochure under Subsection (a) or to permit for the
5 arrangement of umbilical cord blood storage or donation under
6 Subsection (b) if the action conflicts with the person's religious
7 beliefs and the person makes this fact known to the mother as soon
8 as reasonably feasible.

9 (d) A person described by Subsection (a) is not required to
10 distribute the brochure under Subsection (a) while treating the
11 pregnant woman for an emergency condition or when the mother
12 presents in labor and delivers the infant during that presentation.

13 (e) A person described by Subsection (a) is not required to
14 distribute the brochure under Subsection (a) if the woman provides
15 the person with a written statement that she chooses to view the
16 materials on the website described by Section 162.018(b).

17 (f) A person described by Subsection (a) who fails to
18 distribute the brochure is not subject to discipline by the
19 appropriate licensing agency and a cause of action is not created by
20 any failure to distribute the brochure as required by this section.

21 SECTION 2. Not later than January 1, 2008, the executive
22 commissioner of the Health and Human Services Commission shall
23 prepare and the Department of State Health Services shall
24 distribute the brochure required by Section 162.018, Health and
25 Safety Code, as added by this Act.

26 SECTION 3. A physician or other person permitted by law to
27 attend a pregnant woman during gestation or at delivery of an infant

1 is not required to comply with Section 162.019, Health and Safety
2 Code, as added by this Act, before January 1, 2008.

3 SECTION 4. This Act takes effect immediately if it receives
4 a vote of two-thirds of all the members elected to each house, as
5 provided by Section 39, Article III, Texas Constitution. If this
6 Act does not receive the vote necessary for immediate effect, this
7 Act takes effect September 1, 2007.

President of the Senate

Speaker of the House

I certify that H.B. No. 709 was passed by the House on April 11, 2007, by the following vote: Yeas 145, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 709 on May 3, 2007, by the following vote: Yeas 141, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 709 was passed by the Senate, with amendments, on May 1, 2007, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor