

# HOUSE BILL No. 5057

June 9, 2009, Introduced by Reps. Paul Scott and Slezak and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 2681 and 2683 (MCL 333.2681 and 333.2683), section 2681 as added by 2006 PA 635 and section 2683 as added by 2006 PA 638, and by adding section 2684.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

- 1           Sec. 2681. As used in sections 2681 to ~~2683~~**2684**:
- 2           (a) "Cord blood unit" means the blood collected from a single
- 3 placenta and umbilical cord.
- 4           (b) "Donor" means a mother who has delivered a baby and
- 5 consents to donate the newborn's blood remaining in the placenta
- 6 and umbilical cord.
- 7           (c) "Donor bank" means a qualified cord blood stem cell bank

1 that enters into a contract with the director under section 2682.

2 (d) "Human cord blood stem cells" means hematopoietic stem  
3 cells and any other stem cells contained in the neonatal blood  
4 collected immediately after the birth from the separated placenta  
5 and umbilical cord.

6 (e) "Network" means the statewide network of qualified cord  
7 blood stem cell banks established under section 2682.

8 Sec. 2683. (1) If funding is made available, the department  
9 shall promote public awareness and increase knowledge about the  
10 statewide network of cord blood stem cell banks, cord blood banking  
11 options, and the benefits of cord blood stem cells by developing  
12 and disseminating educational materials on the uses and benefits of  
13 cord blood stem cells, the viability of cord blood stem cells,  
14 information on research results utilizing cord blood stem cells,  
15 and any other related materials and information to enable the  
16 public to make informed decisions about the utilization of cord  
17 blood stem cells. Information shall include, but is not limited to,  
18 all of the following:

19 (a) An explanation of the differences between public and  
20 private cord blood banking.

21 (b) Information on the statewide network of cord blood stem  
22 cell banks.

23 (c) Cord blood options available.

24 (d) The medical process and risks involved in the collection  
25 of cord blood.

26 (e) Medically accepted uses and benefits of cord blood  
27 collection and transplantation.

1 (f) A statement that due to ongoing research and development  
2 there may be future uses and benefits of cord blood collection and  
3 transplantation.

4 (g) An explanation of any costs to the donor associated with  
5 cord blood donation and storage.

6 (h) Information on how to request printed materials and how to  
7 access other information available on the department's website.

8 (i) Options for ownership and future use of the donated  
9 material.

10 (j) An explanation of the storage, maintenance, and viability  
11 for transplantation of cord blood stem cells.

12 (2) The department, on its website, shall make the materials  
13 and information gathered and developed under subsection (1)  
14 available in printable format to the public and to health care  
15 facilities and agencies, cord blood banks, and health care  
16 professionals.

17 ~~—— (3) The department shall encourage health care professionals~~  
18 ~~and health care facilities and agencies, including, but not limited~~  
19 ~~to, physicians, nurse midwives, nurses, hospitals, birthing~~  
20 ~~facilities, and local health departments to disseminate information~~  
21 ~~to a pregnant woman before her third trimester of pregnancy about~~  
22 ~~cord blood donation and the options for cord blood banking.~~

23 **SEC. 2684. (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A**  
24 **HEALTH PROFESSIONAL WHO IS THE PRIMARY CARE PROVIDER FOR A PATIENT**  
25 **WHO IS IN HER SECOND TRIMESTER OF PREGNANCY SHALL INFORM THE**  
26 **PATIENT OF THE FOLLOWING OPTIONS RELATING TO CORD BLOOD STEM CELLS**  
27 **AFTER THE DELIVERY OF HER CHILD:**

1 (A) DISCARD THE CORD BLOOD STEM CELLS.

2 (B) DONATE THE CORD BLOOD STEM CELLS TO A DONOR BANK.

3 (C) STORE THE CORD BLOOD STEM CELLS FOR USE BY THE IMMEDIATE  
4 AND EXTENDED FAMILY MEMBERS IN A CORD BLOOD STEM CELL BANK.

5 (D) STORE THE CORD BLOOD STEM CELLS FOR FAMILY USE THROUGH A  
6 FAMILY OR SIBLING DONOR BANKING PROGRAM THAT PROVIDES FREE  
7 COLLECTION, PROCESSING, AND STORAGE WHERE THERE IS A MEDICAL NEED.

8 (2) IF THE DEPARTMENT HAS DEVELOPED EDUCATIONAL MATERIALS  
9 UNDER SECTION 2683, THE HEALTH PROFESSIONAL DESCRIBED IN SUBSECTION

10 (1) SHALL ALSO PROVIDE HIS OR HER PATIENT WITH THOSE MATERIALS. A  
11 HEALTH PROFESSIONAL DESCRIBED IN SUBSECTION (1) MEETS THE  
12 NOTIFICATION REQUIREMENTS OF THIS SECTION BY PROVIDING THE  
13 INFORMATION VERBALLY OR IN WRITING OR BY PROVIDING THE WOMAN WITH A  
14 PUBLICATION PREPARED BY THE DEPARTMENT THAT, AS CERTIFIED BY THE  
15 DEPARTMENT, CONTAINS ALL THE INFORMATION REQUIRED BY THIS SECTION  
16 IN ADDITION TO THE INFORMATION REQUIRED UNDER SECTION 2683.

17 (3) THIS SECTION DOES NOT APPLY TO A HEALTH PROFESSIONAL AND  
18 HE OR SHE IS NOT REQUIRED TO INFORM A PREGNANT PATIENT REGARDING  
19 CORD BLOOD STEM CELL OPTIONS IF PROVIDING THAT INFORMATION  
20 CONFLICTS WITH THE HEALTH PROFESSIONAL'S BONA FIDE RELIGIOUS  
21 BELIEFS.

22 (4) A PERSON WHO ACTS IN GOOD FAITH PURSUANT TO THIS SECTION  
23 IS NOT SUBJECT TO CIVIL OR CRIMINAL LIABILITY OR PROFESSIONAL  
24 DISCIPLINE FOR THOSE ACTS.