

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1132 Session of
2007

INTRODUCED BY WONDERLING, VANCE, SCARNATI, ORIE, FERLO,
RAFFERTY, O'PAKE, GORDNER, KITCHEN, BOSCOLA, REGOLA AND
C. WILLIAMS, NOVEMBER 2, 2007

REFERRED TO PUBLIC HEALTH AND WELFARE, NOVEMBER 2, 2007

AN ACT

1 Providing for the collection and banking of placental and
2 umbilical cord blood for therapeutic transplantation and
3 research; and making an appropriation.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Statewide
8 Public Cord Blood Banking Act.

9 Section 2. Findings and purpose.

10 (a) Findings.--The General Assembly finds as follows:

11 (1) Scientists have determined that placental and
12 umbilical cord blood hold tremendous promise in their ability
13 to provide a rich supply of stem cells for new treatments for
14 many lethal blood diseases, including leukemia, lymphoma,
15 severe aplastic anemia, myelodysplasia, and for some immune
16 and metabolic diseases, including severe combined
17 immunodeficiency, "Bubble Boy" disease, Adrenoleukodystrophy
18 "Lorenzo's Oil" disease and Krabbe Disease.

1 (2) Stem cells can be isolated from placental and cord
2 blood that would normally be discarded or destroyed after a
3 healthy birth. However, many women are not aware of their
4 option to donate placental and umbilical cord blood, and thus
5 the blood is often discarded as medical waste after
6 childbirth.

7 (3) Cord blood transplants are a real alternative to
8 bone marrow transplants. Public cord blood donations are
9 especially critical for racial and ethnic minorities having
10 special difficulty in finding matching unrelated bone marrow
11 donors for therapeutic treatment of various diseases.

12 (4) Annually, there are over 4,000,000 births in the
13 United States and over 144,000 births in this Commonwealth.

14 (5) There are a limited number of public cord blood
15 banks in the United States and there are no public blood
16 banks operating in this Commonwealth. Currently, there are no
17 Pennsylvania hospitals that have collaborating arrangements
18 with regional public cord blood banks due to the expense of
19 ensuring appropriate screening, testing, collecting and
20 storing of cord blood units.

21 (6) Although the Stem Cell Therapeutic and Research Act
22 of 2005 (Public Law 109-129, 42 U.S.C. § 2741-1 et seq.) has
23 the goal of creating a public inventory of 150,000 high-
24 quality cord blood units to be made available for
25 transplantation, additional regional qualified public cord
26 banks are critical to help meet this goal.

27 (7) Investing in public cord blood banking in this
28 Commonwealth will lead to better treatments of diseases that
29 will ultimately help to reduce long-term health care costs on
30 taxpayers of this Commonwealth.

(b) Purpose.--The purpose of this act is to do all of the following:

(1) Establish a coordinating Statewide Public Cord Blood Bank:

(i) To establish collaborating arrangements with qualified hospital facilities that would allow consenting cord blood donors to donate, free of charge, placental and umbilical cord blood following delivery.

(ii) To acquire, tissue-type, cryopreserve and store donated units of cord blood.

(iii) To make cord blood units available to transplant centers for stem cell transplantation with the primary goal of serving residents of this Commonwealth who require transplantation.

(iv) To make cord blood units that are collected, but not appropriate for clinical use, available for peer-reviewed research.

(v) To coordinate with and make cord blood data available to C. W. Bill Young Cell Transplantation Program.

(2) Require the Department of Health to develop and distribute educational materials for health care professionals to inform them of the value of placental and umbilical cord blood donations.

Section 3. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Cord blood donor." A mother who has delivered a baby and consents to donate the neonatal blood remaining in the placenta

1 and umbilical cord after separation from the newborn baby.

2 "Cord blood unit." The neonatal blood collected from the
3 placenta and umbilical cord of a single newborn baby.

4 "C. W. Bill Young Cell Transplantation Program." The program
5 established under section 379 of the Public Health Service Act
6 (58 Stat. 682, 42 U.S.C. § 274k).

7 "Department." The Department of Health of the Commonwealth.

8 "Qualified cord blood bank." A cord blood bank as defined
9 under the Public Health Service Act (58 Stat. 682, 42 U.S.C. §
10 274k).

11 "Qualified hospital facilities." A hospital or birthing
12 center licensed under the laws of this Commonwealth that meets
13 the standards for cord blood collection facilities as set forth
14 under standards of the American Association of Blood Banks, the
15 Foundation for the Accreditation of Cellular Therapy or other
16 accreditation entity recognized by the Secretary of Health and
17 Human Services under the Public Health Service Act (58 Stat.
18 682, 42 U.S.C. § 274k).

19 Section 4. Grant.

20 The department shall make a grant to a qualified cord blood
21 bank located in this Commonwealth which shall be designated as
22 the Statewide Public Cord Blood Bank and which shall carry out
23 the purposes authorized under this act from any funds
24 appropriated for these purposes. In the event no entity
25 satisfies the definition of a qualified cord blood bank, the
26 department may award a grant to an entity in order to enable the
27 entity to become a qualified cord blood bank.

28 Section 5. Limits on use of funds.

29 (a) Agreement.--Funds appropriated to carry out the purposes
30 of this act may be expended only for the establishment or

1 operation of the Statewide Public Cord Blood Bank.

2 (b) Human embryonic stem cell research.--Any entity seeking
3 a grant under this act shall not be awarded a grant if it does
4 any of the following:

5 (1) Performs or engages in research involving stem cell
6 lines derived from a living human embryo, other than research
7 conducted on human embryonic stem cell lines existing on
8 August 9, 2001, and for which Federal funding is available.

9 (2) Controls, is a subsidiary or an affiliate of an
10 entity or facility performing or engaging in research under
11 paragraph (1).

12 Section 6. Access and delivery of cord blood units.

13 The Statewide Public Cord Blood Bank shall not charge for a
14 search of its cord blood inventory made by or on behalf of a
15 resident of this Commonwealth for the purpose of locating cord
16 blood units for therapeutic transplant. The Statewide Public
17 Cord Blood Bank is authorized to charge for access to and
18 delivery of cord blood units to transplant facilities or to
19 facilities performing or engaging in research involving cord
20 blood units.

21 Section 7. Donations.

22 Any person making a donation to the Statewide Public Cord
23 Blood Bank relinquishes all claims to the material. A parent or
24 guardian may donate cord blood unit or related material to the
25 Statewide Public Cord Blood Bank. All donors of cord blood unit
26 or related material shall be entitled to the immunity granted
27 under 42 Pa.C.S. § 8333(a) (relating to body fluid and tissue
28 limited civil immunity).

29 Section 8. Educational materials.

30 The department, in consultation with the qualified cord blood

1 bank awarded a grant under this act, shall prepare educational
2 materials which shall be distributed to all health care
3 professionals and facilities in this Commonwealth providing
4 health care services to expectant mothers.

5 Section 9. Appropriation.

6 The sum of \$5,000,000 is appropriated to the Department of
7 Health to carry out the provisions of this act.

8 Section 20. Effective date.

9 This act shall take effect in 60 days.