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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL**

**No. 874**      Session of  
2007

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INTRODUCED BY HERSHEY, HENNESSEY, BENNINGTON, BOYD, CAPPELLI,  
CLYMER, COHEN, CREIGHTON, CUTLER, EVERETT, FAIRCHILD, GEIST,  
GINGRICH, KAUFFMAN, M. KELLER, W. KELLER, KENNEY, KILLION,  
LEACH, McILHATTAN, MUNDY, MYERS, NAILOR, OLIVER, O'NEILL,  
PALLONE, PICKETT, RAPP, REICHLEY, ROHRER, RUBLEY, SAYLOR,  
SCAVELLO, SCHRODER, SOLOBAY, STERN, SWANGER, TANGRETTI, TRUE,  
VULAKOVICH, WATSON, YOUNGBLOOD AND JAMES, MARCH 22, 2007

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REFERRED TO COMMITTEE ON HEALTH AND HUMAN SERVICES,  
MARCH 22, 2007

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AN ACT

1 Providing for umbilical cord blood banking; requiring health  
2 care facilities and providers to give pregnant patients  
3 information regarding umbilical cord blood banking; and  
4 requiring health care facilities to permit pregnant patients  
5 to arrange for umbilical cord blood donations.

6 The General Assembly of the Commonwealth of Pennsylvania  
7 hereby enacts as follows:

8 Section 1. Short title.

9 This act shall be known and may be cited as the Umbilical  
10 Cord Blood Banking Act.

11 Section 2. Purpose of act.

12 The purpose of this act is to educate pregnant women  
13 regarding the potential benefits of umbilical cord blood banking  
14 and to provide opportunities for the donation and storage of  
15 umbilical cord blood when desired by a pregnant woman.

16 Section 3. Definitions.

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

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

5 "Health care facility." An institution providing health care  
6 services to a pregnant woman that are directly related to her  
7 pregnancy, including a hospital, clinic or other inpatient  
8 center, outpatient facility or diagnostic or treatment center  
9 that is licensed by the Department of Health.

10 "Health care provider." A person who is licensed, certified  
11 or otherwise authorized by law to provide or render health care  
12 services to pregnant women in this Commonwealth in the ordinary  
13 course of business or practice of a profession but is limited to  
14 a medical physician, osteopathic physician, certified nurse  
15 practitioner and certified nurse-midwife.

16 "Umbilical cord blood." The blood that remains in the  
17 umbilical cord and placenta after the birth of a newborn child.  
18 Section 4. Dissemination of information.

19 (a) Options.--All health care providers providing health  
20 care services to a pregnant woman by the end of the second  
21 trimester (28th week), which health care services are directly  
22 related to her pregnancy, shall advise her of options to donate  
23 umbilical cord blood following the delivery of a newborn child,  
24 by providing standardized objective information about cord blood  
25 banking that is sufficient to allow a pregnant woman to make an  
26 informed decision on whether to participate in a public or  
27 private umbilical cord blood banking program. This shall include  
28 information on the free family banking and sibling donor  
29 programs where there is an existing medical need by a family  
30 member. Provision in a timely manner of publications prepared by

1 the department pursuant to section 5 shall constitute compliance  
2 with this subsection.

3 (b) Exemption.--Nothing in this section imposes an  
4 obligation upon a health care provider to inform a pregnant  
5 woman regarding her umbilical cord blood banking options if such  
6 information conflicts with bona fide religious beliefs of the  
7 health care provider.

8 Section 5. Informational publications.

9 The department shall, on the department's Internet website,  
10 make available to health care providers printable publications  
11 that include the following information:

12 (1) An explanation of the differences between public and  
13 private umbilical cord blood banking.

14 (2) The medical processes involved in the collection of  
15 umbilical cord blood.

16 (3) The medical risks to a mother and her newborn child  
17 of umbilical cord blood collection.

18 (4) The current and potential future medical uses and  
19 benefits of umbilical cord blood collection to a mother, her  
20 newborn child and her biological family.

21 (5) The current and potential future medical uses and  
22 benefits of umbilical cord blood collection to persons who  
23 are not biologically related to a mother or her newborn  
24 child.

25 (6) Any costs that may be incurred by a pregnant woman  
26 who chooses to make an umbilical cord blood donation.

27 (7) The average costs of public and private umbilical  
28 cord blood banking.

29 (8) Options for ownership and future use of the donated  
30 material.

1           (9) The availability in this Commonwealth of umbilical  
2       cord blood donations.

3 Section 6. Donation of umbilical cord blood.

4       (a) Arrangements for donations.--Unless it is medically  
5       inadvisable, all health care facilities and health care  
6       providers treating a pregnant woman during the delivery of a  
7       newborn child shall, if requested by that woman, permit her to  
8       arrange for an umbilical cord blood donation.

9       (b) Exceptions relating to health of mother.--Nothing in  
10      this section imposes an obligation upon a health care facility  
11      or health care provider to permit an umbilical cord blood  
12      donation if, in the professional judgment of a health care  
13      provider, the donation of umbilical cord blood would threaten  
14      the health of the mother or newborn child.

15      (c) Exceptions relating to religion.--Nothing in this  
16      section imposes an obligation upon a health care facility or  
17      health care provider to permit an umbilical cord blood donation  
18      if the donation conflicts with bona fide religious beliefs of  
19      the health care facility or health care provider. If a health  
20      care facility or health care provider declines to engage in  
21      umbilical cord blood donation, that fact shall be made known to  
22      pregnant patients of that facility or provider as soon as  
23      reasonably feasible.

24 Section 7. Effective date.

25       This act shall take effect in 60 days.