

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 382 Session of 2009

INTRODUCED BY FOLMER, ERICKSON, BOSCOLA, ALLOWAY, ORIE, KITCHEN,
SCARNATI, GORDNER, RAFFERTY, O'PAKE, WOZNIAK, PICCOLA, LEACH,
WONDERLING AND M. WHITE, FEBRUARY 20, 2009

REFERRED TO PUBLIC HEALTH AND WELFARE, FEBRUARY 20, 2009

AN ACT

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

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 and myelodysplasia, and for some
16 immune 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. The expense of ensuring
17 appropriate screening, testing, collecting and storing of
18 blood units has limited the ability of Pennsylvania hospitals
19 to establish collaborating arrangements with regional cord
20 blood banks.

21 (6) Although the Stem Cell Therapeutic and Research Act
22 of 2005 (Public Law 109-129, 42 U.S.C. § 274k 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.

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

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

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

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

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

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

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

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

25 Section 3. Definitions.

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

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

1 and umbilical cord after separation from the newborn baby. The
2 term shall include a parent, other than the mother, or guardian
3 making a donation.

4 "Cord blood unit." The neonatal blood collected from the
5 placenta and from the umbilical cord after separation from a
6 single newborn baby.

7 "C. W. Bill Young Cell Transplantation Program." The program
8 established under section 379 of the Public Health Service Act
9 (58 Stat. 682, 42 U.S.C. § 274k).

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

11 "Qualified cord blood bank." A cord blood bank as defined
12 under the Public Health Service Act (58 Stat. 682, 42 U.S.C. §
13 274k).

14 "Qualified hospital facilities." A hospital or birthing
15 center licensed under the laws of this Commonwealth that meets
16 the standards for cord blood collection facilities as set forth
17 under standards of the American Association of Blood Banks, the
18 Foundation for the Accreditation of Cellular Therapy or other
19 accreditation entity recognized by the Secretary of Health and
20 Human Services under the Public Health Service Act (58 Stat.
21 682, 42 U.S.C. § 274k).

22 Section 4. Grant.

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

1 Section 5. Limits on use of funds.

2 (a) Agreement.--Funds appropriated to carry out the purposes
3 of this act may be expended only for the establishment or
4 operation of the Statewide Public Cord Blood Bank.

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

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

12 (2) Controls or is a subsidiary or an affiliate of an
13 entity or facility performing or engaging in research under
14 paragraph (1).

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

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

24 Section 7. Donations.

25 Any person making a donation to the Statewide Public Cord
26 Blood Bank relinquishes all claims to the material. A parent or
27 guardian may donate cord blood unit or related material to the
28 Statewide Public Cord Blood Bank. All donors of cord blood unit
29 or related material shall be entitled to immunity for the
30 material donated.

1 Section 8. Educational materials.

2 The department, in consultation with the qualified cord blood
3 bank awarded a grant under this act, shall prepare educational
4 materials which shall be distributed to all health care
5 professionals and facilities in this Commonwealth providing
6 health care services to expectant mothers.

7 Section 9. Regulations.

8 The department may promulgate regulations to implement this
9 act and to establish fees for the administration of this act.

10 Section 20. Effective date.

11 This act shall take effect in 60 days.