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Bill Analysis
Legislative Service Commission

H.B. 500

126th General Assembly
(As Introduced)

Reps. Gilb, Uecker, Brinkman, Buehrer, Collier, Combs, Faber, Fessler, Hood, Hoops, J. McGregor, Reidelbach, Schaffer, Schneider, Seitz, Wagoner, Wolpert, Allen, Brown, Hartnett, Koziura, Otterman, Perry, Williams

BILL SUMMARY

- Requires the Director of Health to seek collaborative agreements with qualified cord blood banks for the purpose of funding and establishing the cord blood donation program and to provide information on the program to hospitals and freestanding birthing centers.
- Requires hospitals and freestanding birthing centers that elect to participate in the program to provide educational materials and inform patients of the opportunity to donate cord blood.
- Provides that no person is required to collect or participate in the collection of cord blood.

CONTENT AND OPERATION

Background

Cord blood

The bill defines "cord blood" as "the blood remaining in the placenta after childbirth or in the umbilical cord after separation from a newborn child." According to the American Red Cross, cord blood is a good source of transplantable blood-forming cells that may be used to treat patients diagnosed with genetic immune disorders or blood diseases such as leukemia, lymphoma, or anemia. Until recently, bone marrow has been the primary source of these blood-forming cells.¹ A National Academy of Sciences publication indicates that there

¹ *The American Red Cross. "Cord Blood," available at http://www.redcross.org/services/biomed/0,1082,0_517_,00.htm, visited 02-09-06*

are several advantages of cord blood over bone marrow, including ready availability, low potential for infectious disease transmission, and the minimal risk at the time of collection.²

Cord blood banks

Cord blood banks are centers regulated by the Food and Drug Administration where cord blood is stored and maintained for therapeutic use and transplantation.³ The bill defines "qualified cord blood bank" as "a facility that stores cord blood donated for transplantation or research purposes and meets the requirements of the federal "Stem Cell Therapeutic and Research Act of 2005."⁴ (See **COMMENT** for explanation of federal law.)

The bill

The bill requires the Director of Health to seek collaborative agreements with qualified cord blood banks. The bill provides that the purpose of these agreements is to fund and establish the cord blood donation program. After establishing an agreement, the Director must provide each hospital⁵ and freestanding birthing center⁶ with information describing the program. The hospital or center must indicate to the Director whether it will participate in the program. The Director must provide each participating hospital or center that elects to participate with readily comprehensible educational material describing the collection and donation of cord blood.

Each participating hospital or center is required to do all of the following:

² "Cord Blood: Establishing a National Hematopoietic Stem Cell Bank Program," Board on Health Sciences Policy, National Academy of Sciences, 2005. Available on <http://www.nap.edu>, last visited 02-09-06

³ "Cord Blood: Establishing a National Hematopoietic Stem Cell Bank Program," Board on Health Sciences Policy, National Academy of Sciences, 2005. Available on <http://www.nap.edu>, last visited 02-09-06

⁴ Section 379 of the "Public Health Service Act," 42 United States Code 274k, as amended.

⁵ "Hospital" means a hospital classified pursuant to rules adopted by the Public Health Council as a general hospital or children's hospital.

⁶ "Freestanding birthing center" means any facility in which deliveries routinely occur, regardless of whether the facility is located on the campus of another health care facility, and is not licensed by the Department of Health as a level one, two, or three maternity unit or a limited maternity unit.

- (1) Inform each pregnant patient of the cord blood donation program;
- (2) Make available the educational material provided by the Director;
- (3) Provide each patient who delivers a child in the hospital or center the opportunity to donate cord blood to a qualified cord blood bank with which the Director has entered into an agreement.

The bill provides that it does not require a hospital or center to request or collect cord blood from a patient if, in the opinion of a medical professional,⁷ the collection would endanger the health of the mother or child. The bill provides further that no person is required to collect or participate in the collection of cord blood and refusal to collect or participate in the collection of cord blood is neither grounds for civil liability nor a basis for disciplinary or other recriminatory action.

COMMENT

Federal law established the C.W. Bill Young cell transplantation program in the "Stem Cell Therapeutic and Research Act of 2005." According to a summary by the Congressional Research Service, the aim of this program is to create a framework for the collection and maintenance of human cord blood for research and transplantation purposes. The summary states that the act requires the program to:

- (1) Operate a system for identifying, matching and facilitating the distribution of donated cord blood;
- (2) Allow transplant physicians, health care professionals, and patients to search by electronic means for available cord blood;
- (3) Support studies and demonstration and outreach projects for the purpose of increasing cord blood donation to ensure a genetically diverse collection of cord blood;
- (4) Carry out information and educational activities for the purpose of increasing cord blood donation and promoting the availability of cord blood as a transplant option.⁸

⁷ *This is a person authorized to practice medicine or surgery or osteopathic medicine and surgery in Ohio or to practice in Ohio as a registered nurse*

⁸ *Library of Congress. Congressional Research Service summary of H.R. 2520. Available on <http://thomas.loc.gov>, last visited 02-09-06*

HISTORY

ACTION

DATE

Introduced

02-02-06

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