



# Ohio Legislative Service Commission

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## Bill Analysis

Jeffery A. Bernard

### Sub. H.B. 102

128th General Assembly

(As Reported by S. Health, Human Services, and Aging)

**Reps.** Book, Dodd, B. Williams, Harris, Yuko, J. Adams, Wagner, Gardner, Harwood, Huffman, Mecklenborg, Lehner, Okey, DeGeeter, Oelslager, Derickson, Jordan, Wachtmann, Amstutz, Domenick, Garrison, Boyd, Burke, Combs, Goodwin, Slesnick, Winburn, Letson, Carney, Balderson, Newcomb, Hagan, R. Adams, Bacon, Batchelder, Belcher, Blair, Blessing, Bolon, Boose, Brown, Bubp, Celeste, Chandler, Coley, Daniels, DeBose, Dolan, Driehaus, Dyer, Evans, Fende, Foley, Garland, Gerberry, Goyal, Grossman, Hackett, Hall, Heard, Hite, Hottinger, Jones, Koziura, Luckie, Lundy, Maag, Mandel, Martin, McClain, McGregor, Moran, Morgan, Murray, Otterman, Patten, Phillips, Pillich, Ruhl, Sayre, Sears, Skindell, Snitchler, Stautberg, Stewart, Sykes, Szollosi, Uecker, Ujvagi, Weddington, Zehringer

**Sens.** Gillmor, Buehrer, Schuring, Morano, R. Miller, Smith

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## BILL SUMMARY

- Requires the Department of Health to make available on its web site, for physicians, registered nurses, and physician assistants, printable publications containing standardized, objective information about umbilical-cord-blood banking.
- Requires the Department to encourage physicians, registered nurses, and physician assistants who provide health care services directly related to a woman's pregnancy to provide the publications to pregnant women prior to the third trimester.
- Provides immunity from civil liability, criminal prosecution, and professional disciplinary action by the State Medical Board or Board of Nursing for physicians, registered nurses, physician assistants, and health care institutions if the professional or institution acts in good faith with respect to providing the publications to a pregnant woman.

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## CONTENT AND OPERATION

### Availability of publications on umbilical-cord-blood banking

(R.C. 2108.62)

The bill requires the Department of Health, on its web site, to make available to health care professionals<sup>1</sup> printable publications that contain standardized, objective information about umbilical-cord-blood<sup>2</sup> banking. The information must be sufficient to allow a pregnant woman to make an informed decision about whether to participate in an umbilical-cord-blood-banking program. The publications must be made available in a format the can be downloaded. All of the following information must be included in the publications:

- (1) The medical processes involved in the collection of umbilical cord blood;
- (2) The medical risks of umbilical-cord-blood collection to the mother and the newborn child;
- (3) The current and potential future medical uses, risks, and benefits of umbilical-cord-blood collection to the mother, newborn child, and biological family;
- (4) The current and potential future medical uses, risks, and benefits of umbilical-cord-blood collection to individuals who are not biologically related to the mother or newborn child;
- (5) Any costs that may be incurred by a pregnant woman who chooses to make an umbilical-cord-blood donation;
- (6) The average cost of public and private umbilical-cord-blood banking;
- (7) The options available to a mother regarding stem cells contained in the umbilical cord blood after delivery of the mother's newborn child, including:
  - (a) Having the stem cells discarded;
  - (b) Donating the stem cells to a public umbilical-cord-blood bank;

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<sup>1</sup> The bill defines a "health care professional" as any of the following authorized to practice in Ohio: a physician, registered nurse (including a certified nurse-midwife), or physician assistant (R.C. 2108.61(A)(2)).

<sup>2</sup> The bill defines "umbilical cord blood" as the blood that remains in the umbilical cord and placenta after the birth of a newborn child (R.C. 2108.61(A)(4)).

(c) Having the stem cells stored in a private umbilical-cord-blood bank for use by immediate and extended family members;

(d) Storing the stem cells for use by the family through a family or sibling donor-banking program that provides free collection, processing, and storage of the stem cells where there is a medical need.

### **Update of materials**

(R.C. 2108.62(B))

The bill permits the Department of Health to update, as the Department considers necessary, the umbilical-cord-blood banking publications the Department is required to prepare.

### **Provision of publications to pregnant women**

(R.C. 2108.61(B))

The bill requires the Department of Health to encourage health care professionals who provide health care services that are directly related to a woman's pregnancy to provide the printable publications to a pregnant woman before her third trimester.

### **Immunity**

(R.C. 2108.63)

The bill provides immunity from civil liability, criminal prosecution, and professional disciplinary action by the State Medical Board or the Board of Nursing for health care professionals, and health care institutions.<sup>3</sup> Immunity is provided for acts taken in good faith pursuant to the bill's requirement that the Department of Health encourage health care professionals to provide publications to pregnant women regarding umbilical-cord-blood banking.

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<sup>3</sup> The bill defines a "health care institution" as a hospital registered with the Department of Health or a freestanding birthing center (R.C. 2108.61(A)(1)). A "freestanding birthing center" is any facility in which deliveries routinely occur, regardless of whether the facility is located on the campus of another health care facility, and which is not licensed as a level one, two, or three maternity unit or a limited maternity unit (R.C. 3702.51).

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## HISTORY

ACTION	DATE
Introduced	03-26-09
Reported, H. Health	06-02-09
Passed House (97-0)	06-03-09
Reported, S. Health, Human Services & Aging	06-30-09

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