AN ACT

RELATING TO HEALTH CARE; ENACTING THE UMBILICAL CORD BLOOD BANKING ACT; REQUIRING HEALTH CARE FACILITIES AND PROVIDERS TO GIVE PREGNANT PATIENTS INFORMATION REGARDING UMBILICAL CORD BLOOD DONATIONS; REQUIRING HEALTH CARE FACILITIES TO PERMIT PREGNANT PATIENTS TO ARRANGE FOR UMBILICAL CORD BLOOD DONATIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHORT TITLE.--This act may be cited as the "Umbilical Cord Blood Banking Act".

Section 2. PURPOSE OF ACT.--The purpose of the Umbilical Cord Blood Banking Act is to educate pregnant women regarding the potential benefits of umbilical cord blood donations and to provide opportunities for the donation and storage of umbilical cord blood when desired by a pregnant woman.

Section 3. DEFINITIONS.--As used in the Umbilical Cord Blood Banking Act:

A. "health care facility" means an institution providing health care services, including a hospital, clinic or other inpatient center, outpatient facility or diagnostic or treatment center that is licensed by the department of health;

B. "health care provider" means a person who is
licensed, certified or otherwise authorized by law to provide
or render health care services to pregnant women in New
Mexico in the ordinary course of business or practice of a
profession, but is limited to a medical physician,
osteopathic physician, doctor of oriental medicine, certified
nurse practitioner and certified nurse-midwife; and

C. "umbilical cord blood" means the blood that
remains in the umbilical cord and placenta after the birth of
a newborn child.

Section 4. DISSEMINATION OF INFORMATION.--
A. All health care providers providing health care
services to a pregnant woman during the last trimester of her
pregnancy, which health care services are directly related to
her pregnancy, shall advise her of options to donate
umbilical cord blood following the delivery of a newborn
child. Provision in a timely manner of publications prepared
by the department of health pursuant to Section 5 of the
Umbilical Cord Blood Banking Act shall constitute compliance
with this subsection.

B. Nothing in this section imposes an obligation
upon a health care provider to inform a pregnant woman
regarding the option of umbilical cord blood donations if
such information conflicts with bona fide religious beliefs
of the health care provider.

Section 5. INFORMATIONAL PUBLICATIONS.--The department
of health shall, by January 1, 2006, prepare and distribute
to health care providers written publications that include
the following information:
   A. the medical processes involved in the
collection of umbilical cord blood;
   B. the medical risks to a mother and her newborn
child of umbilical cord blood collection;
   C. the current and potential future medical uses
and benefits of umbilical cord blood collection to a mother,
her newborn child and her biological family;
   D. the current and potential future medical uses
and benefits of umbilical cord blood collection to persons
who are not biologically related to a mother or her newborn
child;
   E. any costs that may be incurred by a pregnant
woman who chooses to make an umbilical cord blood donation;
   F. options for ownership and future use of the
donated material; and
   G. the availability in this state of umbilical
cord blood donations.

Section 6. DONATION OF UMBILICAL CORD BLOOD.--

A. Unless it is medically inadvisable, all health
care facilities and health care providers treating a pregnant
woman during the delivery of a newborn child shall, if
requested by that woman, permit her to arrange for an
umbilical cord blood donation.

B. Nothing in this section imposes an obligation upon a health care facility or health care provider to permit an umbilical cord blood donation if in the professional judgment of a health care provider the donation of umbilical cord blood would threaten the health of the mother or newborn child.

C. Nothing in this section imposes an obligation upon a health care facility or health care provider to permit an umbilical cord blood donation if the donation conflicts with bona fide religious beliefs of the health care facility or health care provider. If a health care facility or health care provider declines to engage in umbilical cord blood donation, that fact shall be made known to pregnant patients of that facility or provider as soon as reasonably feasible.

Section 7. SEVERABILITY.--If any part or application of the Umbilical Cord Blood Banking Act is held invalid, the remainder or its application to other situations or persons shall not be affected.

Section 8. EFFECTIVE DATE.--

A. The effective date of the provisions of Sections 1 through 3, 5 and 7 of this act is July 1, 2005.

B. The effective date of the provisions of Sections 4 and 6 of this act is January 1, 2006.