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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

1 licensed, certified or otherwise authorized by law to provide
2 or render health care services to pregnant women in New
3 Mexico in the ordinary course of business or practice of a
4 profession, but is limited to a medical physician,
5 osteopathic physician, doctor of oriental medicine, certified
6 nurse practitioner and certified nurse-midwife; and

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

10 Section 4. DISSEMINATION OF INFORMATION.--

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

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

25 Section 5. INFORMATIONAL PUBLICATIONS.--The department

1 of health shall, by January 1, 2006, prepare and distribute
2 to health care providers written publications that include
3 the following information:

4 A. the medical processes involved in the
5 collection of umbilical cord blood;

6 B. the medical risks to a mother and her newborn
7 child of umbilical cord blood collection;

8 C. the current and potential future medical uses
9 and benefits of umbilical cord blood collection to a mother,
10 her newborn child and her biological family;

11 D. the current and potential future medical uses
12 and benefits of umbilical cord blood collection to persons
13 who are not biologically related to a mother or her newborn
14 child;

15 E. any costs that may be incurred by a pregnant
16 woman who chooses to make an umbilical cord blood donation;

17 F. options for ownership and future use of the
18 donated material; and

19 G. the availability in this state of umbilical
20 cord blood donations.

21 Section 6. DONATION OF UMBILICAL CORD BLOOD.--

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

1 umbilical cord blood donation.

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

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

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

20 Section 8. EFFECTIVE DATE.--

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

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