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SENATE BILL 605

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Nancy Rodriguez

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; MAKING AN APPROPRIATION.

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.

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

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

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

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

17 Section 4. DISSEMINATION OF INFORMATION. --

18 A. All health care providers providing health care
19 services to a pregnant woman during the last trimester of her
20 pregnancy, which health care services are directly related to
21 her pregnancy, shall advise her of options to donate umbilical
22 cord blood following the delivery of a newborn child.

23 Provision in a timely manner of publications prepared by the
24 department of health pursuant to Section 5 of the Umbilical
25 Cord Blood Banking Act shall constitute compliance with this

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1 subsection.

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

7 Section 5. INFORMATIONAL PUBLICATIONS. --The department of
8 health shall, by January 1, 2006, prepare and distribute to
9 health care providers written publications that include the
10 following information:

11 A. the medical processes involved in the collection
12 of umbilical cord blood;

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

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

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

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

23 F. options for ownership and future use of the
24 donated material; and

25 G. the availability in this state of umbilical cord

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1 blood donations.

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

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

8 B. 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 in the professional
11 judgment of a health care provider the donation of umbilical
12 cord blood would threaten the health of the mother or newborn
13 child.

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

22 Section 7. APPROPRIATION. -- Twenty-five thousand dollars
23 (\$25,000) is appropriated from the general fund to the
24 department of health for expenditure in fiscal year 2006 to
25 carry out the provisions of the Umbilical Cord Blood Banking

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1 Act. Any unexpended or unencumbered balance remaining at the
2 end of fiscal year 2006 shall revert to the general fund.

3 Section 8. SEVERABILITY.--If any part or application of
4 the Umbilical Cord Blood Banking Act is held invalid, the
5 remainder or its application to other situations or persons
6 shall not be affected.

7 Section 9. EFFECTIVE DATE.--

8 A. The effective date of the provisions of Sections
9 1 through 3, 5, 7 and 8 of this act is July 1, 2005.

10 B. The effective date of the provisions of Sections
11 4 and 6 of this act is January 1, 2006.