BILL ANALYSIS

C.S.H.B. 709
By: Puente
State Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Each year thousands of individuals in the United States are diagnosed with fatal blood-related diseases, such as leukemia, lymphoma, aplastic anemia, and deficiencies of the immune system. A majority of such cases are treated through bone marrow transplants, yet approximately 10,000 to 15,000 Americans each year who need a bone marrow transplant are unable to find suitable donors. In lieu of a bone marrow transplant, umbilical cord blood, which is rich in stem cells, may be used to treat a variety of these fatal blood-related diseases. Currently, mothers are not aware of the cord blood option available.

The purpose of C.S.H.B. 709 is to educate mothers-to-be on the collection, processing, and storage of umbilical cord blood.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 709 amends the Health and Safety Code to require the executive commissioner of the Health and Human Services Commission to collect information, prepare and update as necessary a brochure regarding stem cells contained in the umbilical cord after delivery of an infant.

The bill provides that the brochure must contain the following information:
1.) current and potential uses, risks, and benefits of stem cells contained in umbilical cord blood to a potential recipient including a biological family member, extended family member, or nonrelated individual;
2.) options available for the discarding, donating to a public umbilical cord blood bank, storing in a private family umbilical cord blood bank and storing in a family or sibling donor banking program, of umbilical cord blood after delivery of an infant, including:
3.) medical process used to collect umbilical cord blood after delivery of an infant;
4.) risks associated with umbilical cord blood collection to the mother and the infant;
5.) costs that a pregnant woman who chooses to donate or store umbilical cord blood after the delivery of the infant could incur; and
6.) average cost of public and private umbilical cord blood banking.

The bill requires the Department of State Health Services to make the brochure available on the department's website and to distribute the brochures on the request of physicians or other person permitted by law to attend a pregnant woman during gestation or at delivery of an infant.

C.S.H.B. 709 relates to the duty of certain professionals to require a physician or other person permitted by law to treat a pregnant woman during gestation or at delivery of an infant to provide a brochure regarding stem cells contained in the umbilical cord before the third trimester of the woman's pregnancy or as soon as reasonably feasible. The bill provides that if the mother requests, a physician or other person permitted by law to treat a pregnant woman during gestation or at delivery of an infant is required to permit the mother to arrange for umbilical cord blood storage or donations unless the donation threatens the health of the mother or her infant.

The bill provides that a physician or other person permitted by law to treat a pregnant woman during gestation or at delivery of an infant is not required to distribute the brochure regarding

stem cells contained in the umbilical cord or if the mother requests is not required to permit the arrangement of umbilical cord blood storage or donation if the action conflicts with the person's religious beliefs and the person makes this fact know to the mother as soon as reasonably feasible.

C.S.H.B. 709 requires the executive commissioner of the Health and Human Services Commission to prepare and the Department of State Health Services is required to distribute the brochure regarding stem cells contained in the umbilical cord not later than January 1, 2008. The bill provides that a physician or other person permitted by law to treat a pregnant woman during gestation or at delivery of an infant is not required to comply with the duties of certain professionals before January 1, 2008.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute amends the original version of the bill by deleting Section 162.020, NO LIABILITY FOR COMPLIANCE WITH LAW, which states that a person who acts in good faith in accordance with Sections 162.018 and 162.019 has not violated a standard of care and is not liable for civil damages or subject to criminal prosecution for the person's actions.