

1-1 By: Puente, et al. (Senate Sponsor - Nelson) H.B. No. 709  
1-2 (In the Senate - Received from the House April 12, 2007;  
1-3 April 12, 2007, read first time and referred to Committee on Health  
1-4 and Human Services; April 23, 2007, reported adversely, with  
1-5 favorable Committee Substitute by the following vote: Yeas 8,  
1-6 Nays 0; April 23, 2007, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 709 By: Janek

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to information regarding umbilical cord blood options.  
1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
1-12 SECTION 1. Chapter 162, Health and Safety Code, is amended  
1-13 by adding Sections 162.018 and 162.019 to read as follows:  
1-14 Sec. 162.018. BROCHURE ON UMBILICAL CORD BLOOD OPTIONS.  
1-15 (a) The executive commissioner of the Health and Human Services  
1-16 Commission shall prepare and update as necessary a brochure based  
1-17 on nationally accepted, peer reviewed, scientific research  
1-18 information regarding stem cells contained in the umbilical cord  
1-19 blood after delivery of an infant. The information in the brochure  
1-20 must include:  
1-21 (1) the current and potential uses, risks, and  
1-22 benefits of stem cells contained in umbilical cord blood to a  
1-23 potential recipient of donated stem cells, including a biological  
1-24 family member, extended family member, or nonrelated individual;  
1-25 (2) the options available for future use or storage of  
1-26 umbilical cord blood after delivery of an infant, including:  
1-27 (A) discarding the stem cells;  
1-28 (B) donating the stem cells to a public umbilical  
1-29 cord blood bank;  
1-30 (C) storing the stem cells in a private family  
1-31 umbilical cord blood bank for use by immediate and extended family  
1-32 members; and  
1-33 (D) storing the stem cells for immediate and  
1-34 extended family use through a family or sibling donor banking  
1-35 program that provides free collection, processing, and storage when  
1-36 a medical need exists;  
1-37 (3) the medical process used to collect umbilical cord  
1-38 blood after delivery of an infant;  
1-39 (4) any risk associated with umbilical cord blood  
1-40 collection to the mother and the infant;  
1-41 (5) any costs that may be incurred by a pregnant woman  
1-42 who chooses to donate or store umbilical cord blood after delivery  
1-43 of the woman's infant; and  
1-44 (6) the average cost of public and private umbilical  
1-45 cord blood banking.  
1-46 (b) The Department of State Health Services shall make the  
1-47 brochure available on the department's website and shall distribute  
1-48 the brochure on request to physicians or other persons permitted by  
1-49 law to attend a pregnant woman during gestation or at delivery of an  
1-50 infant.  
1-51 Sec. 162.019. DUTY OF CERTAIN PROFESSIONALS. (a) Except as  
1-52 otherwise provided by this section, a physician or other person  
1-53 permitted by law to attend a pregnant woman during gestation or at  
1-54 delivery of an infant shall provide the woman with the brochure  
1-55 described in Section 162.018 before the third trimester of the  
1-56 woman's pregnancy or as soon as reasonably feasible.  
1-57 (b) A person described in Subsection (a) who attends a  
1-58 pregnant woman during delivery of her infant shall permit the  
1-59 mother to arrange for umbilical cord blood storage or donation if  
1-60 the mother requests unless, in the opinion of the person, the  
1-61 donation threatens the health of the mother or her infant.  
1-62 (c) A person described by Subsection (a) is not required to  
1-63 distribute the brochure under Subsection (a) or to permit for the

2-1 arrangement of umbilical cord blood storage or donation under  
2-2 Subsection (b) if the action conflicts with the person's religious  
2-3 beliefs and the person makes this fact known to the mother as soon  
2-4 as reasonably feasible.

2-5 (d) A person described by Subsection (a) is not required to  
2-6 distribute the brochure under Subsection (a) while treating the  
2-7 pregnant woman for an emergency condition or when the mother  
2-8 presents in labor and delivers the infant during that presentation.

2-9 (e) A person described by Subsection (a) is not required to  
2-10 distribute the brochure under Subsection (a) if the woman provides  
2-11 the person with a written statement that she chooses to view the  
2-12 materials on the website described by Section 162.018(b).

2-13 (f) A person described by Subsection (a) who fails to  
2-14 distribute the brochure is not subject to discipline by the  
2-15 appropriate licensing agency and a cause of action is not created by  
2-16 any failure to distribute the brochure as required by this section.

2-17 SECTION 2. Not later than January 1, 2008, the executive  
2-18 commissioner of the Health and Human Services Commission shall  
2-19 prepare and the Department of State Health Services shall  
2-20 distribute the brochure required by Section 162.018, Health and  
2-21 Safety Code, as added by this Act.

2-22 SECTION 3. A physician or other person permitted by law to  
2-23 attend a pregnant woman during gestation or at delivery of an infant  
2-24 is not required to comply with Section 162.019, Health and Safety  
2-25 Code, as added by this Act, before January 1, 2008.

2-26 SECTION 4. This Act takes effect immediately if it receives  
2-27 a vote of two-thirds of all the members elected to each house, as  
2-28 provided by Section 39, Article III, Texas Constitution. If this  
2-29 Act does not receive the vote necessary for immediate effect, this  
2-30 Act takes effect September 1, 2007.

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