

SENATE AMENDMENTS

2nd Printing

By: Puente, Laubenberg, Cook of Navarro,
Farrar, Veasey, et al.

H.B. No. 709

A BILL TO BE ENTITLED

AN ACT

relating to information regarding umbilical cord blood options.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 162, Health and Safety Code, is amended by adding Sections 162.018 and 162.019 to read as follows:

Sec. 162.018. BROCHURE ON UMBILICAL CORD BLOOD OPTIONS.

(a) The executive commissioner of the Health and Human Services Commission shall collect information and prepare and update as necessary a brochure regarding stem cells contained in the umbilical cord blood after delivery of an infant. The information in the brochure must include:

(1) the current and potential uses, risks, and benefits of stem cells contained in umbilical cord blood to a potential recipient of donated stem cells, including a biological family member, extended family member, or nonrelated individual;

(2) the options available for future use or storage of umbilical cord blood after delivery of an infant, including:

(A) discarding the stem cells;

(B) donating the stem cells to a public umbilical cord blood bank;

(C) storing the stem cells in a private family umbilical cord blood bank for use by immediate and extended family members; and

(D) storing the stem cells for immediate and

1 extended family use through a family or sibling donor banking
2 program that provides free collection, processing, and storage when
3 a medical need exists;

4 (3) the medical process used to collect umbilical cord
5 blood after delivery of an infant;

6 (4) any risk associated with umbilical cord blood
7 collection to the mother and the infant;

8 (5) any costs that may be incurred by a pregnant woman
9 who chooses to donate or store umbilical cord blood after delivery
10 of the woman's infant; and

11 (6) the average cost of public and private umbilical
12 cord blood banking.

13 (b) The Department of State Health Services shall make the
14 brochure available on the department's website and shall distribute
15 the brochure on request to physicians or other persons permitted by
16 law to attend a pregnant woman during gestation or at delivery of an
17 infant.

18 Sec. 162.019. DUTY OF CERTAIN PROFESSIONALS. (a) Except as
19 otherwise provided by this section, a physician or other person
20 permitted by law to attend a pregnant woman during gestation or at
21 delivery of an infant shall provide the woman with the brochure
22 described in Section 162.018 before the third trimester of the
23 woman's pregnancy or as soon as reasonably feasible.

24 (b) A person described in Subsection (a) who attends a
25 pregnant woman during delivery of her infant shall permit the
26 mother to arrange for umbilical cord blood storage or donation if
27 the mother requests unless, in the opinion of the person, the

1 donation threatens the health of the mother or her infant.

2 (c) A person described by Subsection (a) is not required to
3 distribute the brochure under Subsection (a) or to permit for the
4 arrangement of umbilical cord blood storage or donation under
5 Subsection (b) if the action conflicts with the person's religious
6 beliefs and the person makes this fact known to the mother as soon
7 as reasonably feasible.

8 SECTION 2. Not later than January 1, 2008, the executive
9 commissioner of the Health and Human Services Commission shall
10 prepare and the Department of State Health Services shall
11 distribute the brochure required by Section 162.018, Health and
12 Safety Code, as added by this Act.

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

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

ADOPTED

MAY 01 2007

Atty. Gen.
Secretary of the Senate

By: Puente / Nelson

H.B. No. 709

Substitute the following for H.B. No. 709 :

By: *[Signature]*

C.S.H.B. No. 709

A BILL TO BE ENTITLED

AN ACT

relating to information regarding umbilical cord blood options.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 162, Health and Safety Code, is amended by adding Sections 162.018 and 162.019 to read as follows:

Sec. 162.018. BROCHURE ON UMBILICAL CORD BLOOD OPTIONS.

(a) The executive commissioner of the Health and Human Services Commission shall prepare and update as necessary a brochure based on nationally accepted, peer reviewed, scientific research information regarding stem cells contained in the umbilical cord blood after delivery of an infant. The information in the brochure must include:

(1) the current and potential uses, risks, and benefits of stem cells contained in umbilical cord blood to a potential recipient of donated stem cells, including a biological family member, extended family member, or nonrelated individual;

(2) the options available for future use or storage of umbilical cord blood after delivery of an infant, including:

(A) discarding the stem cells;

(B) donating the stem cells to a public umbilical cord blood bank;

(C) storing the stem cells in a private family umbilical cord blood bank for use by immediate and extended family members; and

1 (D) storing the stem cells for immediate and
2 extended family use through a family or sibling donor banking
3 program that provides free collection, processing, and storage when
4 a medical need exists;

5 (3) the medical process used to collect umbilical cord
6 blood after delivery of an infant;

7 (4) any risk associated with umbilical cord blood
8 collection to the mother and the infant;

9 (5) any costs that may be incurred by a pregnant woman
10 who chooses to donate or store umbilical cord blood after delivery
11 of the woman's infant; and

12 (6) the average cost of public and private umbilical
13 cord blood banking.

14 (b) The Department of State Health Services shall make the
15 brochure available on the department's website and shall distribute
16 the brochure on request to physicians or other persons permitted by
17 law to attend a pregnant woman during gestation or at delivery of an
18 infant.

19 Sec. 162.019. DUTY OF CERTAIN PROFESSIONALS. (a) Except as
20 otherwise provided by this section, a physician or other person
21 permitted by law to attend a pregnant woman during gestation or at
22 delivery of an infant shall provide the woman with the brochure
23 described in Section 162.018 before the third trimester of the
24 woman's pregnancy or as soon as reasonably feasible.

25 (b) A person described in Subsection (a) who attends a
26 pregnant woman during delivery of her infant shall permit the
27 mother to arrange for umbilical cord blood storage or donation if

1 the mother requests unless, in the opinion of the person, the
2 donation threatens the health of the mother or her infant.

3 (c) A person described by Subsection (a) is not required to
4 distribute the brochure under Subsection (a) or to permit for the
5 arrangement of umbilical cord blood storage or donation under
6 Subsection (b) if the action conflicts with the person's religious
7 beliefs and the person makes this fact known to the mother as soon
8 as reasonably feasible.

9 (d) A person described by Subsection (a) is not required to
10 distribute the brochure under Subsection (a) while treating the
11 pregnant woman for an emergency condition or when the mother
12 presents in labor and delivers the infant during that presentation.

13 (e) A person described by Subsection (a) is not required to
14 distribute the brochure under Subsection (a) if the woman provides
15 the person with a written statement that she chooses to view the
16 materials on the website described by Section 162.018(b).

17 (f) A person described by Subsection (a) who fails to
18 distribute the brochure is not subject to discipline by the
19 appropriate licensing agency and a cause of action is not created by
20 any failure to distribute the brochure as required by this section.

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

26 SECTION 3. A physician or other person permitted by law to
27 attend a pregnant woman during gestation or at delivery of an infant

Al

1 is not required to comply with Section 162.019, Health and Safety
2 Code, as added by this Act, before January 1, 2008.

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

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 20, 2007

TO: Honorable Jane Nelson, Chair, Senate Committee on Health & Human Services

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB709 by Puente (Relating to information regarding umbilical cord blood options.),
Committee Report 2nd House, Substituted

No significant fiscal implication to the State is anticipated.

The bill would require the executive commissioner of the Health and Human Services Commission (HHSC) to prepare a brochure regarding stem cells contained in umbilical cord blood. The Department of State Health Services (DSHS) would be required to make the brochure available on its website and distribute it upon request to physicians or other persons permitted by law to attend a pregnant woman during gestation or at delivery of an infant. These health care providers would be required to provide pregnant women with the brochure and to permit the mother to arrange for umbilical cord blood storage or donation upon request of the mother unless donation threatens the health of the mother or the infant; exceptions to these requirements and exemption from discipline are provided. Any cost to produce and distribute the brochure can be reasonably absorbed within the available resources of HHSC and DSHS.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 529 Health and Human Services Commission, 537 State Health Services, Department of
LBB Staff: JOB, KJG, CL, PP, LR

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 16, 2007

TO: Honorable Jane Nelson, Chair, Senate Committee on Health & Human Services

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB709 by Puente (Relating to information regarding umbilical cord blood options.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would require the executive commissioner of the Health and Human Services Commission (HHSC) to prepare a brochure regarding stem cells contained in umbilical cord blood. The Department of State Health Services (DSHS) would be required to make the brochure available on its website and distribute it upon request to physicians or other persons permitted by law to attend a pregnant woman during gestation or at delivery of an infant. These health care providers would be required to provide pregnant women with the brochure and to permit the mother to arrange for umbilical cord blood storage or donation upon request of the mother unless donation threatens the health of the mother or the infant; exception for conflict with the provider's religious belief is made. Any cost to produce and distribute the brochure can be reasonably absorbed within the available resources of HHSC and DSHS.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 529 Health and Human Services Commission, 537 State Health Services, Department of
LBB Staff: JOB, CL, KJG, PP, LR

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

March 28, 2007

TO: Honorable David Swinford, Chair, House Committee on State Affairs

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB709 by Puente (Relating to information regarding umbilical cord blood options.),
Committee Report 1st House, Substituted

No significant fiscal implication to the State is anticipated.

The bill would require the executive commissioner of the Health and Human Services Commission (HHSC) to prepare a brochure regarding stem cells contained in umbilical cord blood. The Department of State Health Services (DSHS) would be required to make the brochure available on its website and distribute it upon request to physicians or other persons permitted by law to attend a pregnant woman during gestation or at delivery of an infant. These health care providers would be required to provide pregnant women with the brochure and to permit the mother to arrange for umbilical cord blood storage or donation upon request of the mother unless donation threatens the health of the mother or the infant; exception for conflict with the provider's religious belief is made. Any cost to produce and distribute the brochure can be reasonably absorbed within the available resources of HHSC and DSHS.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 529 Health and Human Services Commission, 537 State Health Services, Department of

LBB Staff: JOB, KJG, PP, LR

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

March 11, 2007

TO: Honorable David Swinford, Chair, House Committee on State Affairs

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB709 by Puente (Relating to information regarding umbilical cord blood options.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill requires the executive commissioner of the Health and Human Services Commission (HHSC) to prepare a brochure regarding stem cells contained in umbilical cord blood. The Department of State Health Services (DSHS) is required to make the brochure available on its website and distribute it upon request to physicians or other persons permitted by law to attend a pregnant woman during gestation or at delivery of an infant. These health care providers would be required to provide pregnant women with the brochure and to permit the mother to arrange for umbilical cord blood storage or donation upon request of the mother unless donation threatens the health of the mother or the infant; exception for conflict with the provider's religious belief is made. Any cost to produce and distribute the brochure can be reasonably absorbed within the available resources of HHSC and DSHS.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 529 Health and Human Services Commission, 537 State Health Services, Department of
LBB Staff: JOB, KJG, PP, LR