

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE

Senate Bill 442
Finance

(Senator Jacobs, *et al.*)

**Department of Health and Mental Hygiene - Umbilical Cord Blood Banking -
Educational Publication**

This bill requires the Department of Health and Mental Hygiene (DHMH) to include specified and standardized information in an educational publication it develops for obstetricians and hospitals on the subject of umbilical cord blood banking. DHMH has to update the publication as appropriate, distribute it free of charge upon request of obstetrical service providers, and post it on its web site in a printable format. Obstetricians are required to distribute the publication to pregnant patients before the third trimester of pregnancy, or as soon as reasonably practicable. If the donation of cord blood conflicts with the bona fide religious practices and beliefs of the provider and the provider makes the conflict known to the patient as soon as reasonably practicable, the provider does not have to distribute the publication. Providers who do not comply are not subject to any disciplinary action. Finally, the bill requires a hospital to allow a pregnant patient to arrange for the donation of umbilical cord blood to a private cord blood bank, in addition to a public one.

The bill takes effect July 1, 2009.

Fiscal Summary

State Effect: General fund expenditures increase minimally in FY 2010 to the extent that DHMH has to update and reprint the umbilical cord blood banking educational pamphlet before current materials are exhausted. Future years are not affected. No effect on revenues.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Hospitals have to allow pregnant patients to arrange for the donation of the umbilical cord blood from their newborn child to a certified public cord blood bank, unless it is medically inadvisable. A patient who agrees to donate cord blood may not be charged for the costs of collecting, storing, or transporting the blood. A hospital does not have to collect cord blood if doing so would threaten the health of the mother or child. A hospital or hospital employee may not be required to collect cord blood if collecting cord blood conflicts with bona fide religious practices and beliefs of the hospital or hospital employee. A hospital does not have to arrange for cord blood donations.

Chapter 240 of 2006 required DHMH, in consultation with obstetricians, the Maryland Hospital Association, and interested groups, to develop umbilical cord blood donation educational materials. Each obstetrician and hospital that provides obstetrical services has to distribute the educational materials to pregnant patients.

Background: There are 33 hospitals licensed in Maryland that provide obstetric services and approximately 926 obstetricians to whom this bill applies. There were 78,057 live births to Maryland residents in 2007, the most recent year for which data is available.

The National Marrow Donor Program (NMDP) reports that researchers are studying umbilical cord blood as a source of blood stem cells that can be used to treat life-threatening diseases through stem cell transplants. NMDP reports that 75% of the stem cell transplants it facilitates are for patients with leukemia. Stem cells are also found in human bone marrow or blood, as well as umbilical cord blood. Umbilical cord blood is desirable for use in a stem cell transplant because it has large numbers of blood stem cells. NMDP cord blood banks collect, process, test, and store donated umbilical cord blood. Blood from each umbilical cord is frozen and made available for transplant. If the blood cannot be used for transplant, the cord blood stem cells may be used for research. Public umbilical cord blood banks pay for the processing and storage costs of the donated blood.

Any woman who is at least age 18 (16 in some communities), is in good health, and lives in a community where donation is available may be eligible to donate her child's umbilical cord blood. The woman should contact a cord blood bank by her thirty-fourth week of pregnancy. The cord blood bank requires a woman interested in donating cord blood to complete a consent form, provide a complete maternal and family health history form, and give a blood sample for infectious disease testing.

Additional Information

Prior Introductions: This bill is similar to SB 631 of 2008. SB 631 received an unfavorable report from the Senate Finance Committee.

Cross File: None.

Information Source(s): Department of Health and Mental Hygiene, Department of Legislative Services

Fiscal Note History: First Reader - March 9, 2009
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