

26:2H-12.4

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2007 **CHAPTER:** 247

NJSA: 26:2H-12.4 (Requires hospitals and health care professionals to advise women of option to donate or store umbilical cord blood and placental tissue)

BILL NO: A312 (Substituted for S2736)

SPONSOR(S) Cohen and others

DATE INTRODUCED: January 10, 2006

COMMITTEE: **ASSEMBLY:** Health and Senior Services

SENATE: Health, Human Services and Senior Citizens

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** December 13, 2007

SENATE: December 10, 2007

DATE OF APPROVAL: January 4, 2008

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) Assembly Committee Substitute (1R) enacted

A312/A2591

[SPONSOR'S STATEMENT \(A312\)](#): (Begins on page 2 of original bill) [Yes](#)

[SPONSOR'S STATEMENT \(A2591\)](#): (Begins on page 4 of original bill) [Yes](#)

COMMITTEE STATEMENT: [ASSEMBLY:](#) [Yes](#)

[SENATE:](#) [Yes](#)

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

S2736

[SPONSOR'S STATEMENT](#): (Begins on page 3 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** No

[SENATE:](#) [Yes](#)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING:

No

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext. 103 or <mailto:refdesk@njstatelib.org>.

REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

No

RWH 5/29/08

§§1-4 -
C.26:2H-
12.46 to
26:2H-
12.49
§5 - Note
to §§1-4

P.L. 2007, CHAPTER 247, *approved January 4, 2008*
Assembly Committee Substitute (*First Reprint*) for
Assembly, Nos. 312 and 2591

1 AN ACT concerning umbilical cord blood and placental tissue
2 donation and supplementing Title 26 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. a. A general hospital licensed pursuant to P.L.1971, c.136
8 (C.26:2H-1 et seq.) shall¹, upon admission,¹ advise every patient of
9 the hospital who is known to be pregnant of the option to donate, to
10 **'[an] a public'** umbilical cord blood bank affiliated with the National
11 Marrow Donor Program, or NMDP, blood extracted from the
12 umbilical cord or the placental tissue of her newborn child.

13 b. If the patient elects to donate umbilical cord blood or placental
14 tissue as provided in subsection a. of this section:

15 (1) The patient shall provide to the hospital the collection kit
16 supplied by the NMDP-affiliated **'public'** umbilical cord blood bank
17 to collect the blood or placental tissue and shall arrange for the kit to
18 be transported to the umbilical cord blood bank at no cost to the
19 hospital; and

20 (2) The donation shall be made without monetary expense to the
21 woman or the hospital for the collection or storage of the blood or
22 placental tissue.

23 c. If the patient elects to store her newborn child's umbilical cord
24 blood or placental tissue for family use with a **'[commercial storage**
25 **program, the] private umbilical cord blood bank:**

26 (1) The patient shall provide to the hospital the collection kit
27 supplied by the private umbilical cord blood bank to collect the blood
28 or placental tissue and shall arrange for the kit to be transported to
29 the blood bank at no cost to the hospital; and

30 (2) The¹ hospital shall collect the blood or placental tissue **'[and**
31 **transmit it to the commercial storage program]'**¹ in accordance with
32 the patient's **'[written]'**¹ directions.

33 d. The provisions of subsections a., b., and c. of this section shall
34 not be construed to:

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined **thus** is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SHH committee amendments adopted November 29, 2007.

1 (1) require a hospital to collect umbilical cord blood or placental
2 tissue if, in the professional judgment of the patient's attending
3 physician, the collection would threaten the health of the mother or
4 newborn child; or

5 (2) apply to a physician, nurse, or other hospital employee or
6 contractor who, or a hospital that, is directly affiliated with a
7 religious denomination that adheres to the tenet that blood transfer is
8 contrary to the moral principles which the denomination considers to
9 be an essential part of its beliefs and practices. The physician, nurse,
10 other hospital employee or contractor, or hospital, as applicable, shall
11 record, in writing, its refusal to participate in the activity provided in
12 subsections a., b., and c. of this section, and include a copy of the
13 refusal in the patient's medical record.

14

15 2. When a hospital advises a patient of the option to donate or
16 store umbilical cord blood or placental tissue as provided in section 1
17 of this act, it shall provide the patient with the following information:

18 a. a description of the health benefits to the community from
19 donating umbilical cord blood or placental tissue to an NMDP-
20 affiliated 'public' umbilical cord blood bank;

21 b. a description of the potential benefits to the patient and her
22 family from storing umbilical cord blood or placental tissue with a
23 'commercial storage program' private umbilical cord blood bank';

24 c. notice to the patient of her option to decline to donate umbilical
25 cord blood or placental tissue to an NMDP-affiliated 'public'
26 umbilical cord blood bank or to store it with a 'commercial storage
27 program' private umbilical cord blood bank'; and

28 d. notice to the patient that a 'commercial storage program'
29 private umbilical cord blood bank' may assess fees for the donation
30 and storage of umbilical cord blood or placental tissue, and that she
31 may donate umbilical cord blood or placental tissue to an NMDP-
32 affiliated 'public' umbilical cord blood bank at no charge to herself
33 or her family.

34

35 3. A health care professional shall provide to each patient to
36 whom that individual is providing prenatal care, as early as
37 practicable in the health care professional's therapeutic relationship
38 with the patient, 'preferably in the first trimester,' a copy of the
39 brochure prepared by the Division of Family Health Services in the
40 Department of Health and Senior Services that may be downloaded
41 from the website of the department, which is designed to answer
42 common questions about umbilical cord and placental blood donation
43 'and storage, including the NMDP-affiliated public umbilical cord
44 blood bank and private umbilical cord blood bank options and the
45 differences between and benefits of these options'. The health care
46 professional shall offer to discuss the information contained in the

1 brochure with the patient.

2

3 '4. Nothing in this act shall be construed to preclude any NMDP-
4 affiliated public umbilical cord blood bank or private umbilical cord
5 blood bank from disseminating information to patients, health care
6 professionals, and hospitals regarding the services provided by the
7 blood bank.'

8

9 '[4.] 5.' This act shall take effect on the 90th day following
10 enactment.

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15 Requires hospitals and health care professionals to advise women
16 of option to donate or store umbilical cord blood and placental tissue.

ASSEMBLY, No. 312

STATE OF NEW JERSEY

212th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2006 SESSION

Sponsored by:

Assemblyman NEIL M. COHEN

District 20 (Union)

Assemblywoman JOAN M. VOSS

District 38 (Bergen)

Assemblyman ROBERT M. GORDON

District 38 (Bergen)

Co-Sponsored by:

Assemblywoman Vainieri Huttle, Assemblymen Epps and Conaway

SYNOPSIS

Requires hospitals to notify pregnant women of option to donate umbilical cord blood.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



(Sponsorship Updated As Of: 5/11/2007)

1 AN ACT concerning the donation of umbilical cord blood and
2 supplementing Title 26 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. a. A general hospital licensed pursuant to P.L.1971, c.136
8 (C.26:2H-1 et seq.) shall offer every patient of the hospital who is
9 known to be pregnant the option to donate, to a blood bank or other
10 appropriate entity, blood extracted from the umbilical cord of her
11 newborn child if the donation can be made without monetary
12 expense to the woman or the hospital for the collection or storage of
13 the blood. b. If the woman elects to donate the umbilical cord
14 blood of her newborn child as provided in this act, the hospital
15 shall, to the extent possible, collect the umbilical cord blood and
16 transmit the blood to a blood bank or other appropriate entity.

17 c. The provisions of subsections a. and b. of this act shall not be
18 construed to:

19 (1) require a hospital to collect umbilical cord blood if, in the
20 professional judgment of the woman's attending physician, the
21 collection would threaten the health of the mother or newborn child;
22 and

23 (2) apply to a physician, nurse or other hospital employee or
24 contractor who, or a hospital that, is directly affiliated with a
25 religious denomination that adheres to the tenet that blood transfer
26 is contrary to the moral principles which the denomination
27 considers to be an essential part of its beliefs and practices. The
28 physician, nurse, other hospital employee or contractor, or hospital,
29 as applicable, shall record, in writing, its refusal to participate in the
30 activity provided in subsections a. and b. of this act, and include a
31 copy of the refusal in the patient's medical record.

32

33 2. This act shall take effect on the 90th day following
34 enactment.

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STATEMENT

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39 This bill would require a general hospital in the State to offer
40 every patient of the hospital who is known to be pregnant the option
41 to donate, to a blood bank or other appropriate entity, blood
42 extracted from the umbilical cord of her newborn child if the
43 donation can be made without monetary expense to the woman or
44 the hospital for the collection or storage of the blood. If the woman
45 elects to donate the umbilical cord blood of her newborn child, the
46 hospital shall, to the extent possible, collect the umbilical cord
47 blood and transmit the blood to a blood bank or other appropriate
48 entity.

1 The provisions of the bill shall not be construed to:

2 (1) require a hospital to collect umbilical cord blood if, in the
3 professional judgment of the woman's attending physician, the
4 collection would threaten the health of the mother or newborn child;
5 and

6 (2) apply to a physician, nurse or other hospital employee or
7 contractor who, or a hospital that, is directly affiliated with a
8 religious denomination that adheres to the tenet that blood transfer
9 is contrary to the moral principles which the denomination
10 considers to be an essential part of its beliefs and practices. The
11 health care provider shall record, in writing, its refusal to participate
12 in the cord blood donation, and include a copy of the refusal in the
13 patient's medical record.

14 Cord blood is blood that remains in the umbilical cord after a
15 baby is born and the umbilical cord is cut. Many women are not
16 aware of their option to donate umbilical cord blood, and
17 consequently the blood is often discarded as medical waste after
18 childbirth. In recent years, scientists have discovered that cord
19 blood, which is rich in stem cells, can be used in the treatment of
20 many diseases, including cancers, genetic diseases, blood disorders
21 and immune system disorders. Cord blood stem cells can be used to
22 treat many of the same diseases that bone marrow stem cells are
23 used to treat; but, because a less perfect cell match is acceptable
24 with cord blood stem cells, it becomes easier to match a patient and
25 thus lower the occurrence of Graft Versus Host Disease.

26 Cord blood also holds great promise for stem cell research
27 concerning new treatments for stroke, spinal cord injury, diabetes,
28 heart disease, AIDS, Multiple Sclerosis, organ and nerve
29 regeneration, Parkinson's disease, Alzheimer's disease and Lupus.

ASSEMBLY, No. 2591

STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED FEBRUARY 23, 2006

Sponsored by:

Assemblywoman CHARLOTTE VANDERVALK

District 39 (Bergen)

SYNOPSIS

Requires hospitals to provide information to pregnant women regarding umbilical cord blood donation and storage options.

CURRENT VERSION OF TEXT

As introduced.



A2591 VANDERVALK

2

1 AN ACT concerning the provision of information to pregnant
2 women about umbilical cord blood donation and storage options
3 and supplementing Title 26 of the Revised Statutes.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. The Legislature finds and declares that:

9 a. Following the birth of a baby, the umbilical cord usually is
10 discarded along with the placenta; however, it is now known that
11 blood retrieved from the umbilical cord is a rich source of stem
12 cells which, like donated bone marrow, can be used to treat various
13 genetic disorders that affect the blood and immune system,
14 leukemia and certain cancers, and some inherited disorders of body
15 chemistry;

16 b. Studies suggest that stem cells from cord blood offer some
17 important advantages over those retrieved from bone marrow. Stem
18 cells from cord blood are much easier to obtain because they are
19 readily obtained from the placenta at the time of delivery. A wider
20 range of recipients may benefit from cord blood stem cells; when
21 stem cells from cord blood are used, the donor cells appear more
22 likely to “take” or engraft, even when there are partial tissue
23 mismatches, than with bone marrow. A potentially fatal
24 complication called graft versus host disease, in which donor cells
25 can attack the recipient’s tissues, appears to occur less often with
26 cord blood than with bone marrow. Cord blood is less likely than
27 bone marrow to contain certain infectious agents that can pose a
28 risk to transplant recipients. In addition, some studies suggest that
29 cord blood may have a greater ability to generate new blood cells.
30 Finally, cord blood stem cells offer exciting possibilities for gene
31 therapy for certain genetic diseases, especially those involving the
32 immune system;

33 c. Expectant parents can make arrangements before the birth of
34 their child to have their baby’s cord blood collected immediately
35 after birth and stored by a commercial blood bank for their own use,
36 or to donate it to a public bank to be available to any appropriately
37 matched individual needing a transplant; and

38 d. Prospective parents who are considering umbilical cord blood
39 donation should have as much information as possible to make an
40 informed decision; and, if they have a family history of certain
41 genetic diseases such as severe anemias, immune disorders or some
42 cancers, they may want to consider the benefit to their family of
43 storing cord blood and can obtain information and counseling from
44 health care providers, including genetic counselors. Parents who
45 want to donate their baby’s cord blood to a public bank for use by
46 others should be fully informed of their responsibilities and other
47 implications of making those donations. In either case, expectant

1 parents need to be well informed so that their choice is based upon
2 sound advice and medical evidence.

3

4 2. a. A general hospital licensed pursuant to P.L.1971, c.136
5 (C.26:2H-1 et seq.) shall provide to each of its patients who are
6 known to be pregnant, at the time of preadmission processing for
7 that patient, written information, which is presented on a form and
8 in a manner prepared or prescribed by the Commissioner of Health
9 and Senior Services pursuant to subsection d. of this section,
10 concerning the patient's option to donate blood extracted from her
11 newborn child's umbilical cord to a public certified cord blood bank
12 or to have it stored at a commercial blood bank.

13 b. If the patient elects to donate her newborn child's umbilical
14 cord blood to a public certified cord blood bank or have it stored at
15 a commercial blood bank, the hospital shall, to the extent
16 practicable, collect that blood and transmit it in accordance with the
17 patient's written directions.

18 c. If the patient elects to donate her newborn child's umbilical
19 cord blood to a public certified cord blood bank, the patient shall
20 not incur any charge, fee or other monetary cost from the hospital
21 or its staff, or the attending physician, in connection with the
22 donation or storage of the blood.

23 d. (1) The Commissioner of Health and Senior Services, in
24 consultation with public certified cord blood banks operating in this
25 State, shall prepare or prescribe the information to be provided by
26 hospitals to pregnant women pursuant to subsection a. of this
27 section.

28 (2) The information shall, at a minimum:

29 (a) describe the potential benefits to the community from
30 donating cord blood to a public certified cord blood bank, the
31 provisions of subsection c. of this section, and the procedures
32 required; and

33 (b) describe the potential benefits to the patient and her family
34 from storing cord blood at a commercial blood bank for their own
35 use, and the procedures that may be required; and explain that a
36 commercial blood bank charges fees for donation and storage of
37 cord blood, and can provide the patient and her family with specific
38 information about those costs.

39 e. The provisions of this act shall not be construed to:

40 (1) require a hospital to collect umbilical cord blood if, in the
41 professional judgment of the patient's attending physician, the
42 collection would threaten the health of the mother or newborn child;
43 or

44 (2) apply to a physician, nurse or other hospital employee or
45 contractor who, or a hospital that, is directly affiliated with a
46 religious denomination the tenets of which hold that blood transfer
47 is contrary to the moral principles which the denomination
48 considers to be an essential part of its beliefs and practices. The

1 physician, nurse, other hospital employee or contractor, or hospital,
2 as applicable, shall record, in writing, the refusal to participate in
3 the activity provided in this act, and include a copy of the refusal in
4 the patient's medical record.

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6 3. The Commissioner of Health and Senior Services, pursuant to
7 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
8 seq.), shall adopt rules and regulations to effectuate the purposes of
9 this act.

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11 4. This act shall take effect on the 180th day after enactment,
12 except that the Commissioner of Health and Senior Services may
13 take such anticipatory administrative action in advance as shall be
14 necessary for the implementation of the act.

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STATEMENT

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19 This bill is designed to promote greater awareness of the options
20 that a pregnant woman has regarding donation or storage of her
21 newborn child's umbilical cord blood.

22 The bill provides specifically as follows:

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- A licensed general hospital is to provide to each of its patients who are known to be pregnant, at the time of preadmission processing for that patient, written information, which is presented on a form and in a manner prepared or prescribed by the Commissioner of Health and Senior Services pursuant to the bill, concerning the patient's option to donate blood extracted from her newborn child's umbilical cord to a public certified cord blood bank or to have it stored at a commercial blood bank.
- If the patient elects to donate her newborn child's umbilical cord blood to a public certified cord blood bank or have it stored at a commercial blood bank as provided in the bill, the hospital, to the extent practicable, is to collect that blood and transmit it in accordance with the patient's written directions.
- If the patient elects to donate her newborn child's umbilical cord blood to a public certified cord blood bank, the patient will not incur any charge, fee or other monetary cost from the hospital or its staff, or the attending physician, in connection with the donation or storage of the blood.
- The Commissioner of Health and Senior Services, in consultation with public certified cord blood banks operating in this State, is to prepare or prescribe the information to be provided by hospitals to pregnant women pursuant to the bill.
- The information, at a minimum, is to:

A2591 VANDERVALK

- 1 -- describe the potential benefits to the community from
2 donating cord blood to a public certified cord blood bank, the fact
3 that the patient will not be charged for the expenses of donation or
4 storage at a public certified cord blood bank, and the procedures
5 required; and
- 6 -- describe the potential benefits to the patient and her
7 family from storing cord blood at a commercial blood bank for their
8 own use, and the procedures that may be required; and explain that
9 a commercial blood bank charges fees for donation and storage of
10 cord blood, and can provide the patient and her family with specific
11 information about those costs.
- 12 • The provisions of the bill are not to be construed to:
- 13 -- require a hospital to collect umbilical cord blood if, in the
14 professional judgment of the patient's attending physician, the
15 collection would threaten the health of the mother or newborn child;
16 or
- 17 -- apply to a physician, nurse or other hospital employee or
18 contractor who, or a hospital that, is directly affiliated with a
19 religious denomination the tenets of which hold that blood transfer
20 is contrary to the moral principles which the denomination
21 considers to be an essential part of its beliefs and practices. The
22 physician, nurse, other hospital employee or contractor, or hospital,
23 as applicable, is to record, in writing, the refusal to participate in
24 this activity, and include a copy of the refusal in the patient's
25 medical record.
- 26 • The bill takes effect on the 180th day after enactment, but
27 authorizes the Commissioner of Health and Senior
28 Services to take anticipatory administrative action in
29 advance as necessary for its implementation.

ASSEMBLY HEALTH AND SENIOR SERVICES COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR ASSEMBLY, Nos. 312 and 2591

STATE OF NEW JERSEY

DATED: MAY 10, 2007

The Assembly Health and Senior Services Committee reports favorably an Assembly Committee Substitute for Assembly Bill Nos. 312 and 2591.

This committee substitute is intended to ensure that a pregnant woman is advised of the option to donate her newborn child's umbilical cord blood and placental tissue.

Specifically, the substitute provides as follows:

- Each licensed general hospital in the State is to advise every patient of the hospital who is known to be pregnant of the option to donate, to an umbilical cord blood bank affiliated with the National Marrow Donor Program, or NMDP, blood extracted from the umbilical cord or the placental tissue of her newborn child.
- If the patient elects to donate umbilical cord blood or placental tissue as provided in the substitute:
 - the patient is to provide to the hospital the collection kit supplied by the NMDP-affiliated umbilical cord blood bank to collect the blood or placental tissue and is to arrange for the kit to be transported to the umbilical cord blood bank at no cost to the hospital; and
 - the donation is to be made without monetary expense to the woman or the hospital for the collection or storage of the blood or placental tissue.
- If the patient elects to store her newborn child's umbilical cord blood or placental tissue for family use with a commercial storage program, the hospital is to collect the blood or placental tissue and transmit it to the commercial storage program in accordance with the patient's written directions.
- The provisions of the substitute are not to be construed to:
 - require a hospital to collect umbilical cord blood or placental tissue if, in the professional judgment of the patient's attending physician, the collection would threaten the health of the mother or newborn child; or
 - apply to a physician, nurse or other hospital employee or contractor who, or a hospital that, is directly affiliated with a religious denomination that adheres to the tenet that blood transfer is contrary to

the moral principles which the denomination considers to be an essential part of its beliefs and practices. The health care provider is to record, in writing, its refusal to participate in the blood donation, and include a copy of the refusal in the patient's medical record.

- When the hospital advises a patient of the option to donate umbilical cord blood or placental tissue as provided in the substitute, it is to provide the patient with the following information:
 - a description of the health benefits to the community from donating umbilical cord blood or placental tissue to an NMDP-affiliated umbilical cord blood bank;
 - a description of the potential benefits to the patient and her family from storing umbilical cord blood or placental tissue with a commercial storage program;
 - notice to the patient of her option to decline to donate umbilical cord blood or placental tissue to an NMDP-affiliated umbilical cord blood bank or to store it with a commercial storage program; and
 - notice to the patient that a commercial storage program may assess fees for the donation and storage of umbilical cord blood or placental tissue, and that she may donate umbilical cord blood or placental tissue to an NMDP-affiliated umbilical cord blood bank at no charge to herself or her family.
- A health care professional is to provide to each patient to whom that individual is providing prenatal care, as early as practicable in the health care professional's therapeutic relationship with the patient, a copy of the brochure prepared by the Division of Family Health Services in the Department of Health and Senior Services that may be downloaded from the website of the department, which is designed to answer common questions about umbilical cord and placental blood donation. The health care professional is to offer to discuss the information contained in the brochure with the patient.
- The substitute takes effect on the 90th day following enactment.

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, Nos. 312 and 2591

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 29, 2007

The Senate Health, Human Services and Senior Citizens Committee reports favorably and with amendments the Assembly Committee Substitute for Assembly Bill Nos. 312 and 2591.

As amended by committee, this committee substitute is intended to ensure that a pregnant woman is advised of the option to donate or store her newborn child's umbilical cord blood and placental tissue.

Specifically, the substitute provides as follows:

- Each licensed general hospital in the State, upon admission of every patient who is known to be pregnant, is to advise of the option to donate, to a public umbilical cord blood bank affiliated with the National Marrow Donor Program, or NMDP, blood extracted from the umbilical cord or the placental tissue of her newborn child.
- If the patient elects to donate umbilical cord blood or placental tissue as provided in the substitute:
 - the patient is to provide to the hospital the collection kit supplied by the NMDP-affiliated public umbilical cord blood bank to collect the blood or placental tissue and is to arrange for the kit to be transported to the umbilical cord blood bank at no cost to the hospital; and
 - the donation is to be made without monetary expense to the woman or the hospital for the collection or storage of the blood or placental tissue.
- If the patient elects to store her newborn child's umbilical cord blood or placental tissue for family use with a private umbilical cord blood bank:
 - the patient is to provide to the hospital the collection kit supplied by the private blood bank to collect the blood or placental tissue and to arrange for the kit to be transported to the blood bank at no cost to the hospital; and
 - the hospital is to collect the blood or placental tissue in accordance with the patient's directions.
- The provisions of the substitute are not to be construed to:

- require a hospital to collect umbilical cord blood or placental tissue if, in the professional judgment of the patient's attending physician, the collection would threaten the health of the mother or newborn child;
- apply to a physician, nurse or other hospital employee or contractor who, or a hospital that, is directly affiliated with a religious denomination that adheres to the tenet that blood transfer is contrary to the moral principles which the denomination considers to be an essential part of its beliefs and practices. The health care provider is to record, in writing, its refusal to participate in the blood donation, and include a copy of the refusal in the patient's medical record; or
- preclude any NMDP-affiliated public umbilical cord blood bank or private umbilical cord blood bank from disseminating information to patients, health care professionals, and hospitals regarding the services provided by the blood bank.
- When the hospital advises a patient of the option to donate umbilical cord blood or placental tissue as provided in the substitute, it is to provide the patient with the following information:
 - a description of the health benefits to the community from donating umbilical cord blood or placental tissue to an NMDP-affiliated public umbilical cord blood bank;
 - a description of the potential benefits to the patient and her family from storing umbilical cord blood or placental tissue with a private umbilical cord blood bank;
 - notice to the patient of her option to decline to donate umbilical cord blood or placental tissue to an NMDP-affiliated public umbilical cord blood bank or to store it with a private umbilical cord blood bank; and
 - notice to the patient that a private umbilical cord blood bank may assess fees for the donation and storage of umbilical cord blood or placental tissue, and that she may donate umbilical cord blood or placental tissue to an NMDP-affiliated public umbilical cord blood bank at no charge to herself or her family.
- A health care professional is to provide to each patient to whom that individual is providing prenatal care, as early as practicable in the health care professional's therapeutic relationship with the patient, preferably in the first trimester, a copy of the brochure prepared by the Division of Family Health Services in the Department of Health and Senior Services that may be downloaded from the website of the department, which is designed to answer common questions about umbilical cord and placental blood donation and storage, including the NMDP-affiliated public umbilical cord blood bank and private umbilical cord blood bank options and the differences between and benefits of these options. The health care professional is to offer to discuss the information contained in the brochure with the patient.
- The substitute takes effect on the 90th day following enactment.

The committee amended the substitute to:

--specify that a hospital advise pregnant patients, upon admission, of the option to donate their newborns' umbilical cord blood or placental tissue to a public umbilical cord blood bank;

-- specify that the NMDP-affiliated umbilical cord blood banks are public entities and to replace the term "commercial storage program" with "private umbilical cord blood bank" when describing the private entities;

-- provide for the same requirements for patients who choose to store their newborn child's umbilical cord blood or placental tissue for family use with a private umbilical cord blood bank, as is required for patients who donate the cord blood or tissue to a NMDP-affiliated public umbilical cord blood bank. Specifically, the amendments require the patient to provide the hospital with the collection kit supplied by the private blood bank to collect the blood or placental tissue and to arrange for the kit to be transported to the blood bank at no cost to the hospital;

-- delete the requirements that the hospital transmit the cord blood or placental tissue to the private umbilical cord blood bank, and that the patient's directions for disposition of the blood or tissue be in writing;

-- specify that health care professionals who provide prenatal care provide a copy of the Department of Health and Senior Services' (DHSS) brochure on umbilical cord blood and placental tissue donation to their patients as early as practicable, preferably in the first trimester;

-- specify that the DHSS brochure include information about the NMDP-affiliated public umbilical cord blood bank and private umbilical cord blood bank options and the differences between and benefits of these options; and

-- clarify that nothing in this substitute shall be construed to preclude any NMDP-affiliated public umbilical cord blood bank or private umbilical cord blood bank from disseminating information to patients, health care professionals, and hospitals regarding the services provided by the blood bank.

As amended by committee, this substitute is identical to Senate Bill No. 2736 (SCA) (Karcher/Vitale), which the committee also reported favorably on this date.

SENATE, No. 2736

STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED MAY 21, 2007

Sponsored by:

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District 12 (Mercer and Monmouth)

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District 19 (Middlesex)

Co-Sponsored by:

Senators T.Kean and Allen

SYNOPSIS

Requires hospitals and health care professionals to advise women of option to donate umbilical cord blood and placental tissue.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 11/30/2007)

1 AN ACT concerning umbilical cord blood and placental tissue
2 donation and supplementing Title 26 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. a. A general hospital licensed pursuant to P.L.1971, c.136
8 (C.26:2H-1 et seq.) shall advise every patient of the hospital who is
9 known to be pregnant of the option to donate, to an umbilical cord
10 blood bank affiliated with the National Marrow Donor Program, or
11 NMDP, blood extracted from the umbilical cord or the placental
12 tissue of her newborn child.

13 b. If the patient elects to donate umbilical cord blood or
14 placental tissue as provided in subsection a. of this section:

15 (1) The patient shall provide to the hospital the collection kit
16 supplied by the NMDP-affiliated umbilical cord blood bank to
17 collect the blood or placental tissue and shall arrange for the kit to
18 be transported to the umbilical cord blood bank at no cost to the
19 hospital; and

20 (2) The donation shall be made without monetary expense to the
21 woman or the hospital for the collection or storage of the blood or
22 placental tissue.

23 c. If the patient elects to store her newborn child's umbilical
24 cord blood or placental tissue for family use with a commercial
25 storage program, the hospital shall collect the blood or placental
26 tissue and transmit it to the commercial storage program in
27 accordance with the patient's written directions.

28 d. The provisions of subsections a., b., and c. of this section
29 shall not be construed to:

30 (1) require a hospital to collect umbilical cord blood or placental
31 tissue if, in the professional judgment of the patient's attending
32 physician, the collection would threaten the health of the mother or
33 newborn child; or

34 (2) apply to a physician, nurse, or other hospital employee or
35 contractor who, or a hospital that, is directly affiliated with a
36 religious denomination that adheres to the tenet that blood transfer
37 is contrary to the moral principles which the denomination
38 considers to be an essential part of its beliefs and practices. The
39 physician, nurse, other hospital employee or contractor, or hospital,
40 as applicable, shall record, in writing, its refusal to participate in the
41 activity provided in subsections a., b., and c. of this section, and
42 include a copy of the refusal in the patient's medical record.

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44 2. When a hospital advises a patient of the option to donate or
45 store umbilical cord blood or placental tissue as provided in section
46 1 of this act, it shall provide the patient with the following
47 information:

- 1 a. a description of the health benefits to the community from
2 donating umbilical cord blood or placental tissue to an NMDP-
3 affiliated umbilical cord blood bank;
- 4 b. a description of the potential benefits to the patient and her
5 family from storing umbilical cord blood or placental tissue with a
6 commercial storage program;
- 7 c. notice to the patient of her option to decline to donate
8 umbilical cord blood or placental tissue to an NMDP-affiliated
9 umbilical cord blood bank or to store it with a commercial storage
10 program; and
- 11 d. notice to the patient that a commercial storage program may
12 assess fees for the donation and storage of umbilical cord blood or
13 placental tissue, and that she may donate umbilical cord blood or
14 placental tissue to an NMDP-affiliated umbilical cord blood bank at
15 no charge to herself or her family.

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17 3. A health care professional shall provide to each patient to
18 whom that individual is providing prenatal care, as early as
19 practicable in the health care professional's therapeutic relationship
20 with the patient, a copy of the brochure prepared by the Division of
21 Family Health Services in the Department of Health and Senior
22 Services that may be downloaded from the website of the
23 department, which is designed to answer common questions about
24 umbilical cord and placental blood donation. The health care
25 professional shall offer to discuss the information contained in the
26 brochure with the patient.

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28 4. This act shall take effect on the 90th day following
29 enactment.

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32 STATEMENT

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34 This bill is intended to ensure that a pregnant woman is advised
35 of the option to donate her newborn child's umbilical cord blood
36 and placental tissue.

37 Specifically, the bill provides as follows:

- 38 • Each licensed general hospital in the State is to advise every
39 patient of the hospital who is known to be pregnant of the option
40 to donate, to an umbilical cord blood bank affiliated with the
41 National Marrow Donor Program, or NMDP, blood extracted
42 from the umbilical cord or the placental tissue of her newborn
43 child.
- 44 • If the patient elects to donate umbilical cord blood or placental
45 tissue as provided in the bill:
- 46 -- the patient is to provide to the hospital the collection kit
47 supplied by the NMDP-affiliated umbilical cord blood bank to
48 collect the blood or placental tissue and is to arrange for the kit to

- 1 be transported to the umbilical cord blood bank at no cost to the
2 hospital; and
- 3 -- the donation is to be made without monetary expense to the
4 woman or the hospital for the collection or storage of the blood or
5 placental tissue.
- 6 • If the patient elects to store her newborn child's umbilical cord
7 blood or placental tissue for family use with a commercial storage
8 program, the hospital is to collect the blood or placental tissue
9 and transmit it to the commercial storage program in accordance
10 with the patient's written directions.
- 11 • The provisions of the bill are not to be construed to:
- 12 -- require a hospital to collect umbilical cord blood or placental
13 tissue if, in the professional judgment of the patient's attending
14 physician, the collection would threaten the health of the mother or
15 newborn child; or
- 16 -- apply to a physician, nurse or other hospital employee or
17 contractor who, or a hospital that, is directly affiliated with a
18 religious denomination that adheres to the tenet that blood transfer
19 is contrary to the moral principles which the denomination
20 considers to be an essential part of its beliefs and practices. The
21 health care provider is to record, in writing, its refusal to participate
22 in the blood donation, and include a copy of the refusal in the
23 patient's medical record.
- 24 • When the hospital advises a patient of the option to donate
25 umbilical cord blood or placental tissue as provided in the bill, it
26 is to provide the patient with the following information:
- 27 -- a description of the health benefits to the community from
28 donating umbilical cord blood or placental tissue to an NMDP-
29 affiliated umbilical cord blood bank;
- 30 -- a description of the potential benefits to the patient and her
31 family from storing umbilical cord blood or placental tissue with a
32 commercial storage program;
- 33 -- notice to the patient of her option to decline to donate
34 umbilical cord blood or placental tissue to an NMDP-affiliated
35 umbilical cord blood bank or to store it with a commercial storage
36 program; and
- 37 -- notice to the patient that a commercial storage program may
38 assess fees for the donation and storage of umbilical cord blood or
39 placental tissue, and that she may donate umbilical cord blood or
40 placental tissue to an NMDP-affiliated umbilical cord blood bank at
41 no charge to herself or her family.
- 42 • A health care professional is to provide to each patient to whom
43 that individual is providing prenatal care, as early as practicable
44 in the health care professional's therapeutic relationship with the
45 patient, a copy of the brochure prepared by the Division of
46 Family Health Services in the Department of Health and Senior
47 Services that may be downloaded from the website of the
48 department, which is designed to answer common questions about

S2736 KARCHER, VITALE

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- 1 umbilical cord and placental blood donation. The health care
- 2 professional is to offer to discuss the information contained in the
- 3 brochure with the patient.
- 4 • The bill takes effect on the 90th day following enactment.

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

SENATE, No. 2736

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 29, 2007

The Senate Health, Human Services and Senior Citizens Committee reports favorably and with amendments Senate Bill No. 2736.

As amended by committee, this bill is intended to ensure that a pregnant woman is advised of the option to donate or store her newborn child's umbilical cord blood and placental tissue.

Specifically, the bill provides as follows:

- Each licensed general hospital in the State, upon admission of every patient who is known to be pregnant, is to advise of the option to donate, to a public umbilical cord blood bank affiliated with the National Marrow Donor Program, or NMDP, blood extracted from the umbilical cord or the placental tissue of her newborn child.
- If the patient elects to donate umbilical cord blood or placental tissue as provided in the bill:
 - the patient is to provide to the hospital the collection kit supplied by the NMDP-affiliated public umbilical cord blood bank to collect the blood or placental tissue and is to arrange for the kit to be transported to the umbilical cord blood bank at no cost to the hospital; and
 - the donation is to be made without monetary expense to the woman or the hospital for the collection or storage of the blood or placental tissue.
- If the patient elects to store her newborn child's umbilical cord blood or placental tissue for family use with a private umbilical cord blood bank:
 - the patient is to provide to the hospital the collection kit supplied by the private blood bank to collect the blood or placental tissue and to arrange for the kit to be transported to the blood bank at no cost to the hospital; and
 - the hospital is to collect the blood or placental tissue in accordance with the patient's directions.
- The provisions of the bill are not to be construed to:

- require a hospital to collect umbilical cord blood or placental tissue if, in the professional judgment of the patient's attending physician, the collection would threaten the health of the mother or newborn child;
- apply to a physician, nurse or other hospital employee or contractor who, or a hospital that, is directly affiliated with a religious denomination that adheres to the tenet that blood transfer is contrary to the moral principles which the denomination considers to be an essential part of its beliefs and practices. The health care provider is to record, in writing, its refusal to participate in the blood donation, and include a copy of the refusal in the patient's medical record; or
- preclude any NMDP-affiliated public umbilical cord blood bank or private umbilical cord blood bank from disseminating information to patients, health care professionals, and hospitals regarding the services provided by the blood bank.
- When the hospital advises a patient of the option to donate umbilical cord blood or placental tissue as provided in the bill, it is to provide the patient with the following information:
 - a description of the health benefits to the community from donating umbilical cord blood or placental tissue to an NMDP-affiliated public umbilical cord blood bank;
 - a description of the potential benefits to the patient and her family from storing umbilical cord blood or placental tissue with a private umbilical cord blood bank;
 - notice to the patient of her option to decline to donate umbilical cord blood or placental tissue to an NMDP-affiliated public umbilical cord blood bank or to store it with a private umbilical cord blood bank; and
 - notice to the patient that a private umbilical cord blood bank may assess fees for the donation and storage of umbilical cord blood or placental tissue, and that she may donate umbilical cord blood or placental tissue to an NMDP-affiliated public umbilical cord blood bank at no charge to herself or her family.
- A health care professional is to provide to each patient to whom that individual is providing prenatal care, as early as practicable in the health care professional's therapeutic relationship with the patient, preferably in the first trimester, a copy of the brochure prepared by the Division of Family Health Services in the Department of Health and Senior Services that may be downloaded from the website of the department, which is designed to answer common questions about umbilical cord and placental blood donation and storage, including the NMDP-affiliated public umbilical cord blood bank and private umbilical cord blood bank options and the differences between and benefits of these options. The health care professional is to offer to discuss the information contained in the brochure with the patient.
- The bill takes effect on the 90th day following enactment.

The committee amended the bill to:

--specify that a hospital advise pregnant patients, upon admission, of the option to donate their newborns' umbilical cord blood or placental tissue to a public umbilical cord blood bank;

-- specify that the NMDP-affiliated umbilical cord blood banks are public entities and to replace the term "commercial storage program" with "private umbilical cord blood bank" when describing the private entities;

-- provide for the same requirements for patients who choose to store their newborn child's umbilical cord blood or placental tissue for family use with a private umbilical cord blood bank, as is required for patients who donate the cord blood or tissue to a NMDP-affiliated public umbilical cord blood bank. Specifically, the amendments require the patient to provide the hospital with the collection kit supplied by the private blood bank to collect the blood or placental tissue and to arrange for the kit to be transported to the blood bank at no cost to the hospital;

-- delete the requirements that the hospital transmit the cord blood or placental tissue to the private umbilical cord blood bank, and that the patient's directions for disposition of the blood or tissue be in writing;

-- specify that health care professionals who provide prenatal care provide a copy of the Department of Health and Senior Services' (DHSS) brochure on umbilical cord blood and placental tissue donation to their patients as early as practicable, preferably in the first trimester;

-- specify that the DHSS brochure include information about the NMDP-affiliated public umbilical cord blood bank and private umbilical cord blood bank options and the differences between and benefits of these options; and

-- clarify that nothing in this bill shall be construed to preclude any NMDP-affiliated public umbilical cord blood bank or private umbilical cord blood bank from disseminating information to patients, health care professionals, and hospitals regarding the services provided by the blood bank.

As amended by committee, this bill is identical to the Assembly Committee Substitute for Assembly Bill Nos. 312/2591 (SCA) (Cohen/Vandervalk/Voss/Gordon), which the committee also reported favorably on this date.