SENATE BILL 2743

By Kelsey

AN ACT to amend Tennessee Code Annotated, Section 68-32-105, relative to umbilical cords.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 68-32-105, is amended by deleting the section in its entirety and by substituting instead the following:

(a) As used in this section, unless the context otherwise requires:

(1) "Health care institution" means a hospital as described in § 68-11-201(23) or a birthing center as described in § 68-11-201(10);

(2) "Health care professional" means:

(A) A physician authorized to practice medicine and surgery under title 63, chapter 6;

(B) An osteopathic physician authorized to practice under title 63, chapter 9;

(C) A registered nurse authorized to practice under title 63, chapter 7;

(D) A certified professional midwife (CPM), authorized to practice under title 63, chapter 29; or

(E) A physician assistant authorized to practice under title 63, chapter 19; and

(3) "Umbilical cord blood" means the blood that remains in the umbilical cord and placenta after the birth of a newborn child.

(b) The department of health shall encourage principal health care professionals who provide health care services that are directly related to a woman's pregnancy to

provide a woman by the end of her second trimester (26th week) with the publication described in subsection (c).

(c) The department of health, on its Internet web site, shall make available to health care professionals a printable publication that can be downloaded containing standardized, objective information about umbilical cord blood banking that is sufficient to allow a pregnant woman to make an informed decision about whether to participate in an umbilical cord blood banking program. The publication shall include all of the following information:

(1) The medical processes involved in the collection of umbilical cord blood;

(2) The medical risks of umbilical cord blood collection to the mother and the newborn child;

(3) The options available to a mother regarding stem cells contained in the umbilical cord blood after delivery of the mother's newborn child including, but not limited to:

(A) Donating the stem cells to a public umbilical cord blood bank;

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

(C) Storing the stem cells for use by the family through a family or sibling donor banking program that provides free collection, processing, and storage of the stem cells where there is a medical need; and

(D) Having the stem cells discarded;

(4) The current and potential future medical uses, risks, and benefits of umbilical cord blood collection to the mother, newborn child, and biological family;

(5) The current and potential future medical uses, risks, and benefits of umbilical cord blood collection to individuals who are not biologically related to the mother or newborn child;

(6) Any costs that may be incurred by a pregnant woman who chooses to make an umbilical cord blood donation;

(7) The average cost of public and private umbilical cord blood banking; and

(8) The option of having the umbilical cord blood discarded.

(d) A health care professional or health care institution is not liable for damages in a civil action, subject to prosecution in a criminal proceeding, or subject to disciplinary action by the state medical board, board of nursing, or similar board for acting in good faith pursuant to subsection (b).

SECTION 2. This act shall take effect July 1, 2010, the public welfare requiring it.