

- SUBJECT:** Providing information on umbilical cord blood to pregnant mothers
- COMMITTEE:** State Affairs — committee substitute recommended
- VOTE:** 7 ayes — Swinford, Paxton, Christian, B. Cook, Flynn, Parker, Veasey  
0 nays  
2 absent — Van Arsdale, Farrar
- WITNESSES:** For — Mary Beth Fisk, Texas Cord Blood Bank; David T. Harris, Cord Blood Registry, Inc.; Beverly B. Nuckols, Texas Alliance for Life; Darlene Davis; Joseph Davis; Joseph Davis II; Mike Love; (*Registered, but did not testify:* Stacey Emick, Texas Right to Life; Erin Hurt, Texas Right to Life; Ann Langer; Vicki Perkins, CHRISTUS Santa Rosa Health Care; Joe Pojman, Texas Alliance for Life, Inc.; Jonathan M. Saenz, Free Market Foundation; Kyle Scruggs; William Sitton)  
  
Against — None  
  
On — Chan McDermott, Texas Department of State Health Services
- BACKGROUND:** Cord blood is the blood that remains in the placenta and umbilical cord after a baby is born. This blood contains stem cells — undifferentiated cells that can develop into any type of tissue. These cells can be extracted at the time of birth, frozen, and then stored for future use.  
  
Health and Safety Code, ch. 162 regulates blood donation and identifies the responsibilities and liabilities of blood banks.
- DIGEST:** CSHB 709 would amend Health and Safety Code, ch. 162 by directing the Health and Human Services Commission (HHSC) to prepare and distribute a brochure on umbilical cord blood options by January 1, 2008. The brochure would have to contain information regarding:
- current and potential uses, risks, and benefits of umbilical cord blood to a potential recipient;
  - options available for use and storage of cord blood, including disposal of stem cells, donation to a public umbilical blood bank, and storage for immediate or future use by family members;

- the medical process for umbilical blood collection and any potential risk to the mother or infant; and
- costs associated with donating or storing umbilical blood.

HHSC would be required to make the brochure available on its Web site and distribute it on request to physicians and other persons permitted to attend a pregnant woman. Starting January 1, 2008, physicians and others permitted to attend pregnant women would be required to provide the expectant mother with the brochure before her third trimester or as soon as reasonably feasible.

Upon the pregnant mother's request, the physician or other professional would be required to permit the mother to make necessary arrangements for umbilical blood storage or donation unless in their professional opinion donation would threaten the health of the mother or infant. A physician or other professional whose religious beliefs conflicted with activities related to umbilical blood storage or donation would not be required to distribute the brochure or assist the expectant mother with such arrangements if the physician or other professional informed the mother of this conflict as soon as reasonably feasible.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2007.

**SUPPORTERS  
SAY:**

CSHB 709 would provide expectant mothers with balanced information in line with the recommendations of the Institute of Medicine on the uses, risks, and benefits of stems cells found in umbilical cord blood.

Umbilical cord blood can provide access to life-saving therapies for certain diseases. Researchers have conducted clinical trials testing the effectiveness of cord blood cells compared to bone marrow in the treatment of certain types of leukemia, lymphoma, and Hodgkin's Disease, among others. The studies show that, compared to bone marrow, the use of cord blood cells requires less specific tissue-type matching in patients and the rejection of these cells is less severe. Research also suggests that cord blood is less dependent upon ethnic match than bone marrow.

Because it is often difficult to find a close enough match for bone marrow transplants, cord blood cells from unrelated donors greatly could increase the accessibility of treatment for individuals with some life-threatening

diseases. Also, bone marrow donors must undergo general anesthesia and a painful extraction process, whereas umbilical cord blood is extracted from discarded tissue. The availability of cord blood is likely to surpass bone marrow, providing greater accessibility to treatment for patients.

The brochure could increase the potential for public donations. The 77th Legislature in 2001 created the Texas Cord Blood Bank, the only cord blood bank for unrelated donor blood in the central Southwest United States. Increasing awareness on uses, risks, and benefits of stems cells found in cord blood would increase the availability of cord blood in Texas and surrounding states and possibly provide life-saving transplants to area residents. This is especially important for the treatment of diseases common to minority populations, such as diabetes and sickle-cell anemia. Cord blood cells also have potential applications in the treatment of AIDS, Alzheimer's, cardiovascular disease, and other serious human diseases. In cases where there is no intent for private storage, the majority of mothers provided with the benefits of cord blood decide to donate to a public cord blood bank.

Providing a brochure to expectant mothers would be a direct and simple way to educate mothers on the uses, risks, and benefits of stem cells found in cord blood, which could lead to an increase in the availability of cells for future biotechnology research and possible matches for their family or non-related recipients.

**OPPONENTS  
SAY:**

CSHB 709 could interfere with the physician-patient relationship. Requiring medical professionals to distribute a brochure on the uses, benefits, and potential risks associated with the stem cells contained in umbilical cord blood would allow the state to specify elements of informed consent for medical procedures. Medical professionals determine what constitutes proper conduct for physicians.

In addition, the American Medical Association believes there should be national standardized guidelines to address the ethical, economical, professional, and social issues surrounding cord blood donation and transplantation prior to any state enacting its own mandates.

**NOTES:**

HB 709 as introduced would have granted immunity to a person who acted in good faith from criminal or civil liability for complying with the provisions of the bill. The committee substitute deleted this language.