

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 709
By: Puente et al. (Nelson)
Health & Human Services
4/20/2007
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Each year, thousands of individuals in the United States are diagnosed with fatal blood-related diseases, such as leukemia, lymphoma, aplastic anemia, and deficiencies of the immune system. A majority of such cases are treated through bone marrow transplants, yet approximately 10,000 to 15,000 Americans each year who need a bone marrow transplant are unable to find suitable donors. In lieu of a bone marrow transplant, umbilical cord blood, which is rich in stem cells, may be used to treat a variety of these fatal blood-related diseases. Currently, mothers are not made aware of the umbilical cord blood options available.

C.S.H.B. 709 requires that a brochure be provided to pregnant women with educational information concerning the collection, processing, and storage of umbilical cord blood.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to any state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 162, Health and Safety Code, by adding Sections 162.018 and 162.019, as follows:

Sec. 162.018. BROCHURE ON UMBILICAL CORD BLOOD OPTIONS. (a) Requires the executive commissioner of the Health and Human Services Commission (executive commissioner) to 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. Requires the brochure to include certain information.

(b) Requires the Department of State Health Services (DSHS) to make the brochure available on its website and to distribute the brochure on request to physicians or other person permitted by law to attend a pregnant woman during gestation or at delivery of an infant.

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

(b) Requires a person described in Subsection (a) who attends a pregnant woman during delivery of her infant to permit the mother to arrange for umbilical cord blood storage or donation if the mother requests unless, in the opinion of the person, the donations threatens the health of the mother or her infant.

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

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

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

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

SECTION 2. Requires the executive commissioner, not later than January 1, 2008, to prepare and DSHS to distribute the brochure required by Section 162.018, Health and Safety Code, as added by this Act.

SECTION 3. Makes application of Section 162.019, Health and Safety Code, as added by this Act, prospective to January 1, 2008.

SECTION 4. Effective date: upon passage or September 1, 2007.