

Regular Session, 2009

SENATE BILL NO. 97

BY SENATOR QUINN

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

HEALTH SERVICES. Requires certain medical professionals to provide information about umbilical cord blood donation to pregnant women. (8/15/09)

AN ACT

To amend and reenact R.S. 46:2882(C) and to enact R.S. 46:2883, relative to umbilical cord blood banking; to provide for the duties of the Department of Health and Hospitals; to provide for the duties of certain health care providers; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 46:2882(C) is hereby amended and reenacted to read as follows:

§2882. Umbilical Cord Blood Banking Program; establishment; duties of the Department of Health and Hospitals; funding

* * *

C. The department shall accept and expend any grants, awards, or other funds as may be made available for the purposes of this Section. ~~Subject to an appropriation from the legislature, the department shall implement the provisions of this Section.~~

Section 2. R.S. 46:2883 is hereby enacted to read as follows:

§2883. Dissemination of information by certain health care providers

A. For the purposes of this Section, "health care provider" means a

1 person who is licensed, certified, or otherwise authorized by law to provide or
2 render health care services to pregnant women in the state of Louisiana in the
3 ordinary course of business or scope of profession but is limited to a physician,
4 certified nurse practitioner, certified nurse midwife, and licensed midwife.

5 B. All health care providers providing healthcare services to a pregnant
6 patient by the end of the second trimester or twenty-eighth week of pregnancy,
7 which health services are directly related to her pregnancy, shall advise her of
8 options to donate umbilical cord blood following the delivery of a newborn
9 child, by providing standardized objective information that is sufficient to allow
10 a pregnant patient to make an informed decision on whether to participate in
11 a public or private umbilical cord blood banking program. Provision in a
12 timely manner of publications prepared by the Department of Health and
13 Hospitals pursuant to R.S. 46:2882(B)(2) shall constitute compliance with this
14 Section.

15 C. Nothing in this Section shall impose an obligation upon a health care
16 provider to permit an umbilical cord blood donation if the donation conflicts
17 with bona fide religious beliefs of the health care provider. If a health care
18 provider declines to engage in umbilical cord blood donation, that fact shall be
19 made known to the pregnant patient as soon as reasonably feasible.

20 Section 2. This Act shall become effective on August 15, 2009; if vetoed by the
21 governor and subsequently approved by the legislature, this Act shall become effective on
22 August 15, 2009, or on the day following such approval by the legislature, whichever is
23 later.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Greg Waddell.

DIGEST

Present law provides that subject to an appropriation from the legislature DHH shall establish the Umbilical Cord Blood Banking Program to promote public awareness, and research, and to facilitate arrangements for banking of cord blood donations.

Proposed law retains present law but removes provisions requiring legislative appropriation.

Proposed law defines "health care provider" as a person who is licensed, certified, or otherwise authorized by law to provide or render health care services to pregnant women in the state of Louisiana in the ordinary course of business or scope of profession but is limited to a physician, certified nurse practitioner, certified nurse midwife, and licensed midwife.

Proposed law further provides that all health care providers providing healthcare services to a pregnant patient to advise her of options to donate umbilical cord blood following the delivery of a newborn child, by providing standardized objective information that is sufficient to allow a pregnant patient to make an informed decision on whether to participate in a public or private umbilical cord blood banking program by the end of the second trimester or twenty-eighth week of pregnancy.

Proposed law provides that provision in a timely manner of publications prepared by the Department of Health and Hospitals pursuant to R.S. 46:2882(B)(2) shall constitute compliance with proposed law.

Proposed law provides that nothing in proposed law shall impose an obligation upon a health care provider to permit an umbilical cord blood donation if the donation conflicts with bona fide religious beliefs of the health care provider. If a health care provider declines to engage in umbilical cord blood donation, that fact shall be made known to the pregnant patient as soon as reasonably feasible.

Effective August 15, 2009.

(Amends R.S. 46:2882(C); adds R.S. 46:2883)