



General Assembly

Substitute Bill No. 152

January Session, 2011

* _____SB00152PH_GAE030711_____*

**AN ACT CONCERNING THE ESTABLISHMENT OF THE
CONNECTICUT UMBILICAL CORD BLOOD COLLECTION BOARD.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective from passage*) Sections 1 to 8, inclusive, of
2 this act shall be known and may be cited as the "Connecticut Umbilical
3 Cord Blood Collection Program Act".

4 Sec. 2. (NEW) (*Effective from passage*) The General Assembly finds
5 that umbilical cord blood is rich in stem cells that may be used to treat
6 blood cancers, such as leukemia, myeloma and lymphoma, and
7 inherited immunodeficiencies and blood diseases, including sickle cell
8 anemia, thalassemias, hemoglobinopathies, aplastic anemias and
9 marrow failure disorders. Currently, such cord blood is most often
10 discarded as medical waste. As a result, the current inventory of
11 umbilical cord blood is insufficient to meet the medical demand and
12 especially fails to provide matched units for many ethnic and racial
13 groups, including multiethnic individuals. Therefore, the General
14 Assembly declares that it is in the public interest and shall be the
15 public policy of this state to encourage and facilitate the donation,
16 collection and storage of umbilical cord blood and to make such blood
17 units available for medical research and treatment.

18 Sec. 3. (NEW) (*Effective from passage*) (a) There is established the
19 Connecticut Umbilical Cord Blood Collection Board. The board shall

20 not be construed to be a department, institution, agency or political
21 subdivision of the state.

22 (b) The powers of the board shall be vested in and exercised by the
23 following members:

24 (1) One appointed by the Governor, who shall be a medical director
25 or chief scientist with knowledge of umbilical cord blood banking and
26 affiliated with an entity that is recognized by the Department of Public
27 Health;

28 (2) One appointed by the speaker of the House of Representatives,
29 who shall be a licensed physician with experience in transplanting
30 units of umbilical cord blood or other stem cells;

31 (3) One appointed by the president pro tempore of the Senate, who
32 shall be a licensed physician who: (A) Has expertise and is currently
33 practicing in obstetrics, (B) practices at a birthing hospital that
34 participates in umbilical cord blood collection, and (C) is affiliated
35 with a private university hospital;

36 (4) One appointed by the majority leader of the House of
37 Representatives, who shall be a licensed physician who: (A) Has
38 expertise and is currently practicing in obstetrics, (B) practices at a
39 birthing hospital that participates in umbilical cord blood collection,
40 and (C) is affiliated with a public university hospital;

41 (5) One appointed by the minority leader of the House of
42 Representatives, who shall be a licensed physician who: (A) Has
43 expertise and is currently practicing in obstetrics, and (B) practices at a
44 birthing hospital that participates in umbilical cord blood collection;

45 (6) One appointed by the majority leader of the Senate, who shall be
46 a member of a nonprofit umbilical cord blood foundation with
47 knowledge of umbilical cord blood banking issues;

48 (7) One appointed by the minority leader of the Senate, who shall

49 have expertise concerning the regulatory practices of the federal Food
50 and Drug Administration and the federal Health Resources and
51 Services Administration; and

52 (8) The Commissioner of Public Health, or the commissioner's
53 designee.

54 (c) All initial appointments to the board shall be made on or before
55 October 1, 2011. The member appointed by the Governor shall serve at
56 the pleasure of the Governor but not longer than the term of office of
57 the Governor or until the member's successor is appointed and has
58 qualified, whichever term is longer. Each board member appointed by
59 a member of the General Assembly shall serve in accordance with the
60 provisions of section 4-1a of the general statutes. The Governor shall
61 fill any vacancy for the unexpired term of a member appointed by the
62 Governor. The appropriate legislative appointing authority shall fill
63 any vacancy for the unexpired term of a member appointed by such
64 authority. Any member shall be eligible for reappointment.

65 (d) The chairperson of the board shall be appointed by the Governor
66 from among the members of the board. The chairperson shall schedule
67 the first meeting of the board, which shall be held not later than
68 November 1, 2011. Thereafter, meetings of the board shall be held
69 quarterly and at such other time or times as the chairperson deems
70 necessary.

71 (e) Appointed members may not designate a representative to
72 perform in their absence their respective duties under this section. Any
73 appointed member who fails to attend three consecutive meetings of
74 the board or who fails to attend fifty per cent of all meetings of the
75 board held during any calendar year shall be deemed to have resigned
76 from the board. The appointing authority for any member may remove
77 such member for inefficiency, neglect of duty or misconduct in office
78 after giving the member a written copy of the charges against the
79 member and an opportunity to be heard, in person or by counsel, in
80 the member's defense, upon not less than ten days' notice. If any

81 member shall be so removed, the appointing authority for such
82 member shall file in the office of the Secretary of the State a complete
83 statement of charges made against such member and the appointing
84 authority's findings on such statement of charges, together with a
85 complete record of the proceedings.

86 (f) All members other than the Commissioner of Public Health may
87 engage in private employment, or in a profession or business, subject
88 to any applicable laws, rules and regulations of the state or federal
89 government regarding official ethics or conflict of interest.

90 (g) Five members of the board shall constitute a quorum for the
91 transaction of any business or the exercise of any power of the board.
92 For the transaction of any business or the exercise of any power of the
93 board, the board may act by a majority of the members present at any
94 meeting at which a quorum is in attendance.

95 (h) The board may consult with such parties, public or private, as it
96 deems desirable in exercising its duties.

97 (i) The board may adopt written policies and procedures to carry
98 out its statutory purposes.

99 (j) Notwithstanding any provision of the general statutes, it shall not
100 constitute a conflict of interest for a trustee, director, partner or officer
101 of any person, firm or corporation, or any individual having a financial
102 interest in a person, firm or corporation, to serve as a member of the
103 board, provided such trustee, director, partner, officer or individual
104 shall abstain from deliberation, action or vote by the board in specific
105 respect to such person, firm or corporation.

106 Sec. 4. (NEW) (*Effective from passage*) (a) The purpose of the
107 Connecticut Umbilical Cord Blood Collection Board is to establish, on
108 or before July 1, 2012, the umbilical cord blood collection program and
109 thereafter administer the program. The umbilical cord blood collection
110 program shall facilitate and promote the collection of units of umbilical
111 cord blood from genetically diverse donors for public use. As used in

112 this subsection, "public use" means (1) use by state, national and
113 international cord blood registries and transplant centers in order to
114 increase the likelihood of providing suitably matched donor umbilical
115 cord blood units to patients in need of such units or research
116 participants who are in need of a transplant, (2) biological research and
117 new clinical use of stem cells derived from the blood and tissue of the
118 umbilical cord, and (3) medical research that utilizes umbilical cord
119 blood units that could not otherwise be used for transplantation or
120 clinical use.

121 (b) In order to carry out its statutory purpose, the board may raise
122 funds, apply for and accept any public or private grant money, accept
123 contributions, enter into contracts and, within available resources, hire
124 any necessary staff, including, but not limited to, an executive director.

125 Sec. 5. (NEW) (*Effective from passage*) (a) In order to achieve the
126 umbilical cord blood collection goals of the program, the board shall,
127 commensurate with available funds appropriated for the
128 administration of the program, contract with one or more entities that
129 have demonstrated the competence to collect and transport umbilical
130 cord blood units in compliance with all applicable federal law and who
131 meet all other requirements prescribed in this section. The board shall
132 contract to establish or designate not less than two umbilical cord
133 blood collection centers at fixed locations in the state. Any such fixed
134 location collection center shall be located at a birthing hospital with
135 three thousand seven hundred fifty or more births per year and where
136 a disproportionate share of such births involve women from minority
137 populations. The board shall, to the extent practicable, encourage the
138 collection of units of umbilical cord blood at other nonfixed locations
139 in the state as is practicable.

140 (b) Any contract entered into pursuant to subsection (a) of this
141 section shall: (1) Use a competitive process that identifies the best
142 proposals submitted by applicant entities to achieve the collection and
143 research objectives of the program; and (2) provide that (A) the state
144 retains an interest in any umbilical cord blood collected in the state

145 commensurate with its investment in the program, (B) income received
146 by the board as a result of the contract shall be used to ensure that the
147 umbilical cord blood collection program shall be self-sustaining not
148 later than July 1, 2020, (C) any units of umbilical cord blood deemed
149 unsuitable for transplantation shall be returned to the state for use in
150 biological or medical research, and (D) any entity with whom the
151 board contracts shall provide quarterly reports to the board that
152 include, but are not limited to, information concerning: (i) The total
153 number of umbilical cord blood units collected, (ii) the number of
154 collected units deemed suitable for transplant, (iii) the number of
155 collected units deemed suitable for research only, and (iv) the clinical
156 outcomes of any transplanted units. Reports provided to the board
157 pursuant to this subsection shall not include personally identifiable
158 information.

159 (c) Any entity seeking to enter into a contract with the board shall,
160 at a minimum, be in compliance with the requirements of the federal
161 Food and Drug Administration pertaining to the manufacture of
162 clinical-grade cord blood stem cell units for clinical indications.

163 (d) Any medical facility or research facility performing services on
164 behalf of the board, pursuant to a contract entered into pursuant to
165 subsection (a) of this section, shall comply with, and be subject to, state
166 and federal law concerning the protection of medical information and
167 personally identifiable information contained in, or obtained through,
168 the umbilical cord blood collection inventory.

169 (e) For purposes of this section and section 4 of this act, the board
170 shall not be considered a "state contracting agency", as defined in
171 subdivision (28) of section 4e-1 of the general statutes.

172 Sec. 6. (NEW) (*Effective from passage*) There is established an account
173 to be known as the "Umbilical Cord Blood Collection Account" which
174 shall be a separate, nonlapsing account within the General Fund. The
175 account may contain any moneys required or permitted by law to be
176 deposited in the account and any moneys received from any public or

177 private contributions, gifts, grants, donations, bequests or devises to
178 the account. The Connecticut Umbilical Cord Blood Collection Board
179 may expend moneys from the account as is necessary to carry out the
180 board's statutory purpose established by this act.

181 Sec. 7. (NEW) (*Effective from passage*) The members of the
182 Connecticut Umbilical Cord Blood Collection Board shall submit to the
183 joint standing committees of the General Assembly having cognizance
184 of matters relating to public health and appropriations and the budgets
185 of state agencies a copy of any audit of the board conducted by an
186 independent auditing firm, not later than seven days after the audit is
187 received by the board.

188 Sec. 8. (NEW) (*Effective from passage*) On or before January 1, 2012,
189 and quarterly thereafter, the Connecticut Umbilical Cord Blood
190 Collection Board shall report to the Governor and the joint standing
191 committees of the General Assembly having cognizance of matters
192 relating to public health and appropriations and the budgets of state
193 agencies, in accordance with the provisions of section 11-4a of the
194 general statutes, on the status and effectiveness of the umbilical cord
195 blood collection program.

196 Sec. 9. Section 19a-32n of the general statutes is repealed and the
197 following is substituted in lieu thereof (*Effective from passage*):

198 (a) A physician or other health care provider who provides health
199 care services to a pregnant woman during the last trimester of her
200 pregnancy, which health care services are directly related to her
201 pregnancy, shall provide the woman with timely, relevant and
202 appropriate information sufficient to allow her to make an informed
203 and voluntary choice regarding options to bank or donate umbilical
204 cord blood following the delivery of a newborn child.

205 (b) The Connecticut Umbilical Cord Blood Collection Board,
206 established in section 3 of this act, shall, within available
207 appropriations, engage in public education and marketing activities

208 that promote and raise awareness among physicians and pregnant
 209 women of the umbilical cord blood collection program established in
 210 section 4 of this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>from passage</i>	New section
Sec. 5	<i>from passage</i>	New section
Sec. 6	<i>from passage</i>	New section
Sec. 7	<i>from passage</i>	New section
Sec. 8	<i>from passage</i>	New section
Sec. 9	<i>from passage</i>	19a-32n

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Joint Favorable Subst. C/R

GAE