

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 11-160—sSB 152

Public Health Committee

Government Administration and Elections Committee

Finance, Revenue and Bonding Committee

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

SUMMARY: This act creates the Connecticut Umbilical Cord Blood Collection Board to establish a state umbilical cord blood collection program. The board consists of the Department of Public Health (DPH) commissioner and seven members appointed by the governor and legislative leaders.

The program must promote the collection of umbilical cord blood units from genetically diverse donors for public use. The board may raise funds and apply for and accept public or private grant money. It must, based on the funding available, (1) contract with entities that have expertise in collecting and transporting umbilical cord blood units to establish or designate at least two collection centers in the state and (2) engage in public education and marketing activities concerning cord blood.

The act establishes a separate, nonlapsing General Fund account for the program. It also establishes auditing and reporting requirements.

EFFECTIVE DATE: Upon passage

CONNECTICUT UMBILICAL CORD BLOOD COLLECTION BOARD

Board Members

The act establishes an eight member Connecticut Umbilical Cord Blood Collection Board which is not a department, institution, agency, or political subdivision of the state.

The board consists of the DPH commissioner or her designee and seven members appointed by the governor and legislative leaders as shown in Table 1.

Table 1: Connecticut Umbilical Cord Blood Collection Board

Appointing Authority	Number of Appointments	Qualifications
Governor	1	Medical director or chief scientist with knowledge of umbilical cord blood banking and affiliated with an entity recognized by DPH
House speaker	1	Licensed physician experienced in transplanting units of umbilical cord blood or other stem cells
Senate	1	Licensed physician with

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president pro tempore		expertise in and currently practicing in obstetrics at a birthing hospital that participates in umbilical cord blood collection and who is affiliated with a private university hospital
House majority leader	1	Licensed physician with expertise in and currently practicing in obstetrics at a birthing hospital that participates in umbilical cord blood collection and is affiliated with a public university hospital
House minority leader	1	Licensed physician with expertise in and currently practicing in obstetrics at a birthing hospital that participates in umbilical cord blood collection
Senate majority leader	1	Member of a nonprofit umbilical cord blood foundation with knowledge of umbilical cord blood banking issues
Senate minority leader	1	Expert in regulatory practices of the federal Food and Drug Administration (FDA) and the federal Health Resources and Services Administration

Appointment Terms

All initial board appointments must be made by October 1, 2011. The governor’s appointee serves at his pleasure for as long as he remains in office or until the member’s successor is appointed and has qualified, whichever term is longer. The other appointees serve at the pleasure of the appointing legislator who must fill any vacancy for the unexpired term of a member he or she appoints. Any member may be reappointed.

The governor appoints the board chairperson from its members. The chairperson must schedule the first meeting, which must be held by November 1, 2011. Subsequent meetings must be held quarterly and at other times the chairperson deems necessary.

Appointed members cannot designate anyone to represent them in their absence. Any appointed member who misses three consecutive meetings or 50% of all meetings held during any calendar year is considered to have resigned.

The appointing authority may remove a member for inefficiency, neglect of duty, or misconduct in office. The member must be given a written copy of the charges against him or her and an opportunity to be heard, in person or by counsel, in his or her defense, with not less than 10 days’ notice. If any member is removed in this manner, the appointing authority must file with the secretary of the state (1) a complete statement of charges made against the member, (2) the appointing authority’s findings on the statement, and (3) a complete record of the

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proceedings.

Transacting Business

To transact any business or exercise any powers, the board may act by a majority of the members present at any meeting at which a quorum (five members) is present. The board can (1) consult with public or private parties it considers desirable in exercising its duties and (2) adopt written policies and procedures to carry out its statutory purposes.

Conflict of Interest

All members, other than the DPH commissioner, can be privately employed, or in a profession or business, subject to any applicable state or federal laws, rules, and regulations regarding official ethics or conflict of interest.

The act specifies that it is not a conflict of interest for a trustee, director, partner, or officer of any person, firm, or corporation or any individual having a financial interest in a person, firm, or corporation, to serve as a board member, provided the individual abstains from deliberation, action, or vote by the board in specific respect to such person, firm, or corporation.

UMBILICAL CORD BLOOD COLLECTION PROGRAM

Purposes

The board must establish, by July 1, 2012, the umbilical cord blood collection program and administer it. The program must facilitate and promote the collection of units of umbilical cord blood from genetically diverse donors for public use. "Public use" means:

1. use of umbilical cord blood units by state, national, and international cord blood registries and transplant centers to increase the likelihood of providing suitably matched donor umbilical cord blood units to patients in need of such units or research participants in need of a transplant;
2. biological research and new clinical use of stem cells derived from umbilical cord blood and tissue; and
3. medical research that uses umbilical cord blood units that could not otherwise be used for transplants or other clinical use.

Powers

The board may raise funds; apply for and accept public or private grant money; accept contributions; enter into contracts; and, within available resources, hire any necessary staff, including an executive director.

Contracting with Collection Centers

The board must, based on available appropriated administrative funds, contract with one or more entities that have demonstrated competence in collecting and transporting umbilical cord blood units in compliance with applicable federal laws and that meet all of the act's contractual requirements. It

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must contract to establish or designate at least two umbilical cord blood collection centers at fixed state locations. These centers must be at a birthing hospital with at least 3,750 births per year and where a disproportionate share of such births involve minority women. To the extent practicable, the board must encourage the collection of units of umbilical cord blood at other nonfixed state locations.

Any contract must be initiated through a competitive process that identifies the best proposals submitted to achieve the program's collection and research objectives. The contract must provide that:

1. the state retains an interest in any umbilical cord blood collected in the state commensurate with its investment in the program;
2. income the board receives as a result of the contract is used to ensure that the umbilical cord blood collection program is self-sustaining by July 1, 2020;
3. umbilical cord blood units deemed unsuitable for transplantation are returned to the state for use in biological or medical research; and
4. any entity the board contracts with must provide quarterly reports to the board that include information on the total number of umbilical cord blood units collected, number of collected units suitable for transplant, number suitable for research only, and clinical outcomes of any transplanted units.

Reports must not include personally identifiable information.

Any entity seeking to enter into a contract with the board must, at a minimum, be in compliance with FDA requirements concerning the manufacture of clinical-grade cord blood stem cell units for clinical indications.

Any medical or research facility performing services on behalf of the board under a contract must comply with, and is subject to, state and federal law on protecting medical information and personally identifiable information contained in, or obtained through, the umbilical cord blood collection inventory.

The act provides that the board is not considered a "state contracting agency," as defined in law.

UMBILICAL CORD BLOOD COLLECTION ACCOUNT

The act establishes the Umbilical Cord Blood Collection account as a separate, nonlapsing General Fund account. The account can contain any money required or permitted by law to be deposited in it and any public or private contributions, gifts, grants, donations, bequests, or devises. The board can spend account funds needed to carry out its purpose.

AUDITS AND REPORTS

Board members must provide the Public Health and Appropriations committees with a copy of any board audit conducted by an independent auditing firm within seven days after the board receives the audit.

By January 1, 2012, and quarterly thereafter, the board must report to the governor and Public Health and Appropriations committees on the status and effectiveness of the program.

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PUBLIC EDUCATION AND MARKETING

The board must, within available appropriations, undertake public education and marketing activities that promote and raise awareness among physicians and pregnant women of the umbilical cord blood collection program.

BACKGROUND

Umbilical Cord Blood

Umbilical cord blood has stem cells that may be used to treat blood cancers, such as leukemia, myeloma, lymphoma, and inherited immunodeficiencies and blood diseases, including sickle cell anemia, thalassemias, hemoglobinopathies, aplastic anemias, and marrow failure disorders. Cord blood is often discarded as medical waste.

OLR Tracking: JK:RC:VR:ts