

---

**SUBSTITUTE HOUSE BILL 2431**

---

**State of Washington                      60th Legislature                      2008 Regular Session**

**By House Health Care & Wellness (originally sponsored by Representatives Morris, Hudgins, Santos, and Chase)**

READ FIRST TIME 02/04/08.

1            AN ACT Relating to cord blood banking; amending RCW 70.54.220;  
2 adding a new section to chapter 70.54 RCW; creating a new section; and  
3 providing an effective date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5            NEW SECTION.    **Sec. 1.** The purpose of this act is to promote public  
6 awareness and education of the general public and potential cord blood  
7 donors on the benefits of public or private cord blood banking, and to  
8 establish safeguards related to effective private banking of cord  
9 blood.

10           **Sec. 2.** RCW 70.54.220 and 1988 c 276 s 5 are each amended to read  
11 as follows:

12           (1) All persons licensed or certified by the state of Washington to  
13 provide prenatal care or to practice medicine shall provide information  
14 to all pregnant women in their care regarding:

15           (a) The use and availability of prenatal tests ((to all pregnant  
16 women in their care)); and

17           (b) Using objective and standardized information: (i) The  
18 differences between and potential benefits and risks involved in public

1 and private cord blood banking that is sufficient to allow a pregnant  
2 woman to make an informed decision before her third trimester of  
3 pregnancy on whether to participate in a private or public cord blood  
4 banking program; and (ii) the opportunity to donate, to a public cord  
5 blood bank, blood and tissue extracted from the placenta and umbilical  
6 cord following delivery of a newborn child.

7 (2) The information required by this section must be provided  
8 within the time limits prescribed by department rules and in accordance  
9 with standards established by those rules.

10 NEW SECTION. Sec. 3. A new section is added to chapter 70.54 RCW  
11 to read as follows:

12 (1) A cord blood bank advertising, offering to provide, or  
13 providing private cord blood banking services to residents in this  
14 state must:

15 (a) Have all applicable licenses, accreditations, and other  
16 authorizations required under federal and Washington state law to  
17 engage in cord blood banking;

18 (b) Include, in any advertising or educational materials made  
19 available to the general public or provided to health services  
20 providers or potential cord blood donors: (i) A statement identifying  
21 the cord blood bank's licenses, accreditations, and other  
22 authorizations required in (a) of this subsection; and (ii) information  
23 about the cord blood bank's rate of success in collecting, processing,  
24 and storing sterile cord blood units that have adequate, viable yields  
25 of targeted cells; and

26 (c)(i) Provide to the cord blood donor the results of appropriate  
27 quality control tests performed on the donor's collected cord blood;  
28 and

29 (ii) If the test results provided under (c)(i) of this subsection  
30 demonstrate that the collected cord blood may not be recommended for  
31 long-term storage and potential future medical uses because of low cell  
32 yield, foreign contamination, or other reasons determined by the cord  
33 blood bank's medical director, provide the cord blood donor with the  
34 option not to be charged fees for processing or storage services,  
35 including a refund of any fees paid. The cord blood bank must provide  
36 the cord blood donor with sufficient information to make an informed  
37 decision regarding this option.

1 (2) The legislature finds that the practices covered by this  
2 section are matters vitally affecting the public interest for the  
3 purpose of applying the consumer protection act, chapter 19.86 RCW. A  
4 violation of this section is not reasonable in relation to the  
5 development and preservation of business and is an unfair or deceptive  
6 act in trade or commerce and an unfair method of competition for the  
7 purpose of applying the consumer protection act, chapter 19.86 RCW.

8 (3) The definitions in this subsection apply throughout this  
9 section unless the context clearly requires otherwise.

10 (a) "Autologous use" means the transplantation, including  
11 implanting, transplanting, infusion, or transfer, of cord blood into  
12 the individual from whom the cord blood was collected.

13 (b) "Cord blood bank" means an operation engaged in collecting,  
14 processing, storing, distributing, or transplanting hematopoietic  
15 progenitor cells present in placental or umbilical cord blood.

16 (c) "Hematopoietic progenitor cells" means pluripotential cells  
17 that may be capable of self-renewal and differentiation into any mature  
18 blood cell.

19 (d) "Private cord blood banking" means a cord blood bank that  
20 provides, for a fee, cord blood banking services for the autologous use  
21 of the cord blood.

22 NEW SECTION. **Sec. 4.** This act takes effect July 1, 2010.

--- END ---