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**Health Care & Wellness  
Committee**

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**HB 2431**

**Brief Description:** Regarding cord blood banking.

**Sponsors:** Representatives Morris, Hudgins, Santos and Chase.

**Brief Summary of Bill**

- Requires information to be given to pregnant patients about the potential benefits of public or private cord blood banking.
- Requires private cord blood banks to provide consumer information about the bank's success rate in collecting and storing viable cord blood units and, before billing for services, provide the results of quality control tests on cord blood collected from a donor.

**Hearing Date:** 1/28/08

**Staff:** Chris Cordes (786-7103).

**Background:**

Cord Blood Banking

Cord blood banks, both public and private, store placental and umbilical cord blood that is collected from newborns. Public banks accept cord blood donations, store the cord blood anonymously without charge, and make it available to any patient that needs it. Private banks store the donor's collected cord blood for a fee, and the stored blood is intended for future use by the donor or donor's family.

A 2005 Institute of Medicine (IOM) report on cord blood banking discusses the potential for using stem cells in regenerative medicine. This potential exists because stem cells are unspecialized cells that are capable of dividing and replicating indefinitely and of giving rise to specialized cells, such as heart muscle cells, nerve cells, blood cells, and other cell types.

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One type of stem cell, the hematopoietic progenitor cell (HPC), is responsible for the continuous production of several types of normal blood cells. HPCs have been used in transplants to treat leukemia, lymphoma, aplastic anemia, sickle cell anemia, and certain inherited immunity disorders. HPCs are obtained from various sources, including bone marrow and umbilical cord blood. They have been used as an alternative to bone marrow for many treatments. According to the IOM report, HPCs obtained from cord blood have a lower risk of a poor immune response to transplantation than HPCs obtained from bone marrow. In addition, the IOM report states that cord blood is readily available, has a low risk for transmitting infectious disease, and involves minimal risk to the mother or the infant at collection.

The 2005 IOM report recommended the creation of a nationwide cord blood stem cell bank program. The U.S. Congress, in late 2005, adopted the C.W. Bill Young Transplantation Program, under which the U.S. Department of Health and Human Services regulates cord blood banks, including recognizing entities for the accreditation of cord blood banks, providing standards for the operation of cord blood banks, and establishing a public donor system for cord blood.

Washington law requires persons providing prenatal care or practicing medicine to provide certain information to their pregnant patients about prenatal tests. This information must be provided within time limits and according to standards established by the Department of Health.

### The Consumer Protection Act

Under the state's Consumer Protection Act (CPA), certain activities have been designated by the Legislature as unfair methods of competition and unfair or deceptive acts or practices in the conduct of trade or commerce. Various remedies for violations of the CPA are provided, including authorization for the Attorney General to seek restraining orders. A person who is injured by a violation of the CPA may recover treble damages, costs, and reasonable attorneys' fees.

### **Summary of Bill:**

#### Legislative Purpose

The stated legislative purpose is to promote education of the public on the benefits of cord blood banking and to establish safeguards related to effective private cord blood banking.

#### Information for Patients

The information that must be provided to pregnant patients is expanded. Health care providers of prenatal care must include information to pregnant patients about the potential benefits of public or private cord blood banking and the opportunity to donate to a public cord blood bank.

#### Private Cord Blood Banks

Private cord blood banks offering services in Washington must:

- include information in advertising or educational materials about the bank's success rate in storing sterile, viable cord blood; and
- provide, prior to billing for services, the results of quality control tests on the stored cord blood that demonstrate sterility and viability of targeted cells.

Failure to provide the information is a violation of the Consumer Protection Act.

**Appropriation:** None.

**Fiscal Note:** Requested on January 23, 2008.

**Effective Date:** The bill takes effect on January 1, 2009.