

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007
4

As Engrossed: H3/15/07

A Bill

HOUSE BILL 2416

5 By: Representatives Woods, Bond, E. Brown, Glidewell, Greenberg, House, D. Hutchinson, Key, King,
6 Lamoureux, M. Martin, Pierce, S. Prater, Ragland, Shelby, L. Smith, Walters, Webb, Wills, *Burris*
7
8

For An Act To Be Entitled

10 AN ACT TO CREATE THE NEWBORN UMBILICAL CORD BLOOD
11 BANK FOR POSTNATAL TISSUE AND FLUID; TO PROVIDE
12 FOR THE ARKANSAS COMMISSION FOR THE NEWBORN
13 UMBILICAL CORD BLOOD INITIATIVE; TO PROVIDE FOR
14 CERTAIN FUNDING MECHANISMS; TO PROVIDE AN INCOME
15 TAX CHECKOFF; AND FOR OTHER PURPOSES.
16

Subtitle

17 AN ACT TO CREATE THE NEWBORN UMBILICAL
18 CORD BLOOD BANK FOR POSTNATAL TISSUE AND
19 FLUID.
20
21
22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

25 SECTION 1. Arkansas Code Title 20, Chapter 8 is amended to add an
26 additional subchapter to read as follows:

27 20-8-501. Title.

28 This subchapter shall be known and may be cited as the "Newborn
29 Umbilical Cord Blood Initiative Act".
30

31 20-8-502. Legislative findings.

32 The General Assembly finds that:

33 (1) More than one hundred million (100,000,000) Americans and
34 two billion (2,000,000,000) other humans worldwide suffer from diseases that
35 may eventually be treated more effectively or even cured with stem cells;

36 (2) Stem cell research has been hampered by the controversy over



1 the use of embryonic stem cells;

2 (3) Stem cells are not found only in embryos;

3 (4) The umbilical cord, placenta, and amniotic fluid are rich in
4 stem cells that may be used for scientific research and medical treatment
5 without destroying embryos;

6 (5) Stem cell research using stem cells from postnatal tissue
7 and fluid has already resulted in treatments for anemia, leukemia, lymphoma,
8 lupus, multiple sclerosis, rheumatoid arthritis, sickle cell disease, spinal
9 cord injury, and Crohn's disease;

10 (6) Stem cell therapies using stem cells from postnatal tissue
11 and fluid are being studied for diseases as wide-ranging and diverse as
12 corneal degeneration, heart disease, stroke, Parkinson's disease, and
13 Alzheimer's disease;

14 (7) It is the public policy of this state to encourage the
15 donation, collection, and storage of stem cells collected from postnatal
16 tissue and fluid and to make such stem cells available for both scientific
17 research and medical treatment; and

18 (8) It shall be the public policy of this state to encourage
19 ethical research in life science and regenerative medicine.

20
21 20-8-503. Definitions.

22 As used in this subchapter:

23 (1) "Amniotic fluid" means the fluid inside the amnion;

24 (2) "Nonembryonic stem cell research" means medical research
25 involving stem cells that have not been derived from a human embryo or fetus;

26 (3) "Placenta" means the organ that forms on the inner wall of
27 the human uterus during pregnancy;

28 (4) "Postnatal tissue and fluid" means the placenta, umbilical
29 cord, and amniotic fluid expelled or extracted in connection with the birth
30 of a human being;

31 (5) "Stem cell" means an unspecialized or undifferentiated cell
32 that can self-replicate and has the potential to differentiate into a
33 specialized cell type; and

34 (6) "Umbilical cord" means the gelatinous tissue and blood
35 vessels connecting an unborn human being to the placenta.

36

1 20-8-504. Newborn Umbilical Cord Blood Initiative.

2 (a)(1) On or before June 30, 2008, the Arkansas Commission for the
3 Newborn Umbilical Cord Blood Initiative shall establish a network of
4 postnatal tissue and fluid banks in partnership with one (1) or more public
5 or private colleges or universities, public or private hospitals, nonprofit
6 organizations, or private firms in this state for the purpose of collecting
7 and storing postnatal tissue and fluid.

8 (2) The Newborn Umbilical Cord Blood Bank shall create a
9 voluntary program to make tissue and fluid available for scientific research
10 and medical treatment in accordance with this subchapter.

11 (3) A parent of a child born in this state may voluntarily
12 contribute postnatal tissue and fluid to the Newborn Umbilical Cord Blood
13 Bank.

14 (b)(1) The commission shall develop a voluntary program to educate
15 pregnant patients with respect to the banking of postnatal tissue and fluid.

16 (2) The program shall include:

17 (A) An explanation of the difference between public and
18 private postnatal tissue and fluid banking programs;

19 (B) The medical process involved in the collection and
20 storage of postnatal tissue and fluid;

21 (C) The current and potential future medical uses of
22 stored postnatal tissue and fluid;

23 (D) The benefits and risks involved in the banking of
24 postnatal tissue and fluid; and

25 (E) The availability and cost of storing postnatal tissue
26 and fluid in public and private umbilical cord blood banks.

27
28 20-8-505. Arkansas Commission for the Newborn Umbilical Cord Blood
29 Initiative – Creation – Members.

30 (a) The Arkansas Commission for the Newborn Umbilical Cord Blood
31 Initiative is created.

32 (b)(1) The commission shall consist of eleven (11) members appointed
33 as follows:

34 (A) Three (3) members appointed by the Governor as
35 follows:

36 (i) One (1) member who is a physician licensed by

1 the Arkansas State Medical Board;

2 (ii) One (1) member who has a financial background;

3 and

4 (iii) One (1) member who has a legal background or
5 an ethicist background, or both;

6 (B) Three (3) members appointed by the Speaker of the
7 House of Representatives as follows;;

8 (i) One (1) member who is a physician licensed by
9 the Arkansas State Medical Board;

10 (ii) One (1) member who has a financial background;

11 and

12 (iii) One (1) member who has a legal background or
13 an ethicist background, or both;

14 (C) Three (3) members appointed by the President Pro
15 Tempore of the Senate as follows:

16 (i) One (1) member who is a physician licensed by
17 the Arkansas State Medical Board;

18 (ii) One (1) member who has a financial background;

19 and

20 (iii) One (1) member who has a legal background or
21 an ethicist background, or both;

22 (D) The Dean of the Fay W. Boozman College of Public
23 Health or his or her designee; and

24 (E) The Director of the Division of Health of the
25 Department of Health and Human Services or his or her designee.

26 (2) The commission shall include one (1) consultant, nonvoting
27 member who shall be the Director of Cell Therapy and Transfusion Medicine of
28 the College of Medicine of the University of Arkansas for Medical Sciences.

29 (c) The Governor shall designate one (1) member as chair of the
30 commission.

31 (d) The chair shall call the first meeting of the commission within
32 sixty (60) days of his or her appointment.

33 (e)(1) At the first meeting of the commission, the members shall draw
34 lots so that three (3) members serve two-year terms, three (3) members serve
35 three-year terms, and three (3) members serve four-year terms.

36 (2) After the initial terms, members shall serve four-year

1 terms.

2 (f) The commission shall meet at least quarterly.

3 (g)(1) A majority of the membership of the commission shall constitute
4 a quorum.

5 (2) A majority vote of those members present shall be required
6 for any action of the commission.

7 (h) Vacancies on the commission due to death, resignation, removal, or
8 other causes shall be filled in the same manner as is provided in this
9 section for initial appointments.

10
11 20-8-506. Arkansas Commission for the Newborn Umbilical Cord Blood
12 Initiative – Powers and duties.

13 (a) The Arkansas Commission for the Newborn Umbilical Cord Blood
14 Initiative shall:

15 (1) Investigate the implementation of this subchapter and
16 recommend improvements in this subchapter to the General Assembly;

17 (2) Make available to the public the records of all meetings of
18 the commission and of all business transacted by the commission;

19 (3) Oversee the operations of the Newborn Umbilical Cord Blood
20 Bank, including without limitation the approval of all fees established to
21 cover administration, collection, and storage costs;

22 (4) Undertake the Newborn Umbilical Cord Blood Initiative by
23 promoting awareness of the blood bank and encouraging donation of postnatal
24 tissue and fluid to the blood bank;

25 (5) Ensure the privacy of persons who donate umbilical cord
26 blood, amniotic fluid, and placental tissue to the blood bank;

27 (6) Develop a plan for making postnatal tissue and fluid
28 collected under the Newborn Umbilical Cord Blood Initiative available for
29 scientific research and medical treatment in compliance with all relevant
30 national practice and quality standards;

31 (7) Develop a plan for private storage of postnatal tissue and
32 fluid for medical treatment;

33 (8) Participate in the National Cord Blood Program and register
34 postnatal tissue and fluid collected with registries operating in connection
35 with the program;

36 (9) If funds are available, employ staff and enter into

1 contracts necessary to implement this subchapter; and

2 (10) Report annually to the General Assembly on or before
3 October 1 of each year concerning the activities of the commission.

4 (b) The commission may seek additional funding from any source,
5 including without limitation federal grants and private grants.

6
7 20-8-507. Income tax check-off program for contributions to the
8 Newborn Umbilical Cord Blood Initiative.

9 (a)(1) It is the purpose of this section to provide a means by which
10 an individual taxpayer may designate a portion or all of his or her income
11 tax refund to be withheld and contributed for the purposes set forth in this
12 section.

13 (2) It is the intent of the General Assembly that the income tax
14 check-off program established in this section is supplemental to any funding
15 and in no way is intended to take the place of funding that would otherwise
16 be appropriated for this purpose.

17 (b) The Revenue Division of the Department of Finance and
18 Administration shall include on the Arkansas individual income tax forms,
19 including those forms on which a husband and wife file separately on the same
20 form and on all corporate income tax forms, a designation as follows:

21 "(1) If you are entitled to a refund, check if you wish to
22 designate [] \$1, [] \$5, [] \$10, [] \$20, [] \$ (write in
23 amount), or [] all refund due, of your tax refund for the Newborn Umbilical
24 Cord Blood Initiative. Your refund will be reduced by this amount."

25 "(2) If you owe an additional amount, check if you wish to
26 contribute an additional [] \$1, [] \$5, [] \$10, [] \$20, [] \$
27 (write in amount) for the Newborn Umbilical Cord Blood
28 Initiative. If you wish to make a contribution to the program, you must
29 enclose a separate check for the amount of your contribution, payable to the
30 Newborn Umbilical Cord Blood Initiative."

31 (c) The department shall certify quarterly to the Treasurer of State
32 the amount contributed to the program through this state income tax checkoff
33 during the quarter as authorized by this section, and the Treasurer of State
34 shall deduct from the Income Tax Withholding Fund the amount so certified.

35 (d) The Director of the Department of Finance and Administration shall
36 promulgate all rules and all income tax forms, returns, and schedules

1 necessary to carry out the program.

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

/s/ Woods, et al