

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

**SESSION LAW 2009-67
HOUSE BILL 1331**

AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO MAKE AVAILABLE TO THE PUBLIC, AND TO ENCOURAGE HEALTH CARE PROFESSIONALS TO MAKE AVAILABLE TO PREGNANT PATIENTS, EDUCATIONAL INFORMATION REGARDING UMBILICAL CORD STEM CELLS AND UMBILICAL CORD BLOOD BANKING.

The General Assembly of North Carolina enacts:

SECTION 1. Part 2 of Article 5 of Chapter 130A of the General Statutes is amended by adding a new section to read:

"§ 130A-128A. Department to provide free educational information about umbilical cord stem cells and umbilical cord blood banking.

(a) As used in this section:

- (1) Health care professional. – A person who is licensed pursuant to Chapter 90 of the General Statutes to practice as a physician, physician assistant, or registered nurse or who is approved pursuant to Chapter 90 of the General Statutes to practice midwifery.
- (2) Umbilical cord blood. – The blood that remains in the umbilical cord and placenta after the birth of a newborn child.

(b) Effective January 1, 2010, the Department of Health and Human Services shall make available free of charge to the general public on its Internet Web site printable publications, in a format that can be downloaded, containing medically accurate information regarding umbilical cord stem cells and umbilical cord blood banking that is sufficient to allow a pregnant woman to make an informed decision about whether to participate in a public or private umbilical cord blood banking program. The publications shall include at least all of the following information:

- (1) An explanation of the medical processes involved in the collection of umbilical cord blood.
- (2) An explanation of any risks associated with umbilical cord blood collection to the mother and the newborn child.
- (3) The options available to a mother regarding stem cells contained in the umbilical cord blood after delivery of the mother's newborn child, including:
 - a. Having the stem cells discarded.
 - b. Donating the stem cells to a public umbilical cord blood bank.
 - c. Storing the stem cells in a private umbilical cord blood bank for use by immediate and extended family members.
 - d. Storing the stem cells for use by the family through a family or sibling donor banking program that provides free collection, processing, and storage of the stem cells where there is a medical need.
- (4) The current and potential future medical uses, risks, and benefits of umbilical cord blood collection to (i) the mother, newborn child, and biological family and (ii) individuals who are not biologically related to the mother or newborn child.
- (5) An explanation of the differences between public and private umbilical cord blood banking.
- (6) Options for ownership and future use of the donated umbilical cord blood.

(c) The Department may satisfy the requirements of subsection (b) of this section by including on its Internet Web site a link to a federally sponsored Internet Web site that North



Carolina citizens may access so long as the federally sponsored Internet Web site contains all of the information specified in subdivisions (1) through (6) of subsection (b) of this section.

(d) The Department shall encourage health care professionals who provide health care services that are directly related to a woman's pregnancy to provide each woman with the publications described in subsection (b) of this section prior to the woman's third trimester of pregnancy.

(e) A health care professional or health care institution shall not be liable for damages in a civil action, subject to prosecution in a criminal proceeding, or subject to disciplinary action by the North Carolina Medical Board or the North Carolina Board of Nursing for acting in good faith with respect to informing a pregnant woman prior to her third trimester of pregnancy about the publications described in subsection (b) of this section."

SECTION 2. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 1st day of June, 2009.

s/ Walter H. Dalton
President of the Senate

s/ Joe Hackney
Speaker of the House of Representatives

s/ Beverly E. Perdue
Governor

Approved 6:20 p.m. this 8th day of June, 2009