

# HOUSE BILL No. 1253

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 12-7-2; IC 12-31; IC 16-18-2; IC 16-21; IC 25-23-1-7; IC 34-30-2-60.2.

**Synopsis:** Umbilical cord blood bank. Transfers the umbilical cord blood donation initiative from a nonprofit corporation established by the secretary of family and social services to the state department of health and changes the name from "umbilical cord blood donation initiative" to postnatal donation initiative. Eliminates the nonprofit corporation. Eliminates the duty of the nonprofit board to establish a public umbilical cord blood bank. Establishes the postnatal donation board to assist the state department of health. Provides civil immunity to persons who participate in the postnatal donation initiative. Repeals the provisions related to the conduct of the umbilical cord blood program through the office of the secretary of family and social services and its nonprofit corporation.

**Effective:** Upon passage.

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January 14, 2014, read first time and referred to Committee on Public Health.

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Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

# HOUSE BILL No. 1253

A BILL FOR AN ACT to amend the Indiana Code concerning health.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 12-7-2-118.3 IS REPEALED [EFFECTIVE UPON
- 2 PASSAGE]. ~~Sec. 118.3: "Initiative", for purposes of IC 12-31-2; has~~
- 3 ~~the meaning set forth in IC 12-31-2-1.~~
- 4 SECTION 2. IC 12-7-2-132.5 IS REPEALED [EFFECTIVE UPON
- 5 PASSAGE]. ~~Sec. 132.5: "Nonprofit corporation", for purposes of~~
- 6 ~~IC 12-31; has the meaning set forth in IC 12-31-1-1.~~
- 7 SECTION 3. IC 12-7-2-142.7 IS REPEALED [EFFECTIVE UPON
- 8 PASSAGE]. ~~Sec. 142.7: "Postnatal donation", for purposes of IC 12-31;~~
- 9 ~~has the meaning set forth in IC 12-31-1-2.~~
- 10 SECTION 4. IC 12-31 IS REPEALED [EFFECTIVE UPON
- 11 PASSAGE]. (Umbilical Cord Blood).
- 12 SECTION 5. IC 16-18-2-36.5, AS AMENDED BY P.L.134-2008,
- 13 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 14 UPON PASSAGE]: Sec. 36.5. (a) "Birthing center", for purposes of
- 15 IC 16-21-2 and ~~IC 16-21-7.5~~; **IC 16-21-11**, means a freestanding entity
- 16 that has the sole purpose of delivering a normal or uncomplicated



1 pregnancy.

2 (b) The term does not include a hospital that is licensed as a hospital  
3 under IC 16-21-2.

4 SECTION 6. IC 16-18-2-287.6 IS ADDED TO THE INDIANA  
5 CODE AS A NEW SECTION TO READ AS FOLLOWS  
6 [EFFECTIVE UPON PASSAGE]: **Sec. 287.6. "Postnatal donation",**  
7 **for purposes of IC 16-21-11, has the meaning set forth in**  
8 **IC 16-21-11-1.**

9 SECTION 7. IC 16-21-7.5 IS REPEALED [EFFECTIVE UPON  
10 PASSAGE]. (Hospital and Birthing Center Requirement Regarding  
11 Umbilical Cord Blood Donation).

12 SECTION 8. IC 16-21-11 IS ADDED TO THE INDIANA CODE  
13 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
14 UPON PASSAGE]:

15 **Chapter 11. Postnatal Donation Initiative**

16 **Sec. 1. As used in this chapter, "postnatal donation" means any**  
17 **of the following donations by a patient to an umbilical cord blood**  
18 **bank or other similar establishment that is registered under 21**  
19 **CFR 1271.1 et seq., as required by law:**

20 (1) Postnatal fluid, including umbilical cord blood.

21 (2) Postnatal tissue, including the placenta and tissue  
22 extracted from an umbilical cord.

23 **Sec. 2. (a) The postnatal donation board is established.**

24 **(b) The postnatal donation board consists of the following**  
25 **members:**

26 (1) The state health commissioner or the commissioner's  
27 designee.

28 (2) The secretary of family and social services or the  
29 secretary's designee.

30 (3) The director of the state department of health's office of  
31 minority health.

32 (4) The following individuals appointed by the governor:

33 (A) One (1) president or chief executive officer of an  
34 Indiana based hospital.

35 (B) One (1) research scientist with expertise in umbilical  
36 cord blood research.

37 (C) One (1) ethicist with expertise in bioethics.

38 (D) One (1) physician licensed under IC 25-22.5 who  
39 specializes in birthing and delivery.

40 (E) One (1) representative of a donor umbilical cord blood  
41 bank.

42 (F) One (1) member of the interagency state council on



- 1           black and minority health established under IC 16-46-6.
- 2           (c) The state health commissioner or the commissioner's
- 3           designee shall chair the postnatal donation board.
- 4           (d) The state department shall staff the postnatal donation
- 5           board.
- 6           (e) The postnatal donation board shall assist the state
- 7           department in carrying out the postnatal donation initiative under
- 8           this chapter.
- 9           (f) A member of the postnatal donation board who is not a state
- 10          employee is not entitled to a salary per diem or other compensation
- 11          for services as a member of the postnatal donation board.
- 12          However, the member is entitled to reimbursement for travel
- 13          expenses and other expenses actually incurred in connection with
- 14          the member's duties, as provided in the state travel policies and
- 15          procedures established by the Indiana department of
- 16          administration and approved by the budget agency.
- 17          (g) A member of the postnatal donation board who is a state
- 18          employee is entitled to reimbursement for travel expenses and
- 19          other expenses actually incurred in connection with the member's
- 20          duties, as provided in the state travel policies and procedures
- 21          established by the Indiana department of administration and
- 22          approved by the budget agency.
- 23          Sec. 3. The state department, with the assistance of the postnatal
- 24          donation board, shall establish a postnatal donation initiative to
- 25          promote awareness concerning a pregnant woman's option to
- 26          make a postnatal donation upon the birth of a newborn infant.
- 27          Sec. 4. (a) The postnatal donation initiative must include the
- 28          dissemination of the following information:
- 29               (1) Information concerning the option that is available to
- 30               pregnant women to make a postnatal donation upon the birth
- 31               of a newborn infant.
- 32               (2) An explanation of the benefits and risks of using postnatal
- 33               fluid and postnatal tissue, in accordance with the National
- 34               Marrow Donor Program or another federal Food and Drug
- 35               Administration approved protocol, and the use of postnatal
- 36               fluid and postnatal tissue for medical treatment, including the
- 37               following:
- 38                   (A) A list of the diseases or conditions that have been
- 39                   treated through the use of postnatal donations.
- 40                   (B) A list of the diseases or conditions for which scientific
- 41                   research indicates that treatment through the use of
- 42                   postnatal donations are promising.



1           **(3) Information concerning the process by which postnatal**  
 2           **fluid and postnatal tissue are collected and the steps that a**  
 3           **pregnant woman must take to arrange to have the postnatal**  
 4           **fluid or postnatal tissue, or both, collected and donated.**

5           **(b) The state department shall:**

6           **(1) update the material described in subsection (a); and**  
 7           **(2) provide for the distribution of the information to at least**  
 8           **the following persons that treat pregnant women:**

9                   **(A) Physicians licensed under IC 25-22.5.**

10                   **(B) Health care facilities.**

11                   **(C) Ambulatory surgical centers.**

12                   **(D) Health clinics.**

13                   **(E) Maternity homes registered under IC 16-26-1.**

14                   **(F) Nurse midwives licensed under IC 25-23-1-13.1.**

15                   **(G) Birthing centers licensed under IC 16-21-2.**

16           **Sec. 5. A member of the postnatal donation board, any of its**  
 17           **volunteers and agents, and any person that treats pregnant women,**  
 18           **including any person described in section 4 of this chapter, that in**  
 19           **good faith participate in the postnatal donation initiative under this**  
 20           **chapter is immune from civil liability for an act or omission related**  
 21           **to participation in the postnatal donation initiative, unless the**  
 22           **damages are the result of that person's intentional, knowing, or**  
 23           **reckless misconduct (as defined in IC 35-41-2-2).**

24           SECTION 9. IC 25-23-1-7, AS AMENDED BY P.L.134-2008,  
 25           SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 26           UPON PASSAGE]: Sec. 7. (a) The board shall do the following:

27                   (1) Adopt under IC 4-22-2 rules necessary to enable it to carry  
 28                   into effect this chapter.

29                   (2) Prescribe standards and approve curricula for nursing  
 30                   education programs preparing persons for licensure under this  
 31                   chapter.

32                   (3) Provide for surveys of such programs at such times as it  
 33                   considers necessary.

34                   (4) Accredite such programs as meet the requirements of this  
 35                   chapter and of the board.

36                   (5) Deny or withdraw accreditation from nursing education  
 37                   programs for failure to meet prescribed curricula or other  
 38                   standards.

39                   (6) Examine, license, and renew the license of qualified  
 40                   applicants.

41                   (7) Issue subpoenas, compel the attendance of witnesses, and  
 42                   administer oaths to persons giving testimony at hearings.



- 1 (8) Cause the prosecution of all persons violating this chapter and  
 2 have power to incur necessary expenses for these prosecutions.
- 3 (9) Adopt rules under IC 4-22-2 that do the following:
- 4 (A) Prescribe standards for the competent practice of  
 5 registered, practical, and advanced practice nursing.
- 6 (B) Establish with the approval of the medical licensing board  
 7 created by IC 25-22.5-2-1 requirements that advanced practice  
 8 nurses must meet to be granted authority to prescribe legend  
 9 drugs and to retain that authority.
- 10 (C) Establish, with the approval of the medical licensing board  
 11 created by IC 25-22.5-2-1, requirements for the renewal of a  
 12 practice agreement under section 19.4 of this chapter, which  
 13 shall expire on October 31 in each odd-numbered year.
- 14 (10) Keep a record of all its proceedings.
- 15 (11) Collect and distribute annually demographic information on  
 16 the number and type of registered nurses and licensed practical  
 17 nurses employed in Indiana.
- 18 ~~(12) Adopt rules and administer the interstate nurse licensure~~  
 19 ~~compact under IC 25-23.3.~~
- 20 (b) The board may do the following:
- 21 (1) Create ad hoc subcommittees representing the various nursing  
 22 specialties and interests of the profession of nursing. Persons  
 23 appointed to a subcommittee serve for terms as determined by the  
 24 board.
- 25 (2) Utilize the appropriate subcommittees so as to assist the board  
 26 with its responsibilities. The assistance provided by the  
 27 subcommittees may include the following:
- 28 (A) Recommendation of rules necessary to carry out the duties  
 29 of the board.
- 30 (B) Recommendations concerning educational programs and  
 31 requirements.
- 32 (C) Recommendations regarding examinations and licensure  
 33 of applicants.
- 34 (3) Appoint nurses to serve on each of the ad hoc subcommittees.
- 35 (4) Withdraw from the interstate nurse licensure compact under  
 36 IC 25-23.2 (repealed).
- 37 ~~(5) If requested by the nonprofit corporation formed under~~  
 38 ~~IC 12-31-1-3, provide assistance to the public umbilical cord~~  
 39 ~~blood bank and umbilical cord blood donation initiative.~~
- 40 (c) Nurses appointed under subsection (b) must:
- 41 (1) be committed to advancing and safeguarding the nursing  
 42 profession as a whole; and



1           (2) represent nurses who practice in the field directly affected by  
2           a subcommittee's actions.

3           SECTION 10. IC 34-30-2-60.2 IS ADDED TO THE INDIANA  
4           CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
5           [EFFECTIVE UPON PASSAGE]: **Sec. 60.2. IC 16-21-11-5**  
6           **(Concerning participation in the postnatal donation initiative).**

7           SECTION 11. [EFFECTIVE UPON PASSAGE] **(a) All powers,**  
8           **duties, agreements, and liabilities of the public umbilical cord**  
9           **blood bank and the umbilical cord blood donation initiative**  
10           **established by IC 12-31, before its repeal by this act, are**  
11           **transferred to the state department of health for purposes of the**  
12           **postnatal donation initiative (IC 16-21-11, as added by this act).**

13           **(b) All records and property of the public umbilical cord blood**  
14           **bank and the umbilical cord blood donation initiative established**  
15           **by IC 12-31, before its repeal by this act, including appropriations,**  
16           **grants, and other funds, are transferred to the state department of**  
17           **health for purposes of the postnatal donation initiative**  
18           **(IC 16-21-11, as added by this act).**

19           **(c) Any amounts owed to the public umbilical cord blood bank**  
20           **and the umbilical cord blood donation initiative are considered to**  
21           **be owed to the state department of health for purposes of the**  
22           **postnatal donation initiative (IC 16-21-11, as added by this act).**

23           **(d) This SECTION expires December 31, 2015.**

24           SECTION 12. **An emergency is declared for this act.**

