

ASSEMBLY BILL

No. 2399

Introduced by Assembly Member Nazarian

February 18, 2016

An act to amend Sections 123371 and 125092 of the Health and Safety Code, relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

AB 2399, as introduced, Nazarian. Pregnancy: umbilical cord blood: blood testing.

Existing law requires the State Department of Public Health to develop standardized, objective information about umbilical cord blood donation to enable a pregnant woman to make an informed decision regarding what she wants to do with the umbilical cord blood. Existing law requires that this information be made available in Cantonese, English, Spanish, and Vietnamese. Existing law prohibits public funds from being used by the department to provide awareness, assistance, and information regarding umbilical cord blood banking options and creates the Umbilical Cord Blood Education Account within the State Treasury, which is funded by private donations, to be used by the department for these purposes, as specified.

Existing law also requires a licensed physician and surgeon, or other person engaged in the prenatal care of a pregnant woman, to obtain a blood specimen from the woman for purposes of determining the presence of hepatitis B or human immunodeficiency virus (HIV). Existing law requires the State Department of Public Health to develop culturally sensitive informational material in English, Spanish, and other languages, to inform a pregnant woman about the purpose of obtaining this blood sample.

This bill would change the language requirements for the umbilical cord blood informational material and the prenatal testing informational material from those languages to languages that meet a specified numeric threshold. The bill would also delete provisions that create the Umbilical Cord Blood Education Account and remove the prohibition against using public funds to provide information about umbilical cord blood banking.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 123371 of the Health and Safety Code
- 2 is amended to read:
- 3 123371. (a) (1) The State Department of Public Health shall
- 4 develop standardized, objective information about umbilical cord
- 5 blood donation that is sufficient to allow a pregnant woman to
- 6 make an informed decision on whether to participate in a private
- 7 or public umbilical cord blood banking program. The information
- 8 developed by the department shall enable a pregnant woman to be
- 9 informed of her option to do any of the following:
- 10 (A) Discard umbilical cord blood.
- 11 (B) Donate umbilical cord blood to a public umbilical cord
- 12 blood bank.
- 13 (C) Store the umbilical cord blood in a family umbilical cord
- 14 blood bank for the use by immediate and extended family members.
- 15 (D) Donate umbilical cord blood to research.
- 16 (2) The information developed pursuant to paragraph (1) shall
- 17 include, but not be limited to, all of the following:
- 18 (A) The current and potential future medical uses of stored
- 19 umbilical cord blood.
- 20 (B) The benefits and risks involved in umbilical cord blood
- 21 banking.
- 22 (C) The medical process involved in umbilical cord blood
- 23 banking.
- 24 (D) Medical or family history criteria that can impact a family's
- 25 consideration of umbilical cord banking.
- 26 (E) An explanation of the differences between public and private
- 27 umbilical cord blood banking.

1 (F) The availability and costs of public or private umbilical cord
2 blood banks.

3 (G) Medical or family history criteria that can impact a family's
4 consideration of umbilical cord blood banking.

5 (H) An explanation that the practices and policies of blood banks
6 may vary with respect to accreditation, cord blood processing and
7 storage methods, costs, and donor privacy.

8 (I) An explanation that pregnant women are not required to
9 donate their umbilical cord blood for research purposes.

10 (b) The information provided by the department pursuant to
11 subdivision (a) shall be made available in ~~Cantonese, English,~~
12 ~~Spanish, and Vietnamese,~~ *the languages that meet the numeric*
13 *threshold described in Section 14029.91 of the Welfare and*
14 *Institutions Code*, and shall be updated by the department as
15 needed.

16 (c) The information provided by the department pursuant to
17 subdivision (a) shall be made available on the Internet Web sites
18 of the licensing boards that have oversight over primary prenatal
19 care providers.

20 (d) (1) A primary prenatal care provider of a woman who is
21 known to be pregnant may, during the first prenatal visit, provide
22 the information required by subdivision (a) to the pregnant woman.

23 (2) For purposes of this article, a "prenatal care provider" means
24 a health care provider licensed pursuant to Division 2 (commencing
25 with Section 500) of the Business and Professions Code, or
26 pursuant to an initiative act referred to in that division, who
27 provides prenatal medical care within his or her scope of practice.

28 ~~(e) The department shall only implement this article upon a~~
29 ~~determination by the Director of Finance, that sufficient private~~
30 ~~donations have been collected and deposited into the Umbilical~~
31 ~~Cord Blood Education Account, which is hereby created in the~~
32 ~~State Treasury. The moneys in the account shall be available, upon~~
33 ~~appropriation by the Legislature, for the purposes of this article.~~
34 ~~No public funds shall be used to implement this article. If sufficient~~
35 ~~funds are collected and deposited into the account, the Director of~~
36 ~~Finance shall file a written notice thereof with the Secretary of~~
37 ~~State.~~

38 SEC. 2. Section 125092 of the Health and Safety Code is
39 amended to read:

1 125092. The department, in consultation with the Office of
2 AIDS and with other stakeholders, including, but not limited to,
3 representatives of professional medical and public health advocacy
4 groups, providers of health care to women and infants infected
5 with or exposed to HIV, and women living with HIV, shall develop
6 culturally sensitive informational material adequate to fulfill the
7 requirements of subdivisions (c) and (d) of Section 125090, in
8 English, Spanish, and other languages used by the department *the*
9 *languages that meet the numeric threshold described in Section*
10 *14029.91 of the Welfare and Institutions Code* when providing
11 information to clients under the Medi-Cal program. This material
12 shall also include information on available referral and consultation
13 resources of experts in prenatal HIV treatment. ~~This material shall~~
14 ~~be completed by December 31, 2004.~~