

Senate Bill 596

By: Senators Shafer of the 48th, Cagle of the 49th, Carter of the 13th, Kemp of the 46th, Whitehead, Sr. of the 24th and others

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to
2 provide a short title; to provide legislative intent and findings; to provide definitions; to
3 create the Newborn Umbilical Cord Blood Bank for postnatal tissue and fluid; to provide for
4 donations and information concerning donations; to provide for certain procedures and costs
5 and fees associated with such bank; to provide for the creation of the Georgia Commission
6 for the Newborn Umbilical Cord Blood Initiative and the membership, appointment, terms
7 of office, and duties of such commission; to provide for certain funding mechanisms; to
8 amend Article 3 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating
9 to income tax returns and information, so as to authorize taxpayers to make certain
10 contributions through the income tax payment and refund process; to provide an effective
11 date and for applicability; to repeal conflicting laws; and for other purposes.

12 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

13 **SECTION 1.**

14 This Act shall be known and may be cited as the "Delivering the Cure: Newborn Umbilical
15 Cord Blood Initiative Act." This Act may also be known and cited as Keone's Law.

16 **SECTION 2.**

17 Title 31 of the Official Code of Georgia Annotated, relating to health, is amended by adding
18 a new Chapter 46 to read as follows:

19 **"CHAPTER 46**

20 31-46-1.

21 The General Assembly finds and declares that:

22 (1) Over 100 million Americans and two billion other humans worldwide suffer from
23 diseases that may eventually be treated more effectively or even cured with stem cells;

- 1 (2) Stem cell research has been hampered by the controversy over 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 stem cells which may be
- 4 used for scientific research and medical treatment without destroying embryos;
- 5 (5) Stem cell research using stem cells from postnatal tissue and fluid has already
- 6 resulted in treatments for anemia, leukemia, lymphoma, lupus, multiple sclerosis,
- 7 rheumatoid arthritis, sickle cell disease, spinal cord injury, and Crohn's disease;
- 8 (6) Stem cell therapies using stem cells from postnatal tissue and fluid are being studied
- 9 for diseases as wide-ranging and diverse as corneal degeneration, heart disease, stroke,
- 10 Parkinson's disease, and Alzheimer's disease; and
- 11 (7) It shall be the public policy of this state to encourage the donation, collection, and
- 12 storage of stem cells collected from postnatal tissue and fluid and to make such stem cells
- 13 available for both scientific research and medical treatment. It shall be the public policy
- 14 of this state to encourage ethical research in life science and regenerative medicine.

15 31-46-2.

16 As used in this chapter, the term:

- 17 (1) 'Amniotic fluid' means the fluid inside the amnion.
- 18 (2) 'Embryo' means a living organism of the species homo sapiens from the single-celled
- 19 stage to eight weeks' development.
- 20 (3) 'Fetus' means a living organism of the species homo sapiens from eight weeks'
- 21 development until complete expulsion or extraction from a woman's body or until
- 22 removal from an artificial womb or other similar environment designed to nurture the
- 23 development of such organism.
- 24 (4) 'Placenta' means the organ that forms on the inner wall of the human uterus during
- 25 pregnancy.
- 26 (5) 'Postnatal tissue and fluid' means the placenta, umbilical cord, and amniotic fluid
- 27 expelled or extracted in connection with the birth of a human being.
- 28 (6) 'Somatic cell' means a diploid cell having a complete set of chromosomes obtained
- 29 or derived from a living or deceased human body at any stage of development.
- 30 (7) 'Stem cells' means unspecialized or undifferentiated cells that can self-replicate and
- 31 have the potential to differentiate into specialized cell types.
- 32 (8) 'Umbilical cord' means the gelatinous tissue and blood vessels connecting an unborn
- 33 human being to the placenta.

1 31-46-3.

2 (a) Not later than June 30, 2007, the Georgia Commission for the Newborn Umbilical
3 Cord Blood Initiative, as created in Code Section 31-46-4, shall establish a network of
4 postnatal tissue and fluid banks in partnership with one or more public or private colleges
5 or universities, public or private hospitals, nonprofit organizations, or private firms in this
6 state for the purpose of collecting and storing postnatal tissue and fluid. The bank network,
7 which shall be known as the Newborn Umbilical Cord Blood Bank, shall make such tissue
8 and fluid available for scientific research and medical treatment in accordance with this
9 chapter. Any person giving birth to a child in Georgia may contribute postnatal tissue and
10 fluid to the Newborn Umbilical Cord Blood Bank.

11 (b) Beginning June 30, 2007, all physicians and hospitals in this state shall inform
12 pregnant patients of the opportunity to donate postnatal tissue and fluid to the Newborn
13 Umbilical Cord Blood Bank no later than 30 days from the commencement of the patient's
14 third trimester of pregnancy or at the first consultation between the attending physician or
15 the hospital, whichever is later; provided, however, that this subsection shall not be
16 construed to require the participation of any physician who objects to the transfusion or
17 transplantation of blood on the basis of bona fide religious beliefs.

18 (c) Persons seeking postnatal tissue and fluid from the Newborn Umbilical Cord Blood
19 Bank for scientific research and medical treatment shall enter into an agreement with the
20 bank to offset the costs associated with the bank as well as the expenses incurred in the
21 collection and storage of the postnatal tissue and fluid.

22 (d) Nothing in this Code section shall be construed to prohibit a person from donating
23 postnatal tissue or fluid to a private blood and tissue bank or storing postnatal tissue or
24 fluid with a private blood and tissue bank.

25 (e) Any college or university, hospital, nonprofit organization, or private firm participating
26 in the Newborn Umbilical Cord Blood Bank shall have or be subject to an institutional
27 review board which shall be available on an ongoing basis to review the research
28 procedures and conduct of any person desiring to conduct research with postnatal tissue
29 and blood from the bank. The institutional review board shall establish procedures to
30 protect and ensure the privacy rights of postnatal tissue and fluid donors consistent with
31 applicable federal guidelines.

32 31-46-4.

33 (a) There is created the Georgia Commission for the Newborn Umbilical Cord Blood
34 Initiative which shall consist of 15 members appointed as provided in this Code section.

35 (b) Seven members shall be appointed by the Governor, one of whom shall be a
36 representative of a public college, university, or medical school. The Governor shall

1 appoint four members to serve initial terms of three years and three members to serve
2 initial terms of two years. Thereafter, successors to such initial appointees shall serve
3 terms of three years. The Governor shall designate one of the persons so appointed to be
4 the chairperson of the commission. If the chief executive officer of the Georgia Research
5 Alliance is not appointed by the Governor or any other appointing authority to serve on the
6 commission, he or she shall serve as an advisory member.

7 (c) Four members shall be appointed by the Lieutenant Governor or, if the Lieutenant
8 Governor belongs to a political party other than the political party to which a majority of
9 the members of the Senate belong, by the Senate Committee on Assignments. Of these
10 four members, there shall be at least one of each of the following: a physician licensed to
11 practice medicine in this state; a recognized medical ethicist with an accredited degree in
12 medicine, medical ethics, or theology; a scientific researcher in stem cell research; and an
13 attorney with experience in public health or biotechnology law. The Lieutenant Governor
14 or Senate Committee on Assignments shall appoint two members to serve initial terms of
15 three years and two members to serve initial terms of two years. Thereafter, successors to
16 such initial appointees shall serve terms of three years.

17 (d) Four members shall be appointed by the Speaker of the House of Representatives. Of
18 these four members, there shall be at least one of each of the following: a physician
19 licensed to practice medicine in this state; a recognized medical ethicist with an accredited
20 degree in medicine, medical ethics, or theology; a scientific researcher in stem cell
21 research; and an attorney with experience in public health or biotechnology law. The
22 Speaker of the House of Representatives shall appoint two members to serve initial terms
23 of three years and two members to serve initial terms of two years. Thereafter, successors
24 to such initial appointees shall serve terms of three years.

25 (e) Members of the commission shall be eligible to succeed themselves. The initial terms
26 of office shall begin on July 1, 2006. Appointments shall be made by the respective
27 appointing authorities no later than June 15, 2006. Thereafter, appointments of successors
28 shall be made by the respective appointing authority no later than June 1 of the year in
29 which the member's term of office expires. Vacancies shall be filled for the unexpired
30 term by the respective appointing authority.

31 (f) The commission shall meet at least four times per year at the call of the chairperson or
32 upon the request of at least seven of its members.

33 (g) The commission shall have the following duties and responsibilities:

- 34 (1) To investigate the implementation of this chapter and to recommend any
35 improvements to the General Assembly;
- 36 (2) To make available to the public the records of all meetings of the commission and
37 of all business transacted by the commission;

1 (3) To oversee the operations of the Newborn Umbilical Cord Blood Bank established
2 in Code Section 31-46-3, including approving all fees established to cover administration,
3 collection, and storage costs;

4 (4) To undertake the Newborn Umbilical Cord Blood Initiative by promoting awareness
5 of the Newborn Umbilical Cord Blood Bank and encouraging donation of postnatal tissue
6 and fluid to the bank;

7 (5) To ensure the privacy of persons who donate umbilical cord blood and placental
8 tissue to the Newborn Umbilical Cord Blood Bank pursuant to subsection (a) of Code
9 Section 31-46-3 consistent with applicable federal guidelines;

10 (6) To develop a plan for making postnatal tissue and fluid collected under the Newborn
11 Umbilical Cord Blood Initiative available for scientific research and medical treatment;

12 (7) To develop a plan for private storage of postnatal tissue and fluid for medical
13 treatment or to make potential donors aware of private storage options for said tissue and
14 fluid as deemed in the public interest;

15 (8) To participate in the National Cord Blood Program and to register postnatal tissue
16 and fluid collected with registries operating in connection with the program;

17 (9) To employ such staff and to enter into such contracts as may be necessary to fulfill
18 its duties and responsibilities under this chapter subject to funding by the General
19 Assembly; and

20 (10) To report annually to the General Assembly in December of each year concerning
21 the activities of the commission with recommendations for any legislative changes or
22 funding necessary or desirable to fulfill the goals of this chapter.

23 (h) The commission shall provide for protection from disclosure of the identity of persons
24 making donations to the Newborn Umbilical Cord Blood Bank pursuant to subsection (a)
25 of Code Section 31-46-3.

26 (i) The commission may request additional funding from any additional source including,
27 but not limited to, federal and private grants.

28 (j) The commission may establish a separate not for profit organization or foundation for
29 the purposes of supporting the Newborn Umbilical Cord Blood Bank established pursuant
30 to Code Section 31-46-3."

31 SECTION 3.

32 Article 3 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to
33 income tax returns and information, is amended by adding at its end a new Code Section
34 48-7-63 to read as follows:

1 "48-7-63.

2 (a) Each Georgia income tax return form for taxable years beginning on or after January 1,
3 2006, shall contain appropriate language, to be determined by the state revenue
4 commissioner, offering the taxpayer the opportunity to contribute to nonembryonic stem
5 cell research through the Georgia Commission for the Newborn Umbilical Cord Blood
6 Initiative by donating either all or any part of any tax refund due, by authorizing a
7 reduction in the refund check otherwise payable, or by contributing any amount over and
8 above any amount of tax owed by adding that amount to the taxpayer's payment. The
9 instructions accompanying the income tax return form shall contain a description of the
10 purposes for which the commission was established and the intended use of moneys
11 received from the contributions. Each taxpayer required to file a state income tax return
12 who desires to contribute to the commission may designate such contribution as provided
13 in this Code section on the appropriate income tax return form.

14 (b) The Department of Revenue shall determine annually the total amount so contributed
15 and shall transmit such amount to the Georgia Commission for the Newborn Umbilical
16 Cord Blood Initiative."

17 **SECTION 4.**

18 (a) This Act shall become effective upon its approval by the Governor or upon its becoming
19 law without such approval.

20 (b) Section 3 of this Act shall apply to all taxable years beginning on and after January 1,
21 2006.

22 **SECTION 5.**

23 All laws and parts of laws in conflict with this Act are repealed.