

Senate Bill 148

By: Senators Shafer of the 48th, Staton of the 18th, Thomas of the 54th, Rogers of the 21st, Heath of the 31st 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 the creation of the Georgia
 5 Commission for Saving the Cure and the membership, appointment, terms of office, and
 6 duties of such commission; to provide for certain funding mechanisms; to amend Article 3
 7 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to income tax
 8 returns and information, so as to authorize taxpayers to make certain contributions through
 9 the income tax payment and refund process; to provide an effective date and for applicability;
 10 to repeal conflicting laws; and for other purposes.

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

12 **SECTION 1.**

13 This Act shall be known and may be cited as the "Saving the Cure Act." This Act may also
 14 be known and cited as "Keone's Law."

15 **SECTION 2.**

16 The General Assembly finds and declares that:

- 17 (1) Millions of Americans suffer from diseases that may eventually be treated more
 18 effectively or even cured with stem cells;
- 19 (2) Stem cell research in general has been hampered by the ethical controversy over
 20 embryonic stem cells which are presently derived in a process resulting in the destruction
 21 of the human embryo;
- 22 (3) Embryonic stem cell research in particular has been hampered by difficulties in
 23 manipulating embryonic stem cells in the laboratory and by the tendency of embryonic
 24 stem cells to form tumors;
- 25 (4) Stem cells are widely available from sources other than the human embryo and by
 26 processes which do not result in the destruction of human embryonic life;

1 (5) The umbilical cord, placenta, and amniotic fluid are rich in stem cells which may be
 2 used for scientific research and medical treatment without destroying human life at any
 3 stage of development;

4 (6) Nondestructive stem cell research using stem cells from postnatal tissue and fluid has
 5 already resulted in treatments for anemia, leukemia, lymphoma, Krabbe's disease, and
 6 sickle cell disease;

7 (7) Stem cell therapies from postnatal tissue and fluid are in clinical trials for multiple
 8 sclerosis, Crohn's disease, rheumatoid arthritis, lupus, and spinal cord injury;

9 (8) Stem cell therapies from nondestructive stem cell research are being studied for
 10 diseases as wide-ranging and diverse as corneal degeneration, heart disease, stroke,
 11 muscular dystrophy, and Parkinson's disease;

12 (9) Stem cells have recently been derived from prenatal amniotic fluid collected in routine
 13 amniocentesis testing without destruction of human embryonic life;

14 (10) Stem cells from prenatal amniotic fluid have been shown to possess the approximate
 15 pluripotentiality of embryonic stem cells without the associated risk of tumor formation;
 16 and

17 (11) Destructive stem cell research using embryonic stem cells has failed to yield any
 18 effective cures or treatments.

20 SECTION 3.

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

23 "CHAPTER 46

24 31-46-1.

25 The General Assembly finds and declares that it shall be the public policy of this state to
 26 encourage the donation, collection, and storage of stem cells collected from postnatal tissue
 27 and fluid and to make such stem cells available for both scientific research and medical
 28 treatment; to encourage nondestructive stem cell research; and to encourage ethical
 29 research in life science and regenerative medicine.

30 31-46-2.

31 As used in this chapter, the term:

32 (1) 'Amniotic fluid' means the fluid inside the amnion.

1 (2) 'Nondestructive stem cell research' means medical research involving stem cells that
2 have not been derived from a human embryo or fetus that was destroyed by, during, or
3 as a result of the process of derivation.

4 (3) 'Placenta' means the organ that forms on the inner wall of the human uterus during
5 pregnancy.

6 (4) 'Postnatal tissue and fluid' means the placenta, umbilical cord, and amniotic fluid
7 expelled or extracted in connection with the birth of a human being.

8 (5) 'Stem cells' means unspecialized or undifferentiated cells that can self-renew and
9 have the potential to differentiate into specialized cell types.

10 (6) 'Umbilical cord' means the gelatinous tissue and blood vessels connecting an unborn
11 human being to the placenta.

12 31-46-3.

13 (a) Not later than June 30, 2008, the Georgia Commission for Saving the Cure, as created
14 in Code Section 31-46-4, shall establish a network of postnatal tissue and fluid banks in
15 partnership with one or more public or private colleges or universities, public or private
16 hospitals, nonprofit organizations, or private firms in this state for the purpose of collecting
17 and storing postnatal tissue and fluid. The bank network, which shall be known as the
18 Newborn Umbilical Cord Blood Bank, shall make such tissue and fluid available for
19 scientific research and medical treatment in accordance with this chapter. Any person
20 giving birth to a child in Georgia may contribute postnatal tissue and fluid to the Newborn
21 Umbilical Cord Blood Bank.

22 (b) The Georgia Commission for Saving the Cure shall develop a program to educate
23 pregnant patients with respect to the banking of postnatal tissue and fluid. The program
24 shall include:

25 (1) An explanation of the difference between public and private banking programs;

26 (2) The medical process involved in the collection and storage of postnatal tissue and
27 fluid;

28 (3) The current and potential future medical uses of stored postnatal tissue and fluid;

29 (4) The benefits and risks involved in the banking of postnatal tissue and fluid; and

30 (5) The availability and cost of storing postnatal tissue and fluid in public and private
31 umbilical cord blood banks.

32 (c) Beginning June 30, 2009, all physicians and hospitals in this state shall inform pregnant
33 patients of the full range of options for donation of postnatal tissue and fluids, including
34 the opportunity to donate postnatal tissue and fluid to the Newborn Umbilical Cord Blood
35 Bank, no later than 30 days from the commencement of the patient's third trimester of
36 pregnancy or at the first consultation between the attending physician or the hospital,

1 whichever is later; provided, however, that this subsection shall not be construed to require
2 the participation of any physician who objects to the transfusion or transplantation of blood
3 on the basis of bona fide religious beliefs.

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

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

14 31-46-4.

15 (a) There is created the Georgia Commission for Saving the Cure which shall consist of
16 15 members appointed as provided in this Code section. The commission shall be
17 assigned to the Department of Community Health for administrative purposes only, as
18 prescribed in Code Section 50-4-3.

19 (b) Seven members shall be appointed by the Governor. The Governor shall appoint four
20 members to serve initial terms of three years and three members to serve initial terms of
21 two years. Thereafter, successors to such initial appointees shall serve terms of three years.
22 The Governor shall designate one of the persons so appointed to be the chairperson of the
23 commission. If the chief executive officer of the Georgia Research Alliance is not
24 appointed by the Governor or any other appointing authority to serve on the commission,
25 he or she shall serve as an advisory member.

26 (c) Four members shall be appointed by the Lieutenant Governor or, if the Lieutenant
27 Governor belongs to a political party other than the political party to which a majority of
28 the members of the Senate belong, by the Senate Committee on Assignments. Of these
29 four members, there shall be at least one of each of the following: a physician licensed to
30 practice medicine in this state; a recognized medical ethicist with an accredited degree in
31 medicine, medical ethics, or theology; a scientific researcher in nondestructive stem cell
32 research; and an attorney with experience in health policy or biotechnology law. The
33 Lieutenant Governor or Senate Committee on Assignments shall appoint two members to
34 serve initial terms of three years and two members to serve initial terms of two years.
35 Thereafter, successors to such initial appointees shall serve terms of three years.

1 (d) Four members shall be appointed by the Speaker of the House of Representatives. Of
2 these four members, there shall be at least one of each of the following: a physician
3 licensed to practice medicine in this state; a recognized medical ethicist with an accredited
4 degree in medicine, medical ethics, or theology; a scientific researcher in nondestructive
5 stem cell research; and an attorney with experience in health policy or biotechnology law.
6 The Speaker of the House of Representatives shall appoint two members to serve initial
7 terms of three years and two members to serve initial terms of two years. Thereafter,
8 successors to such initial appointees shall serve terms of three years.

9 (e) Members of the commission shall be eligible to succeed themselves. The initial terms
10 of office shall begin on July 1, 2007. Appointments shall be made by the respective
11 appointing authorities no later than June 15, 2007. Thereafter, appointments of successors
12 shall be made by the respective appointing authority no later than June 1 of the year in
13 which the member's term of office expires. Vacancies shall be filled for the unexpired
14 term by the respective appointing authority.

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

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

18 (1) To investigate the implementation of this chapter and to recommend any
19 improvements to the General Assembly;

20 (2) To make available to the public the records of all meetings of the commission and
21 of all business transacted by the commission;

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

25 (4) To undertake the Saving the Cure initiative by promoting awareness of the Newborn
26 Umbilical Cord Blood Bank and encouraging donation of postnatal tissue and fluid to the
27 bank;

28 (5) To ensure the privacy of persons who donate postnatal tissue and fluid to the
29 Newborn Umbilical Cord Blood Bank pursuant to subsection (a) of Code Section 31-46-3
30 consistent with applicable federal guidelines;

31 (6) To develop a plan for making postnatal tissue and fluid collected under the Saving
32 the Cure initiative available for scientific research and medical treatment and to ensure
33 compliance with all relevant national practice and quality standards relating to such use;

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

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

3 (9) To make grants and enter into agreements to support nondestructive stem cell
4 research;

5 (10) To employ such staff and to enter into such contracts as may be necessary to fulfill
6 its duties and responsibilities under this chapter subject to funding by the General
7 Assembly; and

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

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

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

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

19 **SECTION 4.**

20 Article 3 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to
21 income tax returns and information, is amended by adding a new Code section to read as
22 follows:

23 "48-7-63.

24 (a) Each Georgia income tax return form for taxable years beginning on or after January 1,
25 2007, shall contain appropriate language, to be determined by the state revenue
26 commissioner, offering the taxpayer the opportunity to contribute to nondestructive stem
27 cell research, as defined in Code Section 31-46-2, through the Georgia Commission for
28 Saving the Cure by donating either all or any part of any tax refund due, by authorizing a
29 reduction in the refund check otherwise payable, or by contributing any amount over and
30 above any amount of tax owed by adding that amount to the taxpayer's payment. The
31 instructions accompanying the income tax return form shall contain a description of the
32 purposes for which the commission was established and the intended use of moneys
33 received from the contributions. Each taxpayer required to file a state income tax return
34 who desires to contribute to the commission may designate such contribution as provided
35 in this Code section on the appropriate income tax return form.

1 (b) The Department of Revenue shall determine annually the total amount so contributed
2 and shall transmit such amount to the Georgia Commission for Saving the Cure."

3 **SECTION 5.**

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

6 (b) Section 3 of this Act shall apply to all taxable years beginning on and after January 1,
7 2007.

8 **SECTION 6.**

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