

IC 12-31

ARTICLE 31. UMBILICAL CORD BLOOD

IC 12-31-1

Chapter 1. Public Umbilical Cord Blood Bank

IC 12-31-1-1

"Nonprofit corporation"

Sec. 1. As used in this article, "nonprofit corporation" refers to the Indiana nonprofit corporation formed by the office of the secretary under section 3 of this chapter to establish and operate a public umbilical cord blood bank.

As added by P.L.134-2008, SEC.7.

IC 12-31-1-2

"Postnatal donation"

Sec. 2. As used in this article, "postnatal donation" means any of the following donations by a patient to the public umbilical cord blood bank:

- (1) Postnatal fluid, including umbilical cord blood.
- (2) Postnatal tissue, including the placenta and tissue extracted from an umbilical cord.

As added by P.L.134-2008, SEC.7.

IC 12-31-1-3

Formation of nonprofit corporation by office of the secretary; adoption of rules concerning protection of information

Sec. 3. (a) The office of the secretary shall form a nonprofit corporation to establish and provide for the operation of a public umbilical cord blood bank to promote public health and to exercise other essential governmental functions.

(b) The office of the secretary shall adopt rules under IC 4-22-2 concerning the protection of individual identifiable health information regarding the operation of the public umbilical cord blood bank.

As added by P.L.134-2008, SEC.7.

IC 12-31-1-4

Board of directors of nonprofit corporation; advisory board; review of applications; contract for administrative operations; employment; participating agreement

Sec. 4. (a) The board of directors of the nonprofit corporation consists of the following:

- (1) The state health commissioner or the commissioner's designee.
- (2) The secretary or the secretary's designee.
- (3) The secretary of commerce appointed under IC 5-28-3-4 or the secretary's designee.
- (4) The director of the state department of health's office of minority health.

- (5) The following individuals appointed by the governor:
- (A) One (1) president or chief executive officer of an Indiana based hospital.
 - (B) One (1) research scientist with expertise in umbilical cord blood research.
 - (C) One (1) ethicist with expertise in bioethics.
 - (D) One (1) physician licensed under IC 25-22.5 who specializes in birthing and delivery.
 - (E) One (1) representative of a donor umbilical cord blood bank facility.
 - (F) One (1) member of the interagency state council on black and minority health established under IC 16-46-6.

(b) The board of directors shall appoint an advisory board. At least fifty-one percent (51%) of the advisory board members must be research scientists with expertise in stem cell research.

(c) The advisory board, using criteria established by the board of directors, is responsible for reviewing applications from research scientists, research institutions, and other persons interested in receiving a postnatal donation that is ineligible for transplant use from the public umbilical cord blood bank.

(d) The board of directors may contract with a person to perform the management and administrative operations of the public umbilical cord blood bank. The person shall follow the federal Food and Drug Administration's current good tissue practices.

(e) Subject to approval by the budget agency, the board of directors may, without the approval of the attorney general, employ legal counsel, technical experts, and other officers, agents, and employees that the board of directors considers necessary to carry out the efficient operation of a public umbilical cord blood bank.

(f) The board of directors shall determine the terms and conditions of the participating agreement that is executed with each participating hospital.

As added by P.L.134-2008, SEC.7.

IC 12-31-1-5

Nonprofit corporation duties

Sec. 5. The nonprofit corporation shall do the following:

- (1) Establish procedures and guidelines for collecting, maintaining, and receiving postnatal donations.
- (2) Educate health care professionals about the procedures and requirements for collecting and maintaining postnatal donations following the birth of a newborn infant.
- (3) Establish procedures concerning patient informed consent and privacy that are approved by an independent institutional review board selected by the board of directors.

As added by P.L.134-2008, SEC.7.

IC 12-31-1-6

Acceptance of postnatal donations; use and allocation of postnatal donations; liability insurance

Sec. 6. (a) The nonprofit corporation shall accept postnatal donations at no charge or cost to the donor.

(b) The nonprofit corporation may allow the following to use the postnatal donations:

(1) Transplant centers.

(2) Research centers approved by the nonprofit corporation that will use the postnatal donation to promote medical advances, life science research, or biotechnology research.

(3) Any other entity approved by the nonprofit corporation if the entity will use the postnatal donation to promote medical advances, life science research, or biotechnology research.

(c) Any postnatal donations maintained by the public umbilical cord blood bank must be allocated as follows:

(1) Postnatal donations that are of transplantable quality according to the National Marrow Donor Program, the federal Food and Drug Administration's approved protocol, or other relevant national practice and quality standards must be allocated for medical transplants.

(2) Postnatal donations that do not meet the transplant quality standards referred to in subdivision (1) and that are suitable for research must be made available for scientific research or medical treatments that comply with relevant national practice and quality standards.

(d) The nonprofit corporation shall acquire and maintain adequate liability insurance coverage.

As added by P.L.134-2008, SEC.7.

IC 12-31-1-7

Maintenance of postnatal donations at no charge to donor

Sec. 7. The nonprofit corporation may maintain postnatal donations at no charge or cost to the donor.

As added by P.L.134-2008, SEC.7.

IC 12-31-1-8

Authority to award grants

Sec. 8. The nonprofit corporation may award a grant to a person for work with postnatal donations.

As added by P.L.134-2008, SEC.7.

IC 12-31-1-9

Report to health finance commission

Sec. 9. The nonprofit corporation shall report annually to the health finance commission established by IC 2-5-23-3 concerning the following:

(1) The implementation of the umbilical cord blood bank.

(2) The number of postnatal donations used for transplants and the number of postnatal donations used for research.

As added by P.L.134-2008, SEC.7.