

IC 16-21-11.2

Chapter 11.2. Postnatal Donation Initiative

IC 16-21-11.2-1

"Postnatal donation"

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

- (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.138-2014, SEC.8.

IC 16-21-11.2-2

Board; members; chair; staffing by state department; duties; compensation of members

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

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

- (1) The state health commissioner or the commissioner's designee.
- (2) The secretary of family and social services or the secretary's designee.
- (3) The director of the state department of health's office of minority health.
- (4) The following individuals appointed by the state health commissioner:
 - (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.
 - (F) One (1) member of the interagency state council on black and minority health established under IC 16-46-6.

(c) The state health commissioner or the commissioner's designee shall chair the postnatal donation board.

(d) The state department shall staff the postnatal donation board.

(e) The postnatal donation board shall assist the state department in carrying out the postnatal donation initiative under this chapter.

(f) A member of the postnatal donation board who is not a state employee is not entitled to a salary per diem or other compensation for services as a member of the postnatal donation board. However, the member is entitled to reimbursement for travel expenses and

other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(g) A member of the postnatal donation board who is a state employee is entitled to reimbursement for travel expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

As added by P.L.138-2014, SEC.8.

IC 16-21-11.2-3

Establishment of postnatal donation initiative

Sec. 3. The state department, with the assistance of the postnatal donation board, shall establish a postnatal donation initiative to promote awareness concerning a pregnant woman's option to make a postnatal donation upon the birth of a newborn infant.

As added by P.L.138-2014, SEC.8.

IC 16-21-11.2-4

Requirements for dissemination of information; updating of materials and distribution

Sec. 4. (a) The postnatal donation initiative must include the dissemination of the following information:

(1) Information concerning the option that is available to pregnant women to make a postnatal donation upon the birth of a newborn infant.

(2) An explanation of the benefits and risks of using postnatal fluid and postnatal tissue in accordance with the National Marrow Donor Program or another federal Food and Drug Administration approved protocol, and the use of postnatal fluid and postnatal tissue for medical treatment, including the following:

(A) A list of the diseases or conditions that have been treated through the use of postnatal donations.

(B) A list of the diseases or conditions for which scientific research indicates that treatment through the use of postnatal donations are promising.

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

(b) The state department shall:

(1) update the material described in subsection (a); and

(2) provide for the distribution of the information to at least the following persons that treat pregnant women:

(A) Physicians licensed under IC 25-22.5.

- (B) Health care facilities.
- (C) Ambulatory surgical centers.
- (D) Health clinics.
- (E) Maternity homes registered under IC 16-26-1.
- (F) Nurse midwives licensed under IC 25-23-1-13.1.
- (G) Birthing centers licensed under IC 16-21-2.

(c) A person described in subsection (b)(2) shall provide the information distributed under subsection (b) to women who:

- (1) are pregnant and receive prenatal services from the person;
- or
- (2) give birth at the person's facility.

As added by P.L.138-2014, SEC.8. Amended by P.L.48-2016, SEC.1.

IC 16-21-11.2-5

Civil immunity

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

As added by P.L.138-2014, SEC.8.