

LEGISLATURE OF NEBRASKA  
ONE HUNDREDTH LEGISLATURE  
SECOND SESSION  
**LEGISLATIVE BILL 1003**

Introduced by Pahls, 31.

Read first time January 16, 2008

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to public health and welfare; to amend  
2 section 71-7611, Revised Statutes Supplement, 2007; to  
3 adopt the Saving the Cure Act; to provide for an  
4 accredited laboratory at the University of Nebraska  
5 Medical Center to conduct research as prescribed; to  
6 provide for funding; to harmonize provisions; and to  
7 repeal the original section.

8 Be it enacted by the people of the State of Nebraska,

1           Section 1. Sections 1 to 7 of this act shall be known and  
2 may be cited as the Saving the Cure Act.

3           Sec. 2. It is the public policy of this state to  
4 encourage the donation, collection, and storage of stem cells  
5 collected from postnatal tissue and fluid and to make such stem  
6 cells available for medical research and treatment, to promote  
7 principled and ethical stem cell research, and to encourage stem  
8 cell research with immediate clinical and medical applications.

9           Sec. 3. For purposes of the Saving the Cure Act:

10           (1) Amniotic fluid means the fluid inside the amnion;

11           (2) Commission means the Commission for Saving the Cure  
12 established in section 5 of this act;

13           (3) Placenta means the organ that forms on the inner wall  
14 of the human uterus during pregnancy;

15           (4) Postnatal tissue and fluid means the placenta,  
16 umbilical cord, and amniotic fluid expelled or extracted in  
17 connection with the birth of a human being;

18           (5) Stem cells means unspecialized or undifferentiated  
19 cells that can self-renew and have the potential to differentiate  
20 into specialized cell types; and

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

23           Sec. 4. (1) Not later than June 30, 2009, the commission  
24 shall establish a network in partnership with public or private  
25 hospitals in Nebraska for the purpose of facilitating the

1 collection and transportation of postnatal tissue and fluid to  
2 (a) a hospital for purposes of medical treatment or research,  
3 (b) to a private postnatal tissue and fluid bank, or (c) to a  
4 public postnatal tissue and fluid bank established in another state  
5 when needed. The network shall be known as the Nebraska Newborn  
6 Umbilical Cord Blood Network and shall facilitate making such  
7 tissue and fluid available for medical research and treatment in  
8 accordance with the Saving the Cure Act.

9 (2) The commission shall develop a program to educate  
10 pregnant women with respect to the banking of postnatal tissue and  
11 fluid. The program shall include:

12 (a) Notice of the existence of the Nebraska Newborn  
13 Umbilical Cord Blood Network;

14 (b) An explanation of the difference between public and  
15 private postnatal tissue and fluid banking programs;

16 (c) The medical process involved in the collection and  
17 storage of postnatal tissue and fluid;

18 (d) The current and potential future medical uses of  
19 stored postnatal tissue and fluid;

20 (e) The benefits and risks involved in the banking of  
21 postnatal tissue and fluid; and

22 (f) The availability and cost of storing postnatal tissue  
23 and fluid in public and private umbilical cord blood banks.

24 (3) Beginning June 30, 2009, all physicians and hospitals  
25 in Nebraska may inform pregnant patients of the full range of

1 options for donation of postnatal tissue and fluids no later than  
2 thirty days after the commencement of the patient's third trimester  
3 of pregnancy or at the first consultation between the attending  
4 physician or the hospital, whichever is later.

5 (4) This section does not prohibit a person from donating  
6 postnatal tissue or fluid to a private blood and tissue bank or  
7 storing postnatal tissue or fluid with a private blood and tissue  
8 bank.

9 (5) Prior to facilitating the collection or  
10 transportation of any postnatal tissue or fluid (a) for  
11 medical research or (b) to a postnatal tissue and fluid bank  
12 established in another state, the commission shall establish  
13 that the hospital or bank has or is subject to an institutional  
14 review board which is available on an ongoing basis to review the  
15 research procedures and conduct of any person desiring to conduct  
16 research with postnatal tissue and fluid. The institutional review  
17 board shall have established procedures to protect and ensure the  
18 privacy rights of postnatal tissue and fluid donors consistent with  
19 applicable federal guidelines.

20 Sec. 5. (1) The Commission for Saving the Cure is  
21 created. The commission shall consist of fifteen members appointed  
22 by the Governor. Eight members shall be appointed for initial terms  
23 of three years, and seven members shall be appointed for initial  
24 terms of two years. Successors to such initial appointees shall  
25 serve terms of three years. The Governor shall designate one of the

1 persons appointed to be the chairperson of the commission. Members  
2 of the commission shall be eligible to succeed themselves.

3 (2) At least one member may be a physician licensed to  
4 practice medicine in this state, at least one member may be a  
5 recognized medical ethicist with a degree in medicine, medical  
6 ethics, or a related field, at least one member may be a medical  
7 researcher in stem cell research, and at least one member may be an  
8 attorney with experience in health policy law.

9 (3) The initial terms of office shall begin on January 1,  
10 2009. Appointments shall be made no later than December 1, 2008.  
11 Thereafter, appointments of successors shall be made no later than  
12 December 1 of the year prior to which the member's term of office  
13 expires. Vacancies shall be filled for the unexpired term. Members  
14 of the commission shall be reimbursed for the actual and necessary  
15 expenses incurred in carrying out their duties as such members as  
16 provided in sections 81-1174 to 81-1177.

17 (4) The commission shall meet at least four times per  
18 year at the call of the chairperson or upon the request of at least  
19 seven of its members.

20 (5) The commission shall be within the Department of  
21 Health and Human Services for administrative purposes only.

22 Sec. 6. (1) The commission shall have the following  
23 duties and responsibilities:

24 (a) To investigate the implementation of the Saving the  
25 Cure Act and to recommend to the Legislature any changes in the act

1 the commission deems necessary;

2 (b) To make available to the public the records of all  
3 meetings of the commission and of all business transacted by the  
4 commission;

5 (c) To oversee the operation of the Nebraska Newborn  
6 Umbilical Cord Blood Network established under section 4 of this  
7 act;

8 (d) To promote awareness of the Nebraska Newborn  
9 Umbilical Cord Blood Network and encourage donation of postnatal  
10 tissue and fluid to the network;

11 (e) To ensure the privacy of persons who donate postnatal  
12 tissue and fluid to the Nebraska Newborn Umbilical Cord Blood  
13 Network consistent with applicable federal guidelines;

14 (f) To develop a plan for making postnatal tissue and  
15 fluid collected under the Saving the Cure Act available for medical  
16 research and treatment and to ensure compliance with all relevant  
17 national practice and quality standards relating to such use;

18 (g) To develop a plan for private storage of postnatal  
19 tissue and fluid for medical treatment or to make potential donors  
20 aware of private storage options for postnatal tissue and fluid;

21 (h) To participate in the National Cord Blood Program and  
22 to register postnatal tissue and fluid collected with registries  
23 operating in connection with such program;

24 (i) To make grants and enter into agreements to  
25 support stem cell research with immediate and clinical medical

1 applications;

2 (j) To employ such staff and to enter into such contracts  
3 as may be necessary to fulfill its duties and responsibilities  
4 under the Saving the Cure Act; and

5 (k) To report annually in December to the Governor and  
6 the Clerk of the Legislature concerning the activities of the  
7 commission with recommendations for any legislative changes or  
8 funding necessary or desirable to fulfill the goals of the act.

9 (2) The commission shall provide for protection from  
10 disclosure of the identity of persons making donations to the  
11 Nebraska Newborn Umbilical Cord Blood Network.

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

15 (4) The commission may establish a foundation for  
16 purposes of accepting donations of funds to support the Nebraska  
17 Newborn Umbilical Cord Blood Network.

18 Sec. 7. The Saving the Cure Fund is created. The fund  
19 shall contain amounts appropriated by the Legislature, revenue  
20 received from gifts, grants, bequests, or other contributions from  
21 public or private sources. The commission shall use the money in  
22 the fund to develop and operate the Nebraska Newborn Umbilical Cord  
23 Blood Network established in section 4 of this act and to carry  
24 out its duties under section 6 of this act. Any money in the fund  
25 available for investment shall be invested by the state investment

1 officer pursuant to the Nebraska Capital Expansion Act and the  
2 Nebraska State Funds Investment Act.

3           Sec. 8. After July 1, 2009, the University of Nebraska  
4 Medical Center may develop, staff, and maintain an accredited  
5 laboratory to conduct postnatal tissue and fluid research and stem  
6 cell research. For purposes of this section, (1) postnatal tissue  
7 and fluid has the definition found in section 3 of this act and (2)  
8 stem cells has the definition found in such section.

9           Sec. 9. Section 71-7611, Revised Statutes Supplement,  
10 2007, is amended to read:

11           71-7611 (1) The Nebraska Health Care Cash Fund is  
12 created. The State Treasurer shall transfer (a) for fiscal years  
13 prior to FY2009-10 and each fiscal year thereafter, fifty-five  
14 million dollars annually no later than July 15 or (b) if a  
15 laboratory is proposed, developed, staffed, or maintained pursuant  
16 to section 8 of this act, for FY2009-10 and each fiscal year  
17 thereafter, fifty-five million five hundred thousand dollars  
18 annually no later than July 15, from the Nebraska Medicaid  
19 Intergovernmental Trust Fund and the Nebraska Tobacco Settlement  
20 Trust Fund to the Nebraska Health Care Cash Fund. The state  
21 investment officer upon consultation with the Nebraska Investment  
22 Council shall advise the State Treasurer on the amounts to be  
23 transferred from the Nebraska Medicaid Intergovernmental Trust Fund  
24 and from the Nebraska Tobacco Settlement Trust Fund under this  
25 section in order to sustain such transfers in perpetuity. The state

1 investment officer shall report to the Legislature on or before  
2 October 1 of every even-numbered year on the sustainability of such  
3 transfers.

4 (2) Any money in the Nebraska Health Care Cash Fund  
5 available for investment shall be invested by the state investment  
6 officer pursuant to the Nebraska Capital Expansion Act and the  
7 Nebraska State Funds Investment Act.

8 (3) One million dollars in the Nebraska Health Care Cash  
9 Fund is designated each year for the Autism Treatment Program  
10 Act for five fiscal years beginning in fiscal year 2007-08 and  
11 shall be distributed in each fiscal year as follows: (a) First,  
12 to the Department of Health and Human Services for costs related  
13 to application and implementation of the waiver; (b) second, to  
14 the department for other medical costs for children who would  
15 not otherwise qualify for medicaid except for the waiver; and (c)  
16 third, the balance to the Autism Treatment Program Cash Fund. The  
17 State Treasurer shall transfer the balance of the funding to the  
18 Autism Treatment Program Cash Fund based on the estimated costs  
19 of administrative and other medical costs as determined by the  
20 Legislature through the appropriation process. The transfers to  
21 the Autism Treatment Program Cash Fund in any fiscal year shall  
22 be contingent upon the receipt of private matching funds under  
23 the Autism Treatment Program Act, with no less than one dollar of  
24 private funds received for every two dollars transferred from the  
25 Nebraska Health Care Cash Fund to the Autism Treatment Program Cash

1 Fund.

2 (4) If a laboratory is proposed, developed, staffed, or  
3 maintained pursuant to section 8 of this act, for FY2009-10 and  
4 each fiscal year thereafter, the State Treasurer shall distribute  
5 five hundred thousand dollars from the Nebraska Health Care Cash  
6 Fund to the University of Nebraska Medical center for the purposes  
7 provided in section 1 of this act.

8 ~~(4)~~ (5) The University of Nebraska and postsecondary  
9 educational institutions having colleges of medicine in Nebraska  
10 and their affiliated research hospitals in Nebraska, as a condition  
11 of receiving any funds appropriated or transferred from the  
12 Nebraska Health Care Cash Fund, shall not discriminate against  
13 any person on the basis of sexual orientation.

14 Sec. 10. Original section 71-7611, Revised Statutes  
15 Supplement, 2007, is repealed.