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ASSEMBLY BILL NO. 154—ASSEMBLYMEN PETERS, ORENTLICHER;  
ANDERSON, COHEN AND CONSIDINE

FEBRUARY 13, 2023

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JOINT SPONSOR: SENATOR KRASNER

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Referred to Committee on Health and Human Services

SUMMARY—Provides for the regulation of the living donation of birth tissue. (BDR 40-455)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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AN ACT relating to tissue donation; requiring the State Board of Health to regulate the living donation of birth tissue; requiring an organization that processes birth tissue to be certified; providing a penalty; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law prescribes rules and procedures governing anatomical gifts, which take effect after the death of the donor, for the purposes of transplantation, therapy, research or education. (NRS 451.500-451.598) **Section 2** of this bill requires the State Board of Health to adopt regulations to prescribe standards and guidelines for the living donation of birth tissue by a patient who is pregnant. **Section 2** also requires a private umbilical cord and placental tissue bank or any other organization that processes birth tissue in this State to be certified by the Division of Public and Behavioral Health of the Department of Health and Human Services. **Section 2** makes it a felony to violate the regulations of the Board or to act as a private umbilical cord and placental tissue bank or other organization that processes birth tissue without such certification. **Section 3** of this bill: (1) requires an applicant for the renewal of such a certification which has a state business license to include the business identification number of the applicant in the application; and (2) prohibits the Division from renewing such a certification if the applicant fails to submit that information or owes a debt to a state agency and has not entered into an agreement to pay the debt.



THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1       **Section 1.** Chapter 460 of NRS is hereby amended by adding  
2 thereto the provisions set forth as sections 2 and 3 of this act.

3       **Sec. 2. 1.** *A patient who is pregnant may make a living*  
4 *donation of birth tissue in the manner prescribed by the*  
5 *regulations adopted pursuant to subsection 3.*

6       2. *A private umbilical cord and placental tissue bank or any*  
7 *other organization that processes birth tissue in this State for any*  
8 *reason must be certified by the Division.*

9       3. *The State Board of Health shall:*

10       (a) *Adopt regulations that establish standards and guidelines*  
11 *for the donation and use of birth tissue, which must be*  
12 *substantially based on the provisions of 21 C.F.R. Part 1271 and*  
13 *the best standards and practices in the industry; and*

14       (b) *Adopt any regulations necessary to carry out the provisions*  
15 *of this section, including, without limitation, regulations that*  
16 *establish a fee for an application for the issuance or renewal of a*  
17 *certification issued by the Division pursuant to subsection 2.*

18       4. *The regulations adopted pursuant to subsection 3 must*  
19 *authorize a patient who is pregnant to donate blood extracted from*  
20 *the umbilical cord or placenta of the patient's newborn child to, or*  
21 *store such blood at, a certified private umbilical cord blood and*  
22 *placental tissue bank.*

23       5. *A person who engages in the activity of a private umbilical*  
24 *cord and placental tissue bank or other organization that*  
25 *processes birth tissue without being certified by the Division*  
26 *pursuant to this section or who violates the standards and*  
27 *guidelines adopted by the State Board of Health pursuant to*  
28 *subsection 3 is guilty of a category C felony and shall be punished*  
29 *as provided in NRS 193.130 or by a fine of not more than \$50,000,*  
30 *or by both a fine and the punishment provided in NRS 193.130.*

31       6. *As used in this section:*

32       (a) *"Birth tissue" means gestational tissue donated at the time*  
33 *of delivery of a living newborn child, placenta, Wharton's jelly,*  
34 *amniotic fluid, chorionic membrane, amniotic membrane,*  
35 *placental disc, umbilical veins and umbilical tissue.*

36       (b) *"Division" means the Division of Public and Behavioral*  
37 *Health of the Department of Health and Human Services.*

38       **Sec. 3. 1.** *In addition to any other requirements set forth in*  
39 *the regulations adopted pursuant to section 2 of this act, an*  
40 *applicant for the renewal of a certification as a private umbilical*  
41 *cord and placental tissue bank or other organization that*  
42 *processes birth tissue must indicate in the application submitted to*



1 *the Division whether the applicant has a state business license. If*  
2 *the applicant has a state business license, the applicant must*  
3 *include in the application the business identification number*  
4 *assigned by the Secretary of State upon compliance with the*  
5 *provisions of chapter 76 of NRS.*

6 2. *A certification as a private umbilical cord and placental*  
7 *tissue bank or other organization that processes birth tissue may*  
8 *not be renewed by the Division if:*

9 (a) *The applicant fails to submit the information required by*  
10 *subsection 1; or*

11 (b) *The State Controller has informed the Division pursuant to*  
12 *subsection 5 of NRS 353C.1965 that the applicant owes a debt to*  
13 *an agency that has been assigned to the State Controller for*  
14 *collection and the applicant has not:*

15 (1) *Satisfied the debt;*

16 (2) *Entered into an agreement for the payment of the debt*  
17 *pursuant to NRS 353C.130; or*

18 (3) *Demonstrated that the debt is not valid.*

19 3. *As used in this section:*

20 (a) *“Agency” has the meaning ascribed to it in NRS 353C.020.*

21 (b) *“Debt” has the meaning ascribed to it in NRS 353C.040.*

22 **Sec. 4.** Notwithstanding the provisions of section 2 of this act,  
23 a private umbilical cord and placental tissue bank or other  
24 organization that processes birth tissue in this State for any reason  
25 which is operating on or before January 1, 2024, is not required to  
26 be certified pursuant to section 2 of this act until July 1, 2024.

27 **Sec. 5.** 1. This section becomes effective upon passage and  
28 approval.

29 2. Sections 1 to 4, inclusive, of this act become effective:

30 (a) Upon passage and approval for the purpose of adopting any  
31 regulations and performing any other preparatory administrative  
32 tasks that are necessary to carry out the provisions of this act; and

33 (b) On January 1, 2024, for all other purposes.

