

Amendment No. 490

Assembly Amendment to Assembly Bill No. 154	(BDR 40-455)
Proposed by: Assembly Committee on Health and Human Services	
Amendment Box: Replaces Amendment No. 125.	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

Adoption of this amendment will REMOVE the 2/3s majority vote requirement from A.B. 154.

ASSEMBLY ACTION		Initial and Date	SENATE ACTION		Initial and Date
Adopted	<input type="checkbox"/>	Lost <input type="checkbox"/>	Adopted	<input type="checkbox"/>	Lost <input type="checkbox"/>
Concurred In	<input type="checkbox"/>	Not <input type="checkbox"/>	Concurred In	<input type="checkbox"/>	Not <input type="checkbox"/>
Receded	<input type="checkbox"/>	Not <input type="checkbox"/>	Receded	<input type="checkbox"/>	Not <input type="checkbox"/>

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red-strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

MPP/EWR



Date: 4/20/2023

A.B. No. 154—Provides for the regulation of the living donation of birth tissue.
(BDR 40-455)



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

FEBRUARY 13, 2023

JOINT SPONSOR: SENATOR KRASNER

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.

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;~~
imposing certain requirements to ensure access to certain information concerning entities that accept living donations of birth tissue; 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.]~~ This bill requires the Division of Public and Behavioral Health of the Department of Health and Human Services to publish on an Internet website a list of certain entities that accept living donations of birth tissue made in a hospital or freestanding birthing center in this State. This bill authorizes the Division to include certain other information concerning living donations of birth tissue on the Internet website. This bill requires a hospital or a physician practicing in the area of obstetrics and gynecology to provide a patient who is pregnant with a link to that Internet website or a printed copy of that list.

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

Section 1. Chapter ~~[460]~~ 442 of NRS is hereby amended by adding thereto ~~[the provisions set forth as sections 2 and 3 of this act.]~~ a new section to read as follows:

1. The Division shall publish on an Internet website maintained by the Division a list of entities that accept living donations of birth tissue made in a hospital or freestanding birthing center in this State. To be included on the list, an entity must submit to the Division:

(a) A request that the entity be included on the list; and

(b) Proof of accreditation by the American Association of Tissue Banks, or its successor organization, for the acquisition, collection or recovery of birth tissue. Such proof must include, without limitation, the date on which the accreditation expires.

2. The Division shall remove an entity from the list published pursuant to subsection 1 on the date on which the accreditation described in paragraph (b) of subsection 1 expires, unless the entity submits to the Division proof that the accreditation has been renewed.

3. The Division may post on the Internet website maintained pursuant to subsection 1 information concerning:

(a) The manner in which a patient who is pregnant may make a living donation of birth tissue to an entity included on the list published pursuant to subsection 1; and

(b) Federal and state laws and regulations governing the living donation of birth tissue.

4. A hospital or physician practicing in the area of obstetrics and gynecology shall provide to any patient who is pregnant:

(a) A link to the Internet website maintained pursuant to subsection 1; or

(b) A printed version of the list published pursuant to subsection 1 that was printed not more than 3 months before the provision of the list.

5. As used in this section:

(a) "Birth tissue" means tissue derived from a live birth.

(b) "Live birth" has the meaning ascribed to it in NRS 440.030.

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

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

~~3. The State Board of Health shall:~~

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

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

~~4. The regulations adopted pursuant to subsection 3 must authorize a patient who is pregnant to donate blood extracted from the umbilical cord or~~

~~placenta of the patient's newborn child to, or store such blood at, a certified private umbilical cord blood and placental tissue bank.~~

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

~~6. As used in this section:~~

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

~~(b) "Division" means the Division of Public and Behavioral Health of the Department of Health and Human Services.]~~
(Deleted by amendment.)

~~Sec. 3. 1. In addition to any other requirements set forth in the regulations adopted pursuant to section 2 of this act, an applicant for the renewal of a certification as a private umbilical cord and placental tissue bank or other organization that processes birth tissue must indicate in the application submitted to the Division whether the applicant has a state business license. If the applicant has a state business license, the applicant must include in the application the business identification number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS.~~

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

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

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

~~(1) Satisfied the debt;~~

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

~~(3) Demonstrated that the debt is not valid.~~

~~3. As used in this section:~~

~~(a) "Agency" has the meaning ascribed to it in NRS 353C.020.~~

~~(b) "Debt" has the meaning ascribed to it in NRS 353C.040.]~~ (Deleted by amendment.)

~~Sec. 4. [Notwithstanding the provisions of section 2 of this act, a private umbilical cord and placental tissue bank or other organization that processes birth tissue in this State for any reason which is operating on or before January 1, 2024, is not required to be certified pursuant to section 2 of this act until July 1, 2024.]~~
(Deleted by amendment.)

~~Sec. 5. 1. This section becomes effective upon passage and approval.~~

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

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

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