A bill to be entitled

An act relating to stem cell therapy; creating s. 456.63, F.S.; defining terms; authorizing health care providers to perform stem cell therapy not approved by the United States Food and Drug Administration under certain circumstances; specifying requirements for the stem cells that may be used by such providers; requiring such providers to adhere to applicable current good manufacturing practices in the performance of such therapies; requiring health care providers to provide a specified written notice to patients before performing any stem cell therapy; specifying requirements for the written notice; providing advertisement requirements; requiring health care providers to obtain written consent from the patient or his or her representative before performing the therapy; specifying requirements for the consent form; providing applicability; providing for disciplinary action; requiring the Department of Health to adopt rules; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 456.63, Florida Statutes, is created to read:

456.63 Stem cell therapy by health care providers; disclosure; informed consent.—

(1) As used in this section, the term:

(a) "Health care provider" means a physician licensed under chapter 458 or an osteopathic physician licensed under chapter 459 acting in the course and scope of their employment.

(b) "Human cells, tissues, or cellular or tissue-based products" means articles containing or consisting of human cells or tissues collected from cord blood donors who are residents of the United States which are intended for implantation, transplantation, infusion, or transfer into a human recipient, including but not limited to, bones, ligaments, skin, dura mater, heart valves, corneas, hematopoietic stem or progenitor cells derived from peripheral and cord blood, manipulated autologous chondrocytes, epithelial cells on a synthetic matrix, and semen or other reproductive tissue. The term does not include any of the following:

1. Vascularized human organs for transplantation.

2. Whole blood or blood components or blood derivative products subject to regulation under part I of chapter 499.

3. Secreted or extracted human products, such as milk, collagen, and cell factors; except that semen is considered a human cell, tissue, or cellular or tissue-based product for purposes of this paragraph.

4. Minimally manipulated bone marrow for homologous use

and not combined with another article, except for with water, crystalloids, or a sterilizing, preserving, or storage agent, if the addition of the agent does not raise new clinical safety concerns with respect to the bone marrow.

5. Ancillary products used in the manufacture of human cells, tissues, or cellular or tissue-based products.

6. Cells, tissues, and organs derived from animals other than humans.

7. In vitro diagnostic products.

8. Blood vessels recovered with an organ, as defined in 42 C.F.R. s. 121.2, which are intended for use in organ transplantation and labeled, "For use in organ transplantation only."

9. Fetal-derived stem cells.

10. Adipose-derived mesenchymal stem cells for transplantation.

(c) "Minimally manipulated" means:

1. For structural tissue, processing that does not alter the original relevant characteristics of the tissue relating to the tissue's utility for reconstruction, repair, or replacement.

2. For cells or nonstructural tissues, processing that does not alter the relevant biological characteristics of cells or tissues.

(d) "Stem cell therapy" means a treatment involving the use of afterbirth placental perinatal stem cells or human cells,

tissues, or cellular or tissue-based products. The term does not include treatment or research using human cells or tissues that were derived from a fetus or an embryo after an abortion.

(2)(a) A health care provider licensed in this state may perform stem cell therapy that is not approved by the United States Food and Drug Administration if such therapy is used for treatment or procedures that are within the scope of practice for such provider and the therapies are related to orthopedics, wound care, or pain management.

(b) To ensure that the retrieval, manufacture, storage, and use of stem cells used for therapies conducted under this section meet the highest standards, any stem cells used by a health care provider for therapy provided under this section must be:

1. Manufactured in a clean room space that has been certified by the United States Food and Drug Administration for using high-efficiency particulate air filtration or ultra-low penetration air filtration to minimize nonviable and viable particulate contamination; and

2. Retrieved, manufactured, and stored in a facility that is registered and regulated by the United States Food and Drug Administration and licensed or registered with one of the following entities:

a. National Marrow Donor Program.

b. World Marrow Donor Association.

c. Association for the Advancement of Blood and Biotherapies.

d. American Association of Tissue Banks.

(3) In the performance of any procedure using or purporting to use stem cells or products containing stem cells, the health care provider shall adhere to the applicable current good manufacturing practices for the collection, removal, processing, implantation, and transfer of stem cells, or products containing stem cells, pursuant to the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. ss. 301 et seq.; 52 Stat. 1040 et seq.; and 21 C.F.R. part 1271, Human Cells, Tissues, and Cellular and Tissue-Based Products.

(4) A health care provider who conducts stem cell therapy pursuant to this section shall provide a patient who is being treated with stem cell therapy with the following written notice before performing the therapy:

THIS NOTICE MUST BE PROVIDED TO YOU UNDER FLORIDA LAW. This health care practitioner performs one or more stem cell therapies that have not yet been approved by the United States Food and Drug Administration. You are encouraged to consult with your primary care provider before undergoing any stem cell therapy.

(5) A health care provider required to provide the written

notice under subsection (4) shall:

(a) Provide the written notice to a patient on paper that is at least 8.5 inches by 11 inches and printed in no less than 40-point type.

(b) Prominently display the written notice at the entrance to the health care provider's office and in an area visible to patients inside such office.

(c) Include the notice in any advertisement for the stem cell therapy. In any form of advertisement, the notice must be clearly legible and in a font size no smaller than the largest font size used in the advertisement.

(6)(a) A health care provider required to provide the written notice under subsection (4) must obtain a signed consent form from the patient before performing the stem cell therapy.

(b) The consent form must be signed by the patient or, if the patient is legally not competent, the patient's representative and must state all of the following in language the patient or his or her representative could reasonably be expected to understand:

1. The nature and character of the proposed treatment, including the treatment's United States Food and Drug Administration approval status.

2. The anticipated results of the proposed treatment.

3. The recognized possible alternative forms of treatment.

4. The recognized serious possible risks, complications,

and anticipated benefits involved in the treatment and in the recognized possible alternative forms of treatment, including nontreatment.

(7) This section does not apply to either of the following:

(a) A health care provider who has obtained approval for an investigational new drug or device from the United States Food and Drug Administration for the use of human cells, tissues, or cellular or tissue-based products.

(b) A health care provider who performs a stem cell therapy under an employment or other contract on behalf of an institution certified by any of the following:

1. The Foundation for the Accreditation of Cellular Therapy.

2. The Blood and Marrow Transplant Clinical Trials Network.

3. The Association for the Advancement of Blood and Biotherapies.

4. An entity with expertise in stem cell therapy as determined by the department.

(8) A violation of this section may subject the health care provider to disciplinary action under the rules that have been developed by the applicable regulatory board, the department, or the Agency for Health Care Administration, as applicable.

(9) The department shall adopt rules to implement this section.

Section 2. This act shall take effect July 1, 2025.