HUMAN BLOOD PROCUREMENT AND USE

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor:  Stephen G. Handy

Senate Sponsor:  Patricia W. Jones

LONG TITLE

General Description:

This bill recodifies, repeals, and amends provisions of the Utah Code relating to the procurement and use of human blood.

Highlighted Provisions:

This bill:

• defines terms;
• deletes obsolete provisions relating to the donation of blood by a person who is 18 years old;
• enacts the Human Blood Act;
• clarifies that the procurement and use of a blood product is considered a service rather than a sale;
• provides that a minor who is at least 16 years old may donate blood to a voluntary, noncompensatory blood donation program if a parent or legal guardian of the minor consents to the donation; and
• makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:
Be it enacted by the Legislature of the state of Utah:

Section 1. Section 26-31-101 is enacted to read:

CHAPTER 31. HUMAN BLOOD ACT


26-31-101. Title.
This chapter is known as the "Human Blood Act."

Section 2. Section 26-31-102 is enacted to read:

26-31-102. Definitions.
As used in this chapter:
(1) "Blood" means human blood.
(2) "Blood product" includes:
(a) whole blood;
(b) blood plasma;
(c) a blood derivative;
(d) blood platelets; and
(e) blood clotting agents.

Section 3. Section 26-31-201, which is renumbered from Section 26-31-1 is renumbered and amended to read:

Part 2. Blood Procurement and Use

[26-31-1]. 26-31-201. Procurement and use of a blood product is a service and not a sale.

The following are considered to be the rendition of a service by each participant and are
not considered to be a sale:

(1) the procurement, processing, distribution, or use of [whole human blood, plasma, blood products, and blood derivatives] a blood product for the purpose of injecting or transfusing [them] the blood product into the human body [together with]; and

(2) the process of injecting or transfusing [the same shall be construed to be the rendition of a service by every person participating therein and shall not be construed to be a sale] a blood product.

Section 4. Section 26-31-202 is enacted to read:


A minor who is at least 16 years old may donate blood to a voluntary, noncompensatory blood donation program if a parent or legal guardian of the minor consents to the donation.

Section 5. Repealer.

This bill repeals:

Section 15-2-5, Blood donation by minor.

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Legislative Review Note
as of 12-29-10 8:33 AM

Office of Legislative Research and General Counsel