

# HB0400S01 compared with HB0400

~~{Omitted text}~~ shows text that was in HB0400 but was omitted in HB0400S01

inserted text shows text that was not in HB0400 but was inserted into HB0400S01

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## Blood Transfusion Amendments

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Kristen Chevrier**

Senate Sponsor:

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### LONG TITLE

#### General Description:

This bill addresses blood transfusions.

#### Highlighted Provisions:

This bill:

- ▶ except in certain situations, disallows a health care facility or provider from prohibiting a patient from providing the patient's own blood product~~{,}~~ or the blood product of the patient's ~~{provided}~~ directed donor~~{, to be used}~~ for ~~{a}~~ any potential transfusion ~~{for}~~ related to the patient's ~~{scheduled surgery or medical procedure}~~ health care; and

- ▶ ~~{prescribes the allowable uses of unused blood product that was donated by a patient or a patient's provided donor; and}~~

- ▶ ~~{shields}~~ provides immunity from liability to health care ~~{facilities and}~~ providers ~~{from liability for}~~ and facilities for a patient's injury, damages, or death ~~{to a patient}~~ occurring ~~{as}~~ in connection with a ~~{result of the use}~~ transfusion of ~~{the patient's own}~~ blood product ~~{or the blood product of the patient's}~~ provided ~~{donor}~~ by the patient.

#### Money Appropriated in this Bill:

HB0400

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16 None

17 None

20 ENACTS:

21 **26B-7-408.5**, Utah Code Annotated 1953, Utah Code Annotated 1953

22

23 *Be it enacted by the Legislature of the state of Utah:*

24 Section 1. Section 1 is enacted to read:

25 **26B-7-408.5. Directed blood {~~donation~~} product transfusion.**

26 (1) As used in this section, "blood product" means the same as that term is defined in Section  
27 26B-7-408.

28 ~~{(1)}~~ (2)

29 (a) ~~Except as provided in Subsection {(1)(b)} (2)(b), a health care {facility at which a patient is~~  
30 ~~scheduled in advance for a surgery or medical procedure, or the } provider or~~ health care {~~provider~~  
31 ~~performing the surgery or medical procedure, } facility~~ may not prohibit {~~the~~} a patient from  
32 providing, through a blood establishment complying with all federal requirements for the collection  
33 of blood product, the patient's own blood product~~{,}~~ or the blood product of {~~a selected donor~~  
34 ~~provided by the patient, to be used~~} the patient's directed donor for any potential transfusion {~~that~~  
35 ~~may be necessary for~~} related to the {~~surgery or medical procedure if:~~} patient's health care.

36 ~~{(i) {there is sufficient time prior to the surgery or medical procedure to allow the patient to~~  
37 ~~provide the patient's or the selected donor's blood product, without threatening the health of the~~  
38 ~~patient or the donor; and}~~}

39 ~~{(ii) {the donation is made no less than three days before, but not more than 10 days before, the day~~  
40 ~~on which the surgery or medical procedure occurs.}}~~}

41 (b) Subsection ~~{(1)(a)}~~ (2)(a) does not apply if:

42 (i) the donation or transfusion of the blood product would be detrimental to the donor or patient; ~~{or}~~

43 (ii) insufficient time exists prior to the surgery or procedure to coordinate and arrange the patient's  
44 provision of the blood product; or

45 ~~{(ii)}~~ (iii) the surgery or medical procedure is for emergency medical services.

46 ~~{(2) {A health care facility in possession of blood product provided under Subsection (1)(a) but unused~~  
47 ~~for the intended patient, may:}}~~}

48 ~~{(a) {use the blood product for any lawful medical purpose;}}~~}

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- 45 {~~(b)~~ {~~donate the blood product to a community blood product bank; or~~}}
- 46 {~~(e)~~ {~~incinerate and destroy the blood product.~~}}
- 47 (3) A health care {~~facility~~} provider or {~~licensed medical provider, acting~~} facility operating within the {~~facility's or~~} scope of the provider's or facility's license {~~and lawful scope of practice.~~} is {~~not liable to the patient under Subsection (1)(a)~~} immune from liability for injury, damages, or death occurring as a result of using the blood product provided by the patient under Subsection {~~(1)~~} (a) (2)(a), unless the provider's or facility's {~~or provider's~~} gross negligence regarding the blood product or transfusion contributed to the injury, damages, or death.
- 53 (4) Nothing in this section shall be construed to conflict with federal law governing the collection, donation, sale, or use of a blood product.

46 Section 2. **Effective date.**

This bill takes effect on May 7, 2025.

2-10-25 8:56 AM