

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:

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:

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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 26B-7-408.

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

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

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

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

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

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

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

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

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

44 ~~{(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 {~~(c)~~ {~~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