

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:

ENACTS:

26-31-101, Utah Code Annotated 1953

30 **26-31-102**, Utah Code Annotated 1953

31 **26-31-202**, Utah Code Annotated 1953

32 RENUMBERS AND AMENDS:

33 **26-31-201**, (Renumbered from 26-31-1, as enacted by Laws of Utah 1981, Chapter 126)

34 REPEALS:

35 **15-2-5**, as last amended by Laws of Utah 2010, Chapter 378



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

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

39 **CHAPTER 31. HUMAN BLOOD ACT**

40 **Part 1. General Provisions**

41 **26-31-101. Title.**

42 This chapter is known as the "Human Blood Act."

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

44 **26-31-102. Definitions.**

45 As used in this chapter:

46 (1) "Blood" means human blood.

47 (2) "Blood product" includes:

48 (a) whole blood;

49 (b) blood plasma;

50 (c) a blood derivative;

51 (d) blood platelets; and

52 (e) blood clotting agents.

53 Section 3. Section **26-31-201**, which is renumbered from Section 26-31-1 is

54 renumbered and amended to read:

55 **Part 2. Blood Procurement and Use**

56 **[~~26-31-1~~]. 26-31-201. Procurement and use of a blood product is a service and**

57 **not a sale.**

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

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

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

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

67 **26-31-202. Blood donation by a minor.**

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

70 Section 5. **Repealer.**

71 This bill repeals:

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