February 10, 2012

ENGROSSED
HOUSE BILL No. 1216

DIGEST OF HB 1216 (Updated February 8, 2012 11:29 am - DI 104)

Citations Affected: IC 16-41; IC 35-42.

Synopsis: Self-donated blood. Provides that certain blood disposal requirements do not apply to autologous donations for stem cell transplantation. Provides that the crime of transferring contaminated body fluids does not apply to autologous blood donations for stem cell transplantation.

Effective: July 1, 2012.

Kirchhofer, Welch
(SENATE SPONSOR — MILLER)

January 9, 2012, read first time and referred to Committee on Public Health.
January 25, 2012, amended, reported — Do Pass.
January 27, 2012, read second time, ordered engrossed. Engrossed.
January 31, 2012, read third time, passed. Yeas 95, nays 0.

SENATE ACTION

February 1, 2012, read first time and referred to Committee on Health and Provider Services.
February 9, 2012, amended, reported favorably — Do Pass.

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Second Regular Session 117th General Assembly (2012)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type.~~

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~*this style type*~~ reconciles conflicts between statutes enacted by the 2011 Regular Session of the General Assembly.

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ENGROSSED
HOUSE BILL No. 1216

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 16-41-12-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13. (a) A blood center shall perform a screening test on a donor's blood and obtain the results of the test before blood, plasma, a blood product, or a blood derivative is distributed for use.

(b) The blood center shall label blood, plasma, a blood product, or a blood derivative before distribution by the blood center to indicate the results of the tests required by this chapter. The blood center shall also label each blood sample according to the regulations of the federal Food and Drug Administration.

(c) The blood center shall perform a confirmatory test on a blood donation from a donor when the screening test performed under subsection (a) yields repeatedly reactive results.

(d) Except for:

(1) a sample retained to perform a confirmatory test; ~~or~~

(2) units used for research purposes or in the production of pharmaceutical products if the blood center has obtained approval

from the federal Food and Drug Administration; **or**

(3) an autologous donation for stem cell transplantation;

the blood center shall dispose of a blood donation after an inconclusive or repeatedly reactive screening test has been performed. The disposal must be made under rules adopted by the state department under this chapter and IC 16-41-16.

(e) A blood center shall report to the state department the results of each positive confirmatory test conducted under subsection (c).

(f) A blood center shall attempt to notify a donor and refer the donor to counseling when the confirmatory test on the donor's blood is inconclusive or indicates the presence of antibodies to the human immunodeficiency virus (HIV).

(g) Each health care provider that administers blood transfusions shall keep a record of the following:

(1) Blood center that furnished the blood.

(2) Unit number assigned to the blood.

The records shall be made available to the state department for inspection.

(h) An employee who is responsible for conducting the screening test required under this section who knowingly or intentionally fails to conduct the screening test commits a Class A misdemeanor.

SECTION 2. IC 16-41-12-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 15. (a) A blood center shall require a blood donor to provide to the blood center the following information:

(1) Name.

(2) Address.

(3) Date of birth.

(b) A blood center shall request a blood donor to provide the blood donor's Social Security number.

(c) A blood center shall report the name and address of a blood donor to the state department when a confirmatory test of the blood donor's blood confirms the presence of antibodies to the human immunodeficiency virus (HIV).

(d) A blood center shall provide to a blood donor information to enable the blood donor to give informed consent to the procedures required by this chapter or IC 16-36. The information required by this subsection must be in the following form:

NOTICE

(1) This blood center performs a screening test for the human immunodeficiency virus (HIV) on every donor's blood.

(2) This blood center reports to the state department of health the

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name and address of a blood donor when a confirmatory test of the blood donor's blood confirms the presence of antibodies to the human immunodeficiency virus (HIV).

(3) A person who recklessly, knowingly, or intentionally donates **(excluding self-donations for stem cell transplantation),** sells, or transfers blood or a blood component that contains antibodies for the human immunodeficiency virus (HIV) commits transferring contaminated blood, a Class C felony. The offense is a Class A felony if the offense results in the transmission of the virus to another person.

SECTION 3. IC 35-42-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) As used in this section, "component" means plasma, platelets, or serum of a human being.

(b) A person who recklessly, knowingly, or intentionally donates, sells, or transfers blood, a blood component, or semen for artificial insemination (as defined in IC 16-41-14-2) that contains the human immunodeficiency virus (HIV) commits transferring contaminated body fluids, a Class C felony.

(c) However, the offense is a Class A felony if it results in the transmission of the human immunodeficiency virus (HIV) to any person other than the defendant.

(d) This section does not apply to:

(1) a person who, for reasons of privacy, donates, sells, or transfers blood or a blood component at a blood center (as defined in IC 16-41-12-3) after the person has notified the blood center that the blood or blood component must be disposed of and may not be used for any purpose; ~~or~~

(2) a person who transfers blood, a blood component, semen, or another body fluid that contains the human immunodeficiency virus (HIV) for research purposes; **or**

(3) a person who is an autologous blood donor for stem cell transplantation.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1216, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 2, delete "donation;" and insert "**donations for stem cell transplantation;**".

Page 3, line 5, delete "self-donations)," and insert "**self-donations for stem cell transplantation),**".

Page 3, line 32, after "donor" insert "**for stem cell transplantation**".

and when so amended that said bill do pass.

(Reference is to HB 1216 as introduced.)

BROWN T, Chair

Committee Vote: yeas 10, nays 0.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred House Bill No. 1216, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 2, delete "blood donations" and insert "**donation**".

and when so amended that said bill do pass.

(Reference is to HB 1216 as printed January 25, 2012.)

MILLER, Chairperson

Committee Vote: Yeas 8, Nays 0.

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