

HOUSE BILL No. 1216

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-41-12; IC 35-42-1-7.

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

Effective: July 1, 2012.

Kirchhofer

January 9, 2012, read first time and referred to Committee on Public Health.

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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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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:

- 1 SECTION 1. IC 16-41-12-13 IS AMENDED TO READ AS
- 2 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13. (a) A blood center
- 3 shall perform a screening test on a donor's blood and obtain the results
- 4 of the test before blood, plasma, a blood product, or a blood derivative
- 5 is distributed for use.
- 6 (b) The blood center shall label blood, plasma, a blood product, or
- 7 a blood derivative before distribution by the blood center to indicate
- 8 the results of the tests required by this chapter. The blood center shall
- 9 also label each blood sample according to the regulations of the federal
- 10 Food and Drug Administration.
- 11 (c) The blood center shall perform a confirmatory test on a blood
- 12 donation from a donor when the screening test performed under
- 13 subsection (a) yields repeatedly reactive results.
- 14 (d) Except for:
- 15 (1) a sample retained to perform a confirmatory test; ~~or~~
- 16 (2) units used for research purposes or in the production of
- 17 pharmaceutical products if the blood center has obtained approval



1 from the federal Food and Drug Administration; **or**
 2 **(3) an autologous blood donation;**
 3 the blood center shall dispose of a blood donation after an inconclusive
 4 or repeatedly reactive screening test has been performed. The disposal
 5 must be made under rules adopted by the state department under this
 6 chapter and IC 16-41-16.

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

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

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

- 15 (1) Blood center that furnished the blood.
- 16 (2) Unit number assigned to the blood.

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

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

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

- 26 (1) Name.
- 27 (2) Address.
- 28 (3) Date of birth.

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

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

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

39 NOTICE

- 40 (1) This blood center performs a screening test for the human
 41 immunodeficiency virus (HIV) on every donor's blood.
- 42 (2) This blood center reports to the state department of health the

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

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

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

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

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

23 (d) This section does not apply to:

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

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

32 **(3) a person who is an autologous blood donor.**

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