

TITLE 39
HEALTH AND SAFETY

CHAPTER 37
ANATOMICAL TISSUE, ORGAN, FLUID DONATIONS

39-3701. BLOOD DONATIONS BY MINORS. (1) Any person who is seventeen (17) years of age or older shall be eligible to donate blood in a voluntary and noncompensatory blood program without the necessity of obtaining parental permission or authorization.

(2) A person who is sixteen (16) years of age but not seventeen (17) years of age may donate blood in a voluntary and noncompensatory blood program if the parent, guardian or custodian of the child has given informed consent to the blood donation. After informed consent has been given, the parent, guardian or custodian of a child may revoke such consent at any time by clearly communicating such revocation to staff of the blood donation program. When consent has been revoked, the blood donation facility shall promptly discontinue any further steps for blood donation. The blood donation program may require the parent, guardian or custodian to sign a written revocation of consent regarding the donation of blood.

[39-3701, added 1970, ch. 27, sec. 1, p. 53; am. 1978, ch. 13, sec. 1, p. 25; am. 2011, ch. 126, sec. 1, p. 353.]

39-3702. EXCLUSION OR MODIFICATION OF WARRANTIES ON ANATOMICAL TISSUE, ORGAN, FLUID DONATION SERVICES. The procurement, processing, storage, distribution, or use of whole blood, plasma, blood products, blood derivatives, bodily tissue, tissue products, organs, parts of organs or products derived therefrom for the purpose of injecting, transfusing or transplanting the same, or any of them, into the human body for any purpose whatsoever is declared to be the rendering of a service by any person or entity (except a paid blood, organ or tissue donor, or a blood, organ or tissue bank operated for profit) participating therein and does not constitute a sale, whether or not any consideration is given therefor, and the implied warranties of merchantability and fitness for a particular purpose shall not be applicable as to a defect that cannot be detected or removed by reasonable use of standard established scientific procedures or techniques, except such person or entity shall remain liable for his or its own negligence or willful misconduct only.

[I.C., sec. 39-3702, as added by 1971, ch. 24, sec. 2, p. 60; am. 1987, ch. 148, sec. 2, p. 295.]

39-3703. ANATOMICAL PARTS CONTROL. No anatomical parts of human bodies, including whole blood, plasma, blood products, blood derivatives, body tissue, organs, parts of organs or products derived therefrom, and including semen, ova and embryos, shall be used for any purpose of injecting, transfusing or transplanting into a human body unless such anatomical parts or the donor have been examined for acquired immunodeficiency syndrome (AIDS), AIDS related complexes (ARC), or other manifestations of human immunodeficiency virus (HIV) infection, and a test is negative for the presence of HIV antibodies or antigens.

The director of the department of health and welfare shall promulgate rules to fully implement the requirements of this section.

[39-3703, added 1988, ch. 17, sec. 1, p. 19.]