**TITLE:**

**An act to ensure patient choice in the source of blood products used during medical procedures.**

**PURPOSE:**

Guarantees that patients have informed consent regarding the source of any blood products used during scheduled medical procedures and requires health care providers to honor those decisions when made in advance.

**JUSTIFICATION:**

For medical, personal, cultural, or religious reasons, some patients preparing for medical procedures require that the blood products used in their care come from a specific source—whether through autologous (self-donated) blood donations or patient-designated donors. This act ensures that patients’ informed decisions about the source of blood products to be administered in non-emergency care are honored. It protects patients’ ability to give or withhold informed consent and provides redress if that choice is disregarded.

**TEXT**

**Section 1. Patient-Controlled Blood Product Administration**

(a) If, prior to a scheduled medical procedure, a patient submits a written request to the health care facility or provider specifying that only autologous or patient-designated donor blood products may be administered, the health care facility and the health care provider performing the procedure shall ensure that no blood products are administered during non-emergency care other than those specified in the request.

(b) Upon receiving such a request, the health care facility or provider shall coordinate timely collection, acceptance, storage, and preparation of the requested blood products using processes and procedures substantially similar to those used for non-patient-designated blood products.

(c) All autologous or patient-designated donor blood products shall be subject to the same laws and safety standards governing the collection, testing, and handling of other blood products.

**Section 2. Informed Consent for Blood Product Use or Withholding**

(a) No autologous or patient-designated donor blood product may be administered to or withheld from a patient based on screening results unless the patient has first received full disclosure of the screening results and has provided fully informed, written authorization for such administration or withholding.

(b) In cases of autologous blood product donations, screening results shall be provided directly to the patient.

(c) In cases of patient-designated donor blood products, screening results shall first be provided to the donor, who must authorize or decline disclosure to the patient in writing.

**Section 3. Administration of Additional Blood Products in Emergencies**

(a) Where a patient has submitted a written request for autologous or patient-designated donor blood products under Section 1(a), and where there is an inadequate supply of autologous or patient-designated donor blood product, the health care facility or provider may administer additional blood products not previously authorized by the patient if an unforeseen, sudden, life-threatening medical event arises where delay in treatment would pose a serious risk to the patient’s life, as certified in writing by the attending physician or the physician providing emergency care immediately following the emergency.

(b) The authority under subsection (a) shall not apply if, prior to the scheduled procedure, the patient has executed a written declination of emergency administration of additional blood products on a form that:

1. states that the patient declines administration of any blood products beyond those previously authorized, even in life-threatening emergencies;
2. affirms that the patient has been fully informed of the medical risks, including the risk of death, associated with such refusal; and
3. is signed and dated by both the patient and the attending provider prior to the procedure.

**Section 4. Enforcement and Remedies**

(a) Any person who believes his rights under this act have been violated may bring a civil action for:

1. declaratory or injunctive relief;
2. statutory damages of $10,000 per violation or actual damages, whichever is greater;
3. punitive damages for willful or reckless violations;
4. attorneys’ fees and costs.

(b) Each unauthorized administration or withholding of a blood product without the patient’s required authorization constitutes a distinct violation of this act.

(c) Any health care facility determined, through administrative or judicial proceedings, to have violated this act shall be ineligible to receive public funds for a period of five years following the violation.

(d) Nothing in this act shall be construed to impose liability on a health care facility or provider for harm resulting solely from the administration of a blood product provided in accordance with this act, unless the facility’s or provider’s gross negligence in handling or administering the blood product contributed to the harm.

(e) Any health care facility or provider who administers a blood product in violation of:

1. a valid written request submitted under Section 1(a); or
2. a valid declination executed under Section 3(b);

shall be strictly liable for any resulting harm.

**Section 5. Definitions**

* “**Autologous blood products**” means blood products donated by and reserved exclusively for administration to the same patient.
* “**Patient-designated donor blood products**” means blood products donated by a person chosen by the patient for administration to that patient.
* “**Screening results**” means any laboratory test results used for the purpose of determining the characteristics, safety, or suitability of a blood product, including infectious disease markers, blood type, vaccine components, and genetic traits.