HOUSE BILL NO. 367

INTRODUCED BY MILLER

IN THE HOUSE

| JANUARY 21, 1987 | INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY. |
|-------------------|--|
| FEBRUARY 10, 1987 | COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED. |
| FEBRUARY 11, 1987 | PRINTING REPORT. |
| FEBRUARY 12, 1987 | SECOND READING, DO PASS. |
| FEBRUARY 13, 1987 | ENGROSSING REPORT. |
| | THIRD READING, PASSED. AYES, 89; NOES, 0. |
| | TRANSMITTED TO SENATE. |
| IN | THE SENATE |
| FEBRUARY 16, 1987 | INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY. |
| MARCH 23, 1987 | COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED. |
| MARCH 28, 1987 | SECOND READING, CONCURRED IN. |
| MARCH 30, 1987 | THIRD READING, CONCURRED IN. AYES, 50; NOES, 0. |
| | RETURNED TO HOUSE. |
| | |

IN THE HOUSE

MARCH 31, 1987 RECEIVED FROM SENATE.

SENT TO ENROLLING.

| 1 | HOUSE BILL NO |
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| 2 | INTRODUCED BY Miller |
| 3 | |
| 4 | A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT |
| 5 | FURNISHING HUMAN TISSUE, ORGANS, OR BONES IS A SERVICE AND |
| 6 | NOT A SALE; GRANTING IMMUNITY TO TISSUE BANKS FROM LIABILITY |
| 7 | FOR INJURIES RESULTING FROM TRANSPLANTING HUMAN TISSUE, |
| 8 | ORGANS, OR BONES; AND AMENDING SECTIONS 50-33-102 AND |
| 9 | 50-33-104, MCA." |
| 10 | |
| 11 | BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: |
| 12 | Section 1. Section 50-33-102, MCA, is amended to read: |
| 13 | "50-33-102. Furnishing of blood, and blood products, |
| 14 | and human tissue, organs, or bones declared service and not |
| 15 | sale. The furnishing of and the injecting, or transfusing, |
| 16 | transplanting, or transferring into the human body of whole |
| 17 | blood, plasma, blood products, and blood derivatives, human |
| 18 | tissue, organs, or bones by a hospital, long-term care |
| 19 | facility, or doctor of any such substances obtained from any |
| 20 | source which said hospital, long-term care facility, or |
| 21 | doctor is not directly or indirectly financially interested |
| 22 | in or has any control over is hereby declared not to be a |
| 23 | sale of such whole blood, plasma, blood products, or blood |
| 24 | derivatives, human tissue, organs, or bones for any |
| 25 | purpose." |

Section 2. Section 50-33-104, MCA, is amended to read: 2 "50-33-104. Immunity of blood banks and tissue banks. No blood bank or tissue bank may be held liable in the absence of fault or negligence for injuries resulting from injecting, or transfusing, transplanting, or transferring of whole blood, plasma, blood products, or blood derivatives, human tissue, organs, or bones supplied by any such blood bank or tissue bank to any hospital or physician if such blood products or tissue products have been tested by the latest testing procedures in accordance 10 with recommendations of the American association of blood 11 12 banks or the American association of tissue banks and by 13 such test are not found to be dangerous to the health of the recipient of such blood products or tissue products."

-End-

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APPROVED BY COMMITTEE ON JUDICIARY

| 2 | INTRODUCED BY Mille |
|----|--|
| 3 | |
| 4 | A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT |
| 5 | FURNISHING HUMAN TISSUE, ORGANS, OR BONES IS A SERVICE AND |
| 6 | NOT A SALE; GRANTING IMMUNITY TO TISSUE BANKS FROM LIABILITY |
| 7 | FOR INJURIES RESULTING FROM TRANSPLANTING HUMAN TISSUE, |
| 8 | ORGANS, OR BONES; AND AMENDING SECTIONS 50-33-102 AND |
| 9 | 50-33-104, MCA." |
| 10 | |
| 11 | BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: |
| 12 | Section 1. Section 50-33-102, MCA, is amended to read: |
| 13 | "50-33-102. Furnishing of blood, and blood products, |
| 14 | and human tissue, organs, or bones declared service and not |
| 15 | sale. The furnishing of and the injecting, or transfusing, |
| 16 | $\underline{\text{transplanting, or } \text{transferring into the human body of whole}}$ |
| 17 | blood, plasma, blood products, and blood derivatives, human |
| 18 | $\underline{\text{tissue, organs, or bones}}$ by a hospital, long-term care |
| 19 | facility, or doctor of any such substances obtained from any |
| 20 | source which said hospital, long-term care facility, or |
| 21 | doctor $% \left(\mathbf{r}\right) =\mathbf{r}^{\prime }$ is not directly or indirectly financially interested |
| 22 | in or has any control over is hereby declared not to be $\ \ a$ |
| 23 | sale of such whole blood, plasma, blood products, or blood |
| 24 | derivatives, human tissue, organs, or bones for any |
| 25 | purpose." |
| | |

House BILL NO. 3/17

1 Section 2. Section 50-33-104, MCA, is amended to read: 2 "50-33-104. Immunity of blood banks and tissue banks. No blood bank or tissue bank may be held liable in the 3 absence of fault or negligence for injuries resulting from the injecting, or transfusing, transplanting, or transferring of whole blood, plasma, blood products, or blood derivatives, human tissue, organs, or bones supplied by any such blood bank or tissue bank to any hospital or physician if such blood products or tissue products have been tested by the latest testing procedures in accordance 10 11 with recommendations of the American association of blood 12 banks or the American association of tissue banks and by 13 such test are not found to be dangerous to the health of the 14 recipient of such blood products or tissue products."

-End-

purpose."

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| 1 | HOUSE BILL NO. 367 |
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| 2 | INTRODUCED BY Mille |
| 3 | |
| 4 | A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT |
| 5 | FURNISHING HUMAN TISSUE, ORGANS, OR BONES IS A SERVICE AND |
| 6 | NOT A SALE; GRANTING IMMUNITY TO TISSUE BANKS FROM LIABILITY |
| 7 | FOR INJURIES RESULTING FROM TRANSPLANTING HUMAN TISSUE, |
| 8 | ORGANS, OR BONES; AND AMENDING SECTIONS 50-33-102 AND |
| 9 | 50~33-104, MCA." |
| 10 | |
| 11 | BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: |
| 12 | Section 1. Section 50-33-102, MCA, is amended to read: |
| 13 | "50-33-102. Furnishing of blood, and blood products, |
| 14 | and human tissue, organs, or bones declared service and not |
| 15 | sale. The furnishing of and the injecting, or transfusing, |
| 16 | transplanting, or transferring into the human body of whole |
| 17 | blood, plasma, blood products, and blood derivatives, human |
| 18 | tissue, organs, or bones by a hospital, long-term care |
| 19 | facility, or doctor of any such substances obtained from any |
| 20 | source which said hospital, long-term care facility, or |
| 21 | doctor is not directly or indirectly financially interested |
| 22 | in or has any control over is hereby declared not to be a |
| 23 | sale of such whole blood, plasma, blood products, or blood |
| 24 | derivatives, human tissue, organs, or bones for any |

| 1 | Section 2. Section 50-33-104, MCA, is amended to read |
|----|--|
| 2 | "50-33-104. Immunity of blood banks and tissue banks |
| 3 | No blood bank or tissue bank may be held liable in the |
| 4 | absence of fault or negligence for injuries resulting from |
| 5 | the injecting, or transfusing, transplanting, or |
| 6 | transferring of whole blood, plasma, blood products, or |
| 7 | blood derivatives, human tissue, organs, or bones supplied |
| 8 | by any such blood bank or tissue bank to any hospital or |
| 9 | physician if such blood products or tissue products have |
| 10 | been tested by the latest testing procedures in accordance |
| 11 | with recommendations of the American association of blood |
| 12 | banks or the American association of tissue banks and by |
| 13 | such test are not found to be dangerous to the health of the |
| 14 | recipient of such blood products or tissue products." |
| | |

-End-

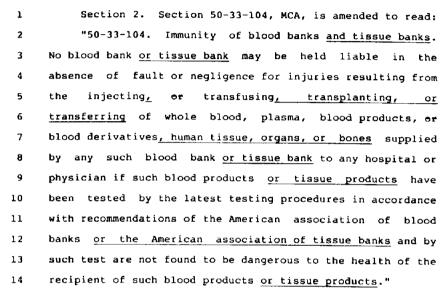
50th Legislature

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purpose."

HB 0367/02

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| 2 | INTRODUCED BY MILLER |
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| 4 | A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT |
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| 14 | and human tissue, organs, or bones declared service and not |
| 15 | sale. The furnishing of and the injecting $\underline{}$ or transfusing $\underline{}$ |
| 16 | transplanting, or transferring into the human body of whole |
| 17 | blood, plasma, blood products, and blood derivatives, human |
| 18 | tissue, organs, or bones by a hospital, long-term care |
| 19 | facility, or doctor of any such substances obtained from any |
| 20 | source which said hospital, long-term care facility, or |
| 21 | doctor—is not directly or indirectly financially interested |
| 22 | in or has any control over is hereby declared not to be $\ a$ |
| 23 | sale of such whole blood, plasma, blood products, or blood |
| 24 | derivatives, human tissue, organs, or bones for any |



-End-

HB 0367/02