

1 House BILL NO. 367
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."

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-



-2- INTRODUCED BILL
HB-367

APPROVED BY COMMITTEE
ON JUDICIARY

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