

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 528

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO DIRECTED BLOOD PRODUCT TRANSFUSION; AMENDING CHAPTER 37, TITLE
2 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-3704, IDAHO CODE, TO
3 ESTABLISH PROVISIONS REGARDING DIRECTED BLOOD PRODUCT TRANSFUSION; AND
4 DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
5

6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. That Chapter 37, Title 39, Idaho Code, be, and the same is
8 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
9 ignated as Section 39-3704, Idaho Code, and to read as follows:

10 39-3704. DIRECTED BLOOD PRODUCT TRANSFUSION. (1) As used in this
11 section, "blood product" includes whole blood, blood plasma, blood deriva-
12 tives, blood platelets, and blood clotting agents.

13 (2) Except as provided in subsection (3) of this section, a health care
14 provider or facility may not prohibit a patient from providing, through a
15 blood establishment complying with all federal requirements for the collec-
16 tion of blood products, the patient's own blood or the blood product of the
17 patient's directed donor for any potential transfusion related to such pa-
18 tient's health care.

19 (3) The provisions of subsection (2) of this section shall not apply if:

20 (a) The donation or transfusion of the blood product would be detrimen-
21 tal to the donor or patient;

22 (b) Insufficient time exists to coordinate and arrange for the pa-
23 tient's provision of the blood product prior to a surgery or medical
24 procedure; or

25 (c) A surgery or medical procedure is for emergency medical services.

26 (4) A health care provider or facility operating within the scope of the
27 health care provider or facility's license shall be immune from liability
28 for injury, damages, or death occurring as a result of using the blood prod-
29 uct provided by a patient pursuant to subsection (2) of this section, unless
30 the health care provider or facility's gross negligence regarding the blood
31 product or transfusion contributed to the injury, damages, or death.

32 (5) Nothing in this section shall be construed to conflict with federal
33 law governing the collection, donation, sale, or use of a blood product.

34 SECTION 2. An emergency existing therefor, which emergency is hereby
35 declared to exist, this act shall be in full force and effect on and after
36 July 1, 2026.