

CHAPTER 56
[Engrossed House Bill No. 157]
BLOOD TRANSFUSIONS--
CIVIL IMMUNITIES

AN ACT Relating to public health and safety; providing immunity from implied warranties and civil liability for blood transfusions; and adding a new section to chapter 70.54 RCW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. There is added to chapter 70.54 RCW a new section to read as follows:

The procurement, processing, storage, distribution, administration, or use of whole blood, plasma, blood products and blood derivatives for the purpose of injecting or transfusing the same, or any of them, into the human body is declared to be, for all purposes whatsoever, the rendition of a service by each and every person, firm, or corporation participating therein, and is declared not to be covered by any implied warranty under the Uniform Commercial Code, Title 62A RCW, or otherwise, and no civil liability shall be incurred as a result of any of such acts, except in the case of wilful or negligent conduct: PROVIDED, HOWEVER, That this act shall apply only to liability alleged in the contraction of hepatitis and malaria and shall not apply to any transaction in which the blood donor receives compensation: PROVIDED FURTHER, That this act shall only apply where the person, firm or corporation rendering the above service shall have maintained records of donor suitability and donor identification similar to those specified in Sections 73.301 and 73.302(e) as now written or hereafter amended in Title 42, Public Health Service Regulations adopted pursuant to the Public Health Service Act, 42 U.S.C. 262: PROVIDED FURTHER, That nothing in this act shall be considered by the courts in determining or applying the law to any blood transfusion occurring before the effective date hereof and the court shall decide such case as though this act had not been passed.

NEW SECTION. Sec. 2. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the House March 8, 1971.

Passed the Senate March 6, 1971.

Approved by the Governor March 22, 1971.

Filed in Office of Secretary of State March 22, 1971.