S T A T E O F N E W Y O R K

4970

2011-2012 Regular Sessions

I N A S S E M B L Y

February 9, 2011

Introduced by M. of A. MAYERSOHN -- Multi-Sponsored by -- M. of A. CLARK, COLTON, CYMBROWITZ, ENGLEBRIGHT, GALEF, HOOPER, McDONOUGH, PHEFFER, SWEENEY -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to selective pre-surgery blood donation

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The public health law is amended by adding a new section 2805-u to read as follows:

S 2805-U. SELECTIVE PRE-SURGERY BLOOD DONATION. 1. HOSPITALS AND OTHER FACILITIES APPROVED PURSUANT TO THIS ARTICLE SHALL PERMIT A PERSON, PRIOR TO SURGERY ON AN IN-PATIENT OR OUT-PATIENT BASIS:

(A) TO DONATE HIS OR HER OWN BLOOD FOR POSSIBLE TRANSFUSION INTO SUCH PATIENT; AND

(B) TO BRING OTHER PERSONS TO DONATE BLOOD FOR POSSIBLE TRANSFUSION INTO SUCH PATIENT. BLOOD DONATED PURSUANT TO THIS SUBDIVISION SHALL BE STORED IN A PLACE AND MANNER APPROVED BY THE COMMISSIONER.

2. THE COMMISSIONER SHALL PROMULGATE REGULATIONS CONTAINING GUIDELINES FOR FEES TO RECOVER THE COST TO SUCH HOSPITAL OR OTHER FACILITY FOR DRAWING THE BLOOD PURSUANT TO SUBDIVISION ONE OF THIS SECTION AND FOR THE STORAGE THEREOF.

3. WHEN A PERSON IS ADMITTED FOR SURGERY ON AN IN-PATIENT OR OUT-PATIENT BASIS AND BLOOD HAS BEEN PREVIOUSLY DONATED FOR SUCH PATIENT PURSUANT TO SUBDIVISION ONE OF THIS SECTION, SUCH PERSON SHALL GIVE WRITTEN DIRECTION REGARDING BLOOD TO BE USED FOR TRANSFUSION IN THE EVENT THAT HIS OR HER PRE-DONATED BLOOD SUPPLY IS EXHAUSTED AND MORE BLOOD FOR TRANSFUSION IS NEEDED.

S 2. This act shall take effect on the one hundred twentieth day after it shall have become a law, provided, however, that the commissioner of health shall promulgate rules and regulations necessary to effectuate the provisions of this act prior to such effective date.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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