AN ACT relating to blood donation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 214.452 is amended to read as follows:

The following policies shall apply to blood establishments and to donors of blood:

(1) All blood establishments within the Commonwealth shall be licensed by the United States Food and Drug Administration and remain in compliance with all applicable federal regulations. The Cabinet for Health and Family Services shall, under administrative regulations promulgated pursuant to KRS Chapter 13A, establish fees necessary to cover the cost of and adhere to a schedule for regular inspection, by the Office of the Inspector General of the Cabinet for Health and Family Services, of all blood establishments within the Commonwealth to ascertain whether each blood establishment is licensed and in compliance with KRS 214.450 to 214.464 and KRS 214.468. The Office of the Inspector General shall commence its inspection program of blood establishments no later than September 1, 1994.

(2) All blood establishments shall test blood for the human immunodeficiency virus and for any known causative agent for any blood-borne communicable disease, using tests approved and required, for purposes of blood donation, by the United States Food and Drug Administration.

(3) It shall be the duty of the administrator of any blood establishment which collects blood for the purpose of distributing to another health service, health facility, or health-care provider the blood for transfusion to:

(a) Secure donor consent and a signed written risk factor history and donor consent form for each potential paid or volunteer donor for the purpose of determining if the potential donor**:**

1. Is at high risk for infection with the human immunodeficiency virus**;**~~[, or~~

~~]~~

2. Has tested confirmatory positive for infection with the human

immunodeficiency virus;~~[or]~~

3. Has acquired immune deficiency syndrome;~~[or]~~

4. Has tested confirmatory positive for infection with any causative agent for acquired immune deficiency syndrome recognized by the United States Centers for Disease Control;~~[or]~~

5. Has a blood-borne communicable disease; ***or***

6. Has received a COVID-19 vaccine;

(b) Provide a means for a potential donor to self-elect not to donate blood;

(c) Refuse donation or sale of blood by persons at high risk for infection with the human immunodeficiency virus, or who have been medically diagnosed as having acquired immune deficiency syndrome, or who have tested confirmatory positive for infection with the human immunodeficiency virus, or who have a blood-borne communicable disease; ***and***

(d) Post a sign in the blood establishment which is visible to all potential donors and which states: "Persons with acquired immune deficiency syndrome (AIDS), or who have tested confirmatory positive for infection with the human immunodeficiency virus (HIV), or who have a blood-borne communicable disease or who have one (1) or more risk factors for the human immunodeficiency virus as determined by the United States Centers for Disease Control, are prohibited by law from donating or selling blood. Persons violating the law are guilty of a Class D felony. ASK STAFF OF THIS BLOOD ESTABLISHMENT."

(4) The provisions of this section shall not be construed to impose requirements which are in conflict with donor eligibility requirements set out in United States Food and Drug Administration or American Association of Blood Banks standards.

➔Section 2. KRS 214.458 is amended to read as follows:

(1) Each unit of blood collected by a blood establishment for transfusion shall be

affixed with the United States Food and Drug Administration required label ***and***~~[which includes]~~ a donor identification number through which the following information can be obtained:

(a) ***The*** date the blood was collected;

(b) ***The*** name of ***the*** blood establishment;

(c) ***A*** nonidentifying code representing the name of the blood donor;

(d) A blood establishment serial number for the blood;

(e) The date of laboratory testing of the blood;

(f) The name of the person and laboratory testing the blood;

(g) The laboratory test results***; and***

(h) Notice that the blood donor signed a statement that he or she had received a COVID-19 vaccine.

(2) Each unit of blood received by a blood establishment or health facility within the Commonwealth from an out-of-state blood establishment shall contain a label in accordance with the provisions of subsection (1) of this section and the blood establishment or health facility shall either test the blood in accordance with the requirements for blood establishments within the Commonwealth under the provisions of KRS 214.452(2) or may accept documented evidence of the test results as are required under subsection (1) of this section for blood collected within the Commonwealth.

(3) Each laboratory testing blood for transfusion shall maintain for ten (10) years from the date of testing, and each blood establishment shall maintain for ten (10) years from the date of collection, a list containing the information set forth in subsection (1) of this section.

(4) No blood may be transfused into any patient in any health facility or health service or by any health care provider unless the unit of blood has affixed to it the label as required under this section and the blood has tested negative for the human

immunodeficiency virus or any causative agent of AIDS ***and*** ~~[, or]~~ any blood-borne communicable disease as provided under KRS 214.452.

(5) Except in an emergency, before blood is transfused into any patient, a health facility, health service, or a health care provider shall inform the patient if the blood donor signed a statement that he or she had received a COVID-19 vaccine.

(6) When a unit of blood is transfused, a label containing the donor identification number required under this section shall be removed from the unit and affixed to the patient's medical chart or the blood donor identification number for the unit of blood shall be recorded in the patient's medical chart.

(7) ~~[(5)]~~ Any unit of blood not containing the label required under this section shall be destroyed by the health facility, health service, or health care provider.

(8) ~~[(6)]~~ Any unit of blood testing confirmatory positive for an agent of a blood-borne communicable disease and in the possession of a health facility, health service, or health care provider may be donated to educational or scientific research institutions for the purpose of scientific research only and not for transfusion.