

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Representative McCoy**

A Bill

HOUSE BILL 1298

For An Act To Be Entitled

8 "AN ACT TO PROVIDE THAT INDIVIDUALS OR COMPANIES
9 COLLECTING BLOOD PRODUCTS FOR RESALE OR DISTRIBUTION MUST
10 TEST THE DONOR'S BLOOD FOR THE PRESENCE OF HIV-1 OR AIDS;
11 AND FOR OTHER PURPOSES."

12
13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

14
15 SECTION 1. (a) Any individual or company that collects blood products,
16 including but not limited to red cells, white cells, platelets, clotting
17 factors, immunoglobulins or plasma for the purpose of resale or distribution
18 used in the treatment of human disease shall:

19 (1) inform the donor that his blood will be tested for the
20 presence of Human Immunodeficiency Virus antigens or antibodies (HIV-1),
21 causative agents of Acquired Immunodeficiency Syndrome (AIDS) and other blood-
22 borne diseases and shall inform the donor of the test results. In addition,
23 if the donor's blood tests are found to be reactive, the donor's name shall be
24 made available to the Arkansas Department of Health for the purpose of contact
25 tracing and partner notification and to donor referral registries;

26 (2) use no donations of blood products or plasma until the donor
27 has been found to be free of evidence of the HIV infection by a United States
28 Food and Drug Administration approved screening test such as the Enzyme-Linked
29 Immunosorbent Assay (ELISA) test;

30 (3) repeat any screening test that is found to be positive. If
31 the screening test is repeatedly positive, a confirmatory test, such as the
32 Western Blot, Immunofluorescence Assay (IFA) or any other confirmatory test
33 subsequently approved by the United States Food and Drug Administration shall
34 be performed. If confirmatory testing is positive for evidence of HIV
35 infection, the donor shall be informed and his blood shall not be accepted.

1 (b) Donors who test positive shall be encouraged to seek medical
2 consultation from their physician or local public health facility.

3

4 SECTION 2. All provisions of this act of a general and permanent nature
5 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
6 Revision Commission shall incorporate the same in the Code.

7

8 SECTION 3. If any provision of this act or the application thereof to
9 any person or circumstance is held invalid, such invalidity shall not affect
10 other provisions or applications of the act which can be given effect without
11 the invalid provision or application, and to this end the provisions of this
12 act are declared to be severable.

13

14 SECTION 4. All laws and parts of laws in conflict with this act are
15 hereby repealed.

16

17

/s/ Jack McCoy

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36