

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1971

ENROLLED

SENATE BILL NO. 261

(By Mr. HUBBARD AND MR. WALLACE)

PASSED FEBRUARY 23, 1971

In Effect FROM Passage



FILED IN THE OFFICE
JOHN D. ROCKEFELLER, IV
SECRETARY OF STATE
THIS DATE 3-4-71

261

ENROLLED

Senate Bill No. 261

(By MR. HUBBARD and MR. WALLACE)

[Passed February 23, 1971; in effect from passage.]

AN ACT to amend chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article twenty-three, providing that the procuring, furnishing, donating, processing, distributing or the using of human whole blood, blood plasma, blood products, blood derivatives, corneas, bones or organs or other human tissue for the purpose of injecting, transfusing or transplanting any of them in the human body shall be the rendition of a service and not a sale; and providing that no warranties of any kind or description shall be applicable thereto.

Be it enacted by the Legislature of West Virginia:

That chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article twenty-three, to read as follows:

**ARTICLE 23. TRANSFUSION OF BLOOD AND TRANSPLANTING
OTHER HUMAN ORGANS OR TISSUE IN THE
HUMAN BODY.**

**§16-23-1. Procuring, furnishing, donating, processing, distrib-
ing or using human blood, etc., organs or other
human tissue.**

1 The procuring, furnishing, donating, processing, dis-
2 tributing or the using of human whole blood, blood
3 plasma, blood products, blood derivatives, corneas, bones
4 or organs or other human tissue for the purpose of
5 injecting, transfusing or transplanting any of them in
6 the human body, is declared for all purposes to be the
7 rendition of a service by every person, firm or corpora-
8 tion participating therein, whether or not any remunera-
9 tion is paid therefor, and is declared not to be a sale
10 of any such items and no warranties of any kind or
11 description shall be applicable thereto.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Furcell G. Brown
Chairman Senate Committee

Phyllis Rutledge
Chairman House Committee

Originated in the Senate.

To take effect from passage.

J. Howard Myers
Clerk of the Senate

C. Blankenship
Clerk of the House of Delegates

E. G. Boutwell
President of the Senate

Ivor F. Bransby
Speaker House of Delegates

The within *approved* this the *3rd*
day of *March*, 1971.

Arch A. Moore Jr.
Governor



PRESENTED TO THE
GOVERNOR

RECEIVED

Date 2/26/71

MAR 4 9 00 AM '71

Time 1:20 p.m.

OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA