

APR 1 1971

HOUSE FILE 556

SOCIAL SERVICES, *pass 1-26-72*
Sen. " " 2-1-72, pass 2-16 BY SHAW

Passed House, Date 2-1-72

Passed Senate, Date 3-17-72

Vote: Ayes 87 Nays 0

Vote: Ayes 40 Nays 3

Approved _____

Passed thru a/c Senate amendment 3/21/72

*3-21-72
ayes 87 nays 1*

A BILL FOR

1 An Act relating to actions arising out of the rendition of
 2 services under the Uniform Anatomical Gift Act.
 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
 4 Section 1. Section one hundred forty-two A point eight
 5 (142A.8), Code 1971, is amended as follows:
 6 142A.8 SERVICE BUT NOT A SALE. The procurement, process-
 7 ing, distribution or use of whole blood, plasma, blood pro-
 8 ducts, blood derivatives and other human tissues such as
 9 corneas, bones or organs for the purpose of injecting, trans-
 10 fusing or transplanting any of them into the human body is
 11 declared to be, for all purposes, the rendition of a service
 12 by every person participating therein and, whether or not any
 13 remuneration is paid therefor, is declared not to be a sale
 14 of such whole blood, plasma, blood products, blood derivatives
 15 or other tissues, for any purpose, subsequent to enactment of
 16 this section. Any person or entity acting negligently in
 17 the rendition of a service shall be liable on account thereof,
 18 but liability shall not be imposed on the person or entity
 19 except for negligence.

EXPLANATION

21 This bill provides that damages can be recovered in an action
 22 arising out of the rendition of services under the Uniform
 23 Anatomical Gift Act only if the service was negligently per-
 24 formed.

25

LSB 1365.2

1 Amend House File 556, page 1, by striking all after
2 the period in line 16 and all of lines 17 through 19, in-
3 clusive and by inserting in lieu thereof the following:
4 "However, any person or entity that renders such
5 service warrants only under this section that due care
6 has been exercised and that acceptable professional
7 standards of care in providing such service according
8 to the current state of the medical arts has been
9 followed. Strict liability, in tort, shall not be
10 applicable to the rendition of such service."

Filed - *Adopted 3-17-72 (1025)* By GAUDINEER and DEKOSTER
March 15, 1972

1 Amend House File 556, page 1, by striking all after the
2 period in line 16 and all of lines 17 through 19, inclusive,
3 and by inserting in lieu thereof the following:
4 "However, any person or entity that renders such service
5 warrants only under this section that due care has been
6 exercised and that acceptable professional standards of
7 care in providing such service according to the current
8 state of the medical arts has been followed. Strict liability,
9 in tort, shall not be applicable to the rendition of such
10 service."

Received from the Senate
March 17, 1972

House concurred 2/21/72 (1314)