

# Legislative Analysis



## JENNA'S LAW: ALLOW BLOOD DONATION AT 16

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**Senate Bill 419 as passed by the Senate**

**Sponsor: Sen. Wayne Kuipers**

**House Committee: Health Policy**

**Senate Committee: Health Policy**

### **First Analysis (6-1-09)**

**BRIEF SUMMARY:** The bill would allow a 16-year-old to donate blood with parental consent.

**FISCAL IMPACT:** Senate Bill 419 has no state or local fiscal impact.

### **THE APPARENT PROBLEM:**

The American Red Cross and Michigan Community Blood Centers, who together supply the state's need for donated blood, face many challenges in finding enough donors to meet a growing need for transfusions of blood products. With an aging population, the need for whole blood and blood products is expected to increase; in fact, between 2004 and 2007, the need for blood products grew twice as fast as the number of donors.

According to state law, a person must be at least 17 years of age in order to donate blood without having to obtain parental consent. Though the statute implies that a person younger than 17 could donate blood with parental consent, it is the policy of the American Red Cross and other blood centers to restrict donations to individuals 17 years of age or older unless a state law specifically authorizes donations by younger age groups.

Recently, a high school student, Jenna Kuipers, attempted to give blood as part of her high school's blood drive. After standing in line with several friends, she and her friends were surprised at being turned away solely because they were 16 years of age. Many blood drives are held at high schools, and Jenna felt allowing students of her age to donate could help fill the state's need for donated blood. At her request, legislation has been offered to amend the statute to specifically allow blood donations by youths aged 16 if they had their parents' consent.

### **THE CONTENT OF THE BILL:**

Public Act 22 of 1971, which prescribes the age at which persons may donate their blood, allows a person 17 years of age or older to donate blood in a voluntary and noncompensatory blood program without the need for consent by a parent or legal guardian.

Senate Bill 419 would name Public Act 22 (MCL 722.41) as "Jenna's Law" and would specify that an individual who was 16 years of age could donate blood in a voluntary and

noncompensatory blood program with a parent's or legal guardian's permission or authorization.

**HOUSE COMMITTEE ACTION:**

The bill was not amended by the House Health Policy Committee.

**BACKGROUND INFORMATION:**

The bill is identical to Senate Bill 486 from last session. That bill was passed by the Senate and reported by the House Health Policy Committee, but died on the House floor.

**ARGUMENTS:**

***For:***

Though state statute does not specifically prohibit blood donations by persons 16 years of age, it does not specifically allow it, either. The law simply states that persons 17 and older do not need parental consent to do so. It is the policy of blood collection centers, however, to accept only persons at least 17 years of age unless a state's law allows otherwise.

If Michigan law were amended to specifically allow 16-year-olds to give blood, some estimate it would increase the number of available donors significantly. Further, by starting at 16, a person could give blood three or four times in high school: this could result in a greater chance of these students becoming lifelong donors. Since the need for blood and blood products is expected to increase dramatically in coming years as the boomer generation continues to age, the influx of these potential repeat donors is especially significant. Currently, at least 21 states allow 16-year-olds to donate blood with parental consent, and several more are considering legislation to do the same.

Under the bill, parental consent would be needed for a 16-year-old to give blood. All current policies regarding eligibility would then apply; for instance, the person would have to be at least 110 pounds and pass the current screening guidelines required by the Federal Food and Drug Administration and the donation center. Apparently, there are no medical reasons why a healthy 16-year-old could not give blood, though the individual would need the maturity to know his or her own medical history and be able to answer the questions required of all potential donors. If a parent believed his or her child lacked that maturity, or knew their child's medical history would preclude them as a donor, the parents could withhold consent. Perhaps Jenna, the high school student initiating the amendment, summed it up well in expressing to her father, the sponsor of the bill, that if she and her friends are old enough to drive, they are old enough to donate blood.

***Response:***

The bill would place a floor for voluntary blood donations at 16, if the teenager had parental consent. Yet, any child who weighs at least 110 pounds, has the necessary blood volume for safe donation, and meets the other donor criteria can safely donate blood. If it

is medically safe for younger children meeting the medical criteria to donate, then it seems that 16 years of age is an arbitrary limit.

In addition, what if a younger teen wanted to donate blood for his or her own impending surgery, or donate to a sibling, family member, or friend? Could the bill be read as restricting the age limit for those needing parental consent to 16 years, thus preventing a child of 14 or 15 who otherwise met the health criteria from donating?

***Rebuttal:***

According to the American Red Cross, there are many reasons for setting the minimum age limit for blood donations to those who are at least 16 years of age. As mentioned previously, the donor must have a level of maturity and knowledge of his or her health status sufficient to answer screening questions and to tolerate the donation process. It has long been the policy by blood collection centers to restrict donations to persons 17 or older, and to 16 years old with parental consent if allowed by state law.

The bill's language has been reviewed by legal counsel at the American Red Cross and pertains only to donations to "blood programs" – generally accepted as meaning blood collected for use by the general public. Therefore, the bill would not pertain to or affect medically-approved autologous collections (when a person has his or her own blood collected for personal use) or physician-authorized directed donations (a donation to an identified person such as a family member or friend) by a teen younger than 16 if the parents also consented.

***POSITIONS:***

The Department of Community Health supports the bill. (5-26-09)

The American Red Cross supports the bill. (5-29-09)

The Donate Life Coalition of Michigan supports the bill. (5-26-09)

The Michigan State Medical Society indicated support for the bill. (5-26-09)

The Michigan Health & Hospital Association indicated support for the bill. (5-26-09)

The American Red Cross – Southwest Michigan Chapter indicated support for the bill. (5-26-09)

The Michigan Community Blood Centers indicated support for the bill. (5-26-09)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.