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FACILITIES LICENSED FOR THE PRODUCTION OF BLOOD AND BLOOD DERIVATIVES

On November 1, 2006, the requirements for persons or entities engaged in the production of human whole blood or blood derivatives changed to the 24th edition of the AABB Standards for Blood Banks and Transfusion Services. With incorporation of the latest edition of the standards, a potential conflict in State law was created. Sections 1607.5 (a) and (b) of the California Health and Safety Code state:

- (a) *Notwithstanding any other provision of law, a person who has attained the age of 17 may consent to the donation of his or her blood and to the penetration of tissue which is necessary to accomplish such donation, and a blood bank may accept such donation.*
- (b) *Notwithstanding any other provision of law, a person who has attained the age of 15 may consent to the donation of his or her blood and to the penetration of tissue which is necessary to accomplish such donation, and a blood bank may accept such donation, if he or she has the written consent of his or her parents or a guardian, and the written authorization of a physician and surgeon.*

AABB Reference Standard 5.4.1A (1) states that the age requirement for allogeneic donor qualification, must conform to applicable state law, or be greater than or equal to sixteen (16) years. After careful review, the department has determined that when a donor does not conform to the age criteria stated in AABB Reference Standard 5.4.1A (1) above, state law, if it exists, would apply. In addition, the "physician and surgeon" employed by the blood bank may provide the required authorization.

If you have questions, please contact me - (510) 620-3808 or Robert Hunter - (213) 620-6574.

Sincerely,
Ronald M. Harkey, Section Chief
Blood, Tissue, and Cytology
Laboratory Field Services