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FISCAL IMPACT REPORT

SPONSOR: Nava DATE TYPED: 2/24/03 HB _____
 SHORT TITLE: Blood Donations SB 351
 ANALYST: Dunbar

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY03	FY04	FY03	FY04		
			NFI		

(Parenthesis () Indicate Expenditure Decreases)

Relates to: HB 152

SOURCES OF INFORMATION

Responses Received From
 Department of Health (DOH)
 Health Policy Commission (HPC)
 NM State Department of Education (NMSDE)

SUMMARY

Synopsis of Bill

Senate Bill 351 allows minors who are at least seventeen years old to donate blood without parental consent. A minor would not receive monetary payment for the blood donation.

Significant Issues

In general, parental consent is required in New Mexico when minors seek medical services. Although donating blood is not a medical service, guidance falls in this realm.

Lack of the currently required parental consent might become an issue only in instances of adverse reactions where the minor and the parent might have limited legal recourse.

Health conditions of teenage females, who often are anemic, are of concern. The incentive to donating too many times for money has been removed, thus removing a health concern.

RELATIONSHIP

SB 351 nearly duplicates HB 152, which would allow minors who are at least seventeen years old to donate blood, and would not allow these same minors to receive payment. The difference between the two bills is that HB 152 includes a description of entities from whom a minor may not receive payment, SB 351 does not contain those descriptors.

Other provisions of the NMSA authorize unemancipated minors to consent to medically related procedures:

- NMSA 1978, Section 24-1-13.1 (“A female minor shall have the capacity to consent to prenatal, delivery and postnatal care by a licensed health care provider.”)
- NMSA 1978, Section 24-2B-3 (“A minor shall have the capacity to give informed consent to have the human immunodeficiency virus test performed on himself.”)

OTHER SUBSTANTIVE ISSUES

SB 351 would allow youth to participate in blood donation activities one year earlier than is currently possible, by law. At age eighteen, young adults reach the age of consent and donating blood would not require parental consent. However, there is concern for teenage females who are often anemic and not good candidates for blood donation. Testing for this condition would be important at the donation site, and referral for treatment of the condition would be important.

Allowing seventeen-year-olds to participate in blood donations provides an opportunity for them to do something positive for others, gives them a sense of self-esteem and contributes to the greater good of the community.

By lowering the age, seniors in high school, who generally range from ages 17-19, could participate in a blood drive specifically situated at the school, increasing much needed blood donations, and they would not need parental consent in order to participate.

- Adding 17 year olds to the population who can donate blood will likely increase the blood supply by an indeterminate amount.
- The generations of committed blood donors are becoming ineligible to give blood. New blood donors are greatly needed to keep up with the demand for blood in New Mexico and the United States. Allowing 17-year-olds to make volunteer blood donations will give these individuals the opportunity to make good choices and participate in altruistic acts, enhancing the quality of life for people needing blood.
- Currently, 6% of all of the blood collected in New Mexico is given at educational institutions, mainly high schools and colleges. Many of the other States allowing 17-year-olds to donate without parental consent experienced a doubling and in some cases a tripling of participation at high schools after the same legislation was passed by their legislature.
- The following States have enacted legislation to allow 17-year-olds to be volunteer blood donors. Some of these States have allowed donations from 17-year-olds for over 20

years. It is interesting to note that a few states allow 16-year-olds to make volunteer blood donations. Overall, 39 states allow 17 year olds to voluntarily donate blood without parental permission. These states are: Alabama, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois (Illinois allows 16 year olds to donate with parental permission), Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Carolina, Ohio (Ohio allows 16 year olds to donate with parental permission), Oklahoma, Oregon (Oregon allows 16 year olds to donate with parental permission.) Pennsylvania, Rhode Island, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin

- The American Association of Blood Banks supports lowering the age of consent for blood donation to 17 years old without monetary compensation.

BD/yr