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HOUSE BILL NO. 1798

Offered January 11, 2017

Prefiled January 9, 2017

A BILL to amend and reenact § 32.1-289.2 of the Code of Virginia, relating to donation of organs by persons infected with human immunodeficiency virus.

Patrons—O'Bannon and Krizek

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-289.2 of the Code of Virginia is amended and reenacted as follows:

§ 32.1-289.2. Donation or sale of blood, body fluids, organs and tissues by persons infected with human immunodeficiency virus.

A. Any person who donates or sells, who attempts to donate or sell, or who consents to the donation or sale of blood, other body fluids, organs, and tissues, knowing that the donor is, or was, infected with human immunodeficiency virus, and who has been instructed that such blood, body fluids, organs, or tissues may transmit the infection, shall be guilty, upon conviction, of a Class 6 felony.

B. This section shall not be construed to prohibit the donation of infected blood, other body fluids, organs and tissues for use in medical or scientific research.

C. *Notwithstanding the provisions of subsection A, this section shall not prohibit the acquisition of organs for transplantation, provided that (i) the recipient of such organ is informed that such organ is infected with human immunodeficiency virus and, following such notice, consents to the receipt of such organ and (ii) acquisition and transplantation of such organ is in compliance with the provisions of the HIV Organ Policy Equity Act, 42 U.S.C. § 274f-5.*

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