

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Introduced

House Bill 4548

BY DELEGATES HAMRICK, DEAN, MARTIN, HAYNES,
MAYNARD, PAYNTER, ZUKOFF, BOGGS, AND FERRELL

[Introduced February 03, 2022; Referred to the
Committee on Agriculture and Natural Resources
then the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
2 designated §19-39-1, §19-39-2, §19-39-3, §19-39-4, §19-39-5, §19-39-6, §19-39-7, §19-
3 39-8, and §19-39-9, all relating to the establishment of the State Veterinary Blood Bank;
4 providing for legislative findings and purpose; providing for definitions; establishing the
5 State Veterinary Blood Bank; providing for liability; setting forth certain guidelines;
6 providing that payment is prohibited; providing for coordination with other state agencies
7 and boards; creating a reporting requirement; and defining violations.

Be it enacted by the Legislature of West Virginia:

ARTICLE 39. STATE VETERINARY BLOOD BANK.

§19-39-1. Legislative findings and purpose.

1 The Legislature finds that the establishment of a State Veterinary Blood Bank is in the best
2 interest of the state and would streamline life saving measures for animals by providing them with
3 much need blood, blood products, plasma, and other associated material. This article shall
4 establish procedures governing the State Veterinary Blood Bank for animals and would impose
5 new requirements on veterinarians engaged in the production of animal blood and blood
6 component products. The article will define the State Veterinary Blood Bank as a blood bank for
7 animals that produces animal blood or blood component products solely from community-sourced
8 animals whose owners voluntarily consent to the donation. The article shall require each
9 veterinarian who is licensed in West Virginia that wishes to donate to the State Veterinary Blood
10 Bank and engages in the production of animal blood or blood component products to meet
11 specified conditions, including following current and best practices on community animal blood
12 banking, using methods of production that are consistent with current standards of care and
13 practice for the field of veterinary transfusion medicine, and obtaining informed written consent of
14 the owner of the animal blood donor. Finally, the article will set forth certain restrictions applicable
15 to the State Veterinary Blood Bank.

§19-39-2. Definitions.

1 For the purposes of this article, the following definitions apply:

2 “Adverse event” means an event in which an animal is injured, sickened, rendered
3 unconscious, or killed;

4 “Blood and blood component products” means whole blood collected directly from a donor
5 animal for transfusion or the blood components for transfusion, including packed red blood cells,
6 platelet-rich plasma, platelet concentrates, fresh plasma, fresh frozen plasma, frozen plasma,
7 cryoprecipitate, and cryosupernatant. Antibody products like hyperimmune serums are
8 considered “biologics” and are excluded from this definition of blood and blood component
9 products;

10 “Captive closed colony” means that an animal is kept, housed, or maintained in any way
11 for the purpose of collecting its blood;

12 “Closed-colony blood bank” means a commercial blood bank for animals that produces
13 animal blood or blood component products solely from animals held in a captive closed colony;

14 “Commercial blood bank for animals” means an establishment that produces animal blood
15 or blood component products from captive closed-colony or community-sourced animals to
16 market and sell for use in the cure, mitigation, treatment, or prevention of injury or disease in
17 animals;

18 “Community sourced” means that an animal is all of the following:

19 (1) Kept, housed, and maintained at the residence of its owner who is a person and not a
20 partnership, association, corporation, or limited liability company;

21 (2) Brought by its owner to a community blood bank for animals to have its blood collected;
22 and

23 (3) Licensed in accordance with any pet licensing required by the pet owner’s state,
24 county, or city of residence.

25 “Production” means the collection of blood or the preparation, testing, processing, storage,
26 or distribution of blood or blood component products for purpose of transfusion;

27 “State Veterinary Blood Bank” means the state-run blood bank for animals that produces
28 animal blood or blood component products solely from community-sourced animals whose
29 owners voluntarily consent to the donation.

§19-39-3. Establishment of State Veterinary Blood Bank.

1 There is hereby established a State Veterinary Blood Bank, to be administered in
2 coordination with the West Virginia Board of Veterinary Medicine and the West Virginia
3 Department of Agriculture. The State Veterinary Blood Bank shall accept donations of blood,
4 blood products, and plasma for the purpose of providing life-saving measures to animals in need.

§19-39-4. Liability.

1 For purposes of liability pursuant to this article, the production and use of whole blood,
2 plasma, blood products, and blood derivatives for purposes of injecting or transfusing the same,
3 or any of them, into an animal shall be construed to be, and is declared to be, the rendition of a
4 service by each and every person, firm, or corporation participating therein, and shall not be
5 construed to be, and is declared not to be, a sale of that whole blood, plasma, blood products, or
6 blood derivatives.

§19-39-5. Guidelines.

1 Each veterinarian who is licensed in West Virginia and engages in the production of animal
2 blood and blood component products solely for use in their own practice or for the State Veterinary
3 Blood Bank operating under this article shall meet all of the following conditions:

4 (1) Follow current and best practices on animal blood banking;

5 (2) Operate under conditions, and use methods of production, that are consistent with
6 current standards of care and practice for the field of veterinary transfusion medicine to ensure
7 that the animal blood and blood component products will not be contaminated, dangerous, or
8 harmful;

9 (3) Ensure that the production of blood and blood component products is safe and not
10 injurious to the donor animal's health;

11 (4) Follow, to the extent possible, the latest blood banking standards, which may include
12 standards included in the latest published edition of the American Association of Blood Banks,
13 and maintain responsibility over all veterinary and technical policies and procedures that relate to
14 the safety of staff members and donor animals;

15 (5) Utilize bloodborne pathogen testing for all canine and feline blood donors in
16 accordance with the best clinical practices in the veterinary field, which may include the most
17 recent Consensus Statement on blood donor infectious disease screening by the American
18 College of Veterinary Internal Medicine;

19 (6) Ensure that the production of animal blood and blood component products complies
20 with all applicable federal laws and regulations, including, but not limited to, Chapter 5
21 (commencing with Section 151) of Title 21 of the United States Code;

22 (7) Maintain onsite records available for inspection by the Veterinary Medical Board
23 including information documenting any history of blood draws or use of anesthesia on the animal,
24 the number and date of donations collected, the estimated milliliters of blood collected per
25 donation based on weight in grams, any adverse events, and any complaints from owners
26 regarding animals who donate blood or blood component product; and

27 (8) Obtain the informed written consent of the owner of the animal blood donor and keep
28 a record of that consent.

§19-39-6. Payment prohibited.

1 (a) A veterinarian or the State Veterinary Blood Bank operating under this article shall not
2 provide payment to a person who provides an animal for the purpose of donating that animal's
3 blood and blood component products for use in their practice or for retail sale and distribution.

4 (b) For purposes of this section, "payment" means the transfer to any person of money or
5 other valuable consideration that can be converted to money by the recipient. For purposes of
6 this section, "payment" does not include fees for veterinary tests, medications, vaccinations,
7 screenings, or other services that benefit the health of the animal from which the blood or blood

8 component products were taken.

§19-39-7. Coordination required.

1 The State Veterinary Blood Bank operating under this article shall comply with blood or
2 blood component product registration requirements otherwise enforceable under this code and in
3 association with the West Virginia Board of Veterinary Medicine, as well as the West Virginia
4 Department of Agriculture.

§19-39-8. Reporting requirement.

1 The State Veterinary Blood Bank shall submit a quarterly report to the West Virginia Board
2 of Veterinary Medicine, as well as the West Virginia Department of Agriculture which includes all
3 of the following information:

4 (1) The number of donations from community-sourced animals and separate total
5 amounts of whole blood, packed red blood cells, and fresh frozen plasma sold in West Virginia
6 during that quarter, by species of animal in estimated milliliters based on weight in grams;

7 (2) The number and species of animal donors experiencing adverse events, the total
8 number of adverse events, and the nature of adverse events experienced by animals that donate
9 blood;

10 (3) The number and species of animal donors that have donated blood; and

11 (4) The number and species of animal donors whose blood tested positive for known
12 pathogens, in accordance with the best clinical practices in the veterinary field, which may include
13 the most recent Consensus Statement for blood donor infectious disease screening by the
14 American College of Veterinary Internal Medicine.

§19-39-9. Violation.

1 A violation of this article by a veterinarian or a representative of the State Veterinary Blood
2 Bank shall constitute a cause for corrective action, suspension, restriction, or the nonrenewal or
3 revocation of a license or registration by the Veterinary Medical Board.

NOTE: The purpose of this bill is to establish the state veterinary blood bank. The bill provides for legislative findings and purpose of the State Veterinary Blood Bank. The bill provides for definitions. The bill establishes the State Veterinary Blood Bank. The bill provides for liability. The bill sets forth certain guidelines. The bill provides that payment is prohibited. The bill provides for coordination with other state agencies and boards. The bill creates a reporting requirement. Finally, the bill defines violations.

Strike-throughs indicate language that would be stricken from a heading or the present law, and underscoring indicates new language that would be added.