

By Senator Saunders

37-1087-03

1                                   A bill to be entitled  
2           An act relating to blood establishments;  
3           defining the term "blood establishment";  
4           requiring that a blood establishment hold and  
5           maintain a valid, current license in order to  
6           operate in the state; declaring a blood  
7           establishment that is operating without the  
8           required designation by a federal governmental  
9           authority a nuisance; authorizing the Agency  
10          for Health Care Administration or any state  
11          attorney to bring an action for injunction to  
12          cease operations or enjoin future operations of  
13          any blood establishment that does not have the  
14          proper federal governmental authority;  
15          providing an effective date.

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17 Be It Enacted by the Legislature of the State of Florida:

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19           Section 1. Blood establishments.--

20           (1) As used in this section, the term "blood  
21 establishment" means any person, entity, or organization,  
22 operating within the state that examines an individual for the  
23 purpose of blood donation, or that collects, processes,  
24 stores, tests, or distributes blood or blood components  
25 collected from the human body for the purpose of transfusion,  
26 for any other medical purpose, or for the production of any  
27 biological product, and that is required to be regulated or is  
28 regulated by the federal Food and Drug Administration or other  
29 federal governmental authority.

30           (2) Any blood establishment operating in the state may  
31 not conduct any activity defined in subsection (1) unless that

1 blood establishment holds and maintains a valid and current  
2 license, certification, registration, or other such  
3 designation required by the Food and Drug Administration or  
4 other federal governmental authority.

5 (3) Any blood establishment determined to be operating  
6 in the state without authorization as described within this  
7 section, is in violation of this section and shall immediately  
8 cease all operations in the state.

9 (4) The operation of a blood establishment without the  
10 required designation by the federal Food and Drug  
11 Administration or other federal governmental authority is  
12 declared a nuisance and inimical to the public health,  
13 welfare, and safety. The Agency for Health Care Administration  
14 or any state attorney may bring an action for an injunction to  
15 restrain such operations or enjoin the future operation of the  
16 blood establishment.

17 Section 2. This act shall take effect July 1, 2003.

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20 SENATE SUMMARY

21 Defines the term "blood establishment". Provides that a  
22 blood establishment must hold and maintain a valid,  
23 current license in order to maintain operation in the  
24 state of Florida. Declares a blood establishment that is  
25 operating without the required designation by a federal  
26 governmental authority a nuisance. Authorizes the Agency  
27 for Health Care Administration or any state attorney to  
28 bring an action for injunction to cease operations or  
29 enjoin future operations of any blood establishment that  
30 does not have the proper federal governmental authority.  
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