

By the Committee on Health, Aging, and Long-Term Care; and
Senator Smith

317-2039-03

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A bill to be entitled
An act relating to the Uniform Commercial Code;
amending s. 672.316, F.S.; revising provisions
relating to implied warranties of
merchantability and fitness in the procurement,
processing, storage, distribution, or use of
blood, plasma, blood products, and blood
derivatives; providing an effective date.

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

Section 1. Subsection (5) of section 672.316, Florida
Statutes, is amended to read:

672.316 Exclusion or modification of warranties.--

(5) The procurement, processing, storage,
distribution, or use of whole blood, plasma, blood products,
and blood derivatives for the purpose of injecting or
transfusing the same, or any of them, into the human body for
any purpose whatsoever is declared to be the rendering of a
service by any person participating therein and does not
constitute a sale, whether or not any consideration is given
therefor; and the implied warranties of merchantability and
fitness for a particular purpose are not applicable ~~as to a~~
~~defect that cannot be detected or removed by a reasonable use~~
~~of scientific procedures or techniques.~~

Section 2. This act shall take effect upon becoming a
law.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 2036

The committee substitute differs from SB 2036 in the following way:

The committee substitute does not designate blood service as a medical service.