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Law of the People's Republic of China on Blood Donation

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Law of the People's
Republic of China on
Blood Donation

(Adopted at the 29th Meeting of the Standing Committee of the Eighth National People's Congress on December 29, 1997, promulgated by Order No. 93 of the President of the People's Republic of China, and effective as of October 1, 1998)

Article 1 This Law is enacted for the purpose of ensuring the supply and safety of blood for medical and clinical use, protecting the health of blood donors and users, developing humanitarianism and promoting socialist material as well as cultural and ethical progress.

Article 2 The State institutes a blood donation system.

The state encourages healthy citizens from 18 to 55 years of age to donate blood voluntarily.

Article 3 The local people's governments at various levels shall exercise leadership in the work of blood donation within their administrative areas, make unified plans for the work and be responsible for enlisting and coordinating the efforts of relevant departments in making a success of the work together.

Article 4 The administrative department for public health under the people's governments at or above the county level shall exercise supervision over and administration of blood donation.

The Red Cross Societies at various levels shall take part in and promote the work of blood

donation according to law.

Article 5 The people's governments at various levels shall take measures to give wide publicity to the significance of blood donation, disseminate scientific knowledge about blood donation, carry out education in the need to prevent and control the spread of diseases through the medium of blood. The mass media shall publicize the importance of blood donation for the benefit of the public.

Article 6 State organs, the Army, public organizations, enterprises and institutions, neighborhood committees and villagers' committees shall mobilize and arrange for citizens of the right age in their units or residential areas to donate blood.

The department in charge of public health under the Chinese People's Liberation Army shall formulate measures for mobilizing and arranging for active servicemen to donate blood.

A blood donor shall be issued with the blood donation certificate prepared by the administrative department for public health under the State Council, and may be given appropriate subsidies by the department concerned.

Article 7 The State encourages State functionaries, active servicemen and students of institutions of higher learning to take the lead in donating blood, setting a good example in fostering new social values.

Article 8 A blood donor centre, being an institution for collecting and providing blood for clinical use not a profit — oriented organization, but an organization for public benefit. A blood donor centre for collecting blood from among citizens shall be established only with the approval of the administrative department for public health under the State Council or under the people's government of a province, autonomous region or municipality directly under the Central Government. A blood donor centre shall provide safe, sanitary and convenient conditions for blood donors. The requirements for the establishment of a blood donor centre and the measures for the administration thereof shall be formulated by the administrative department for public health under the State Council.

Article 9 A blood donor centre shall carry out the necessary medical checkup on blood donors free of charge; where a person's health condition does not meet the requirements for blood donation, the blood donor centre shall explain the situation to him and no blood may be collected from him. The requirements for the health conditions of blood donors shall be drawn up by the administrative department for public health under the State Council.

In general, the amount of blood collected from a blood donor by a blood donor centre shall be 200 ml. at a time, it may not exceed the maximum of 400 ml., and the interval between two collections shall be not less than six months.

A blood donor centre is strictly prohibited from overcollecting or frequently collecting blood from blood donors in violation of the provisions of the preceding paragraph.

Article 10 A blood donor centre collect blood strictly in compliance with the relevant operation procedures and regulations, blood collecting shall be done by qualified medical workers, and disposable instruments for blood collection shall be destroyed after use in order to protect the health of blood donors.

A blood donor centre, shall, in accordance with the standard set by the administrative department for public health under the State Council, guarantee blood quality.

A blood donor centre shall test the blood collected; blood that is not tested or that is disqualified through test shall not be supplied to any medical institutions.

Article 11 Donated blood shall only be used for clinical purposes and not for sale. A blood donor centre or medical institution may not sell donated blood to any blood plasma stations or blood products manufacturers.

Article 12 Blood for clinical use must be packed, stored and transported in conformity with the sanitary standard and requirement set by the State.

Article 13 A medical institution shall check the blood for clinical use and may not use the blood that is not up to the standard set by the State for clinical purposes.

Article 14 A citizen who uses blood for clinical purposes shall only pay the expenses of blood collection, storage, separation and test; the specific standard rates shall be fixed by the administrative department for public health under the State Council in conjunction with the competent department for pricing under the State Council.

If a blood donor needs blood for clinical use, he shall be exempted from payment of the expenses mentioned in the preceding paragraph. If the spouse or lineal relatives of a blood donor need blood for clinical use, they may, in accordance with the provisions of the people's government of the province, autonomous region or municipality directly under the Central Government, be exempted from payment of the expenses mentioned in the preceding paragraph or pay less.

Article 15 For the purpose of ensuring the supply of blood for citizens' clinical first aid treatment, the State encourages any patient who chooses a date for operation to have his blood stored for his own use and provides guidance in this respect, and persuades his family members, relatives, friends, the unit to which he belongs and the community as a whole to donate blood for mutual aid.

In order to meet an urgent need of blood, a medical institution may collect blood whenever necessary, provided that they guarantee safe collection and safe use of blood in accordance with the provisions of this Law.

Article 16 A medical institution shall make plans for the use of blood for clinical purposes, adhere to the principle of rational and scientific use and may not waste blood or use it

indiscriminately.

A medical institution shall vigorously practise component blood transfusion in the light of actual medical need the specific medical needs; the specific measures for the administration thereof shall be formulated by the administrative department for public health under the State Council.

The state encourages research and dissemination of new technologies for clinical use of blood.

Article 17 The people's governments and the Red Cross Societies at various levels shall give awards to the units and individual

that take an active part in donating blood or score outstanding achievements in the work of blood donation.

Article 18 Where a unit or individual commits any of the following acts, its or his act shall be banned by the administrative department for public health under the local people's government at or above the county level, its or his illegal gains shall be confiscated and it or he may also be fined not more than 100,000 yuan; if the act constitutes a crime, it or he shall be investigated for criminal responsibility according to law:

- (1) collecting blood unlawfully;
- (2) a blood donor centre or medical institution sells donated blood; or
- (3) unlawfully making arrangements for another person to sell blood;

Article 19 Where a blood donor centre collects blood in violation of relevant operation procedures and regulations, it shall be ordered to set it right by the administrative department for public health under the local people's government at or above the county level; if any harm is done to the health of a blood donor, it shall make compensation according to law, and the person who is directly in charge and the other persons who are directly responsible for the violation shall be given administrative sanctions according to law; if the violation shall be given administrative sanctions according to Law; if the violation shall be given administrative sanction according to law; if the violation constitutes a crime, it shall be investigated for criminal responsibility according law.

Article 20 Where blood for clinical use is packaged, stored or transported at variance with the sanitary standard or requirements set by the State, the violator shall be ordered to set it right, given an administrative warning and may also be fined not more than 10,000 yuan by the administrative department for public health under the local people's government at or above the county level.

Article 21 Where a blood donor centre, in violation of the provisions of this law, provides any medical institutions with blood that is not up to the standard set by the State, it shall be ordered to set it right by the administrative department for public health under the people's government at or above the county level; if the circumstances are serious and diseases are spread through the medium of blood or there is great danger of such spread, the blood donor centre shall be ordered to make rectification within a time limit and the person who is directly in charge and the other

persons who are directly responsible for the violation shall be given administrative sanctions according to law; if the violation constitutes a crime, it shall be investigated for criminal responsibility according to law.

Article 22 Where a medical worker of a medical institution, in violation of the provisions of this Law, uses blood that is not up to the standard set by the State on a patient, he shall be ordered to set it right by the administrative department for public health under the local people's government at or above the county level; if any harm is done to the patient's health, he shall make compensation according to law and the person who is directly in charge and the other persons who are directly responsible for the violation shall be given administrative sanctions according to law; if the violation constitutes a crime, he shall be investigated for criminal responsibility according to law.

Article 23 Where an administrative department for public health or any of its employees neglects its or his duty in supervision over and administration of blood donation use of blood and the consequences are serious enough to constitute a crime, it or he shall be investigated for criminal responsibility according to law; otherwise, it or he shall be given administrative sanctions according to law.

Article 24 This Law shall become effective as of October 1, 1998.