

Committee Substitute for Senate Bill No. 2036

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.

Approved by the Governor June 2, 2003.

Filed in Office Secretary of State June 2, 2003.