



THE ATTORNEY GENERAL OF TEXAS

AUSTIN, TEXAS 78711

JOHN L. HILL
ATTORNEY GENERAL

May 5, 1975

The Honorable James E. Peavy M. D.
Commissioner
Texas Department of Health
Austin, Texas 78756

Opinion No. H-600

Re: Conditions under which a
minor may donate blood.

Dear Commissioner Peavy:

You have requested our opinion regarding the conditions under which a person under the age of 18 years of age may volunteer to donate blood with parental consent.

Pursuant to section 12.04 of the Family Code, the parent of a minor is granted:

(6) the power to consent to . . . medical, psychiatric, and surgical treatment.

Section 35.01 specifies certain persons who may "consent to medical treatment of a minor" when the consent of a parent cannot be obtained.

Although it is doubtful that the donation of blood may be semantically embraced within the ambit of "medical treatment," we believe an examination of that section with section 35.03 of the Family Code indicates that the Legislature intended to include the donation of blood within the term "medical treatment." Section 35.03 provides in part:

Sec. 35.03. Consent to Treatment by Minor

(a) A minor may consent to the furnishing of hospital, medical, surgical, and dental care by a licensed physician or dentist if the minor:

. . . .

(5) is 18 years of age or older and consents to the donation of his blood and the penetration of tissue necessary to accomplish the donation;

.....

(b) Consent by a minor to hospital, medical, surgical, or dental treatment under this section is not subject to disaffirmance because of minority.

.....

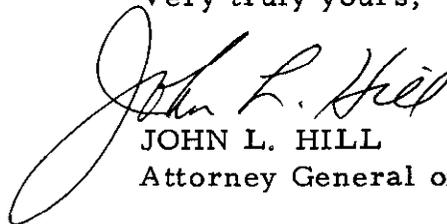
(f) A physician, dentist, hospital, or medical facility may rely on the written statement of the minor containing the grounds on which the minor has capacity to consent to his own medical treatment under this section. (Emphasis added).

The clear implication of section 35.03 is that the donation of blood alluded to in subsection (a)(5) is included within the scope of "medical . . . care" (subsection a) and within the scope of "medical . . . treatment" (subsections b and f). Consequently, we believe that the donation of blood may be included within the definition of "medical treatment" for purposes of sections 12.04 and 35.01. It is therefore our opinion that a minor may volunteer to donate blood with parental consent.

SUMMARY

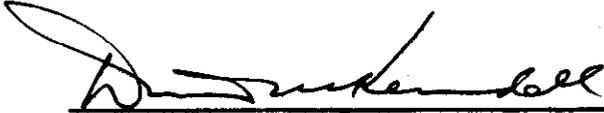
A minor may volunteer to donate blood with the consent of a parent or pursuant to the terms of section 35.01 of the Family Code.

Very truly yours,



JOHN L. HILL
Attorney General of Texas

APPROVED:



DAVID M. KENDALL, First Assistant



C. ROBERT HEATH, Chairman
Opinion Committee

lg