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Office of the Attorney General

State of South Carolina

December 6, 1973

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Medical Director  
S. C. Red Cross Blood Program  
Department of Pathology  
Richland Memorial Hospital  
Columbia, South Carolina

Dear Jim:

I received some information from John Kirby recently relating to the decision of the National Red Cross to lower the blood donor age from eighteen to seventeen, local laws permitting; an unemancipated seventeen-year-old, however, would still need the prior consent of his parent or guardian in order to be a blood donor.

As you know, South Carolina already allows eighteen-year-olds to donate blood without parental consent, pursuant to Section 32-560 of the 1962 South Carolina Code of Laws, as amended. The decision to lower the age of eligibility to donate blood would not conflict with the Code section referred to above inasmuch as parental consent would still be required for a seventeen-year-old donor. There exists no other South Carolina statute, relevant to the question presented, with which the Red Cross decision would conflict. Moreover, no distinction need be drawn, in terms of its legally binding effect, between parental consent to the performance of surgery and other techniques upon a minor and parental consent to the donation of blood by a minor.

In the absence of a statute to the contrary and in accord with general legal principles concerning parental consent to medical treatment of a minor, the opinion of this office is that the South Carolina Red Cross Blood Program can legally accept blood from seventeen-year-olds who have the written consent of their parent or guardian. In light of the very general language used in Sections 32-565 et seq. of the South Carolina Code, which allows any minor sixteen-year-old or over to consent to 'health services' without the necessity of any other person's consent, a prudent practice for the South Carolina program to follow would be to obtain the written consent of the seventeen-year-old donor in addition to that of his parent or guardian.

With kindest regards,

Karen L. Henderson  
Assistant Attorney General

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