

**MELINDA CHRISTIANA AND
NICHOLAS CHRISTIANA, JR.**

VERSUS

**SOUTHERN BAPTIST
HOSPITAL AND THE
ADMINISTRATOR OF THE
TULANE EDUCATIONAL
FUND D/B/A TULANE
MEDICAL CENTER**

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NO. 2003-C-1880

COURT OF APPEAL

FOURTH CIRCUIT

STATE OF LOUISIANA

MURRAY, J. CONCURS WITH REASONS

Because I agree that the Blood Shield Statutes in effect in 1984, La. R.S. 9:2797 and La. C.C. art. 2322.1 govern the Christianas' strict liability claims against Baptist, a blood distributor, I concur in the result. Although those statutes did not include the word "distributor," the Legislature clearly intended those statutes to cover a hospital that distributed blood to its patients. *See Shortess v. Touro Infirmary*, 520 So. 2d 389, 391 n. 5 (La.1988)(describing Louisiana's Blood Shield Statutes in effect at that time as "immuniz[ing] hospitals and blood banks from implied warranty and strict liability for transmission of undetectable diseases" and noting that "[g]enerally, blood transfusions are characterized as services rather than sales").