



Organ Transplant Protections for People with Disabilities

STATES AND TERRITORIES

ALABAMA

No current organ transplant protections for people with disabilities.

Notes: H.B. 58, 2020 Reg. Sess. (Ala. 2020): failed in 2nd Committee; S.B. 225, 2019 Reg. Sess. (Ala. 2019): Failed 1st Committee; Known as Exton's Law, "Relating to health care; to prohibit discrimination against an individual with a disability in receiving an anatomical gift or organ transplant based on his or her disability; and to require health care providers and organ transplant centers to provide reasonable accommodations to individuals with a disability in medical need of an anatomical gift or organ transplant."

ALASKA

No current organ transplant protections for people with disabilities.

Notes: Under Alaska's Health Care Decisions Act, ALASKA STAT. § 13.52.135 (2020), "Discriminatory treatment prohibited: When determining the best interest of a patient under this chapter, health care treatment may not be denied to a patient because the patient has a disability or is expected to have a disability."

ARIZONA

No current organ transplant-specific protections for people with disabilities.

Notes: However, under Title 36 Public Health and Safety, Chapter 5.1 Developmental Disabilities (Arts. 1-5), "Persons with developmental disabilities; rights guaranteed: A person with a developmental disability in this state shall not be denied as the result of the developmental disability the rights, benefits, and privileges guaranteed by the constitution and laws of the United States and the constitution and laws of this state. The rights of persons with developmental disabilities which are specifically enumerated in this chapter are in addition to all other rights enjoyed by such persons. The listing of rights is not exclusive or intended to limit in any way rights which are guaranteed to persons with developmental disabilities under state and federal laws." ARIZ. REV. STAT. § 36-551.01(A) (LexisNexis 2020).

ARKANSAS

No current organ transplant protections for people with disabilities.

Notes: S.B. 317, 92nd Gen. Assemb., Reg. Sess. (Ark. 2019), "an act to prohibit discrimination against individuals with disabilities regarding access to organ transplantation" failed.

CALIFORNIA

Under California's Uniform Anatomical Gifts Act, CAL. HEALTH & SAFETY CODE § 7151.35 (Deering 2020), "Potential recipient's mental or physical disability," a person with disability has extensive protections including, "(c) A person with a physical or mental disability shall not be required to demonstrate postoperative independent living abilities in order to have access to a transplant if there is evidence that the person will have sufficient, compensatory support and assistance."

COLORADO

No current organ transplant protections for people with disabilities.

CONNECTICUT

No current organ transplant protections for people with disabilities.

DELAWARE

Under DEL. CODE ANN. tit. 16, § 2741 (2020), "Legislative Intent," "(5) Delaware residents in need of organ transplants are entitled to assurances that they will not encounter discrimination on the basis of a disability." See DEL. CODE ANN. tit. 16, § 2743 (2020) ("Discrimination prohibited").

DISTRICT OF COLUMBIA

No current organ transplant protections for people with disabilities.

FLORIDA

FLA. STAT. ANN. § 765.523 (LexisNexis 2020) (“Discrimination in Access to Anatomical Gifts and Organ Transplants Prohibited”). Notes: Newly enacted by the Legislature of the State of Florida; Effective July 1, 2020. The statute added FLA. STAT. ANN. §§ 627.64197, 627.65736, 641.31075 (LexisNexis 2020), “Coverage for Organ Transplants,” prohibiting the denial of coverage for organ transplants on the basis of disability.

GEORGIA

No current organ transplant protections for people with disabilities.

Notes: H.B. 842, 2019 Leg., Reg. Sess. (Ga. 2019): Failed in 1st Chamber. Known as Gracie’s Law, “To amend Chapter 1 of Title 31 of the Official Code of Georgia Annotated, relating to general provisions regarding health, so as to prohibit providers from discriminating against potential organ transplant recipients due solely to the physical or mental disability of the potential recipient. . .”

GUAM

No current organ transplant protections for people with disabilities.

HAWAII

No current organ transplant protections for people with disabilities.

IDAHO

No current organ transplant protections for people with disabilities.

ILLINOIS

The Illinois Anatomical Gift Act, 755 ILL. COMP. STAT. ANN. 50/5-15 (LexisNexis 2020). Under “Disability of recipient,” “(a) No hospital, physician and surgeon, procurement organization, or other person shall determine the ultimate recipient of an anatomical gift based upon a potential recipient’s physical or mental disability, except to the extent that the physical or mental disability has been found by a physician and surgeon, following a case-by-case evaluation of the potential recipient, to be medically significant to the provision of the anatomical gift.” *Id.*

INDIANA

See IND. CODE ANN. § 16-32-5 (LexisNexis 2020) (“Anatomical Gifts and Transplantation”); *Id.* at § 16-32-5-3 (“Prohibited actions of a covered entity”); and *Id.* at § 16-32-5-5 (“Inability to comply with medical requirements not medically significant if assistance is available”) (prohibiting discrimination by covered entities in organ transplants). *But see* IND. CODE ANN. § 16-32-5-4 (LexisNexis 2020) (“Disability as medically significant”) (drawing similarities to discrimination statutes in other states).

Notes: Effective July 1, 2019, IND. CODE ANN. §§ 5-10-8-21 and 27-13-7-24 (LexisNexis 2020) prohibits denial of coverage solely on the basis of disability for anatomical gifts, transplantation, or related health services.

IOWA

Under IOWA CODE § 135.192 (LexisNexis 2020), “Protections of certain prospective recipients of anatomical gifts,” effective July 1, 2020, Iowa prohibits a hospital, physician or other person from determining “the ultimate recipient of an anatomical gift based upon a potential recipient’s disability, except to the extent that the disability has been found by a physician, following a case-by-case evaluation of the potential recipient, to be medically significant to the provision of the anatomical gift.”

KANSAS

Under the “Revised Uniform Anatomical Gift Act,” KAN. STAT. ANN. § 65-3276 (2020), “Nondiscrimination on organ transplants,” prevents discrimination in organ transplants based on a person’s physical or mental disability.

KENTUCKY

No current organ transplant protections for people with disabilities.

LOUISIANA

Organ transplant discrimination is prohibited under LA. STAT. ANN. § 40:1170.3 (2020) (“Discrimination against potential organ transplant recipients based on disability; prohibition”).

MAINE

No current organ transplant protections for people with disabilities.

MARYLAND

Md. CODE ANN., HEALTH-GEN. §§ 20-1601 – 20-1606 (LexisNexis 2020). “Nondiscrimination in Access to Anatomical Gifts and Organ Transplantation” discrimination based on disabilities in anatomical gifts and organ transplantation is prohibited.

MASSACHUSETTS

MASS. ANN. LAWS ch. 111, § 236 (LexisNexis 2020). “Nondiscrimination in Access to Organ Transplantation” prohibits covered entities from discriminating against people with disabilities in organ transplantation and related services.

MICHIGAN

No current organ transplant protections for people with disabilities.

MINNESOTA

No current organ transplant protections for people with disabilities.

MISSISSIPPI

No current organ transplant protections for people with disabilities.

Notes: H.B. 414, 2020 Leg., Reg. Sess. (Miss. 2020), failed in 1st Chamber. Synopsis: “An act to enact Cole’s Law to prohibit discrimination against recipients of an anatomical gift or organ transplant based on disability; to define certain terms for the act; to provide requirements for covered entities; to provide for the relief provided by the act; to provide certain requirements of insurers; and for related purposes.”

MISSOURI

Mo. Rev. Stat. § 194.210 (2020). “Revised Uniform Anatomical Gift Act” prohibits discrimination against people with disabilities in each part of the organ transplant process.

MONTANA

No current organ transplant protections for people with disabilities.

NEBRASKA

No current organ transplant protections for people with disabilities.

Notes: L.B. 994, 2020 Leg. (Neb. 2020) (Indefinitely postponed on August 13, 2020); “A bill for an act relating to health; to adopt the Organ Transplant Fairness Act.”

NEVADA

No current organ transplant protections for people with disabilities.

NEW HAMPSHIRE

No current organ transplant protections for people with disabilities.

NEW JERSEY

N.J. REV. STAT. § 26:6-77 (2020). “Revised Uniform Anatomical Gift Act,” under § 26:6-86.1, “Findings, declarations relative to anatomical gifts,” prohibits discrimination on the basis of disability of New Jersey residents in need of organ transplants. *Id.*

NEW MEXICO

No current organ transplant protections for people with disabilities.

NEW YORK

A.B. 9630, 2017-2018 Leg. Sess. (N.Y. 2018) introduced January 26, 2018 and failed upon introduction; NY A.B. 2123, 2019-2020 Leg. Sess. (N.Y. 2019) introduced January 22, 2019 and failed upon introduction; No known current additional protections.



**NORTH
CAROLINA**

No current organ transplant protections for people with disabilities.

**NORTH
DAKOTA**

No current organ transplant protections for people with disabilities.

**NORTHERN
MARIANAS**

No current organ transplant protections for people with disabilities.

OHIO

Revised Uniform Anatomical Gift Act, OHIO REV. CODE ANN. §§ 2108.01 – 2108.99 (LexisNexis 2020). “Definitions; nondiscrimination in transplantation services,” prohibits discrimination on the basis of disability. *Id.* at § 2108.36.

OKLAHOMA

S.B. 378, 2021 Reg. Sess. (Ok. 2021) introduced January 12, 2021; Known as “Everett’s Law.”

OREGON

H.B. 2839, 2017 Reg. Sess. (Or. 2017) (enacted); “An Act relating to anatomical gifts; and declaring an emergency,” prohibits a covered entity from considering an individual ineligible to receive an organ transplant solely on the basis of disability. Section 2 of the 2017 act was added to and part of Title 10 Property Rights and Transactions, the Revised Uniform Anatomical Gifts Act. OR. REV. STAT. §§97.951 – 97.983 (2020).

PENNSYLVANIA

20 PA. CONS. STAT. § 8613 (2020). “Manner of executing anatomical gifts,” provides that, “[a]n individual who is in need of an anatomical gift shall not be deemed ineligible to receive an anatomical gift solely because of the individual’s physical or mental disability.” *Id.*

PUERTO RICO

No current organ transplant protections for people with disabilities.

**RHODE
ISLAND**

No current organ transplant protections for people with disabilities.

**SOUTH
CAROLINA**

No current organ transplant protections for people with disabilities.

**SOUTH
DAKOTA**

No current organ transplant protections for people with disabilities.

TENNESSEE

No current organ transplant protections for people with disabilities.

Notes: 2019 Bill Text TN H.B. 2609, introduced, February 5, 2020, failed upon introduction. If passed, the Act would have prevented discrimination on the basis of disability of a qualified recipient of an anatomical gift.

TEXAS

No current organ transplant protections for people with disabilities.

Notes: S.B. 1112, 2013 Leg. (Tex. 2013) introduced, March 5, 2013 and failed. If passed, it would have amended the Health and Safety Code to prevent the denial of a person with a disability otherwise eligible for an organ transplant solely on the basis of the person’s physical or mental disability.

UTAH

No current organ transplant protections for people with disabilities.

VERMONT

No current organ transplant protections for people with disabilities.



VIRGIN ISLANDS

No current organ transplant protections for people with disabilities.

VIRGINIA

No current organ transplant protections for people with disabilities.

WASHINGTON

See WASH. REV. CODE ANN. §§ 68.70.010 - 68.70.030 (LexisNexis 2020) (“Organ Transplants”). Under WASH. REV. CODE ANN. § 68.64.210 (LexisNexis 2020), “Prohibition of discrimination,” a covered entity may not deny an anatomical gift to a person with a disability otherwise eligible for an organ transplant, solely on the basis of the person’s physical or mental disability.

WEST VIRGINIA

No current organ transplant protections for people with disabilities.

Notes: S.B. 257, 2020 Leg., Reg. Sess. (W. Va. 2020) Introduced, January 10, 2020, failed upon introduction. Synopsis: “A bill. . . relating to prohibiting discrimination based on an individual’s mental or physical disability in access to organ transplantation; and providing enforcement mechanisms.”

WISCONSIN

No current organ transplant protections for people with disabilities.

WYOMING

No current organ transplant protections for people with disabilities.