



General Assembly

February Session, 2020

***Raised Bill No. 457***

LCO No. 2845



Referred to Committee on PUBLIC HEALTH

Introduced by:  
(PH)

***AN ACT PROHIBITING DISCRIMINATION AGAINST PERSONS WITH A DISABILITY WHO ARE CANDIDATES TO RECEIVE AN ANATOMICAL GIFT.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 19a-289a of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective from passage*):

3 As used in sections 19a-289a to 19a-289v, inclusive, and section 2 of  
4 this act, unless the context otherwise requires:

5 (1) "Adult" means an individual who is at least eighteen years of age.

6 (2) "Agent" means an individual:

7 (A) Authorized to make health care decisions on the principal's behalf  
8 by a power of attorney for health care; or

9 (B) Expressly authorized to make an anatomical gift on the principal's  
10 behalf by any other record signed by the principal.

11 (3) "Anatomical gift" means a donation of all or part of a human body

12 to take effect after the donor's death for the purpose of transplantation,  
13 therapy, research or education.

14 (4) "Decedent" means a deceased individual whose body or part is or  
15 may be the source of an anatomical gift, including a stillborn infant and,  
16 subject to restrictions imposed by law other than the provisions of  
17 sections 19a-289a to 19a-289v, inclusive, a fetus.

18 (5) "Disinterested witness" (A) means a witness other than the spouse,  
19 child, parent, sibling, grandchild, grandparent or guardian of the  
20 individual who makes, amends, revokes or refuses to make an  
21 anatomical gift, or another adult who exhibited special care and concern  
22 for the individual, and (B) does not include a person to whom an  
23 anatomical gift could pass under section 19a-289j.

24 (6) "Document of gift" means a donor card or other record used to  
25 make an anatomical gift, including a statement or symbol on an  
26 operator's license or identification card or inclusion in a donor registry.

27 (7) "Donor" means an individual whose body or part is the subject of  
28 an anatomical gift.

29 (8) "Donor registry" means the state donor registry maintained  
30 pursuant to the provisions of section 14-42a and includes any other  
31 database that identifies donors and conforms with the provisions of  
32 section 19a-289s.

33 (9) "Eye bank" means a person that is licensed, accredited or regulated  
34 under federal or state law to engage in the recovery, screening, testing,  
35 processing, storage or distribution of human eyes or portions of human  
36 eyes.

37 (10) "Guardian" (A) means a person appointed by a court to make  
38 decisions regarding the support, care, education, health or welfare of an  
39 individual, and (B) does not include a guardian ad litem.

40 (11) "Hospital" means a facility licensed as a hospital under chapter  
41 368v or the law of any other state or a facility operated as a hospital by

42 the United States, a state or a subdivision of a state.

43 (12) "Identification card" means an identification card issued by the  
44 Department of Motor Vehicles.

45 (13) "Knows" or "knowingly" means to have actual knowledge.

46 (14) "Minor" means an individual who is under eighteen years of age.

47 (15) "Operator's license" means a license or permit issued by the  
48 Department of Motor Vehicles to operate a vehicle, whether or not  
49 conditions are attached to such license or permit.

50 (16) "Organ procurement organization" means a person designated  
51 by the Secretary of the United States Department of Health and Human  
52 Services as an organ procurement organization.

53 (17) "Parent" means a parent whose parental rights have not been  
54 terminated.

55 (18) "Part" (A) means an organ, an eye or tissue of a human being, and  
56 (B) does not include the whole body.

57 (19) "Person" means an individual, corporation, business trust, estate,  
58 trust, partnership, limited liability company, association, joint venture,  
59 public corporation, government or governmental subdivision, agency,  
60 or instrumentality, or any other legal or commercial entity.

61 (20) "Physician" means an individual authorized to practice medicine  
62 or osteopathy under chapter 370 or the law of any other state.

63 (21) "Procurement organization" means a person licensed, accredited  
64 or approved under federal laws or the laws of any state, as a nonprofit  
65 organ procurement organization, eye or tissue bank.

66 (22) "Prospective donor" means an individual, except for an  
67 individual who has made a refusal, who is dead or near death and has  
68 been determined by a procurement organization to have a part that  
69 could be medically suitable for transplantation, therapy, research or

70 education.

71 (23) "Reasonably available" means able to be contacted by a  
72 procurement organization without undue effort and willing and able to  
73 act in a timely manner consistent with existing medical criteria  
74 necessary for the making of an anatomical gift.

75 (24) "Recipient" means an individual into whose body a decedent's  
76 part has been or is intended to be transplanted.

77 (25) "Record" means information that is inscribed on a tangible  
78 medium or that is stored in an electronic or other medium and is  
79 retrievable in perceivable form.

80 (26) "Refusal" means a record created under section 19a-289f that  
81 expressly states an intent to bar other persons from making an  
82 anatomical gift of an individual's body or part.

83 (27) "Sign" means, with the present intent to authenticate or adopt a  
84 record:

85 (A) To execute or adopt a tangible symbol; or

86 (B) To attach to or logically associate with the record an electronic  
87 symbol, sound or process.

88 (28) "State" means a state of the United States, the District of  
89 Columbia, Puerto Rico, the United States Virgin Islands, or any territory  
90 or insular possession subject to the jurisdiction of the United States.

91 (29) "Technician" means an individual, including an enucleator,  
92 determined to be qualified to remove or process parts by an appropriate  
93 organization that is licensed, accredited or regulated under federal or  
94 state law.

95 (30) "Tissue" means a portion of the human body other than an organ  
96 or an eye, and excludes blood unless such blood is donated for the  
97 purpose of research or education.

98 (31) "Tissue bank" means a person that is licensed, accredited or  
99 regulated under federal or state law to engage in the recovery,  
100 screening, testing, processing, storage or distribution of tissue.

101 (32) "Transplant hospital" means a hospital that furnishes organ  
102 transplants and other medical and surgical specialty services required  
103 for the care of transplant patients.

104 Sec. 2. (NEW) (*Effective from passage*) (a) A person who is a candidate  
105 to receive an anatomical gift shall not be deemed ineligible to receive an  
106 anatomical gift solely because of the person's physical or mental  
107 disability, except to the extent that a physician has determined,  
108 following an evaluation of the person, that the person's physical or  
109 mental disability is medically significant so as to contraindicate the  
110 acceptance of the anatomical gift. If a person has the necessary support  
111 to assist the person in complying with post-transplant medical  
112 requirements, the person's inability to comply with such requirements  
113 without assistance shall not be deemed to be medically significant. The  
114 provisions of this subsection shall apply to each part of the transplant  
115 process.

116 (b) Nothing in this section shall be construed to require a physician  
117 to make a referral or recommendation for, or perform a medically  
118 inappropriate transplant.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	19a-289a
Sec. 2	<i>from passage</i>	New section

**Statement of Purpose:**

To prohibit discrimination against an individual with a disability who is a candidate to receive an anatomical gift.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*