



# Senate

General Assembly

**File No. 184**

February Session, 2022

Substitute Senate Bill No. 330

*Senate, March 29, 2022*

The Committee on Public Health reported through SEN. DAUGHERTY ABRAMS of the 13th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

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

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

- 1 Section 1. (NEW) (*Effective from passage*) (a) As used in this section:
- 2 (1) "Anatomical gift" means a donation of all or part of a human body
- 3 to take effect after the donor's death for the purpose of transplantation;
- 4 (2) "Intellectual disability" means a significant limitation in
- 5 intellectual functioning existing concurrently with deficits in adaptive
- 6 behavior that originated during the developmental period before
- 7 eighteen years of age;
- 8 (3) "Mental disability" means one or more mental disorders, as
- 9 defined in the most recent edition of the American Psychiatric
- 10 Association's "Diagnostic and Statistical Manual of Mental Disorders";

11 (4) "Organ" means all or part of a human liver, pancreas, kidney,  
12 intestine or lung; and

13 (5) "Physical disability" means any chronic physical handicap,  
14 infirmity or impairment, whether congenital or resulting from bodily  
15 injury, organic processes or changes or from illness, including, but not  
16 limited to, blindness, epilepsy, deafness or being hard of hearing or  
17 reliance on a wheelchair or other remedial appliance or device.

18 (b) A person who is a candidate to receive an anatomical gift or an  
19 organ from a living donor for transplantation shall not be deemed  
20 ineligible to receive the anatomical gift or organ solely because of the  
21 person's physical, mental or intellectual disability, except to the extent  
22 that a physician has determined, following an evaluation of the person,  
23 that the person's physical, mental or intellectual disability is medically  
24 significant so as to contraindicate the acceptance of the anatomical gift  
25 or organ. If a person has the necessary support to assist the person in  
26 complying with post-transplant medical requirements, the person's  
27 inability to comply with such requirements without assistance shall not  
28 be deemed to be medically significant. The provisions of this subsection  
29 shall apply to each part of the transplant process.

30 (c) Nothing in this section shall be construed to require a physician to  
31 make a referral or recommendation for, or perform a medically  
32 inappropriate transplant of an anatomical gift or organ.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section

**PH** Joint Favorable Subst.

*The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.*

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**OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:** None

**Explanation**

The bill, which prohibits deeming someone ineligible to receive an organ transplant solely because of his or her physical, mental, or intellectual disability, is not anticipated to result in a fiscal impact to the state or municipalities.

**The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

**OLR Bill Analysis****sSB 330*****AN ACT PROHIBITING DISCRIMINATION AGAINST PERSONS WITH A DISABILITY WHO ARE CANDIDATES TO RECEIVE AN ANATOMICAL GIFT OR ORGAN.*****SUMMARY**

This bill generally prohibits deeming someone ineligible to receive an anatomical gift, or organ from a living donor, for transplantation solely because of his or her physical, mental, or intellectual disability. The bill provides an exception if a physician determines, after evaluating the person, that his or her disability medically contraindicates the acceptance of the anatomical gift or organ.

Under the bill, if a person has the necessary support to help him or her comply with post-transplant medical requirements, then the person's inability to comply without assistance cannot be determined "medically significant" to make the person ineligible for a transplant.

The bill specifies that (1) the above provisions apply to each part of the transplant process and (2) it does not require a physician to make a referral or recommendation for, or perform a medically inappropriate transplant of, an anatomical gift or organ.

Under the bill, an "anatomical gift" is the donation of all or part of a human body to take effect after the donor's death for transplantation purposes. An "organ" is all or part of the human liver, pancreas, kidney, intestine, or lung.

EFFECTIVE DATE: Upon passage

**COMMITTEE ACTION**

Public Health Committee

Joint Favorable Substitute

Yea 31 Nay 0 (03/16/2022)