



General Assembly

Substitute Bill No. 330

February Session, 2022



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.