

By: Zaffirini

S.B. No. 1112

A BILL TO BE ENTITLED

AN ACT

relating to prohibiting organ transplant recipient discrimination on the basis of certain disabilities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Subchapter S, Chapter 161, Health and Safety Code, is amended to read as follows:

SUBCHAPTER S. ALLOCATION OF KIDNEYS AND OTHER ORGANS AVAILABLE FOR TRANSPLANT

SECTION 2. Section 161.471, Health and Safety Code, is amended to read as follows:

Sec. 161.471. DEFINITIONS [~~DEFINITION~~]. In this subchapter:

(1) "Disability" has the meaning assigned by the Americans with Disabilities Act of 1990 (42 U.S.C. Section 12101 et seq.).

(2) "Organ [~~organ~~ procurement organization" means an organization that is a qualified organ procurement organization under 42 U.S.C. Section 273 that is currently certified or recertified in accordance with that federal law.

SECTION 3. Subchapter S, Chapter 161, Health and Safety Code, is amended by adding Section 161.473 to read as follows:

Sec. 161.473. DISCRIMINATION ON THE BASIS OF DISABILITY PROHIBITED. (a) A person with a disability who is otherwise eligible for an organ transplant may not be denied the transplant

1 solely based on the person's physical or mental disability, unless
2 a physician who examines and evaluates the person finds the
3 disability to be medically significant to the provision of the
4 organ transplant.

5 (b) For purposes of Subsection (a), a person's inability to
6 independently comply with post-transplant medical requirements is
7 not medically significant if the person has the necessary
8 assistance to ensure compliance.

9 (c) The department may enforce compliance with this
10 subchapter.

11 (d) This section does not require referrals or
12 recommendations for, or the performance of, medically
13 inappropriate organ transplants.

14 SECTION 4. This Act takes effect September 1, 2013.