**BILL ANALYSIS**

|  |  |
| --- | --- |
| Senate Research Center | H.B. 4076 |
| 89R15206 LRM-D | By: Leach et al. (Kolkhorst) |
|  | Health & Human Services |
|  | 5/19/2025 |
|  | Engrossed |

**AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Receiving an organ transplant is a lifesaving medical procedure for individuals with end-stage organ failure. Eligibility is determined by various medical factors, including transplant location and medical urgency, to ensure the best possible outcomes for both recipients and donors.

However, recent reports indicate that some patients have been denied placement on transplant waiting lists, given lower priority on the list, or refused donor organs based on their vaccination status. While transplant centers must weigh various health risks to protect patient safety, such decisions should also respect an individual's bodily autonomy.

H.B. 4076 aims to ensure that transplant eligibility decisions in Texas are fair, individualized, and based on legitimate medical considerations, not a person's vaccination status.

Key Provisions

• The bill prohibits healthcare practitioners from:

• Determining a person is ineligible for an organ transplant solely due to their vaccination status;

• Denying medical services related to transplantation, including evaluation, surgery, counseling, and post-operative care, based on vaccination status;

• Refusing to refer an individual to a transplant center or specialist because of their vaccination status; or

• Excluding individuals from transplant waiting lists or assigning them a lower priority based solely on vaccination status.

H.B. 4076 amends current law relating to prohibiting organ transplant recipient discrimination on the basis of vaccination status.

**RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 2 of this bill.

**SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter S, Chapter 161, Health and Safety Code, by adding Section 161.474, as follows:

Sec. 161.474. DISCRIMINATION ON BASIS OF VACCINATION STATUS PROHIBITED. (a) Prohibits a health care provider from, solely on the basis of an individual's vaccination status, performing certain actions relating to an organ transplant.

(b) Authorizes a health care provider, notwithstanding Subsection (a), to consider an individual's vaccination status when making a treatment recommendation or decision solely to the extent that a physician, following an individualized evaluation of the potential transplant recipient, determines the vaccination status is medically significant to the organ transplant. Provides that this section does not require a referral or recommendation for, or the performance of, a medically inappropriate organ transplant.

(c) Provides that this section applies to each stage of the organ transplant process.

(d) Prohibits a person from taking an adverse action or imposing a penalty of any kind against a health care provider based solely on the fact that the health care provider complied with Subsection (a).

(e) Provides that a physician who in good faith makes a determination that an individual's vaccination status is medically significant to the organ transplant, as described by Subsection (b), does not violate this section.

(f) Authorizes a health care provider to develop alternative risk mitigation strategies, including antibody testing, prophylactic treatments, and antiviral therapy, in lieu of requiring a vaccination and inform patients of the risks and benefits of receiving a vaccination.

SECTION 2. Requires the executive commissioner of the Health and Human Services Commission, not later than January 1, 2026, to adopt any rules necessary to implement Section 161.474, Health and Safety Code, as added by this Act.

SECTION 3. Effective date: September 1, 2025.