|  |
| --- |
| BILL ANALYSIS |

|  |
| --- |
| H.B. 4076 |
| By: Leach |
| Public Health |
| Committee Report (Unamended) |

|  |
| --- |
| **BACKGROUND AND PURPOSE** Organ transplantation is a lifesaving medical procedure for individuals with end-stage organ failure. Eligibility for transplantation is determined based on various medical criteria to ensure the best possible outcomes for both recipients and donor organs. The bill author has informed the committee that there have been reports of patients being denied placement on transplant waiting lists, receiving lower priority, or being refused related medical services solely due to their vaccination choices. While transplant centers must consider various health risks to ensure patient safety, the bill author has informed the committee that the lack of clear protections in Texas law has led to concerns that individuals could be unfairly excluded from receiving transplants for nonmedically justified reasons. By establishing these protections, H.B. 4076 seeks to ensure that transplant eligibility decisions in Texas are fair, individualized, and based on legitimate medical considerations rather than nonmedical institutional policies such as vaccination status.  |
| **CRIMINAL JUSTICE IMPACT**It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision. |
| **RULEMAKING AUTHORITY** It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 2 of this bill. |
| **ANALYSIS** H.B. 4076 amends the Health and Safety Code to prohibit a health care provider from doing the following solely on the basis of an individual's vaccination status:* determining an individual is ineligible to receive an organ transplant;
* denying medical or other services related to an organ transplant, including evaluation, surgery, counseling, and postoperative treatment;
* refusing to refer the individual to a transplant center or other related specialist for evaluation or receipt of an organ transplant; or
* refusing to place the individual on an organ transplant waiting list or place the individual at a position lower in priority on the list than the position the individual would have been placed if not for the individual's vaccination status.

H.B. 4076 authorizes a health care provider 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. The bill's provisions do not require a referral or recommendation for, or the performance of, a medically inappropriate organ transplant and apply to each stage of the organ transplant process. The bill 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 the bill's provisions. H.B. 4076 establishes that a physician who in good faith makes a determination that an individual's vaccination status is medically significant to the organ transplant does not violate the bill's provisions. The bill 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.

H.B. 4076 requires the executive commissioner of the Health and Human Services Commission, not later than January 1, 2026, to adopt any rules necessary to implement the bill's provisions. |
| **EFFECTIVE DATE** September 1, 2025. |