

By: Leach, Cook, Hull, et al.

H.B. No. 4076

A BILL TO BE ENTITLED

AN ACT

relating to prohibiting organ transplant recipient discrimination  
on the basis of vaccination status.

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

SECTION 1. Subchapter S, Chapter 161, Health and Safety  
Code, is amended by adding Section 161.474 to read as follows:

Sec. 161.474. DISCRIMINATION ON BASIS OF VACCINATION STATUS  
PROHIBITED. (a) A health care provider may not, solely on the  
basis of an individual's vaccination status:

(1) determine an individual is ineligible to receive  
an organ transplant;

(2) deny medical or other services related to an organ  
transplant, including evaluation, surgery, counseling, and  
postoperative treatment;

(3) refuse to refer the individual to a transplant  
center or other related specialist for evaluation or receipt of an  
organ transplant; or

(4) refuse 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.

(b) Notwithstanding Subsection (a), a health care provider  
may consider an individual's vaccination status when making a  
treatment recommendation or decision solely to the extent that a

1 physician, following an individualized evaluation of the potential  
2 transplant recipient, determines the vaccination status is  
3 medically significant to the organ transplant. This section does  
4 not require a referral or recommendation for, or the performance  
5 of, a medically inappropriate organ transplant.

6 (c) This section applies to each stage of the organ  
7 transplant process.

8 (d) A person may not take an adverse action or impose a  
9 penalty of any kind against a health care provider based solely on  
10 the fact that the health care provider complied with Subsection  
11 (a).

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

16 (f) A health care provider may:

17 (1) develop alternative risk mitigation strategies,  
18 including antibody testing, prophylactic treatments, and antiviral  
19 therapy, in lieu of requiring a vaccination; and

20 (2) inform patients of the risks and benefits of  
21 receiving a vaccination.

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

26 SECTION 3. This Act takes effect September 1, 2025.