

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

H.B. 586
Apr 6, 2023
HOUSE PRINCIPAL CLERK

H

D

HOUSE BILL DRH50036-MG-20B

Short Title: No CV19 Discrimination/Organ Transplantation. (Public)

Sponsors: Representative Cairns.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT PROHIBITING NORTH CAROLINA TRANSPLANT CENTERS FROM
3 DISCRIMINATING AGAINST INDIVIDUALS SEEKING TO DONATE OR RECEIVE
4 AN ANATOMICAL GIFT OR ORGAN TRANSPLANT SOLELY ON THE BASIS OF
5 THEIR COVID-19 VACCINATION STATUS.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 130A-414.1 reads as rewritten:

8 "**§ 130A-414.1. Legislative findings and declaration of policy.**

9 The General Assembly of North Carolina makes the following findings and declaration:

- 10 (1) A mental or physical disability does not diminish ~~a person's~~ an individual's
11 right to health care.
- 12 (2) The Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 et seq., as
13 amended, prohibits discrimination against individuals with disabilities, yet
14 many individuals with disabilities still experience discrimination in accessing
15 critical health care services.
- 16 (3) In other states nationwide, individuals with mental and physical disabilities
17 have been denied lifesaving organ transplants based on assumptions that their
18 lives are less worthy, that they are incapable of complying with post-transplant
19 medical requirements, or that they lack adequate support systems to ensure
20 compliance with post-transplant medical requirements.
- 21 (3a) A refusal to submit to a COVID-19 vaccination or series of vaccinations does
22 not diminish an individual's right to health care.
- 23 (3b) Notwithstanding a medical opinion that transplant recipients who have not
24 submitted to COVID-19 vaccination may be at higher risk for COVID-19
25 complications than those who have been vaccinated, the overall balance of
26 individual benefits and harms still favors transplantation for individuals with
27 reduced life expectancy or quality of life due to end-stage organ disease,
28 regardless of COVID-19 vaccination status.
- 29 (3c) Mandating COVID-19 vaccination for all organ transplant candidates
30 constrains autonomy by imposing a grave consequence for refusal.
- 31 (4) Although organ transplant centers must consider medical and psychosocial
32 criteria when determining if a patient is suitable to receive an organ transplant,
33 transplant centers that participate in Medicare, Medicaid, and other federally
34 funded programs are required to use patient selection criteria that result in a
35 fair and nondiscriminatory distribution of organs.



* D R H 5 0 0 3 6 - M G - 2 0 B *

- 1 (5) North Carolina residents in need of organ transplants are entitled to assurances
2 that they will not encounter discrimination on the basis of a
3 ~~disability-disability~~ or solely on the basis of their COVID-19 vaccination
4 status.

5 The General Assembly hereby declares that (i) the life of an individual with a disability who
6 needs an organ transplant is as worthy and valuable as the life of an individual without a disability
7 who needs the same medical ~~service.service~~ and (ii) the life of an individual who needs an organ
8 transplant and refuses to submit to a COVID-19 vaccination or series of vaccinations is as worthy
9 and valuable as the life of an individual who needs an organ transplant and willingly submits to
10 a COVID-19 vaccination or series of vaccinations."

11 **SECTION 2.** Part 4A of Article 16 of Chapter 130A of the General Statutes is
12 amended by adding a new section to read:

13 **"§ 130A-414.5. Organ transplant discrimination on the basis of COVID-19 vaccination**
14 **status prohibited.**

15 (a) It is unlawful for a covered entity to do any of the following, solely on the basis of an
16 individual's refusal to submit to a COVID-19 vaccination or series of vaccinations:

- 17 (1) Consider an individual ineligible to donate or receive an anatomical gift or
18 organ transplant.
19 (2) Deny medical services or other services related to organ transplantation,
20 including diagnostic services, evaluation, surgery, counseling, and
21 post-operative treatment and services.
22 (3) Refuse to refer the individual to a transplant center or other related specialist
23 for the purpose of being evaluated for, donating, or receiving an anatomical
24 gift or organ transplant.
25 (4) Refuse to place a qualified recipient on an organ transplant waiting list.
26 (5) Place a qualified recipient on an organ transplant waiting list at a lower
27 priority position than the position at which the individual would have been
28 placed if the individual had received a COVID-19 vaccination or series of
29 vaccinations.
30 (6) Refuse insurance coverage for any procedure associated with being evaluated
31 for, donating, or receiving an anatomical gift or organ transplant, including
32 post-transplantation and post-transfusion care.

33 (b) A covered entity shall make reasonable modifications to its policies, practices, or
34 procedures to allow individuals who refuse to submit to a COVID-19 vaccination or series of
35 vaccinations access to transplantation-related services, including diagnostic services, surgery,
36 coverage, post-operative treatment, and counseling.

37 (c) The provisions of this section apply to all stages of the organ transplant process."

38 **SECTION 3.** This act becomes effective October 1, 2023.