



# HOUSE BILL 586: No CV19 Discrimination/Organ Transplantation.

2023-2024 General Assembly

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<b>Committee:</b>	House Health. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	April 27, 2023
<b>Introduced by:</b>	Reps. Cairns, Stevens, K. Baker, White	<b>Prepared by:</b>	Jessica Boney
<b>Analysis of:</b>	First Edition		Staff Attorney

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**OVERVIEW:** *House Bill 586 would prohibit discrimination against individuals donating or receiving an anatomical gift or organ transplant solely on the basis of their COVID-19 vaccination status.*

**CURRENT LAW:** A covered entity is any licensed provider of health care services, including licensed health care practitioners, hospitals, nursing facilities, laboratories, intermediate care facilities, psychiatric residential treatment facilities, institutions for individuals with intellectual or developmental disabilities, and prison health centers. (G.S. 130A-414.2(3)).

**BILL ANALYSIS:** **Section 1** would amend the legislative findings and declaration of policy within Part 4A. Nondiscrimination in Organ Transplantation to include the following:

- An individual's right to health care is not diminished by a refusal to get a COVID-19 vaccine.
- The balance of benefit and harm favors transplantation for individuals with reduced life expectancy or quality of life due to end-stage organ disease, regardless of COVID-19 vaccination status.
- Autonomy is constrained by mandating COVID-19 vaccination for all organ transplant candidates.

The General Assembly would declare the life of an individual who needs an organ transplant and refuses to get a COVID-19 vaccine is as worthy and valuable as the life of an individual who needs an organ transplant and gets a COVID-19 vaccine.

**Section 2** would create G.S. 130A-414.5 (Organ transplant discrimination on the basis of COVID-19 vaccination status prohibited). It would be unlawful for a covered entity to do any of the following solely based on an individual's refusal to get a COVID-19 vaccination or series of vaccinations:

- Consider an individual ineligible to donate or receive an anatomical gift or organ transplant.
- Deny medical services related to organ transplantation.
- Refuse to refer an individual for the purpose of being evaluated for, donating, or receiving an anatomical gift or organ transplant.
- Refuse to place a qualified recipient on an organ transplant waiting list.
- Place a qualified recipient on an organ transplant list at a lower priority position.
- Refuse insurance coverage for any procedure associated with an anatomical gift or organ transplant.

A covered entity would make reasonable modifications to its policies, practices, or procedures to allow individuals who refuse to get a COVID-19 vaccination access to transplantation services.

**EFFECTIVE DATE:** This act would be effective October 1, 2023.

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