
Wisconsin Legislative Council

ACT MEMO



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2021 Wisconsin Act 113
[2021 Senate Bill 538]

**Prohibiting Discrimination in
Organ Transplantation on the
Basis of Disability**

2021 WISCONSIN ACT 113

The act prohibits a hospital or transplant center from discriminating against a person in the receipt of an organ transplant or related services solely on the basis of the individual's disability. Specifically, the act provides that a hospital or transplant center may not, solely on the basis of a person's disability, do any of the following:

- Consider an individual ineligible to receive an anatomical gift.
- Deny an individual any medical services or other services related to organ transplantation, including diagnostic services, surgery, postoperative treatment, and counseling.
- Refuse to refer an individual to a transplant hospital or an organ transplant specialist for the purpose of being evaluated for or receiving an anatomical gift.
- Refuse to place the individual on an organ transplant waiting list.
- Place the individual on an organ transplant waiting list at a lower priority position than the position at which the individual would have been placed if the individual did not have a disability, unless the individual is placed at a lower priority position because the individual's disability relates directly to the medical need of the individual to receive the organ transplant and the individual's relative placement on the waiting list is reflective of the individual's medical need for the organ transplant.

The act includes exceptions for eye transplants and cases in which a physician finds that a person's disability is medically significant to the receipt of the anatomical gift. However, the act further specifies that an individual's inability to independently comply with posttransplantation medical requirements may not be considered to be medically significant if the examining physician determines that the individual has the necessary support system to assist the individual in complying with those requirements.

The act also provides that no person may refuse an individual insurance coverage for any procedure associated with being evaluated for or receiving an anatomical gift, including posttransplantation and posttransfusion care, solely on the basis of the individual's physical or mental disability.

Lastly, the act provides that an individual may bring an action in circuit court for a violation of the act. A court must hold a hearing within 30 days of the filing of the action, and the court may grant injunctive or equitable relief, including ordering necessary auxiliary aids and services as defined in the act.

Effective date: December 5, 2021

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