

State of Misconsin 2023 - 2024 LEGISLATURE

LRB-5626/1 KMS:skw/amn/wlj

2023 SENATE BILL 933

January 19, 2024 – Introduced by Senators Cabral-Guevara, Felzkowski and Nass, cosponsored by Representatives Goeben, Allen, Behnke, Brandtjen, Dittrich, Edming, Maxey, Murphy, Rettinger, Sapik, Schutt and Wichgers. Referred to Committee on Health.

AN ACT to amend 157.06 (15) (a) (intro.), 157.06 (15) (a) 5. and 157.06 (15) (b); and to create 157.06 (2) (ze), 157.06 (15) (a) 4m. and 157.06 (16) of the statutes; relating to: prohibiting discrimination in organ transplantation and donation on the basis of an individual's vaccination status.

Analysis by the Legislative Reference Bureau

Current law prohibits hospitals and transplant hospitals from taking certain actions related to organ transplantation solely on the basis of an individual's disability. This bill expands these prohibitions to actions taken solely on the basis of an individual's vaccination status. Under the bill, "vaccination status" means the status of an individual having received or not received, for reasons of health, religion, or personal conviction, one or more doses of a vaccine that 1) is authorized for emergency use by the federal Food and Drug Administration, 2) operates through the transfer of genetic material into humans, 3) has an annual dosing schedule, or 4) is for the prevention of a disease against which the individual is protected, as shown by an antibody titer. Specifically, the bill prohibits hospitals and transplant hospitals from taking any of the following actions solely on the basis of an individual's vaccination status: 1) considering the individual ineligible to receive an anatomical gift; 2) denying the individual any services related to organ transplantation; 3) refusing to refer the individual to a transplant hospital or an organ transplant specialist to be evaluated for or receive an anatomical gift; 4) refusing to place the individual on an organ transplant waiting list; and 5) placing the individual on an organ transplant waiting list at a lower priority position than

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the position at which the individual would have been placed if not for the individual's vaccination status. The bill also prohibits hospitals and transplant hospitals from removing an individual from an organ transplant waiting list solely on the basis of the individual's vaccination status or disability. In addition, the bill prohibits the denial of insurance coverage for any procedure associated with being evaluated for or receiving an anatomical gift solely on the basis of an individual's vaccination status. The bill allows an individual to bring an action in circuit court for taking any of these actions in violation of the bill. Under the bill, the court must hold a hearing within 30 days of the filing of the action.

In addition, the bill prohibits any person from discriminating against an individual in any matter relating to donating or receiving an anatomical gift on the basis of the individual's vaccination status.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- **Section 1.** 157.06 (2) (ze) of the statutes is created to read:
- 157.06 (2) (ze) "Vaccination status" means the status of an individual having received or not received, for reasons of health, religion, or personal conviction, one or more doses of a vaccine to which any of the following apply:
 - 1. The vaccine is authorized for emergency use by the federal food and drug administration under 21 USC 360bbb-3.
 - 2. The vaccine operates through the transfer of genetic material into humans.
 - 3. The dosing schedule for the vaccine is annual.
 - 4. The vaccine is for the prevention of a disease against which the individual has a sufficient concentration of antibodies in the individual's blood to confer protection, as shown by an antibody titer.
- **Section 2.** 157.06 (15) (a) (intro.) of the statutes is amended to read:
 - 157.06 (15) (a) (intro.) Except as provided in pars. (c) and (d), no hospital or transplant hospital may, solely on the basis of an individual's <u>vaccination status or</u> disability, do any of the following:

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1	Section 3. 157.06 (15) (a) 4m. of the statutes is created to read:
2	157.06 (15) (a) 4m. Remove the individual from an organ transplant waiting
3	list.
4	Section 4. 157.06 (15) (a) 5. of the statutes is amended to read:
5	157.06 (15) (a) 5. Place the individual on an organ transplant waiting list at
6	a lower priority position than the position at which the individual would have been
7	placed if not for the individual's vaccination status or if the individual did not have
8	a disability, unless the individual is placed at a lower priority position because the
9	individual's disability relates directly to the medical need of the individual to receive
10	the organ transplant and the individual's relative placement on the waiting list is
11	reflective of the individual's medical need for the organ transplant.
12	Section 5. 157.06 (15) (b) of the statutes is amended to read:
13	157.06 (15) (b) No person may refuse an individual insurance coverage for any
14	procedure associated with being evaluated for or receiving an anatomical gift,
15	including posttransplantation and posttransfusion care, solely on the basis of the
16	individual's <u>vaccination status or</u> physical or mental disability.
17	Section 6. 157.06 (16) of the statutes is created to read:
18	157.06 (16) Discrimination on basis of vaccination status prohibited. No
19	person may discriminate against an individual in any matter relating to donating or
20	receiving an anatomical gift on the basis of the individual's vaccination status.

(END)