

**STATE OF MICHIGAN
101ST LEGISLATURE
REGULAR SESSION OF 2022**

Introduced by Rep. Kahle

ENROLLED HOUSE BILL No. 4762

AN ACT to amend 1978 PA 368, entitled “An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” (MCL 333.1101 to 333.25211) by adding section 10251.

The People of the State of Michigan enact:

Sec. 10251. (1) In providing health care and other services related to an organ transplant, a health care provider in this state shall not discriminate against an individual who has a disability based solely on the individual's disability. Discriminating against an individual who has a disability based solely on the individual's disability includes, but is not limited to, any of the following:

- (a) Refusing to transplant an organ in the individual based solely on the individual's disability.
- (b) Subject to subsection (2), refusing to transplant an organ in the individual based on an assessment that the individual will be unable, without support, to comply with postransplantation medical requirements because of the individual's disability.
- (c) Refusing to place the individual on an organ transplant waiting list or lowering the individual's priority on that waiting list to receive an organ transplant, based solely on the individual's disability.
- (d) Refusing to provide or diminish the quality of counseling or postoperative treatment for the individual based solely on the individual's disability.

(2) A health care provider in this state shall consider the support of an individual described under subsection (1) in determining the individual's ability to comply with postransplantation medical requirements.

(3) An individual with a disability who reasonably believes that a health care provider has violated this section may bring an action for injunctive relief in the appropriate court. The action for injunctive relief must be heard in an expedited manner.

(4) This section does not limit an individual's rights or remedies otherwise provided by law.

(5) As used in this section:

(a) "Disability" means that term as defined in 42 USC 12102.

(b) "Health care provider" means both of the following:

(i) An individual licensed, registered, or otherwise authorized to engage in a health profession under article 15.

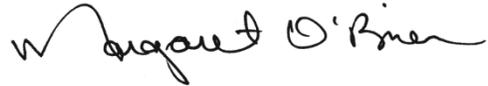
(ii) A health facility or agency licensed under article 17.

(c) "Organ" means that term as defined in section 10102.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor