

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4762

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding section 10251.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

8 (a) Refusing to transplant an organ in the individual based
9 solely on the individual's disability.

1 (b) Subject to subsection (2), refusing to transplant an organ
2 in the individual based on an assessment that the individual will
3 be unable, without support, to comply with postransplantation
4 medical requirements because of the individual's disability.

5 (c) Refusing to place the individual on an organ transplant
6 waiting list or lowering the individual's priority on that waiting
7 list to receive an organ transplant, based solely on the
8 individual's disability.

9 (d) Refusing to provide or diminish the quality of counseling
10 or postoperative treatment for the individual based solely on the
11 individual's disability.

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

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

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

22 (5) As used in this section:

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

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

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

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

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