

Union Calendar No. 126

119TH CONGRESS
1ST SESSION

H. R. 1520

[Report No. 119–159]

To prohibit discrimination on the basis of mental or physical disability in cases of organ transplants.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 24, 2025

Mrs. CAMMACK (for herself, Mrs. DINGELL, Mr. ISSA, Ms. WASSERMAN SCHULTZ, and Mr. SESSIONS) introduced the following bill; which was referred to the Committee on Energy and Commerce

JUNE 12, 2025

Additional sponsors: Ms. NORTON, Mr. FITZPATRICK, Mr. TONKO, Mr. STAUBER, Mrs. MILLER-MEEKS, Ms. TENNEY, Mr. MOULTON, Ms. BARRAGÁN, Mrs. MILLER of Illinois, Mr. DAVIS of North Carolina, Ms. MALOY, Mr. COHEN, Mr. RUTHERFORD, Mrs. HINSON, Mrs. HARSHBARGER, Mr. CONNOLLY, Mrs. BICE, Mr. GOTTHEIMER, Mr. WITTMAN, Mr. HARDER of California, Ms. CRAIG, Mr. MAGAZINER, Mr. BACON, and Mr. GARBARINO

JUNE 12, 2025

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

To prohibit discrimination on the basis of mental or physical disability in cases of organ transplants.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Charlotte Woodward
5 Organ Transplant Discrimination Prevention Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) AUXILIARY AIDS AND SERVICES.—The term
9 “auxiliary aids and services” has the meaning given
10 the term in section 4 of the Americans with Disabil-
11 ities Act of 1990 (42 U.S.C. 12103).

12 (2) COVERED ENTITY.—The term “covered en-
13 tity” means any licensed provider of health care
14 services (including licensed health care practitioners,
15 hospitals, nursing facilities, laboratories, inter-
16 mediate care facilities, psychiatric residential treat-
17 ment facilities, institutions for individuals with intel-
18 lectual or developmental disabilities, and prison
19 health centers), and any transplant hospital (as de-
20 fined in section 121.2 of title 42, Code of Federal
21 Regulations or a successor regulation), that—

22 (A) is in interstate commerce; or

23 (B) provides health care services in a man-
24 ner that—

- 1 (i) substantially affects or has a sub-
2 stantial relation to interstate commerce; or
3 (ii) includes use of an instrument (in-
4 cluding an instrument of transportation or
5 communication) of interstate commerce.

6 (3) **DISABILITY**.—The term “disability” has the
7 meaning given the term in section 3 of the Ameri-
8 cans with Disabilities Act of 1990 (42 U.S.C.
9 12102).

10 (4) **HUMAN ORGAN**.—The term “human organ”
11 has the meaning given the term in section 301(c) of
12 the National Organ Transplant Act (42 U.S.C.
13 274e(c)).

14 (5) **ORGAN TRANSPLANT**.—The term “organ
15 transplant” means the transplantation or trans-
16 fusion of a donated human organ into the body of
17 another human for the purpose of treating a medical
18 condition.

19 (6) **QUALIFIED INDIVIDUAL**.—The term “quali-
20 fied individual” means an individual who, with or
21 without a support network, provision of auxiliary
22 aids and services, or reasonable modifications to
23 policies or practices, meets eligibility requirements
24 for the receipt of a human organ.

1 (7) REASONABLE MODIFICATIONS TO POLICIES
2 OR PRACTICES.—The term “reasonable modifications
3 to policies or practices” includes—

4 (A) communication with persons respon-
5 sible for supporting a qualified individual with
6 postsurgical or other care following an organ
7 transplant or related services, including support
8 with medication;

9 (B) consideration, in determining whether
10 a qualified individual will be able to comply
11 with health requirements following an organ
12 transplant or receipt of related services, of sup-
13 port networks available to the qualified indi-
14 vidual, including family, friends, and providers
15 of home and community-based services, includ-
16 ing home and community-based services funded
17 through the Medicare or Medicaid program
18 under title XVIII or XIX, respectively, of the
19 Social Security Act (42 U.S.C. 1395 et seq.,
20 1396 et seq.), another health plan in which the
21 qualified individual is enrolled, or any program
22 or source of funding available to the qualified
23 individual; and

24 (C) the use of supported decision-making,
25 when needed, by a qualified individual.

1 (8) RELATED SERVICES.—The term “related
2 services” means services related to an organ trans-
3 plant that consist of—

4 (A) evaluation;

5 (B) counseling;

6 (C) treatment, including postoperative
7 treatment, and care;

8 (D) provision of information; and

9 (E) any other service recommended or re-
10 quired by a physician.

11 (9) SUPPORTED DECISION-MAKING.—The term
12 “supported decision-making” means the use of a
13 support person to assist a qualified individual in
14 making health care decisions, communicate informa-
15 tion to the qualified individual, or ascertain a quali-
16 fied individual’s wishes. Such term includes—

17 (A) the inclusion of the individual’s attor-
18 ney-in-fact or health care proxy, or any person
19 of the individual’s choice, in communications
20 about the individual’s health care;

21 (B) permitting the individual to designate
22 a person of the individual’s choice for the pur-
23 poses of supporting that individual in commu-
24 nicating, processing information, or making
25 health care decisions;

1 (C) providing auxiliary aids and services to
2 facilitate the individual's ability to communicate
3 and process health-related information, includ-
4 ing providing use of assistive communication
5 technology;

6 (D) providing health information to per-
7 sons designated by the individual, consistent
8 with the regulations promulgated under section
9 264(c) of the Health Insurance Portability and
10 Accountability Act of 1996 (42 U.S.C. 1320d-
11 2 note) and other applicable laws and regula-
12 tions governing disclosure of health informa-
13 tion;

14 (E) providing health information in a for-
15 mat that is readily understandable by the indi-
16 vidual; and

17 (F) working with a court-appointed guard-
18 ian or other person responsible for making
19 health care decisions on behalf of the individual,
20 to ensure that the individual is included in deci-
21 sions involving the health care of the individual
22 and that health care decisions are in accordance
23 with the individual's own expressed interests.

1 (10) SUPPORT NETWORK.—The term “support
2 network” means, with respect to a qualified indi-
3 vidual, 1 or more people who are—

4 (A) selected by the qualified individual or
5 by the qualified individual and the guardian of
6 the qualified individual, to provide assistance to
7 the qualified individual or guidance to that
8 qualified individual in understanding issues,
9 making plans for the future, or making complex
10 decisions; and

11 (B) who may include the family members,
12 friends, unpaid supporters, members of the reli-
13 gious congregation, and appropriate personnel
14 at a community center, of or serving the quali-
15 fied individual.

16 **SEC. 3. PROHIBITION OF DISCRIMINATORY POLICY.**

17 The board of directors described in section
18 372(b)(1)(B) of the Public Health Service Act (42 U.S.C.
19 274(b)(1)(B)) shall not issue policies, recommendations,
20 or other memoranda that would prohibit, or otherwise
21 hinder, a qualified individual’s access to an organ trans-
22 plant solely on the basis of that individual’s disability.

1 **SEC. 4. PROHIBITION OF DISCRIMINATION.**

2 (a) IN GENERAL.—Subject to subsection (b), a cov-
3 ered entity may not, solely on the basis of a qualified indi-
4 vidual’s disability—

5 (1) determine that the individual is ineligible to
6 receive an organ transplant or related services;

7 (2) deny the individual an organ transplant or
8 related services;

9 (3) refuse to refer the individual to an organ
10 transplant center or other related specialist for the
11 purpose of receipt of an organ transplant or other
12 related services; or

13 (4) refuse to place the individual on an organ
14 transplant waiting list.

15 (b) EXCEPTION.—

16 (1) IN GENERAL.—

17 (A) MEDICALLY SIGNIFICANT DISABIL-
18 ITIES.—Notwithstanding subsection (a), a cov-
19 ered entity may take a qualified individual’s
20 disability into account when making a health
21 care treatment or coverage recommendation or
22 decision, solely to the extent that the disability
23 has been found by a physician, following an in-
24 dividualized evaluation of the potential recipi-
25 ent, to be medically significant to the receipt of

1 the organ transplant or related services, as the
2 case may be.

3 (B) CONSTRUCTION.—Subparagraph (A)
4 shall not be construed to require a referral or
5 recommendation for, or the performance of, a
6 medically inappropriate organ transplant or
7 medically inappropriate related services.

8 (2) CLARIFICATION.—If a qualified individual
9 has the necessary support network to provide a rea-
10 sonable assurance that the qualified individual will
11 be able to comply with health requirements following
12 an organ transplant or receipt of related services, as
13 the case may be, the qualified individual’s inability
14 to independently comply with those requirements
15 may not be construed to be medically significant for
16 purposes of paragraph (1).

17 (c) REASONABLE MODIFICATIONS.—A covered entity
18 shall make reasonable modifications to policies or practices
19 (including procedures) of such entity if such modifications
20 are necessary to make an organ transplant or related serv-
21 ices available to qualified individuals with disabilities, un-
22 less the entity can demonstrate that making such modi-
23 fications would fundamentally alter the nature of such
24 policies or practices.

25 (d) CLARIFICATIONS.—

1 (1) NO DENIAL OF SERVICES BECAUSE OF AB-
2 SENCE OF AUXILIARY AIDS AND SERVICES.—For
3 purposes of this section, a covered entity shall take
4 such steps as may be necessary to ensure that a
5 qualified individual with a disability is not denied a
6 procedure associated with the receipt of an organ
7 transplant or related services, because of the absence
8 of auxiliary aids and services, unless the covered en-
9 tity can demonstrate that taking such steps would
10 fundamentally alter the nature of the procedure
11 being offered or would result in an undue burden on
12 the entity.

13 (2) COMPLIANCE WITH OTHER LAW.—Nothing
14 in this section shall be construed—

15 (A) to prevent a covered entity from pro-
16 viding organ transplants or related services at
17 a level that is greater than the level that is re-
18 quired by this section; or

19 (B) to limit the rights of an individual with
20 a disability under, or to replace or limit the
21 scope of obligations imposed by, the Americans
22 with Disabilities Act of 1990 (42 U.S.C. 12101
23 et seq.) including the provisions added to such
24 Act by the ADA Amendments Act of 2008, sec-
25 tion 504 of the Rehabilitation Act of 1973 (29

1 U.S.C. 794), section 1557 of the Patient Pro-
2 tection and Affordable Care Act (42 U.S.C.
3 18116), or any other applicable law.

4 (e) ENFORCEMENT.—

5 (1) IN GENERAL.—Any individual who alleges
6 that a qualified individual was subject to a violation
7 of this section by a covered entity may bring a claim
8 regarding the allegation to the Office for Civil
9 Rights of the Department of Health and Human
10 Services, for expedited resolution, as appropriate.

11 (2) RULE OF CONSTRUCTION.—Nothing in this
12 subsection is intended to limit or replace available
13 remedies under the Americans with Disabilities Act
14 of 1990 (42 U.S.C. 12101 et seq.) or any other ap-
15 plicable law.

16 **SEC. 5. APPLICATION TO EACH PART OF PROCESS.**

17 The provisions of this Act—

18 (1) that apply to an organ transplant, also
19 apply to the evaluation and listing of a qualified in-
20 dividual, and to the organ transplant and post-
21 organ-transplant treatment of such an individual;
22 and

23 (2) that apply to related services, also apply to
24 the process for receipt of related services by such an
25 individual.

1 **SEC. 6. EFFECT ON OTHER LAWS.**

2 Nothing in this Act shall be construed to supersede
3 any provision of any State or local law that provides great-
4 er rights to qualified individuals with respect to organ
5 transplants than the rights established under this Act.

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