

PUBLIC HEALTH CODE (EXCERPT)
Act 368 of 1978

333.10251 Organ transplant services; discrimination against individuals with disability; prohibition; action for injunctive relief; definitions.

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.

History: Add. 2022, Act 253, Imd. Eff. Dec. 22, 2022

Popular Name: Act 368