



State of Wisconsin
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.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT to amend** 157.06 (15) (a) (intro.), 157.06 (15) (a) 5. and 157.06 (15) (b);
2 and **to create** 157.06 (2) (ze), 157.06 (15) (a) 4m. and 157.06 (16) of the statutes;
3 **relating to:** prohibiting discrimination in organ transplantation and donation
4 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:

1 **SECTION 1.** 157.06 (2) (ze) of the statutes is created to read:

2 157.06 (2) (ze) "Vaccination status" means the status of an individual having
3 received or not received, for reasons of health, religion, or personal conviction, one
4 or more doses of a vaccine to which any of the following apply:

5 1. The vaccine is authorized for emergency use by the federal food and drug
6 administration under 21 USC 360bbb-3.

7 2. The vaccine operates through the transfer of genetic material into humans.

8 3. The dosing schedule for the vaccine is annual.

9 4. The vaccine is for the prevention of a disease against which the individual
10 has a sufficient concentration of antibodies in the individual's blood to confer
11 protection, as shown by an antibody titer.

12 **SECTION 2.** 157.06 (15) (a) (intro.) of the statutes is amended to read:

13 157.06 (15) (a) (intro.) Except as provided in pars. (c) and (d), no hospital or
14 transplant hospital may, solely on the basis of an individual's vaccination status or
15 disability, do any of the following:

