

State of Wisconsin



2023 Senate Bill 933

Date of enactment:
Date of publication*:

2023 WISCONSIN ACT

AN ACT *to amend* 157.06 (15) (a) (intro.), 157.06 (15) (a) 5. and 157.06 (15) (b); and *to create* 157.06 (2) (ze), 157.06 (15) (a) 4m. and 157.06 (16) of the statutes; **relating to:** prohibiting discrimination in organ transplantation and donation on the basis of an individual's vaccination status.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

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

157.06 (2) (ze) "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 to which any of the following apply:

1. The vaccine is authorized for emergency use by the federal food and drug administration under 21 USC 360bbb-3.
2. The vaccine operates through the transfer of genetic material into humans.
3. The dosing schedule for the vaccine is annual.
4. The vaccine is for the prevention of a disease against which the individual has a sufficient concentration of antibodies in the individual's blood to confer protection, as shown by an antibody titer.

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

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

SECTION 3. 157.06 (15) (a) 4m. of the statutes is created to read:

157.06 (15) (a) 4m. Remove the individual from an organ transplant waiting list.

SECTION 4. 157.06 (15) (a) 5. of the statutes is amended to read:

157.06 (15) (a) 5. Place the individual on an organ transplant waiting list at a lower priority position than the position at which the individual would have been placed if not for the individual's vaccination status or if the individual did not have a disability, unless the individual is placed at a lower priority position because the individual's disability relates directly to the medical need of the individual to receive the organ transplant and the individual's relative placement on the waiting list is reflective of the individual's medical need for the organ transplant.

SECTION 5. 157.06 (15) (b) of the statutes is amended to read:

157.06 (15) (b) No person may refuse an individual insurance coverage for any procedure associated with being evaluated for or receiving an anatomical gift, including posttransplantation and posttransfusion care, solely on the basis of the individual's vaccination status or physical or mental disability.

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

SECTION 6. 157.06 (16) of the statutes is created to read:

157.06 (16) DISCRIMINATION ON BASIS OF VACCINATION STATUS PROHIBITED. No person may discriminate

against an individual in any matter relating to donating or receiving an anatomical gift on the basis of the individual's vaccination status.
