

1 AN ACT relating to anatomical gift discrimination.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 311 IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) As used in this section:*

6 *(a) "Disability" has the same meaning as in KRS 12.450; and*

7 *(b) "Health care provider" has the same meaning as in KRS 304.17A-005.*

8 *(2) A health care provider in this state shall not discriminate against an individual*
9 *who has a disability based solely on the individual's disability when providing*
10 *health care and other services related to an anatomical gift donation as the*
11 *individual's insurance coverage allows. Discriminating against an individual's*
12 *disability includes but is not limited to:*

13 *(a) Refusing to transplant an anatomical gift in the individual based solely on*
14 *the individual's disability;*

15 *(b) Subject to subsection (3) of this section, refusing to transplant an*
16 *anatomical gift in the individual based on an assessment that the individual*
17 *will be unable, without personal care support, to comply with*
18 *posttransplantation medical requirements because of the disability; or*

19 *(c) Refusing to place the individual's priority on an anatomical gift transplant*
20 *waiting list to receive an anatomical gift.*

21 *(3) A health care provider shall:*

22 *(a) Consider the personal care support of an individual described under*
23 *subsection (2) of this section in determining the individual's ability to*
24 *comply with posttransplantation medical requirements; and*

25 *(b) Use professional medical judgment as determined by evidence-based*
26 *medical standards of care for transplantation of an anatomical gift*
27 *donation.*

- 1 (4) An individual with a disability who reasonably believes that a health care
2 provider has violated this section may bring an action for injunctive relief in any
3 court of competent jurisdiction. The action for injunction shall be heard in an
4 expedited manner.
- 5 (5) This section shall not be construed to limit an individual's rights or remedies
6 otherwise provided by law.