

## CHAPTER 1101

### ANATOMICAL GIFTS AND POTENTIAL TRANSPLANT RECIPIENTS

H.F. 2561

**AN ACT** relating to protections for certain potential recipients of anatomical gifts.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. **NEW SECTION. 135.192 Protections of certain prospective recipients of anatomical gifts.**

1. A hospital, physician, or other person shall not determine the ultimate recipient of an anatomical gift based upon a potential recipient's disability, except to the extent that the disability has been found by a physician, following a case-by-case evaluation of the potential recipient, to be medically significant to the provision of the anatomical gift.

2. **Subsection 1** shall apply to each part of the anatomical gift process including all of the following:

- a. The referral from a primary care provider to a specialist.
- b. The referral from a specialist to a transplant center.
- c. The evaluation of the patient for the transplant by the transplant hospital.

d. The consideration of the patient for placement on the list of potential transplant recipients pursuant to [42 C.F.R. §121.7](#).

3. A person with a disability shall not be required to demonstrate postoperative independent living abilities in order to be placed on the list of potential transplant recipients pursuant to [42 C.F.R. §121.7](#) if there is evidence that the person will have sufficient, compensatory support and assistance.

4. A court shall accord priority on its calendar and handle expeditiously any action brought to seek any remedy authorized by law for purposes of enforcing compliance with [this section](#).

5. [This section](#) shall not be deemed to require referrals or recommendations for, or the performance of, a medically inappropriate transplant of a part.

6. As used in [this section](#):

a. "Anatomical gift" means the same as defined in [section 142C.2](#).

b. "Disability" means the same as defined in the federal Americans with Disabilities Act of 1990, 42 U.S.C. §12101 et seq.

Sec. 2. **CODE EDITOR DIRECTIVE.** The Code editor may designate [section 135.192](#), as enacted in this Act, as a new subchapter within [chapter 135](#), entitled "PROTECTIONS FOR POTENTIAL RECIPIENTS OF ANATOMICAL GIFTS".

Approved June 25, 2020