

Calendar No. 441

119TH CONGRESS
2D SESSION

S. 1782

To prohibit discrimination on the basis of mental or physical disability in cases of organ transplants.

IN THE SENATE OF THE UNITED STATES

MAY 15, 2025

Mrs. MOODY (for herself, Ms. HASSAN, Mr. SCOTT of Florida, Ms. SMITH, Mr. DAINES, Mr. KAINE, Mrs. HYDE-SMITH, Mr. WHITEHOUSE, Mrs. BLACKBURN, Mr. WARNER, Mr. SCHMITT, Mr. WARNOCK, Mr. COONS, Mr. JUSTICE, Mr. MARSHALL, Mr. KELLY, Mr. FETTERMAN, Mr. VAN HOLLEN, Mr. REED, Mrs. GILLIBRAND, Mr. BUDD, and Mrs. CAPITO) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

JUNE 22, 2026

Reported by Mr. CASSIDY, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italie*]

A BILL

To prohibit discrimination on the basis of mental or physical disability in cases of organ transplants.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Charlotte Woodward
3 Organ Transplant Discrimination Prevention Act”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

6 (1) ~~AUXILIARY AIDS AND SERVICES.~~—The term
7 “auxiliary aids and services” has the meaning given
8 the term in section 4 of the Americans with Disabil-
9 ities Act of 1990 (42 U.S.C. 12103).

10 (2) ~~COVERED ENTITY.~~—The term “covered en-
11 tity” means any licensed provider of health care
12 services (including licensed health care practitioners;
13 hospitals, nursing facilities, laboratories, inter-
14 mediate care facilities, psychiatric residential treat-
15 ment facilities, institutions for individuals with intel-
16 lectual or developmental disabilities, and prison
17 health centers); and any transplant hospital (as de-
18 fined in section 121.2 of title 42, Code of Federal
19 Regulations or a successor regulation); that—

20 (A) is in interstate commerce; or

21 (B) provides health care services in a man-
22 ner that—

23 (i) substantially affects or has a sub-
24 stantial relation to interstate commerce; or

1 (ii) includes use of an instrument (in-
 2 cluding an instrument of transportation or
 3 communication) of interstate commerce.

4 (3) **DISABILITY**.—The term “disability” has the
 5 meaning given the term in section 3 of the Ameri-
 6 cans with Disabilities Act of 1990 (42 U.S.C.
 7 12102).

8 (4) **HUMAN ORGAN**.—The term “human organ”
 9 has the meaning given the term in section 301(c) of
 10 the National Organ Transplant Act (42 U.S.C.
 11 274e(c)).

12 (5) **ORGAN TRANSPLANT**.—The term “organ
 13 transplant” means the transplantation or trans-
 14 fusion of a donated human organ into the body of
 15 another human for the purpose of treating a medical
 16 condition.

17 (6) **QUALIFIED INDIVIDUAL**.—The term “quali-
 18 fied individual” means an individual who, with or
 19 without a support network, provision of auxiliary
 20 aids and services, or reasonable modifications to
 21 policies or practices, meets eligibility requirements
 22 for the receipt of a human organ.

23 (7) **REASONABLE MODIFICATIONS TO POLICIES**
 24 **OR PRACTICES**.—The term “reasonable modifications
 25 to policies or practices” includes—

1 (A) communication with persons respon-
2 sible for supporting a qualified individual with
3 postsurgical or other care following an organ
4 transplant or related services, including support
5 with medication;

6 (B) consideration, in determining whether
7 a qualified individual will be able to comply
8 with health requirements following an organ
9 transplant or receipt of related services, of sup-
10 port networks available to the qualified indi-
11 vidual, including family, friends, and providers
12 of home and community-based services, includ-
13 ing home and community-based services funded
14 through the Medicare or Medicaid program
15 under title XVIII or XIX, respectively, of the
16 Social Security Act (42 U.S.C. 1395 et seq.,
17 1396 et seq.); another health plan in which the
18 qualified individual is enrolled, or any program
19 or source of funding available to the qualified
20 individual; and

21 (C) the use of supported decision-making,
22 when needed, by a qualified individual.

23 (8) RELATED SERVICES.—The term “related
24 services” means services related to an organ trans-
25 plant that consist of—

1 (A) evaluation;

2 (B) counseling;

3 (C) treatment, including postoperative
4 treatment, and care;

5 (D) provision of information; and

6 (E) any other service recommended or re-
7 quired by a physician.

8 (9) SUPPORTED DECISION-MAKING.—The term
9 “supported decision-making” means the use of a
10 support person to assist a qualified individual in
11 making health care decisions; communicate informa-
12 tion to the qualified individual; or ascertain a quali-
13 fied individual’s wishes. Such term includes—

14 (A) the inclusion of the individual’s attor-
15 ney-in-fact or health care proxy; or any person
16 of the individual’s choice; in communications
17 about the individual’s health care;

18 (B) permitting the individual to designate
19 a person of the individual’s choice for the pur-
20 poses of supporting that individual in commu-
21 nicating; processing information; or making
22 health care decisions;

23 (C) providing auxiliary aids and services to
24 facilitate the individual’s ability to communicate
25 and process health-related information, includ-

ing providing use of assistive communication technology;

(D) providing health information to persons designated by the individual, consistent with the regulations promulgated under section 264(e) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d-2 note) and other applicable laws and regulations governing disclosure of health information;

(E) providing health information in a format that is readily understandable by the individual; and

(F) working with a court-appointed guardian or other person responsible for making health care decisions on behalf of the individual, to ensure that the individual is included in decisions involving the health care of the individual and that health care decisions are in accordance with the individual's own expressed interests.

(10) SUPPORT NETWORK.—The term “support network” means, with respect to a qualified individual, 1 or more people who are—

(A) selected by the qualified individual or by the qualified individual and the guardian of

1 the qualified individual, to provide assistance to
 2 the qualified individual or guidance to that
 3 qualified individual in understanding issues;
 4 making plans for the future, or making complex
 5 decisions; and

6 (B) who may include the family members;
 7 friends, unpaid supporters, members of the reli-
 8 gious congregation, and appropriate personnel
 9 at a community center, of or serving the quali-
 10 fied individual.

11 **SEC. 3. PROHIBITION OF DISCRIMINATORY POLICY.**

12 The board of directors described in section
 13 372(b)(1)(B) of the Public Health Service Act (42 U.S.C.
 14 274(b)(1)(B)) shall not issue policies, recommendations,
 15 or other memoranda that would prohibit, or otherwise
 16 hinder, a qualified individual's access to an organ trans-
 17 plant solely on the basis of that individual's disability.

18 **SEC. 4. PROHIBITION OF DISCRIMINATION.**

19 (a) IN GENERAL.—Subject to subsection (b), a cov-
 20 ered entity may not, solely on the basis of a qualified indi-
 21 vidual's disability—

22 (1) determine that the individual is ineligible to
 23 receive an organ transplant or related services;

24 (2) deny the individual an organ transplant or
 25 related services;

1 (3) refuse to refer the individual to an organ
2 transplant center or other related specialist for the
3 purpose of receipt of an organ transplant or other
4 related services; or

5 (4) refuse to place the individual on an organ
6 transplant waiting list.

7 (b) EXCEPTION.—

8 (1) IN GENERAL.—

9 (A) MEDICALLY SIGNIFICANT DISABILI-
10 TIES.—Notwithstanding subsection (a), a cov-
11 ered entity may take a qualified individual's
12 disability into account when making a health
13 care treatment or coverage recommendation or
14 decision, solely to the extent that the disability
15 has been found by a physician, following an in-
16 dividualized evaluation of the potential recipi-
17 ent, to be medically significant to the receipt of
18 the organ transplant or related services, as the
19 case may be.

20 (B) CONSTRUCTION.—Subparagraph (A)
21 shall not be construed to require a referral or
22 recommendation for, or the performance of, a
23 medically inappropriate organ transplant or
24 medically inappropriate related services.

1 (2) CLARIFICATION.—If a qualified individual
 2 has the necessary support network to provide a rea-
 3 sonable assurance that the qualified individual will
 4 be able to comply with health requirements following
 5 an organ transplant or receipt of related services, as
 6 the case may be, the qualified individual's inability
 7 to independently comply with those requirements
 8 may not be construed to be medically significant for
 9 purposes of paragraph (1).

10 (c) REASONABLE MODIFICATIONS.—A covered entity
 11 shall make reasonable modifications to policies or practices
 12 (including procedures) of such entity if such modifications
 13 are necessary to make an organ transplant or related serv-
 14 ices available to qualified individuals with disabilities, un-
 15 less the entity can demonstrate that making such modi-
 16 fications would fundamentally alter the nature of such
 17 policies or practices.

18 (d) CLARIFICATIONS.—

19 (1) NO DENIAL OF SERVICES BECAUSE OF AB-
 20 SENCE OF AUXILIARY AIDS AND SERVICES.—For
 21 purposes of this section, a covered entity shall take
 22 such steps as may be necessary to ensure that a
 23 qualified individual with a disability is not denied a
 24 procedure associated with the receipt of an organ
 25 transplant or related services, because of the absence

1 of auxiliary aids and services, unless the covered en-
 2 tity can demonstrate that taking such steps would
 3 fundamentally alter the nature of the procedure
 4 being offered or would result in an undue burden on
 5 the entity.

6 ~~(2) COMPLIANCE WITH OTHER LAW.—~~Nothing
 7 in this section shall be construed—

8 ~~(A) to prevent a covered entity from pro-~~
 9 ~~viding organ transplants or related services at~~
 10 ~~a level that is greater than the level that is re-~~
 11 ~~quired by this section; or~~

12 ~~(B) to limit the rights of an individual with~~
 13 ~~a disability under, or to replace or limit the~~
 14 ~~scope of obligations imposed by, the Americans~~
 15 ~~with Disabilities Act of 1990 (42 U.S.C. 12101~~
 16 ~~et seq.) including the provisions added to such~~
 17 ~~Act by the ADA Amendments Act of 2008~~
 18 ~~(Public Law 110–325), section 504 of the Re-~~
 19 ~~habilitation Act of 1973 (29 U.S.C. 794), sec-~~
 20 ~~tion 1557 of the Patient Protection and Afford-~~
 21 ~~able Care Act (42 U.S.C. 18116), or any other~~
 22 ~~applicable law.~~

23 ~~(c) ENFORCEMENT.—~~

24 ~~(1) IN GENERAL.—~~Any individual who alleges
 25 that a qualified individual was subject to a violation

1 of this section by a covered entity may bring a claim
2 regarding the allegation to the Office for Civil
3 Rights of the Department of Health and Human
4 Services, for expedited resolution, as appropriate.

5 (2) RULE OF CONSTRUCTION.—Nothing in this
6 subsection is intended to limit or replace available
7 remedies under the Americans with Disabilities Act
8 of 1990 (42 U.S.C. 12101 et seq.) or any other ap-
9 plicable law.

10 **SEC. 5. APPLICATION TO EACH PART OF PROCESS.**

11 The provisions of this Act—

12 (1) that apply to an organ transplant, also
13 apply to the evaluation and listing of a qualified in-
14 dividual, and to the organ transplant and post-
15 organ-transplant treatment of such an individual;
16 and

17 (2) that apply to related services, also apply to
18 the process for receipt of related services by such an
19 individual.

20 **SEC. 6. EFFECT ON OTHER LAWS.**

21 Nothing in this Act shall be construed to supersede
22 any provision of any State or local law that provides great-
23 er rights to qualified individuals with respect to organ
24 transplants than the rights established under this Act.

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Charlotte Woodward*
 3 *Organ Transplant Discrimination Prevention Act”.*

4 **SEC. 2. DEFINITIONS.**

5 *In this Act:*

6 (1) *AUXILIARY AIDS AND SERVICES.*—*The term*
 7 *“auxiliary aids and services” has the meaning given*
 8 *the term in section 4 of the Americans with Disabil-*
 9 *ities Act of 1990 (42 U.S.C. 12103).*

10 (2) *COVERED ENTITY.*—*The term “covered enti-*
 11 *ty” means any—*

12 (A) *entity operating a program or activity,*
 13 *involving an organ transplant or related serv-*
 14 *ices, receiving Federal financial assistance; or*

15 (B) *public entity covered by title II of the*
 16 *Americans with Disabilities Act of 1990 (42*
 17 *U.S.C. 12131 et seq.) that carries out activities*
 18 *relating to such a transplant or services.*

19 (3) *DISABILITY.*—*The term “disability” has the*
 20 *meaning given the term in section 3 of the Americans*
 21 *with Disabilities Act of 1990 (42 U.S.C. 12102).*

22 (4) *ORGAN.*—*The term “organ” has the meaning*
 23 *given the term “human organ” in section 301(c) of*
 24 *the National Organ Transplant Act (42 U.S.C.*
 25 *274e(c)).*

1 (5) *QUALIFIED INDIVIDUAL WITH A DIS-*
 2 *ABILITY.*—*The term “qualified individual with a dis-*
 3 *ability” means such individual within the meaning of*
 4 *the term as used in title II of the Americans with*
 5 *Disabilities Act of 1990 (42 U.S.C. 12131 et seq.), sec-*
 6 *tion 504 of the Rehabilitation Act of 1973 (29 U.S.C.*
 7 *794), and any other applicable Federal law, including*
 8 *their implementing regulations.*

9 (6) *REASONABLE MODIFICATIONS.*—*The term*
 10 *“reasonable modifications” means such modifications*
 11 *within the meaning of the term as used in or for the*
 12 *Americans with Disabilities Act of 1990 (42 U.S.C.*
 13 *12101 et seq.), section 504 of the Rehabilitation Act*
 14 *of 1973 (29 U.S.C. 794), and any other applicable*
 15 *Federal law, including their implementing regula-*
 16 *tions.*

17 (7) *RELATED SERVICES.*—*The term “related*
 18 *services” means services, including the process by*
 19 *which an individual receives such services, related to*
 20 *an organ transplant that consist of—*

- 21 (A) *evaluation and listing on the transplant*
- 22 *waiting lists;*
- 23 (B) *counseling;*
- 24 (C) *treatment, including postoperative*
- 25 *treatment, and care;*

1 (D) provision of information; and

2 (E) any other service recommended or re-
3 quired by a physician.

4 **SEC. 3. PROHIBITION OF DISCRIMINATORY POLICY.**

5 Section 372(b)(2)(B) of the Public Health Service Act
6 (42 U.S.C. 274(b)(2)(B)) is amended to read as follows:

7 “(B) establish membership criteria and
8 medical criteria for allocating organs, which
9 shall not include medical criteria that would dis-
10 criminate on the basis of disability in access to
11 an organ transplant, and provide to members of
12 the public an opportunity to comment with re-
13 spect to such membership and medical criteria;”.

14 **SEC. 4. PROHIBITION OF DISCRIMINATION.**

15 (a) *IN GENERAL.*—Consistent with section 504 of the
16 Rehabilitation Act of 1973 (29 U.S.C. 794), the Americans
17 with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), and
18 any other applicable Federal law, including their imple-
19 menting regulations, and, subject to subsection (b), a cov-
20 ered entity shall not, on the basis of the disability of a
21 qualified individual with a disability—

22 (1) determine that the individual is ineligible to
23 receive an organ transplant or related services;

24 (2) deny the individual an organ transplant or
25 related services;

1 (3) *refuse to refer the individual to an organ*
2 *transplant center or other related specialist for the*
3 *purpose of receipt of an organ transplant or other re-*
4 *lated services;*

5 (4) *refuse to place the individual on the trans-*
6 *plant waiting lists; or*

7 (5) *otherwise discriminate based on disability*
8 *with respect to the provision of an organ transplant*
9 *or related services.*

10 (b) *EXCEPTION.—*

11 (1) *PROFESSIONAL JUDGMENT IN TREATMENT.—*
12 *Notwithstanding subsection (a), following an individ-*
13 *ualized assessment by a covered entity, the covered en-*
14 *tity may take the disability of a qualified individual*
15 *with a disability into account in carrying out a pro-*
16 *gram or activity consistent with section 504 of the*
17 *Rehabilitation Act of 1973 (29 U.S.C. 794), the*
18 *Americans with Disabilities Act of 1990 (42 U.S.C.*
19 *12101 et seq.), and any other applicable Federal law,*
20 *including their implementing regulations, including*
21 *section 84.56 of title 45, Code of Federal Regulations,*
22 *as in effect on the date of enactment of this Act.*

23 (2) *CLARIFICATION.—If a qualified individual*
24 *with a disability would be able to comply with the*
25 *health requirements following an organ transplant or*

1 *provision of related services if given the necessary rea-*
 2 *sonable modifications to policies, practices, or proce-*
 3 *dures, or appropriate auxiliary aids and services, the*
 4 *individual's inability to independently comply with*
 5 *those requirements may not be taken into account for*
 6 *purposes of paragraph (1).*

7 (c) *CLARIFICATIONS.—*

8 (1) *REASONABLE MODIFICATIONS.—*

9 (A) *IN GENERAL.—**Consistent with section*
 10 *504 of the Rehabilitation Act of 1973 (29 U.S.C.*
 11 *794), the Americans with Disabilities Act of*
 12 *1990 (42 U.S.C. 12101 et seq.), and any other*
 13 *applicable Federal law, and their implementing*
 14 *regulations, a covered entity shall make reason-*
 15 *able modifications to policies, practices, or proce-*
 16 *dures when such modifications are necessary to*
 17 *avoid discrimination on the basis of disability as*
 18 *described in subsection (a) except as provided in*
 19 *subsection (b), unless the entity can demonstrate*
 20 *that making such modifications would fun-*
 21 *damentally alter the nature of the program or*
 22 *activity involved.*

23 (B) *INCLUSION.—**For the purposes of sub-*
 24 *section (b)(2) and subparagraph (A), the reason-*
 25 *able modifications may include the use of sup-*

ported decision-making, when needed, by a qualified individual with a disability.

(2) *AUXILIARY AIDS AND SERVICES.*—Consistent with section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), and any other applicable Federal law, and their implementing regulations, a covered entity shall take such steps as may be necessary to ensure that no qualified individual with a disability is excluded, denied services, segregated, or otherwise discriminated against, based on disability, from or for a procedure associated with the receipt of an organ transplant or related services because of the absence of appropriate auxiliary aids and services, unless the covered entity can demonstrate that taking such steps would fundamentally alter the nature of the program or activity involved or would result in an undue burden.

(3) *PRIVACY AND SECURITY OF HEALTH INFORMATION.*—Nothing in this subsection shall be construed to modify or alter the requirements for privacy or security of individually identifiable health information under the privacy, security, and breach notification rules under parts 160 and 164 of title 45, Code of Federal Regulations (or a successor regulation) or

1 *for the confidentiality of substance use disorder pa-*
 2 *tient records under part 2 of title 42, Code of Federal*
 3 *Regulations (or a successor regulation).*

4 (d) *ENFORCEMENT.*—*When a complaint regarding an*
 5 *allegation of discrimination on the basis of disability with*
 6 *respect to the provision of an organ transplant or related*
 7 *services is brought to the Office for Civil Rights of the De-*
 8 *partment of Health and Human Services, such Office shall*
 9 *consider the complaint, consistent with the Office’s practices*
 10 *and procedures, for expedited complaint resolution or early*
 11 *complaint resolution, as appropriate and as appropriate,*
 12 *may require a remedy, consistent with the enforcement rem-*
 13 *edies for a violation of section 504 of the Rehabilitation*
 14 *Act of 1973 (29 U.S.C. 794), the Americans with Disabil-*
 15 *ities Act of 1990 (42 U.S.C. 12101 et seq.), and any other*
 16 *applicable Federal law, including their implementing regu-*
 17 *lations.*

18 (e) *REPORT TO CONGRESS.*—

19 (1) *IN GENERAL.*—*Not later than 1 year after*
 20 *the date of enactment of this Act, and annually there-*
 21 *after, the Secretary shall prepare and submit to the*
 22 *committees specified in paragraph (2) a report that*
 23 *contains—*

1 (A) a description of the activities carried
2 out under this section, which shall, at a min-
3 imum, contain—

4 (i) information concerning the number
5 of complaints received related to discrimi-
6 nation as described in subsection (a);

7 (ii) a description of the process by
8 which the Office for Civil Rights of the De-
9 partment of Health and Human Services
10 carried out the expedited complaint resolu-
11 tion or early complaint resolution, where
12 appropriate;

13 (iii) the results of such complaints; and

14 (iv) information stating the resources
15 necessary for such Office to carry out such
16 activities; and

17 (B) recommendations by the Secretary to
18 improve enforcement of this Act.

19 (2) SUBMISSION.—The Secretary shall submit
20 the report to the Committee on Energy and Commerce
21 of the House of Representatives, and to the Committee
22 on Health, Education, Labor, and Pensions of the
23 Senate.

1 **SEC. 5. RULE OF CONSTRUCTION.**

2 *Nothing in this Act shall be construed to invalidate*
3 *or limit the rights, remedies, and procedures, including*
4 *legal standards, available to an individual aggrieved*
5 *under—*

6 *(1) the Americans with Disabilities Act of 1990*
7 *(42 U.S.C. 12101 et seq.);*

8 *(2) section 504 of the Rehabilitation Act of 1973*
9 *(29 U.S.C. 794); or*

10 *(3) any other applicable Federal or State law*
11 *that provides additional protections against discrimi-*
12 *nation on the basis of disability with respect to organ*
13 *transplants or related services.*

Calendar No. 441

119TH CONGRESS
2^D Session

S. 1782

A BILL

To prohibit discrimination on the basis of mental or physical disability in cases of organ transplants.

JUNE 22, 2026

Reported with an amendment