

Part 4A. Nondiscrimination in Organ Transplantation.

§ 130A-414.1. Legislative findings and declaration of policy.

The General Assembly of North Carolina makes the following findings and declaration:

- (1) A mental or physical disability does not diminish a person's right to health care.
- (2) The Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 et seq., as amended, prohibits discrimination against individuals with disabilities, yet many individuals with disabilities still experience discrimination in accessing critical health care services.
- (3) In other states nationwide, individuals with mental and physical disabilities have been denied lifesaving organ transplants based on assumptions that their lives are less worthy, that they are incapable of complying with post-transplant medical requirements, or that they lack adequate support systems to ensure compliance with post-transplant medical requirements.
- (4) Although organ transplant centers must consider medical and psychosocial criteria when determining if a patient is suitable to receive an organ transplant, transplant centers that participate in Medicare, Medicaid, and other federally funded programs are required to use patient selection criteria that result in a fair and nondiscriminatory distribution of organs.
- (5) North Carolina residents in need of organ transplants are entitled to assurances that they will not encounter discrimination on the basis of a disability.

The General Assembly hereby declares that the life of an individual with a disability who needs an organ transplant is as worthy and valuable as the life of an individual without a disability who needs the same medical service. (2021-64, s. 2(a).)