

AN ACT

relating to prohibiting organ transplant recipient discrimination on the basis of vaccination status.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter S, Chapter 161, Health and Safety Code, is amended by adding Section 161.474 to read as follows:

Sec. 161.474. DISCRIMINATION ON BASIS OF VACCINATION STATUS PROHIBITED. (a) A health care provider may not, solely on the basis of an individual's vaccination status:

(1) determine an individual is ineligible to receive an organ transplant;

(2) deny medical or other services related to an organ transplant, including evaluation, surgery, counseling, and postoperative treatment;

(3) refuse to refer the individual to a transplant center or other related specialist for evaluation or receipt of an organ transplant; or

(4) refuse to place the individual on an organ transplant waiting list or place the individual at a position lower in priority on the list than the position the individual would have been placed if not for the individual's vaccination status.

(b) Notwithstanding Subsection (a), a health care provider may consider an individual's vaccination status when making a treatment recommendation or decision solely to the extent that a

1 physician, following an individualized evaluation of the potential
2 transplant recipient, determines the vaccination status is
3 medically significant to the organ transplant. This section does
4 not require a referral or recommendation for, or the performance
5 of, a medically inappropriate organ transplant.

6 (c) This section applies to each stage of the organ
7 transplant process.

8 (d) A person may not take an adverse action or impose a
9 penalty of any kind against a health care provider based solely on
10 the fact that the health care provider complied with Subsection
11 (a).

12 (e) A physician who in good faith makes a determination that
13 an individual's vaccination status is medically significant to the
14 organ transplant, as described by Subsection (b), does not violate
15 this section.

16 (f) A health care provider may:

17 (1) develop alternative risk mitigation strategies,
18 including antibody testing, prophylactic treatments, and antiviral
19 therapy, in lieu of requiring a vaccination; and

20 (2) inform patients of the risks and benefits of
21 receiving a vaccination.

22 SECTION 2. Not later than January 1, 2026, the executive
23 commissioner of the Health and Human Services Commission shall
24 adopt any rules necessary to implement Section 161.474, Health and
25 Safety Code, as added by this Act.

26 SECTION 3. This Act takes effect September 1, 2025.

H.B. No. 4076

President of the Senate

Speaker of the House

I certify that H.B. No. 4076 was passed by the House on May 14, 2025, by the following vote: Yeas 83, Nays 53, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 4076 was passed by the Senate on May 23, 2025, by the following vote: Yeas 25, Nays 6.

Secretary of the Senate

APPROVED: _____

Date

Governor