



Governor's Advisory Council for Exceptional Citizens (GACEC)
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MEMORANDUM

DATE: February 24, 2017

TO: The Honorable Members of the Delaware General Assembly

FROM: Dafne A. Carnright, Chairperson
GACEC

RE: **House Bill No. 21 (Organ Transplant Discrimination)**

The Governor's Advisory Council for Exceptional Citizens (GACEC) has reviewed **House Bill No. 21** which would disallow covered entities from engaging in discrimination in the organ transplant system. Discrimination would include refusal to refer an individual to a transplant center, refusal to place an individual on a waiting list, or placing the individual at a lower priority position on a waiting list (lines 66-77). House Amendment (H.A.) No. 1 was placed with the bill on January 19. It would authorize judicial enforcement by the Attorney General or an aggrieved person. Remedies would include a civil penalty and the availability of damages. The GACEC **endorses** the proposed legislation.

A January 5 press release recites that there were 471 Delawareans awaiting organ transplants on December 30, 2016. There is nationwide concern over disability-based discrimination in qualifying and receiving an organ transplant. New Jersey enacted a ban in 2013 on discrimination in the organ transplant system based on a mental or physical disability with no significant relationship to the transplant. The July 18, 2013 article described the problem as follows:

Individuals with mental or physical disabilities sometimes face discrimination in organ transplant scenarios because of assumptions regarding their quality of life or their ability to comply with complex post-transplant medical requirements, regardless of whether the individual has an effective support system in place to ensure compliance.

Thank you for your time and consideration of our observation and endorsement. Please feel free to contact me or Wendy Strauss at the GACEC office should you have any questions.

CC: The honorable Matthew Denn, Attorney General