



WISCONSIN LEGISLATURE

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Born, Jagler Applaud Assembly Vote for Equal Access to Organ Transplants

Bill prohibiting discrimination on basis of disability for organ transplants passes Assembly

Madison – Assembly Bill (AB) 539, authored by Representative Mark Born and Senator John Jagler, prohibiting discrimination on the basis of a disability for organ transplants passed the Wisconsin State Assembly today with broad bipartisan support.

The legislation was created after Brownsville parents Michelle and Tom Kulczewski reached out to Rep. Born and Senator Jagler about their son Malix being ineligible, due to vague language in state statute, for a heart transplant because he has Down syndrome—a disability unrelated to his heart condition. While Malix survived a high-risk surgery that repaired his heart, the family is seeking legislative changes to ensure other families like theirs are given a full range of options.

“The Kulczewski family has an incredible story of hope and perseverance, despite their situation,” Rep. Born said. “The way current law is written further stacked the odds against their favor and its past time we change that and give individuals with disabilities the same life-saving options as those without. I am proud to have sponsored this legislation and am grateful that it has quickly passed through the Assembly.”

AB 539 changes factors for eligibility for organ transplants that can prevent individuals with disabilities from receiving an organ donation. Under current law, quality of life and ability to comply with post-operative treatment are among the considerations for eligibility. The bill changes these factors to require consideration of the individual’s support system in assisting post-operation.

“Now that the bill has passed both the Senate and the Assembly, I hope Governor Evers wastes no time in signing this bill,” Senate Jagler added. “The Kulczewski family and their son Malix have shown that organ transplant discrimination is real and needs to be addressed. No one should be denied because they have a disability.”

The legislation passed the State Senate last week and now heads to the Governor’s desk. Click [here](#) for a video on the Kulczewski’s family story.

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