



ఆంధ్రప్రదేశ్ రాజపత్రము

THE ANDHRA PRADESH GAZETTE

PART IV-A EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 12] AMARAVATI, WEDNESDAY, 19th AUGUST, 2026.

ANDHRA PRADESH BILLS

ANDHRA PRADESH LEGISLATIVE ASSEMBLY

The following Bill was introduced in the Andhra Pradesh Legislative Assembly on 19th August, 2026.

L. A. Bill No. 26 of 2026

A BILL TO AMEND THE ANDHRA PRADESH TRANSPLANTATION OF HUMAN ORGANS ACT, 1995.

Be it enacted by the Legislature of the State of Andhra Pradesh in the Seventy-seventh Year of the Republic of India as follows:-

1. (1) This Act may be called the Andhra Pradesh Transplantation of Human Organs (Amendment) Act, 2026, Short title and commencement.

(2) It shall be deemed to have come into force with effect from 22nd June, 2026.

2. In the Andhra Pradesh Transplantation of Human Organs Act, 1995 (hereinafter referred to as the Principal Act), in the long title, for the words “human organs for therapeutic purpose and for the prevention of commercial dealings in human organs”, the words “human organs and tissues for therapeutic purposes and for the prevention of commercial dealings in human organs and tissues” shall be substituted. Amendment of Long Title.
Act No.24 of 1995.

3. In the Principal Act, in section 1, in sub-section (1) for the words “Human Organs” the words “Human Organs and Tissues” shall be substituted. Amendment of section 1.

4. In the Principal Act, except clause (i) of section 2, sub-section (5) of section 9, sub-section (1) of section 18 and section 19, unless otherwise expressly provided, for the words “human organ” and “human organs”, wherever they occur, the words “human organ or tissue or both” and “human organs or tissues or both” shall respectively be substituted. Substitution of references to certain expressions by certain other expressions.

Amendment of
Section 2.

- 5.** (i) In the Principal Act, in section 2, -
- (a) after clause (i), the following clauses shall be inserted, namely, -
- (ia) "Human Organ Retrieval Centre" means a hospital, -
- (i) Which has adequate facilities for treating seriously ill patients who can be potential donors of organs in the event of death; and
- (ii) Which is registered under sub-section (1) of section 14 for retrieval of organs;
- (ib) "minor" means a person who has not completed the age of eighteen years;
- (b) for clause (j), the following clause shall be substituted, namely, -
- (j) "near relative" means spouse, son, daughter, father, mother, brother, sister, grandfather, grandmother, grandson or granddaughter;
- (c) in clause (p), the word "and" shall be omitted.
- (d) after clause (p), the following clauses shall be inserted, namely, -
- (pa) "Tissue" means a group of cells, except blood, performing a particular function in the human body;
- (pb) "Tissue Bank" means a facility registered under section 14A for carrying out any activity relating to the recovery, screening, testing, processing, storage and distribution of tissues, but does not include a Blood Bank;
- (e) in clause (q) at the end, the word "and" shall be added.
- (f) after clause (q) the following clause shall be added, namely, -
- (r) "transplant co-ordinator" means a person appointed by the hospital for co-ordinating all matters relating to removal or transplantation of human organs or tissues or both and for assisting the authority for removal of human organs in accordance with the provisions of section 3,

Amendment of
Section 3.

- 6.** In the Principal Act, in section 3, -
- (a) After sub-section (1), the following sub-sections shall be inserted, namely, -
- "(1A) For the purpose of removal, storage or transplantation of such human organs or tissues or both, as may be prescribed, it shall be the duty of the registered medical practitioner working in a hospital, in consultation with transplant co-ordinator, if such transplant co-ordinator is available, -

- (i) to ascertain from the person admitted to the Intensive Care Unit or from his near relative that such person had authorised at any time before his death the removal of any human organ or tissue or both of his body under sub-section (2), then the hospital shall proceed to obtain the documentation for such authorisation in such manner as may be prescribed;
- (ii) where no such authority as referred to in sub-section (2) was made by such person, to make aware in such manner as may be prescribed to that person or near relative for option to authorise or decline for donation of human organs or tissues or both.
- (iii) to require the hospital to inform, in writing, the Human Organ Retrieval Centre for removal, storage of transplantation of human organs or tissues or both of the donor identified under clauses (i) and (ii) in such manner as may be prescribed.

(1B) The duties mentioned under clauses (i) to (iii) of sub-section (1A) from such date, as may be prescribed shall also apply in the case of registered medical practitioner working in an Intensive Care Unit in a hospital which is not registered under this Act for the purpose of removal, storage or transplantation of human organs or tissues or both.”,

- (b) After sub-section (4), the following proviso shall be inserted, namely, -

“Provided that a technician possessing such qualifications and experience, as may be prescribed, may enucleate a cornea.”.

- (c) In sub-section (6), in clause (iii),-

(i) the word “and” shall be omitted; and

(ii) the following proviso shall be inserted, namely,-

“Provided that where a neurologist or a neurosurgeon is not available, the registered medical practitioner may nominate an independent registered medical practitioner, being a surgeon or a physician and an anaesthetist or intensivist subject to the condition that they are not members of the transplantation team for the concerned recipient and to such conditions as may be prescribed.”.

7. In the Principal Act, in section 9, -

- (a) after sub-section(1), the following sub-sections shall be inserted, namely,-

Amendment of
Section 9.

“(1A) Where the donor or the recipient being near relative is a foreign national, prior approval of the Authorisation Committee shall be required before removing or transplanting human organ or tissue or both:

Provided that the Authorisation Committee shall not approve such removal or transplantation if the recipient is a foreign national and the donor is an Indian national unless they are near relatives.

(1B) No human organs or tissues or both shall be removed from the body of a minor before his death for the purpose of transplantation except in the manner as may be prescribed.

(1C) No human organs or tissues or both shall be removed from the body of a mentally challenged person before his death for the purpose of transplantation.

Explanation - For the purpose of this sub-section, -

- (i) the expression “mentally challenged person” includes a person with mental illness or mental retardation, as the case may be;
- (ii) the expression “mental illness” includes dementia, schizophrenia and such other mental condition that makes a person intellectually disabled;
- (iii) the expression “mental retardation” shall have the same meaning as assigned to it in clause (r) of section 2 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.”.

Central Act No.
1 of 1996.

(b) after sub-section (3), the following sub-section shall be inserted, namely, -

“(3A) Notwithstanding anything contained in sub-section (3), where -

- (a) any donor has agreed to make a donation of his human organ or tissue or both before his death to a recipient, who is his near relative, but such donor is not compatible biologically as a donor for the recipient; and
- (b) the second donor has agreed to make a donation of his human organ or tissue or both before his death to such recipient, who is his near relative, but such donor is not compatible biologically as a donor for such recipient; then
- (c) the first donor who is compatible biologically as a donor for the second donor is compatible biologically as a

donor of a human organ or tissue or both for the first recipient and both donors and both recipients in the aforesaid group of donor and recipient have entered into a single agreement to donate and receive such human organ or tissue or both according to such biological compatibility in the group, the removal and transplantation of the human organ or tissue or both, as per the agreement referred to above, shall not be done without prior approval of the Authorisation Committee.”.

(c) for sub-section (4), the following shall be substituted, namely,-

“(4) (a) The composition of the Authorisation Committees shall be such as may be prescribed by the State Government from time to time;

(b) The State Government shall constitute, by notification, one or more Authorisation Committees consisting of such members as may be nominated by the State Government and on such terms and conditions as may be specified in the notification for the purposes of this section.”.

Amendment of
Section 10.

8. In the Principal Act, in section 10, in sub-section (1),-

(a) in clause (b), the word “and” occurring at the end shall be omitted;

(b) in clause (c), the word “and” shall be added at the end;

(c) after clause (c), the following clause shall be inserted, namely,-

“(d) no Tissue Bank, unless registered under this Act, shall carry out any activity relating to the recovery, screening, testing, processing, storage and distribution of tissues.”.

Amendment of
Section 13.

9. In the Principal Act, in section 13, in sub-section(2),-

(a) for clause (iii), the following clause shall be substituted, namely,-

(iii) to enforce such standards, as may be prescribed,-

(A) for hospitals engaged in the removal, storage or transplantation of any human organ;

(B) for Tissue Banks engaged in recovery, screening, testing, processing, storage, and distribution of tissues;

(b) after clause (iv), the following clause shall be inserted, namely,-

“(iv) (a) to inspect Tissue Banks periodically.”.

10. In the Principal Act, after section 13, the following new sections shall be added, namely,-

Insertion of
new sections
13A, 13B, 13C
and 13D.

(i) 13A.(1) The State Government, as the case may be, by notification, shall constitute an Advisory Committee for a period of two years to aid and advise the Appropriate Authority to discharge its functions.

Advisory Committee
to advise
Appropriate
Authority.

- (2) The Advisory Committee shall consist of -
- (a) one administrative expert not below the rank of Secretary to the State Government, to be nominated as Chairperson of the Advisory Committee;
 - (b) two medical experts having such qualifications as may be prescribed;
 - (c) one officer not below the rank of a Joint Director to represent the Ministry or Department of Health and Family Welfare, to be designated as Member-Secretary;
 - (d) two eminent social workers of high social standing and integrity, one of whom shall be from amongst representatives of women's organisation;
 - (e) one legal expert who has held the position of an Additional District Judge or equivalent;
 - (f) one person to represent non-governmental organizations or associations which are working in the field of organ or tissue donations or human rights;
 - (g) one specialist in the field of human organ transplantation, provided he is not a member of the transplantation team.
- (3) The terms and conditions for appointment of Advisory Committee shall be such as may be prescribed by the State Government.

Powers of
Appropriate
Authority.

Central Act No.
5 of 1908.

- (ii) 13B. The Appropriate Authority shall for the purpose of this Act have all the powers of a civil court trying a suit under the Code of Civil Procedure, 1908 and in particular, in respect of the following matters, namely,-
- (a) summoning of any person who is in possession of any information relating to violation of the provisions of this Act or the rules made thereunder;
 - (b) discovery and production of any document or material object;
 - (c) issuing search warrant for any place suspected to be indulging in unauthorised removal, procurement or transplantation of human organs or tissues or both; and
 - (d) any other matter which may be prescribed.

State Human
Organs and
Tissues Removal
and Storage
Network.

- (iii) 13C. The State Government may, by notification, establish a State Human Organs and Tissues Removal and Storage Network at one or more places and Regional Network in such manner and to perform such functions, as may be prescribed.

- (iv) 13D. The State Government shall maintain a State Registry of the donors and recipients of human organs and tissues and such registry shall have such information as may be prescribed to an ongoing evaluation of the scientific and clinical status of human organs and tissues.”.
- State Registry.
- 11.** In the Principal Act, in section 14,-
- Amendment of section 14.
- (a) In sub-section(1), for the words “No hospital”, the words “No hospital (including Human Organ Retrieval Centre)” shall be substituted;
- (b) After sub-section(3), the following sub-section shall be inserted, namely,-
- “(4) No hospital shall be registered under this Act, unless the Appropriate Authority is satisfied that such hospital has appointed a transplant co-ordinator having such qualifications and experience as may be prescribed.”.
- 12.** In the Principal Act, after section 14, the following section shall be inserted, namely,-
- Insertion of new section 14A.
- “14A. (1) No Tissue Bank shall, after the commencement of the Andhra Pradesh Transplantation of Human Organs (Amendment) Bill, 2026, commence any activity relating to the recovery, screening, testing, processing, storage and distribution of tissues unless it is duly registered under this Act:
- Registration of Tissue Bank.
- Provided that any facility engaged, either partly or exclusively, in any activity relating to the recovery, screening, testing, processing, storage and distribution of tissues immediately before the commencement of the Andhra Pradesh Transplantation of Human Organs (Amendment) Act, 2026, shall apply for registration as Tissue Bank within sixty days from the date of such commencement.
- Provided further that such facility shall cease to engage in any such activity on the expiry of three months from the date of commencement of the Andhra Pradesh Transplantation of Human Organs (Amendment) Act, 2026, unless such Tissue Bank has applied for registration and is so registered, or till such application is disposed of, whichever is earlier.
- (2) Every application for registration under sub-section (1) shall be made to the Appropriate Authority in such form and in such manner and shall be accompanied by such fees as may be prescribed.
- (3) No Tissue Bank shall be registered under this Act unless the Appropriate Authority is satisfied that such Tissue Bank is in a position to provide such specialised services and facilities, possess such skilled manpower and equipment and maintain such standards as may be prescribed.

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| Amendment of
Section 15. | 13. In the Principal Act, in section 15, in sub-section (1) for the words “grant to the hospital”, the words “grant to the hospital or to the Tissue Bank, as the case may be”, shall be inserted. |
| Amendment of
Section 16. | 14. In the Principal Act, in section 16, for the word “hospital”, wherever it occurs, the words “hospital or Tissue Bank as the case may be” shall be substituted. |
| Amendment of
Section 17. | 15. In the Principal Act, in section 17, after the words, brackets and figure “under sub-section(6) of section 9, or any hospital”, the words “or Tissue Bank” shall be inserted. |
| Amendment of
Section 18. | 16. In the Principal Act, in section 18, the following shall be substituted, namely,- <ul style="list-style-type: none"> “(a) in sub-section(1), for the words “five years and with fine which may extend to ten thousand rupees”, the words “ten years and with fine which may extend to twenty lakh rupees” shall be substituted. (b) in clause (2), for the words “two years”, the words “three years” shall be substituted. (c) after sub-section (2), the following sub-section shall be added, namely,- <ul style="list-style-type: none"> “(3) Any person who renders his services to or at any hospital and who conducts, or associates with or helps in any manner in the removal of human tissues without authority, shall be punishable with imprisonment for a term which may extend to three years and with fine which may extend to five lakh rupees.”. |
| Amendment of
Section 19. | 17. in the Principal Act, in section 19,- <ul style="list-style-type: none"> (a) After clause (f), the following clause shall be inserted, namely,- <ul style="list-style-type: none"> “(g) abets in the preparation or submission of false documents including giving false affidavits to establish that the donor is making the donation of the human organs, as a near relative or by reason of affection or attachment towards the recipient.”. (b) For the words “two years but which may extend to seven years and shall be liable to fine which shall not be less than ten thousand rupees but may extend to twenty thousand rupees”, the words “five years but which may extend to ten years and shall be liable to fine which shall not be less than twenty lakh rupees but may extend to one crore rupees” shall be substituted; (c) The proviso shall be omitted. |

18. In the Principal Act, after section 19, the following new section shall be added, namely, -

Insertion of new
Section 19 A.

“19A. Whoever-

Punishment for
illegal dealings
in human
tissues.

- (a) makes or receives any payment for the supply of, or for an offer to supply, any human tissue; or
- (b) seeks to find person willing to supply for payment and human tissue; or
- (c) offers to supply any human tissue for payment; or
- (d) initiates or negotiates any arrangement involving the making of any payment for the supply of, or for an offer to supply, any human tissue; or
- (e) takes part in the management or control of a body of persons, whether a society, firm or company, whose activities consist of or include the initiation or negotiation of any arrangement referred to in clause (d); or
- (f) publishes or distributes or causes to be published or distributed any advertisement-
 - (i) inviting persons to supply for payment of any human tissue; or
 - (ii) offering to supply any human tissue for payment; or
 - (iii) indicating that the advertiser is willing to initiate or negotiate any arrangement referred to in clause (d); or
- (g) abets in the preparation or submission of false documents including giving false affidavits to establish that the donor is making the donation of the human tissues as a near relative or by reason of affection or attachment towards the recipient, shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to three years and shall be liable to fine which shall not be less than five lakh rupees but which may extend to twenty-five lakh rupees.

19. In the Principal Act, in section 20, for the words “three years or with fine which may extend to five thousand rupees”, the words “five years or with fine which may extend to twenty lakh rupees” shall be substituted.

Amendment of
Section 20.

20. In the Principal Act, in section 24, in sub-section (2),-

Amendment of
Section 24.

- (a) after clause (a), the following shall be inserted, namely,-
 - (aa) the human organs or tissues or both in respect of which duty is cast on registered medical practitioner, the manner of obtaining documentation for authorisation under clause (i) of sub section (1A) of section 3;

- (ab) the manner of making the donor or his relative aware under clause (ii) of sub-section (1A) of section 3;
 - (ac) the manner of informing the Human Organ Retrieval Centre under clause (iii) of sub-section (1A) of section 3;
- (b) after clause (b), the following shall be inserted, namely,-
 - (ba) the conditions for nomination of a surgeon or a physician and an anaesthetist or intensivist to be included in the Board of medical experts under the proviso to clause (iii) of sub-section (6) of section 3;
- (c) after clause (e), the following shall be inserted, namely,-
 - (ea) the manner of removal of human organs or tissues or both from the body of a minor before his death for transplantation under sub-section (1B) of section 9;
 - (eb) the composition of the Authorisation Committees under sub-section (4) of section 9;
- (d) after clause (i), the following shall be inserted, namely,-
 - (ia) the qualifications of medical experts and the terms and conditions for appointment to Advisory Committee under sub-sections (2) and (3) of section 13A;
 - (ib) the power of the Appropriate Authority in any other matter under clause (d) of section 13B;
 - (ic) the manner of establishment of a State Human Organs and Tissues Removal and Storage Network and Regional Network and functions to be performed by them under section 13C;
 - (id) the information in the State registry of the donors and recipients of human organs and tissues and all information under section 13(D).
- (e) after clause (k), the following shall be inserted, namely,-
 - (ka) the qualifications and experience of a transplant co-ordinator under sub-section (4) of section 14;
 - (kb) the form and the manner in which an application for registration shall be made, and the fee which shall be accompanied, under sub-section (2) of section 14A;
 - (kc) the specialised services and the facilities to be provided, skilled manpower and the equipments to be possessed and the standards to be maintained by a Tissue Bank, under sub-section (3) of section 14A.
- (f) in clause (1), for the word “hospital”, the words “hospital or Tissue Bank” shall be substituted.

21. (1) the Andhra Pradesh Transplantation of Human Organs (Amendment) Ordinance, 2026, is hereby repealed,

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act.

Repeal and
savings of
Ordinance No. 6
of 2026.

STATEMENT OF OBJECTS & REASONS

The transplantation of human organs in the State of Andhra Pradesh is governed by the Andhra Pradesh Transplantation of Human Organs Act, 1995 (Act No.24 of 1995). The said Act is in line with the Central Act, namely the Transplantation of Human Organs Act, 1994 (Act No.42 of 1994).

The Government of India have amended the Transplantation of Human Organs Act, 1994 through the Transplantation of Human Organs (Amendment) Act, 2011 (Act 16 of 2011) addressing inadequacies in the original 1994 legislation and adapting to evolving medical needs and ethical challenges.

The 1994 Act focused primarily on human organs. The 2011 amendment officially expanded the legal framework to include human tissues—such as skin, cornea, heart valves, tendons, and bone marrow—thereby renaming the legislation the Transplantation of Human Organs and Tissues Act (THOTA).

To address the persistent gap between the demand and supply of organs, the amendment Act 2011 intends to expand the definition of “near relative” to include grandparents and grandchildren. This allows for a broader legal pool of living donors without requiring the complex approval processes mandated for unrelated donors.

2011 amendment also introduced provisions for swap donations, allowing two incompatible donor-recipient pairs to “swap” donors so that both recipients can receive compatible organs. This provision is intended to increase the opportunities for successful transplantation within families.

In the 2011 amendment Act, procedural safeguards have been tightened to protect vulnerable populations, strictly prohibiting organ or tissue removal from mentally challenged persons and restricting donations from minors. The amendments also address International concerns by requiring Authorisation Committee approval for foreign nationals and prohibiting Indian nationals from donating to foreigners unless they are near relatives. Furthermore, when specialized neurologists are unavailable for brain death certification, the Act now allows for the nomination of independent practitioners to avoid delays, provided they are not part of the transplant team.

The 2011 amendment Act, provides for the purposes of removal, storage and transplantation of human organs and tissues for therapeutic purposes and for the prevention of unethical and commercial dealings in human organs and tissues transplantations. The said amendment Regulating the OTCs, on providing a safe, legal and ethical framework for the removal, storage and transplantation of human organs for therapeutic purposes.

The 2011 amendment Act, provides for Regulating Organ Transplant Activity, Preventing Commercial Dealings (Organ Trade), Legalizing Brain Stem Death, Promoting Altruistic Donation, Ensuring Ethical Standards and

Transparency, Improving Access to Healthcare, Therapeutic Life-Saving, Regulation and Accountability and Improving Quality of Life.

These amendments were necessitated by the rise in unregulated, commercial organ trafficking that exploited impoverished donors and created a black market. At present, most States and Union Territories have adopted the provisions of the Amendment Act. However, certain States, including Andhra Pradesh, have not yet incorporated the said amendments into their respective State enactments.

The Hon'ble Supreme Court of India, in its judgment dated 19th November, 2025, in WP (Civil) No. 39 of 2025 (Indian Society of Organ Transplantation vs. Uol&Ors), directed the State of Andhra Pradesh under Point No.19 to adopt the Transplantation of Human Organs (Amendment) Act, 2011.

In light of the above, the Chairman of JEEVANDHAN and Director of Medical Education have proposed the adoption of the 'Transplantation of Human Organs and Tissues Act, 2011 (Act No. 16 of 2011)' of the Gol for the State of Andhra Pradesh.

In view of the above, it is necessary to amend the Andhra Pradesh Transplantation of Human Organs Act, 1995 (Act No 24 of 1995) to incorporate the provisions of the 2011 amendment Act.

Accordingly, it has been decided to amend the Andhra Pradesh Transplantation of Human Organs Act, 1995 so as to incorporate the provisions of the Transplantation of Human Organs (Amendment) Act, 2011.

The Legislature of the State of Andhra Pradesh was not then in session, having been prorogued, and it has been decided to give effect to the above decision immediately, the Andhra Pradesh Transplantation of Human Organs (Amendment) Ordinance, 2026 (Andhra Pradesh Ordinance No. 6 of 2026) was promulgated by the Governor on the 18th June, 2026, which was published in the Andhra Pradesh Gazette dated 22nd June, 2026.

The Bill seeks to replace the said Ordinances and it gives effect to the above decision.

SATYA KUMAR YADAV

Minister for Health Family Welfare &
Medical Education

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clauses 6(a), 6 1A (i),(ii)&(iii), 6 1B.(b),(c)(ii),7 (a) (1B), 7(4)(a), 7(4)(b), 9(a), 10(i)(1) 10(i)(2)(b), 10 (ii) (a)&(b), 10 (iii), 10 (iv), 11 (b), 12 (2) & (3)of the Bill authorizes the Government to issue notification in respect of the matters specified therein and generally to carry out the purposes of the Act.

As such the notification issued, which is intended to cover matters mostly of procedural in nature is to be laid on the table of the both Houses of the State Legislature and will be subject to any modifications made by the Legislature.

The above provision of the Bill regarding delegated legislation are thus of normal type and mainly intended to cover matters of procedure.

SATYA KUMAR YADAV

Minister for Health Family Welfare &
Medical Education

**MEMORANDUM UNDER RULE 95 OF THE RULES OF PROCEDURE
AND CONDUCT OF BUSINESS IN THE ANDHRA PRADESH
LEGISLATIVE ASSEMBLY.**

The Andhra Pradesh Transplantation of Human Organs (Amendment) Bill, 2026, after it is passed by the Legislature of the State, may be submitted to the Governor for his assent under article 200 of the Constitution of India.

SATYA KUMAR YADAV

Minister for Health Family Welfare &
Medical Education

PRASANNA KUMAR SURYADEVARA

Secretary-General to Legislature.