

**SSB 5003** - H COMM AMD

By Committee on Health Care & Wellness

**ADOPTED AS AMENDED 04/10/2021**

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 48.02  
4 RCW to read as follows:

5 (1) Notwithstanding any other provision of law, all insurers,  
6 fraternal benefit societies, health carriers including disability,  
7 health maintenance organizations, health care service contractors,  
8 and limited licensed carriers may not:

9 (a) Decline or limit coverage of a person under a policy or  
10 contract solely due to the status of the person as a living organ  
11 donor;

12 (b) Preclude a person from donating all or part of an organ as a  
13 condition of receiving or continuing to receive a policy or contract;  
14 or

15 (c) Otherwise discriminate in the offering, issuance,  
16 cancellation, amount of coverage, price, or any other condition of a  
17 policy or contract for a person based solely and without any  
18 additional actuarial risks upon the status of the person as a living  
19 organ donor. Except as provided in RCW 48.43.0128, 48.44.220, or  
20 48.46.370, this subsection does not prohibit fair discrimination on  
21 the basis of sex, or marital status, or the presence of any sensory,  
22 mental, or physical handicap when bona fide statistical differences  
23 in risk or exposure have been substantiated.

24 (2) The commissioner shall make educational materials available  
25 to the health plans and the public on the access of living organ  
26 donors to insurance.

27 (3) The commissioner may adopt rules to implement this section.

28 (4) For purposes of this section, "living organ donor" means an  
29 individual who has donated all or part of an organ and is not  
30 deceased."

31 Correct the title.

EFFECT: Makes the requirements of the bill applicable to all types of insurance by recodifying the requirements in an RCW chapter applicable to all insurers and removing references to specific types of insurance. Adds an exception to the ability for insurers to engage in "fair discrimination" based on bona fide statistical differences in risk or exposure when such discrimination is barred by specified statutory provisions prohibiting discrimination by health carriers.

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