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## Health Care & Wellness Committee

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### SSB 5003

**Brief Description:** Enacting the living donor act.

**Sponsors:** Senate Committee on Health & Long Term Care (originally sponsored by Senators Keiser, Conway, Kuderer, Randall, Saldaña, Stanford and Wilson, C.).

<p><b>Brief Summary of Substitute Bill</b></p> <ul style="list-style-type: none"><li>• Prohibits insurance discrimination against living organ donors.</li></ul>
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**Hearing Date:** 3/22/21

**Staff:** Jim Morishima (786-7191).

**Background:**

Organ transplants are surgical procedures in which functioning human organs are transferred to persons experiencing organ failure. Donated organs (otherwise known as anatomical gifts) are matched with persons needing organs through organ procurement organizations and the United Network for Organ Sharing. A living person who donates an organ is also known as a living donor.

Various types of insurers are prohibited from certain types of discrimination. For example:

- All insurers are prohibited from discriminating between insured having similar insuring, risk, exposure, and expense factors/elements. A life insurer may, however, fairly discriminate between individuals having unequal life expectancies.
- Long-term care insurers are limited based on preexisting physical conditions or diseases.
- Health insurers may not deny coverage based on a person's health status, may not exclude coverage for preexisting conditions, and may charge different premium rates only for specified factors such as age, tobacco use, or geography.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

**Summary of Substitute Bill:**

An insurer, fraternal benefit society, or health carrier may not, with respect to life insurance, disability insurance, health insurance or long-term care insurance:

- decline or limit coverage solely due to a being a living organ donor;
- preclude a person from donating all or part of an organ as a condition for receiving or continuing to receive coverage; or
- otherwise discriminate in the offering, issuance, cancellation amount, price, or any other condition of a policy or contract. This does not prohibit fair discrimination based on sex, marital status, or sensory, mental, or physical handicap when bona fide differences in risk or exposure have been identified.

The Insurance Commissioner (Commissioner) must make educational materials available to the health plans and the public on the access of living organ donors to insurance. The Commissioner may adopt rules to implement these requirements.

**Appropriation:** None.

**Fiscal Note:** Requested on March 19, 2021.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.