

HOUSE BILL REPORT

SSB 5003

As Reported by House Committee On:
Health Care & Wellness

Title: An act relating to enacting the living donor act.

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.).

Brief History:

Committee Activity:

Health Care & Wellness: 3/22/21, 3/25/21 [DPA].

**Brief Summary of Substitute Bill
(As Amended By Committee)**

- Prohibits insurance discrimination against living organ donors.

HOUSE COMMITTEE ON HEALTH CARE & WELLNESS

Majority Report: Do pass as amended. Signed by 15 members: Representatives Cody, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Bronoske, Davis, Harris, Macri, Maycumber, Riccelli, Rude, Simmons, Stonier, Tharinger and Ybarra.

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

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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.

Summary of Amended Bill:

An insurer, fraternal benefit society, health carrier (including a disability insurer, a health maintenance organization, or a health care service contractor), or a limited licensed carrier may not:

- 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. Except as provided otherwise in provisions relating to health coverage, 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.

Amended Bill Compared to Substitute Bill:

The amended bill:

- makes the requirements of the bill applicable to all types of insurance, instead of only life insurance, disability insurance, health insurance, and long-term care insurance; and
- 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.

Appropriation: None.

Fiscal Note: Requested on March 19, 2021.

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

Staff Summary of Public Testimony:

(In support) Organ transplants are life-saving treatments. For example, individuals with renal disease often need dialysis, which sustains life, but does not save it. Organ donation is also a boon to society, since recipients become more productive and return to the work force. Many patients need organ transplants, but organs are in limited supply. Patients often wait years for an organ. Organ transplants are more difficult to receive over time as the patient's health deteriorates. Living organ donors are an important way to increase the organ supply. Living organ donors are extensively tested before the procedure and have normal life expectancies and health outcomes afterwards. Nevertheless, living organ donors often face difficulties when purchasing certain insurance products like life and long-term care insurance. The financial burden of becoming a living organ donor can cause people to choose not to do it. These people should not be penalized for their altruistic act. This bill will correct that problem by prohibiting insurance discrimination against living organ donors. The bill sends the message that saving someone's life should not cost you money or subject you to discrimination. Many other states have enacted these protections. This bill will make progress toward giving the support and confidence necessary for people to make this important life decision.

(Opposed) None.

Persons Testifying: Patty McCormac and Duane Sunwold, National Kidney Foundation; Melanie Lendnal, American Kidney Fund; Adrian Miller, Dialysis Patient Citizens; and James Adkins, Northwest Kidney Council.

Persons Signed In To Testify But Not Testifying: None.