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**SUBSTITUTE SENATE BILL 5003**

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**State of Washington**

**67th Legislature**

**2021 Regular Session**

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

READ FIRST TIME 01/21/21.

1 AN ACT Relating to enacting the living donor act; adding a new  
2 section to chapter 48.18 RCW; adding a new section to chapter 48.43  
3 RCW; and providing an effective date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 48.18  
6 RCW to read as follows:

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

11 (a) Decline or limit coverage of a person under a policy or  
12 contract for life insurance, disability insurance, health insurance,  
13 or long-term care insurance solely due to the status of the person as  
14 a living organ donor;

15 (b) Preclude a person from donating all or part of an organ as a  
16 condition of receiving or continuing to receive a policy or contract  
17 for life insurance, disability insurance, health insurance, or long-  
18 term care insurance; or

19 (c) Otherwise discriminate in the offering, issuance,  
20 cancellation, amount of coverage, price, or any other condition of a  
21 policy or contract for life insurance, disability insurance, health

1 insurance, or long-term care insurance for a person based solely and  
2 without any additional actuarial risks upon the status of the person  
3 as a living organ donor. This subsection does not prohibit fair  
4 discrimination on the basis of sex, or marital status, or the  
5 presence of any sensory, mental, or physical handicap when bona fide  
6 statistical differences in risk or exposure have been substantiated.

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

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

11 (4) The definitions in this subsection apply throughout this  
12 section unless the context clearly requires otherwise.

13 (a) "Disability insurance" has the same meaning as in RCW  
14 48.11.030.

15 (b) "Health insurance" has the same meaning as "health benefit  
16 plan" in RCW 48.43.005 and applies to health care service contractors  
17 as defined in RCW 48.44.010 and health maintenance organizations as  
18 defined in RCW 48.46.020.

19 (c) "Life insurance" has the same meaning as in RCW 48.11.020.

20 (d) "Living organ donor" means an individual who has donated all  
21 or part of an organ and is not deceased.

22 (e) "Long-term care insurance" has the same meaning as in RCW  
23 48.83.020.

24 NEW SECTION. **Sec. 2.** A new section is added to chapter 48.43  
25 RCW to read as follows:

26 (1) Notwithstanding any other provision of law, all insurers,  
27 fraternal benefit societies, health carriers including disability,  
28 health maintenance organizations, health care service contractors,  
29 and limited licensed carriers may not:

30 (a) Decline or limit coverage of a person under a policy or  
31 contract for disability insurance, health insurance, or long-term  
32 care insurance solely due to the status of the person as a living  
33 organ donor;

34 (b) Preclude a person from donating all or part of an organ as a  
35 condition of receiving or continuing to receive a policy or contract  
36 for disability insurance, health insurance, or long-term care  
37 insurance; or

38 (c) Otherwise discriminate in the offering, issuance,  
39 cancellation, amount of coverage, price, or any other condition of a

1 policy or contract for disability insurance, health insurance, or  
2 long-term care insurance for a person based solely and without any  
3 additional actuarial risks upon the status of the person as a living  
4 organ donor. This subsection does not prohibit fair discrimination on  
5 the basis of sex, or marital status, or the presence of any sensory,  
6 mental, or physical handicap when bona fide statistical differences  
7 in risk or exposure have been substantiated.

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

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

12 (4) The definitions in this subsection apply throughout this  
13 section unless the context clearly requires otherwise.

14 (a) "Disability insurance" has the same meaning as in RCW  
15 48.11.030.

16 (b) "Health insurance" has the same meaning as "health benefit  
17 plan" in RCW 48.43.005 and applies to health care service contractors  
18 as defined in RCW 48.44.010 and health maintenance organizations as  
19 defined in RCW 48.46.020.

20 (c) "Living organ donor" means an individual who has donated all  
21 or part of an organ and is not deceased.

22 (d) "Long-term care insurance" has the same meaning as in RCW  
23 48.83.020.

24 NEW SECTION. **Sec. 3.** This act takes effect January 1, 2022.

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