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**SENATE BILL 5003**

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**State of Washington**

**67th Legislature**

**2021 Regular Session**

**By** Senators Keiser, Conway, Kuderer, Randall, Saldaña, Stanford, C. Wilson, Das, and Gildon

Prefiled 12/08/20. Read first time 01/11/21. Referred to Committee on Health & Long Term Care.

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

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

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

6 (1) Notwithstanding any other provision of law, a person engaged  
7 in the business of insurance may not:

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

16 (c) Otherwise discriminate in the offering, issuance,  
17 cancellation, amount of coverage, price, or any other condition of a  
18 policy or contract for life insurance, disability insurance, health  
19 insurance, or long-term care insurance for a person based solely and  
20 without any additional actuarial risks upon the status of the person  
21 as a living organ donor. This subsection does not prohibit fair

1 discrimination on the basis of sex, or marital status, or the  
2 presence of any sensory, mental, or physical handicap when bona fide  
3 statistical differences in risk or exposure have been substantiated.

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

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

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

10 (a) "Disability insurance" has the same meaning as in RCW  
11 48.11.030.

12 (b) "Health insurance" has the same meaning as "health benefit  
13 plan" in RCW 48.43.005.

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

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

17 (e) "Long-term care insurance" has the same meaning as in RCW  
18 48.83.020.

19 NEW SECTION. **Sec. 2.** This act takes effect January 1, 2022.

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