SPONSOR: Sen. Lopez & Rep. Schwartzkopf & Rep. Dorsey Walker & Rep. Smyk
Sens. Bonini, Brown, Ennis, Gay, Hansen, Hocker, Lawson, Lockman, Mantzavinos, S. McBride, Paradee, Pettyjohn, Pinkney, Poore, Richardson, Sokola, Sturgeon, Townsend, Walsh, Wilson; Reps. Baumbach, Bennett, Briggs King, Bush, Chukwuocha, Gray, Heffernan, Hensley, K. Johnson, Longhurst, Morrison, Osienski, Ramone, D. Short, Michael Smith

DELAWARE STATE SENATE
151st GENERAL ASSEMBLY

SENATE BILL NO. 218

AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATING TO THE LIVING DONOR PROTECTION ACT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 2304, Title 18 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2304. Unfair methods of competition and unfair or deceptive acts or practices defined.

The following are defined as unfair methods of competition and unfair or deceptive acts or practices in the business of insurance:

(29) *Discriminatory practices against living donor.* –

a. It is an unlawful practice for a person to do any of the following:

1. Limit, cancel, or refuse to issue or renew an insurance policy of an individual solely because the individual is a living donor.

2. Prohibit an individual from donating all or part of an organ or tissue as a condition of receiving or continuing to receive an insurance policy.

3. Consider the status of an individual as a living donor in determining the premium rate of the individual's insurance policy.

4. Otherwise discriminate in the offering, issuance, cancellation, amount of coverage, price, or any other condition of an insurance policy based solely and without an additional actuarial justification on the status of an individual as a living donor.

b. For purposes of this paragraph (29):

1. "Living donor" means an individual who has donated all or part of an organ or tissue and was alive at the time of the donation.

2.A. “Organ” means a human kidney, liver, heart, lung, pancreas, esophagus, stomach, small or large intestine or portion of the gastrointestinal tract, or another part of the human body designated by the Commissioner by regulation.

B. “Organ” includes blood vessels recovered during the recovery of an organ if the blood vessels are intended for use in organ transplantation.

3.A. “Tissue” means a portion of the human body other than an organ, including a human eye, skin, bone, bone marrow, heart valve, spermatozoon, ova, artery, vein, tendon, ligament, or pituitary gland or fluid.

B. “Tissue” does not include blood or a blood derivative, unless the blood or blood derivative is donated for the purpose of research or education.

c. The Commissioner shall develop and make publicly available informational materials relating to living donors and the live donation of organs and tissue and the access of living donors to insurance provided under this paragraph (29).

Section 2. This Act is known as the Living Donor Protection Act.

SYNOPSIS

This Act, known as the Living Donor Protection Act, prohibits discrimination based on an individual’s status as a living organ or tissue donor in the offering, issuance, cancellation, coverage, price, or other condition of an insurance policy, including a life, health, disability, or long-term care insurance policy.

At least 20 states have similar laws, including Maryland, New Jersey, and Pennsylvania.

Author: Senator Lopez