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
AS AMENDED BY
SENATE AMENDMENT NO. 1

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 solely on the basis of an individual's status as a living donor and without any unique and material actuarial risks in accordance with sound actuarial principles and actual and reasonably anticipated and expected experience of the individual on the basis of the individual's status as a living organ donor:

1. Deny an insurance policy.

2. Cancel an insurance policy.

3. Refuse to issue an insurance policy.

4. Determine the process or premium for an insurance policy.

5. Otherwise vary a term or condition in an insurance policy.

b. It is an unlawful practice for a person to 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.

c. For purposes of this paragraph (29):

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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.

d. 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.