

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 19-0982.01 Yelana Love x2295

HOUSE BILL 19-1253

HOUSE SPONSORSHIP

Landgraf and Buckner,

SENATE SPONSORSHIP

(None),

House Committees
Health & Insurance

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING A PROHIBITION ON DISCRIMINATION AGAINST A LIVING**
102 **ORGAN DONOR IN CERTAIN INSURANCE POLICIES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill prohibits a person who offers life insurance, disability income insurance, or long-term care insurance from discriminating against a person based solely on the person's status as a living organ donor.

The bill also requires the department of human services to develop materials related to live organ donation in order to educate the public on

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

the benefits of live organ donation and the effect of live organ donation on the access of a living organ donor to insurance.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** 10-1-142 as
3 follows:

4 **10-1-142. Prohibition on denial of coverage or increase in**
5 **premiums of insurance for living organ donors - commissioner to**
6 **enforce - short title - definitions.** (1) THE SHORT TITLE OF THIS SECTION
7 IS THE "LIVING DONOR PROTECTION ACT OF 2019".

8 (2) NOTWITHSTANDING ANY OTHER LAW, A PERSON SUBJECT TO
9 REGULATION BY THE DIVISION PURSUANT TO THIS TITLE 10 SHALL NOT:

10 (a) DECLINE OR LIMIT COVERAGE OF A PERSON UNDER A POLICY OR
11 CONTRACT FOR LIFE INSURANCE, DISABILITY INCOME INSURANCE, OR
12 LONG-TERM CARE INSURANCE DUE TO THE STATUS OF THE PERSON AS A
13 LIVING ORGAN DONOR;

14 (b) PRECLUDE A PERSON FROM DONATING ALL OR PART OF AN
15 ORGAN AS A CONDITION OF RECEIVING A POLICY OR CONTRACT FOR LIFE
16 INSURANCE, DISABILITY INCOME INSURANCE, OR LONG-TERM CARE
17 INSURANCE;

18 (c) CONSIDER THE STATUS OF A PERSON AS A LIVING ORGAN DONOR
19 IN DETERMINING THE PREMIUM RATE FOR COVERAGE OF THE PERSON
20 UNDER A POLICY OR CONTRACT FOR LIFE INSURANCE, DISABILITY INCOME
21 INSURANCE, OR LONG-TERM CARE INSURANCE; OR

22 (d) OTHERWISE DISCRIMINATE IN THE OFFERING, ISSUANCE,
23 CANCELLATION, AMOUNT OF COVERAGE, PRICE, OR ANY OTHER CONDITION
24 OF A POLICY OR CONTRACT FOR LIFE INSURANCE, DISABILITY INCOME
25 INSURANCE, OR LONG-TERM CARE INSURANCE FOR A PERSON BASED

1 SOLELY AND WITHOUT ANY ADDITIONAL ACTUARIAL RISKS UPON THE
2 STATUS OF THE PERSON AS A LIVING ORGAN DONOR.

3 (3) THE COMMISSIONER MAY USE ANY OF THE COMMISSIONER'S
4 ENFORCEMENT POWERS TO OBTAIN A PERSON'S COMPLIANCE WITH THIS
5 SECTION.

6 (4) AS USED IN THIS SECTION:

7 (a) "DISABILITY INCOME INSURANCE" MEANS A CONTRACT UNDER
8 WHICH AN ENTITY PROMISES TO PAY A PERSON A SUM OF MONEY IN THE
9 EVENT THAT AN ILLNESS OR INJURY RESULTING IN A DISABILITY PREVENTS
10 THE PERSON FROM WORKING.

11 (b) "LIFE INSURANCE" HAS THE SAME MEANING AS SET FORTH IN
12 SECTION 10-7-301.5 (5).

13 (c) "LIVING ORGAN DONOR" MEANS A LIVING PERSON WHO HAS
14 DONATED ALL OR PART OF AN ORGAN.

15 (d) "LONG-TERM CARE INSURANCE" HAS THE SAME MEANING AS
16 SET FORTH IN SECTION 10-19-103 (5).

17 **SECTION 2.** In Colorado Revised Statutes, **add** 26-1-141 as
18 follows:

19 **26-1-141. Educational materials on the benefits of live organ**
20 **donation.** BY JANUARY 1, 2020, THE STATE DEPARTMENT SHALL DEVELOP
21 MATERIALS RELATED TO LIVE ORGAN DONATION IN ORDER TO EDUCATE
22 THE PUBLIC ON THE BENEFITS OF LIVE ORGAN DONATION AND THE EFFECT
23 OF LIVE ORGAN DONATION ON THE ACCESS OF A LIVING ORGAN DONOR TO
24 INSURANCE AS SPECIFIED IN SECTION 10-1-142.

25 **SECTION 3. Act subject to petition - effective date -**
26 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
27 the expiration of the ninety-day period after final adjournment of the

1 general assembly (August 2, 2019, if adjournment sine die is on May 3,
2 2019); except that, if a referendum petition is filed pursuant to section 1
3 (3) of article V of the state constitution against this act or an item, section,
4 or part of this act within such period, then the act, item, section, or part
5 will not take effect unless approved by the people at the general election
6 to be held in November 2020 and, in such case, will take effect on the
7 date of the official declaration of the vote thereon by the governor.

8 (2) This act applies to policies and contracts entered into or
9 renewed on or after the applicable effective date of this act.