



Legislative  
Council Staff

*Nonpartisan Services for Colorado's Legislature*

**HB 19-1253**

**REVISED  
FISCAL NOTE**

*(replaces fiscal note dated March 25, 2019)*

**Drafting Number:** LLS 19-0982  
**Prime Sponsors:** Rep. Landgraf; Buckner

**Date:** April 1, 2019  
**Bill Status:** House Appropriations  
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**Bill Topic:** LIVING ORGAN DONOR INSURANCE

**Summary of Fiscal Impact:**

<input type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure ( <i>minimal</i> )	<input type="checkbox"/> Local Government
<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

The bill prohibits state-regulated carriers of life insurance, disability income insurance, and long-term care insurance from discriminating against living organ donors in insurance policies. The Department of Regulatory Agencies must provide information to the public on access to insurance for living organ donors. The bill increases workload for multiple state agencies on an ongoing basis.

**Appropriation Summary:** No appropriation is required.

**Fiscal Note Status:** The fiscal note reflects the introduced bill as amended by the House Health and Insurance Committee.

**Summary of Legislation**

The bill prohibits state regulated carriers of life insurance, disability income insurance, and long-term care insurance from taking certain actions based on a person's status as a living organ donor. For these insurance types, an insurance carrier may not:

- decline or limit coverage due to a person's status as a living organ donor;
- consider a person's status as a living organ donor in determining premiums;
- preclude a person from donating all or part of an organ as a condition of receiving a policy; or
- otherwise discriminate against a person in a policy based solely on living organ donor status and without any additional actuarial risks.

The Commissioner of Insurance in the Department of Regulatory Agencies (DORA) is authorized by the bill to use their enforcement powers to ensure compliance with these restrictions. DORA must provide information to the public on access to insurance for living organ donors. If provided with educational materials related to live organ donation from a recognized live organ donation organization, DORA and the Colorado Department of Public Health and Environment (CDPHE) must make the materials available to the public.

## State Expenditures

The bill will increase workload for multiple state agencies.

**Department of Regulatory Agencies.** The Division of Insurance in DORA regulates insurance carriers to ensure compliance with statute and administrative rules. The fiscal note assumes that there will be a high level of compliance with the law, and that enforcement can be incorporated into the existing regulatory program. DORA will provide information to the public on access to insurance for living organ donors on its website. These tasks can be accomplished with a minimal increase in workload and no increase in appropriations.

**Department of Public Health and Environment.** CDPHE will provide educational materials on its website if provided with materials from a recognized organization. This can be accomplished with minimal costs and no increase in appropriations.

## Effective Date

The bill takes effect August 2, 2019, if the General Assembly adjourns on May 3, 2019, as scheduled, and no referendum petition is filed. It applies to insurance policies and contracts entered into or renewed on or after the effective date.

## State and Local Government Contacts

Human Services  
Personnel

Revenue  
Information Technology

Regulatory Agencies