

CHAPTER 367

INSURANCE

HOUSE BILL 19-1253

BY REPRESENTATIVE(S) Landgraf and Buckner, Arndt, Bird, Bockenfeld, Caraveo, Cutter, Duran, Esgar, Exum, Galindo, Gonzales-Gutierrez, Gray, Herod, Hooton, Jackson, Kennedy, McLachlan, Melton, Michaelson Jenet, Mullica, Roberts, Snyder, Titone, Valdez A., Valdez D., Becker, Buentello, Catlin, Froelich, Garnett, Hansen, Kipp, Kraft-Tharp, Singer, Will, Wilson; also SENATOR(S) Hisey and Gonzales, Bridges, Court, Crowder, Danielson, Fields, Gardner, Ginal, Lee, Moreno, Smallwood, Sonnenberg, Tate, Todd, Woodward, Garcia.

AN ACT**CONCERNING A PROHIBITION ON DISCRIMINATION AGAINST A LIVING ORGAN DONOR IN CERTAIN INSURANCE POLICIES.**

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

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

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

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

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

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

(c) CONSIDER THE STATUS OF A PERSON AS A LIVING ORGAN DONOR IN DETERMINING THE PREMIUM RATE FOR COVERAGE OF THE PERSON UNDER A POLICY

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

OR CONTRACT FOR LIFE INSURANCE, DISABILITY INCOME INSURANCE, HEALTH INSURANCE, OR LONG-TERM CARE INSURANCE; OR

(d) OTHERWISE DISCRIMINATE IN THE OFFERING, ISSUANCE, CANCELLATION, AMOUNT OF COVERAGE, PRICE, OR ANY OTHER CONDITION OF A POLICY OR CONTRACT FOR LIFE INSURANCE, DISABILITY INCOME INSURANCE, HEALTH INSURANCE, OR LONG-TERM CARE INSURANCE FOR A PERSON BASED SOLELY AND WITHOUT ANY ADDITIONAL ACTUARIAL RISKS UPON THE STATUS OF THE PERSON AS A LIVING ORGAN DONOR.

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

(4) (a) THE DIVISION SHALL PROVIDE INFORMATION TO THE PUBLIC ON THE ACCESS OF A LIVING ORGAN DONOR TO INSURANCE AS SPECIFIED IN THIS SECTION. IF THE DIVISION RECEIVES MATERIALS RELATED TO LIVE ORGAN DONATION FROM A RECOGNIZED LIVE ORGAN DONATION ORGANIZATION, THE DIVISION SHALL MAKE THE MATERIALS AVAILABLE TO THE PUBLIC.

(b) IF THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT RECEIVES MATERIALS RELATED TO LIVE ORGAN DONATION FROM A RECOGNIZED LIVE ORGAN DONATION ORGANIZATION, THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT SHALL MAKE THE MATERIALS AVAILABLE TO THE PUBLIC.

(c) THE DIVISION AND THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT MAY SEEK AND ACCEPT GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS SUBSECTION (4).

(5) AS USED IN THIS SECTION:

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

(b) "HEALTH INSURANCE" MEANS A HEALTH BENEFIT PLAN AS DEFINED IN SECTION 10-16-102 (32).

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

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

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

SECTION 2. Act subject to petition - effective date - applicability. (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a referendum petition is

filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

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

Approved: May 30, 2019