

2023 -- S 1028

LC002313

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO INSURANCE -- UNFAIR DISCRIMINATION AGAINST ORGAN DONORS
IN DISABILITY INCOME, LIFE AND LONG-TERM CARE INSURANCE ACT

Introduced By: Senators Murray, Gallo, Pearson, Miller, and Valverde

Date Introduced: May 18, 2023

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 27 of the General Laws entitled "INSURANCE" is hereby amended by
2 adding thereto the following chapter:

3 CHAPTER 61.1

4 UNFAIR DISCRIMINATION AGAINST ORGAN DONORS IN DISABILITY INCOME, LIFE
5 AND LONG-TERM CARE INSURANCE ACT

6 **27-61.1-1. Short title.**

7 This chapter shall be known and may be cited as the "Unfair Discrimination Against Organ
8 Donors."

9 **27-61.1-2. Definitions.**

10 As used in this section, the following terms apply:

11 (1) "Insurance coverage" means coverage under a disability income, life, or long-term care
12 insurance policy.

13 (2) "Living donor" means an individual for which both of the following apply:

14 (i) Has donated all or part of an organ or bone marrow; and

15 (ii) Is not deceased.

16 **27-61.1-3. Unfair discrimination against organ donors.**

17 Notwithstanding any other provision of law to the contrary, an insurer or issuer of a
18 disability income, life, or long-term care insurance policy shall not deny, cancel, or refuse to issue

1 insurance coverage, determine the price or premium for, or otherwise vary any term or condition
2 of the policy solely on the basis of the individual's status as a living donor and without any unique
3 and material actuarial risks in accordance with sound actuarial principles or actual and reasonably
4 anticipated and expected experience of the individual based on the individual's status as a living
5 donor.

6 **27-61.1-4. Enforcement.**

7 Violations of this chapter are subject to the provisions of §§ 27-29-8 and 27-29-9 and may
8 include injunctive relief and/or a requirement of restitution. The powers and duties set forth in this
9 section are in addition to all other authority of the commissioner.

10 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO INSURANCE -- UNFAIR DISCRIMINATION AGAINST ORGAN DONORS
IN DISABILITY INCOME, LIFE AND LONG-TERM CARE INSURANCE ACT

1 This act would define "living donor" and prohibit insurers from denying life and health
2 insurance, including disability insurance and long-term care disability insurance solely on the basis
3 of the individual's status as a "living donor".

4 This act would take effect upon passage.

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