

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 12

H.P. 13

House of Representatives, January 5, 2017

An Act To Incorporate Protections for Living Donors into Maine Law

Reference to the Committee on Insurance and Financial Services suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative NADEAU of Winslow.
Cosponsored by Senator DIAMOND of Cumberland and
Representatives: FARNSWORTH of Portland, HICKMAN of Winthrop, LONGSTAFF of
Waterville, SCHNECK of Bangor, TUELL of East Machias, Senators: CHIPMAN of
Cumberland, COLLINS of York, DION of Cumberland.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 22 MRSA §1643** is enacted to read:

3 **§1643. Live organ donation**

4 **1. Definition.** For the purposes of this section, "live organ donation" means the
5 donation by an individual who is not deceased of all or part of an organ from that
6 individual.

7 **2. Information and education.** The department shall establish, maintain and operate
8 an information service in order to educate the public on live organ donation. The
9 information provided must include, but is not limited to, a description of the benefits of
10 live organ donation and the impact of live organ donation on the access of a living organ
11 donor to insurance.

12 **3. Methods of providing information.** The department shall make information
13 about live organ donation available by using the following methods:

14 A. A publicly accessible website maintained and updated by the department;

15 B. Public service announcements; and

16 C. Other media as determined by the department.

17 **Sec. 2. 24-A MRSA §2159-D** is enacted to read:

18 **§2159-D. Discrimination against live organ donation prohibited in life insurance,**
19 **disability insurance and long-term care insurance**

20 **1. Living organ donor.** For the purposes of this section, "living organ donor" means
21 an individual who is not deceased who donates all or part of an organ from that
22 individual.

23 **2. Discrimination prohibited.** Notwithstanding any other provision of law, an
24 insurer authorized to do business in this State may not:

25 A. Limit coverage or refuse to issue or renew coverage of an individual under any
26 life insurance, disability insurance or long-term care insurance policy due to the
27 status of that individual as a living organ donor;

28 B. Preclude an individual from donating all or part of an organ as a condition of
29 receiving coverage under a life insurance, disability insurance or long-term care
30 insurance policy;

31 C. Consider the status of an individual as a living organ donor in determining the
32 premium rate for coverage of that individual under a life insurance, disability
33 insurance or long-term care insurance policy; or

34 D. Otherwise discriminate in the offering, issuance, cancellation, amount of
35 coverage, price or any other condition of a life insurance, disability insurance or

1 long-term care insurance policy based solely and without any additional actuarial risk
2 upon the status of an individual as a living organ donor.

3 **SUMMARY**

4 This bill prohibits a denial of coverage or an increase in insurance premiums for life
5 insurance, disability insurance or long-term care insurance for living organ donors. The
6 bill also requires the Department of Health and Human Services to establish, maintain
7 and operate an information service to educate the public on live organ donation.