

1 AN ACT

2 relating to prohibiting discrimination against living organ donors
3 by certain insurers.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. This Act may be cited as the Texas Living Organ
6 Donor Act.

7 SECTION 2. Chapter 544, Insurance Code, is amended by
8 adding Subchapter M to read as follows:

9 SUBCHAPTER M. LIVING ORGAN DONORS

10 Sec. 544.601. DEFINITION. In this subchapter, "living
11 organ donor" means a living individual who donates an organ to
12 another individual.

13 Sec. 544.602. APPLICABILITY OF SUBCHAPTER. This subchapter
14 applies only to a life insurance policy or contract, disability
15 insurance policy, or long-term care insurance policy.

16 Sec. 544.603. PROHIBITIONS. (a) An insurer may not, based
17 solely on the status of an individual as a living organ donor:

18 (1) deny coverage to the individual;

19 (2) refuse to renew the individual's coverage;

20 (3) cancel the individual's coverage;

21 (4) limit the amount, extent, or kind of coverage
22 available to the individual; or

23 (5) charge the individual or a group to which the
24 individual belongs a rate that is different than the rate charged to

1 other individuals or groups, as applicable, for the same coverage
2 unless the rate differential is based on sound actuarial principles
3 or sound underwriting related to actual or anticipated loss
4 experience for a particular risk.

5 (b) An insurer may not prevent an insured from donating all
6 or part of an organ as a condition of continuing coverage.

7 SECTION 3. Section 544.603, Insurance Code, as added by
8 this Act, applies only to an insurance policy or contract that is
9 delivered, issued for delivery, or renewed on or after January 1,
10 2022.

11 SECTION 4. This Act takes effect September 1, 2021.

President of the Senate

Speaker of the House

I certify that H.B. No. 317 was passed by the House on April 9, 2021, by the following vote: Yeas 144, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 317 was passed by the Senate on May 11, 2021, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor