By:  Miles S.B. No. 1868

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

SUBCHAPTER M. LIVING ORGAN DONORS

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

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

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

(1)  deny coverage to the individual;

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

(3)  cancel the individual's coverage;

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

(5)  charge the individual or a group to which the individual belongs a rate that is different than the rate charged to other individuals or groups, as applicable, for the same coverage unless the rate differential is based on sound actuarial principles or sound underwriting related to actual or anticipated loss experience for a particular risk.

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

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

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