

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

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.