

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 19-0982.01 Yelana Love x2295

HOUSE BILL 19-1253

HOUSE SPONSORSHIP

Landgraf and Buckner, Arndt, Becker, Bird, Bockenfeld, Caraveo, Cutter, Duran, Esgar, Exum, Galindo, Gonzales-Gutierrez, Gray, Herod, Hooton, Jackson, Kennedy, McLachlan, Melton, Michaelson Jenet, Mullica, Roberts, Snyder, Titone, Valdez A., Valdez D.

SENATE SPONSORSHIP

Hisey and Gonzales,

House Committees

Health & Insurance
Appropriations

Senate Committees

Health & Human Services

A BILL FOR AN ACT

101 **CONCERNING A PROHIBITION ON DISCRIMINATION AGAINST A LIVING**
102 **ORGAN DONOR IN CERTAIN INSURANCE POLICIES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill prohibits a person who offers life insurance, disability income insurance, or long-term care insurance from discriminating against a person based solely on the person's status as a living organ donor.

The bill also requires the department of human services to develop materials related to live organ donation in order to educate the public on

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
Amended 2nd Reading
April 19, 2019

HOUSE
3rd Reading Unamended
April 10, 2019

HOUSE
Amended 2nd Reading
April 9, 2019

the benefits of live organ donation and the effect of live organ donation on the access of a living organ donor to insurance.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** 10-1-142 as
3 follows:

4 **10-1-142. Prohibition on denial of coverage or increase in**
5 **premiums of insurance for living organ donors - commissioner to**
6 **enforce - short title - definitions.** (1) THE SHORT TITLE OF THIS SECTION
7 IS THE "LIVING DONOR PROTECTION ACT OF 2019".

8 (2) NOTWITHSTANDING ANY OTHER LAW, A PERSON SUBJECT TO
9 REGULATION BY THE DIVISION PURSUANT TO THIS TITLE 10 SHALL NOT:

10 (a) DECLINE OR LIMIT COVERAGE OF A PERSON UNDER A POLICY OR
11 CONTRACT FOR LIFE INSURANCE, DISABILITY INCOME INSURANCE, HEALTH
12 INSURANCE, OR LONG-TERM CARE INSURANCE DUE TO THE STATUS OF THE
13 PERSON AS A LIVING ORGAN DONOR;

14 (b) PRECLUDE A PERSON FROM DONATING ALL OR PART OF AN
15 ORGAN AS A CONDITION OF RECEIVING A POLICY OR CONTRACT FOR LIFE
16 INSURANCE, DISABILITY INCOME INSURANCE, HEALTH INSURANCE, OR
17 LONG-TERM CARE INSURANCE;

18 (c) CONSIDER THE STATUS OF A PERSON AS A LIVING ORGAN DONOR
19 IN DETERMINING THE PREMIUM RATE FOR COVERAGE OF THE PERSON
20 UNDER A POLICY OR CONTRACT FOR LIFE INSURANCE, DISABILITY INCOME
21 INSURANCE, HEALTH INSURANCE, OR LONG-TERM CARE INSURANCE; OR

22 (d) OTHERWISE DISCRIMINATE IN THE OFFERING, ISSUANCE,
23 CANCELLATION, AMOUNT OF COVERAGE, PRICE, OR ANY OTHER CONDITION
24 OF A POLICY OR CONTRACT FOR LIFE INSURANCE, DISABILITY INCOME
25 INSURANCE, HEALTH INSURANCE, OR LONG-TERM CARE INSURANCE FOR A

1 PERSON EXCEPT BASED ON SOUND ACTUARIAL PRINCIPLES OR ACTUAL OR
2 REASONABLE ANTICIPATED EXPERIENCE. _____

3 (3) THE COMMISSIONER MAY USE ANY OF THE COMMISSIONER'S
4 ENFORCEMENT POWERS TO OBTAIN A PERSON'S COMPLIANCE WITH THIS
5 SECTION.

6 (4) (a) THE DIVISION SHALL PROVIDE INFORMATION TO THE PUBLIC
7 ON THE ACCESS OF A LIVING ORGAN DONOR TO INSURANCE AS SPECIFIED
8 IN THIS SECTION. IF THE DIVISION RECEIVES MATERIALS RELATED TO LIVE
9 ORGAN DONATION FROM A RECOGNIZED LIVE ORGAN DONATION
10 ORGANIZATION, THE DIVISION SHALL MAKE THE MATERIALS AVAILABLE TO
11 THE PUBLIC.

12 (b) IF THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
13 RECEIVES MATERIALS RELATED TO LIVE ORGAN DONATION FROM A
14 RECOGNIZED LIVE ORGAN DONATION ORGANIZATION, THE DEPARTMENT OF
15 PUBLIC HEALTH AND ENVIRONMENT SHALL MAKE THE MATERIALS
16 AVAILABLE TO THE PUBLIC.

17 (c) THE DIVISION AND THE DEPARTMENT OF PUBLIC HEALTH AND
18 ENVIRONMENT MAY SEEK AND ACCEPT GIFTS, GRANTS, OR DONATIONS
19 FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS
20 SUBSECTION (4).

21 (5) AS USED IN THIS SECTION:

22 (a) "DISABILITY INCOME INSURANCE" MEANS A CONTRACT UNDER
23 WHICH AN ENTITY PROMISES TO PAY A PERSON A SUM OF MONEY IN THE
24 EVENT THAT AN ILLNESS OR INJURY RESULTING IN A DISABILITY PREVENTS
25 THE PERSON FROM WORKING.

26 (b) "HEALTH INSURANCE" MEANS A HEALTH BENEFIT PLAN AS
27 DEFINED IN SECTION 10-16-102 (32).

1 (c) "LIFE INSURANCE" HAS THE SAME MEANING AS SET FORTH IN
2 SECTION 10-7-301.5 (5).

3 (d) "LIVING ORGAN DONOR" MEANS A LIVING PERSON WHO HAS
4 DONATED ALL OR PART OF AN ORGAN.

5 (e) "LONG-TERM CARE INSURANCE" HAS THE SAME MEANING AS
6 SET FORTH IN SECTION 10-19-103 (5).

7

8 **SECTION 2. Act subject to petition - effective date -**
9 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
10 the expiration of the ninety-day period after final adjournment of the
11 general assembly (August 2, 2019, if adjournment sine die is on May 3,
12 2019); except that, if a referendum petition is filed pursuant to section 1
13 (3) of article V of the state constitution against this act or an item, section,
14 or part of this act within such period, then the act, item, section, or part
15 will not take effect unless approved by the people at the general election
16 to be held in November 2020 and, in such case, will take effect on the
17 date of the official declaration of the vote thereon by the governor.

18 (2) This act applies to policies and contracts entered into or
19 renewed on or after the applicable effective date of this act.