

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

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 19-0982.01 Yelana Love x2295

**HOUSE BILL 19-1253**

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**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**,

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**House Committees**

Health & Insurance  
Appropriations

**Senate Committees**

Health & Human Services

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**A BILL FOR AN ACT**

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

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**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.

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.

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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.