To promote and protect from discrimination living organ donors.

IN THE HOUSE OF REPRESENTATIVES

MARCH 1, 2017

Mr. Nadler (for himself and Ms. Herrera Beutler) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Oversight and Government Reform, House Administration, Education and the Workforce, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To promote and protect from discrimination living organ donors.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Living Donor Protection Act of 2017”.
SEC. 2. PROHIBITION ON DENIAL OF COVERAGE OR INCREASE IN PREMIUMS OF LIFE OR DISABILITY INSURANCE FOR LIVING ORGAN DONORS.

(a) Prohibition.—Notwithstanding any other provision of law, it shall be unlawful to—

(1) decline or limit coverage of a person under any life insurance policy, disability insurance policy, or long-term care insurance policy, due to the status of such person as a living organ donor;

(2) preclude a person from donating all or part of an organ as a condition of receiving a life insurance policy, disability insurance policy, or long-term care insurance policy;

(3) consider the status of a person as a living organ donor in determining the premium rate for coverage of such person under a life insurance policy, disability insurance policy, or long-term care insurance policy; or

(4) otherwise discriminate in the offering, issuance, cancellation, amount of such coverage, price, or any other condition of a life insurance policy, disability insurance policy, or long-term care insurance policy for a person, based solely and without any additional actuarial risks upon the status of such person as a living organ donor.
(b) ENFORCEMENT.—A State insurance regulator may take such actions to enforce subsection (a) as are specifically authorized under the laws of such State.

(c) DEFINITIONS.—In this section:

(1) DISABILITY INSURANCE POLICY.—The term “disability insurance policy” means a contract under which an entity promises to pay a person a sum of money in the event that an illness or injury resulting in a disability prevents such person from working.

(2) LIFE INSURANCE POLICY.—The term “life insurance policy” means a contract under which an entity promises to pay a designated beneficiary a sum of money upon the death of the insured.

(3) LIVING ORGAN DONOR.—The term “living organ donor” means an individual who has donated all or part of an organ and is not deceased.

(4) LONG-TERM CARE INSURANCE POLICY.—The term “long-term care insurance policy” means a contract for which the only insurance protection provided under the contract is coverage of qualified long-term care services (as defined in section 7702B(c) of the Internal Revenue Code of 1986).
SEC. 3. CLARIFICATION OF ORGAN DONATION SURGERY AS QUALIFYING AS A SERIOUS HEALTH CONDITION UNDER FMLA.

Section 101(11) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611(11)) is amended by inserting “(including recovery from surgery related to organ donation)” after “physical or mental condition”.

SEC. 4. UPDATING OF EDUCATIONAL MATERIALS ON THE BENEFITS OF LIVE ORGAN DONATION.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary of Health and Human Services (in this section referred to as the “Secretary”) shall review and update materials related to live organ donation in order to educate the public on—

(1) the benefits of live organ donation; and

(2) the impact of live organ donation on the access of a living organ donor to insurance.

Such updating shall include information on the changes made by sections 2 and 3 of this Act.

(b) METHODS OF UPDATING.—In carrying out subsection (a), the Secretary shall update, as appropriate—

(1) Public Service Announcements previously provided by the Secretary;

(2) publicly accessible Web sites (such as organdonor.gov, or a successor Web site) that are maintained by the Secretary and that contain infor-
mation and resources regarding live organ donation;
and
(3) other media determined appropriate by the Secretary.