

Enrolled
Senate Bill 796

Sponsored by Senator GELSER, Representative MITCHELL; Senator MONNES ANDERSON, Representatives FAHEY, GREENLICK, HAYDEN, HELT, KENY-GUYER, WILLIAMS

CHAPTER

AN ACT

Relating to benefit protection for living organ donors; creating new provisions; and amending ORS 659A.150.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 659A.150 is amended to read:

659A.150. As used in ORS 659A.150 to 659A.186:

- (1) "Covered employer" means an employer described in ORS 659A.153.
- (2) "Eligible employee" means any employee of a covered employer other than those employees exempted under the provisions of ORS 659A.156.
- (3) "Family leave" means a leave of absence described in ORS 659A.159, except that "family leave" does not include leave taken by an eligible employee who is unable to work because of a disabling compensable injury, as defined in ORS 656.005, under ORS chapter 656.
- (4) "Family member" means the spouse of an employee, the biological, adoptive or foster parent or child of the employee, the grandparent or grandchild of the employee, a parent-in-law of the employee or a person with whom the employee was or is in a relationship of in loco parentis.
- (5) "Health care provider" means:
 - (a) A person who is primarily responsible for providing health care to an eligible employee or a family member of an eligible employee, who is performing within the scope of the person's professional license or certificate and who is:
 - (A) A physician licensed under ORS chapter 677;
 - (B) A physician assistant licensed under ORS 677.505 to 677.525;
 - (C) A dentist licensed under ORS 679.090;
 - (D) A psychologist licensed under ORS 675.030;
 - (E) An optometrist licensed under ORS 683.070;
 - (F) A naturopath licensed under ORS 685.080;
 - (G) A registered nurse licensed under ORS 678.050;
 - (H) A nurse practitioner certified under ORS 678.375;
 - (I) A direct entry midwife licensed under ORS 687.420;
 - (J) A licensed registered nurse who is certified by the Oregon State Board of Nursing as a nurse midwife nurse practitioner;
 - (K) A regulated social worker authorized to practice regulated social work under ORS 675.510 to 675.600; or

(L) A chiropractic physician licensed under ORS 684.054, but only to the extent the chiropractic physician provides treatment consisting of manual manipulation of the spine to correct a subluxation demonstrated to exist by X-rays.

(b) A person who is primarily responsible for the treatment of an eligible employee or a family member of an eligible employee solely through spiritual means, including but not limited to a Christian Science practitioner.

(6) "Serious health condition" means:

(a) An illness, injury, impairment or physical or mental condition that requires inpatient care in a hospital, hospice or residential medical care facility;

(b) An illness, disease or condition that in the medical judgment of the treating health care provider poses an imminent danger of death, is terminal in prognosis with a reasonable possibility of death in the near future, or requires constant care; [or]

(c) Any period of disability due to pregnancy, or period of absence for prenatal care[.]; or

(d) Any period of absence for the donation of a body part, organ or tissue, including preoperative or diagnostic services, surgery, post-operative treatment and recovery.

SECTION 2. Section 3 of this 2019 Act is added to and made a part of the Insurance Code.

SECTION 3. An insurer offering a policy or certificate of life insurance, health insurance or long term care insurance, as defined in ORS 743.652, may not, based solely on the status of an applicant for insurance or an insured as a living donor or a potential donor of a body part, organ or tissue:

(1) Discriminate in the application of its underwriting standards or rates;

(2) Decline to provide coverage or limit coverage; or

(3) Prohibit an applicant for insurance or an insured from donating a body part, organ or tissue as a condition of receiving or continuing to receive coverage.

Passed by Senate April 9, 2019

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House May 29, 2019

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Tina Kotek, Speaker of House

Received by Governor:

.....M.,....., 2019

Approved:

.....M.,....., 2019

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2019

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Bev Clarno, Secretary of State