

114TH CONGRESS
2D SESSION

S. 2584

To promote and protect from discrimination living organ donors.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 25, 2016

Mr. KIRK (for himself and Mrs. GILLIBRAND) introduced the following bill;
which was read twice and referred to the Committee on Health, Edu-
cation, Labor, and Pensions

A BILL

To promote and protect from discrimination living organ
donors.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Living Donor Protec-
5 tion Act of 2016”.

1 **SEC. 2. PROHIBITION ON DENIAL OF COVERAGE OR IN-**
2 **CREASE IN PREMIUMS OF LIFE OR DIS-**
3 **ABILITY INSURANCE FOR LIVING ORGAN DO-**
4 **NORS.**

5 (a) PROHIBITION.—Notwithstanding any other provi-
6 sion of law, it shall be unlawful to—

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

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

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

20 (4) otherwise discriminate in the offering,
21 issuance, cancellation, amount of such coverage,
22 price, or any other condition of a life insurance pol-
23 icy, disability insurance policy, or long-term care in-
24 surance policy for a person, based solely and without
25 any additional actuarial risks upon the status of
26 such person as a living organ donor.

1 (b) ENFORCEMENT.—A State insurance regulator
2 may take such actions to enforce subsection (a) as are spe-
3 cifically authorized under the laws of such State.

4 (c) DEFINITIONS.—In this section:

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

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

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

17 (4) LONG-TERM CARE INSURANCE POLICY.—
18 The term “long-term care insurance policy” means
19 a contract for which the only insurance protection
20 provided under the contract is coverage of qualified
21 long-term care services (as defined in section
22 7702B(c) of the Internal Revenue Code of 1986).

1 **SEC. 3. CLARIFICATION OF ORGAN DONATION SURGERY AS**
2 **QUALIFYING AS A SERIOUS HEALTH CONDI-**
3 **TION UNDER FMLA.**

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

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

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

- 15 (1) the benefits of live organ donation; and
16 (2) the impact of live organ donation on the ac-
17 cess of a living organ donor to insurance.

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

20 (b) METHODS OF UPDATING.—In carrying out sub-
21 section (a), the Secretary shall update, as appropriate—

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

24 (2) publicly accessible Web sites (such as
25 organdonor.gov, or a successor Web site) that are
26 maintained by the Secretary and that contain infor-

1 mation and resources regarding live organ donation;
2 and
3 (3) other media determined appropriate by the
4 Secretary.

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