**South Carolina General Assembly**

124th Session, 2021-2022

**H. 4839**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Jefferson, S. Williams, Rivers, Govan, R. Williams, Sandifer and Anderson

Document Path: l:\council\bills\bh\7531ph22.docx

Companion/Similar bill(s): 4537

Introduced in the House on January 20, 2022

Introduced in the Senate on March 2, 2022

Last Amended on March 1, 2022

Currently residing in the Senate Committee on **Banking and Insurance**

Summary: Kidney donation

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/20/2022 House Introduced and read first time ([House Journal‑page 32](file:///h:\hj\20220120.docx))

1/20/2022 House Referred to Committee on **Labor, Commerce and Industry** ([House Journal‑page 32](file:///h:\hj\20220120.docx))

2/9/2022 House Member(s) request name added as sponsor: Anderson

2/24/2022 House Committee report: Favorable with amendment **Labor, Commerce and Industry** ([House Journal‑page 14](file:///h:\hj\20220224.docx))

2/28/2022 Scrivener's error corrected

3/1/2022 House Amended ([House Journal‑page 36](file:///h:\hj\20220301.docx))

3/1/2022 House Read second time ([House Journal‑page 36](file:///h:\hj\20220301.docx))

3/1/2022 House Roll call Yeas‑104 Nays‑0 ([House Journal‑page 36](file:///h:\hj\20220301.docx))

3/2/2022 House Read third time and sent to Senate ([House Journal‑page 11](file:///h:\hj\20220302.docx))

3/2/2022 Senate Introduced and read first time ([Senate Journal‑page 8](file:///h:\sj\20220302.docx))

3/2/2022 Senate Referred to Committee on **Banking and Insurance** ([Senate Journal‑page 8](file:///h:\sj\20220302.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=4839&session=124&summary=B) at the website

**VERSIONS OF THIS BILL**

[1/20/2022](file:///p:\pprever\2021-22\4839_20220120.docx)

[2/24/2022](file:///p:\pprever\2021-22\4839_20220224.docx)

[2/28/2022](file:///p:\pprever\2021-22\4839_20220228.docx)

[3/1/2022](file:///p:\pprever\2021-22\4839_20220301.docx)

AMENDED

March 1, 2022

**H. 4839**

Introduced by Reps. Jefferson, S. Williams, Rivers, Govan, R. Williams, Sandifer and Anderson

S. Printed 3/1/22--H.

Read the first time January 20, 2022.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38‑63‑110 SO AS TO PROHIBIT ISSUERS OF INDIVIDUAL LIFE INSURANCE POLICIES FROM DISCRIMINATING AGAINST LIVING ORGAN DONORS; BY ADDING SECTION 38‑65‑130 SO AS TO PROHIBIT ISSUERS OF GROUP LIFE INSURANCE POLICIES FROM DISCRIMINATING AGAINST LIVING ORGAN DONORS; BY ADDING SECTION 38‑71‑105 SO AS TO PROHIBIT ISSUERS OF DISABILITY INCOME INSURANCE POLICIES FROM DISCRIMINATING AGAINST LIVING ORGAN DONORS; BY ADDING SECTION 38‑72‑110 SO AS TO PROHIBIT ISSUERS OF LONG-TERM CARE INSURANCE POLICIES FROM DISCRIMINATING AGAINST LIVING ORGAN DONORS; AND BY ADDING SECTION 41‑1‑140 SO AS TO REQUIRE EMPLOYERS TO EXTEND BENEFITS OF THE FAMILY MEDICAL LEAVE ACT OF 1993 TO INDIVIDUALS UNDERGOING SURGERY RELATED TO ORGAN DONATION.

Amend Title To Conform

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. This act may be cited as the “Living Donor Protection Act”.

SECTION 2. Article 1, Chapter 63, Title 38 of the 1976 Code is amended by adding:

“Section 38‑63‑110. (A) Notwithstanding another provision of law, an individual life insurance policy issued in this State, may not:

(1) decline or limit coverage of a person under any life insurance policy solely due to the status of such person as a living organ donor;

(2) preclude an insured from donating all or part of an organ as a condition of continuing to receive a life insurance policy; or

(3) discriminate in the offering, issuance, cancellation, amount of such coverage, price, or any other condition of a life 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) The Department of Insurance may take actions to enforce subsection (A) as authorized under this title.

(C) For purposes of this section:

(1) ‘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.

(2) ‘Living organ donor’ means an individual who has donated all or part of his organ and is not deceased.”

SECTION 3. Article 1, Chapter 65, Title 38 of the 1976 Code is amended by adding:

“Section 38‑65‑130. (A) Notwithstanding another provision of law, a group life insurance policy issued in this State, may not:

(1) decline or limit coverage of a person under any life insurance policy solely due to the status of such person as a living organ donor;

(2) preclude an insured from donating all or part of an organ as a condition of continuing to receive a life insurance policy; or

(3) discriminate in the offering, issuance, cancellation, amount of such coverage, price, or any other condition of a life 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) The Department of Insurance may take actions to enforce subsection (A) as authorized under this title.

(C) For purposes of this section:

(1) ‘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.

(2) ‘Living organ donor’ means an individual who has donated all or part of an organ and is not deceased.”

SECTION 4. Article 1, Chapter 71, Title 38 of the 1976 Code is amended by adding:

“Section 38‑71‑105. (A) Notwithstanding another provision of law, a disability income insurance policy issued in this State, may not:

(1) decline or limit coverage of a person under any disability income insurance policy solely due to the status of such person as a living organ donor;

(2) preclude an insured from donating all or part of an organ as a condition of continuing to receive a disability income insurance policy; or

(3) discriminate in the offering, issuance, cancellation, amount of such coverage, price, or any other condition of a disability income 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) The Department of Insurance may take actions to enforce subsection (A) as authorized under this title.

(C) For purposes of this section:

(1) ‘Disability income insurance policy’ means a contract under which an entity promises to pay an insured a sum of money in the event that an illness or injury resulting in a disability prevents the insured from working.

(2) ‘Living organ donor’ means an individual who has donated all or part of an organ and is not deceased.”

SECTION 5. Chapter 72, Title 38 of the 1976 Code is amended by adding:

“Section 38‑72‑110. (A) Notwithstanding another provision of law, a long-term care insurance policy issued in this State, may not:

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

(2) preclude an insured from donating all or part of an organ as a condition of continuing to receive a long-term care insurance policy; or

(3) discriminate in the offering, issuance, cancellation, amount of such coverage, price, or any other condition of a 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) The Department of Insurance may take actions to enforce subsection (A) as authorized under this title.

(C) For purposes of this section:

(1) ‘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.

(2) ‘Living organ donor’ means an individual who has donated all or part of an organ and is not deceased.”

SECTION 6. This act takes effect upon approval by the Governor.

‑‑‑‑XX‑‑‑‑