COMMITTEE REPORT

February 24, 2022

**H. 4839**

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

S. Printed 2/24/22--H. [SEC 2/28/22 11:47 AM]

Read the first time January 20, 2022.

**THE COMMITTEE ON**

**LABOR, COMMERCE AND INDUSTRY**

To whom was referred a Bill (H. 4839) 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, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by striking all after the enacting language and inserting:

/ 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. /

Renumber sections to conform.

Amend title to conform.

WILLIAM E. SANDIFER III for Committee.

**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.

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. Chapter 1, Title 41 of the 1976 Code is amended by adding:

“Section 41‑1‑140. All employers subject to the Family Medical Leave Act of 1993 in this State must provide the protections provided in 29 U.S.C. Section 2611 to any individual who is recovering from surgery related to organ donation.”

SECTION 7. This act takes effect upon approval by the Governor.

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