**South Carolina General Assembly**

125th Session, 2023-2024

**A126, R141, H3255**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Jefferson, Henegan, Anderson, Sandifer, Rivers and Gilliard

Companion/Similar bill(s): 644

Document Path: LC-0083PH23.docx

Introduced in the House on January 10, 2023

Introduced in the Senate on April 25, 2023

Currently residing in the House

Governor's Action: May 13, 2024, Signed

Summary: Kidney donation

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/8/2022 House Prefiled

12/8/2022 House Referred to Committee on **Labor, Commerce and Industry**

1/10/2023 House Introduced and read first time ([House Journal‑page 111](h:\hj\20230110.docx))

1/10/2023 House Referred to Committee on **Labor, Commerce and Industry** ([House Journal‑page 111](h:\hj\20230110.docx))

1/18/2023 House Member(s) request name added as sponsor: Anderson

3/7/2023 House Member(s) request name added as sponsor: Sandifer

4/6/2023 House Committee report: Favorable **Labor, Commerce and Industry** ([House Journal‑page 1](h:\hj\20230406.docx))

4/18/2023 House Member(s) request name added as sponsor: Rivers,
Gilliard

4/18/2023 House Read second time ([House Journal‑page 132](h:\hj\20230418.docx))

4/18/2023 House Roll call Yeas-106 Nays-0 ([House Journal‑page 132](h:\hj\20230418.docx))

4/19/2023 House Read third time and sent to Senate ([House Journal‑page 9](h:\hj\20230419.docx))

4/25/2023 Senate Introduced and read first time ([Senate Journal‑page 6](h:\sj\20230425.docx))

4/25/2023 Senate Referred to Committee on **Banking and Insurance** ([Senate Journal‑page 6](h:\sj\20230425.docx))

2/29/2024 Senate Committee report: Favorable **Banking and Insurance** ([Senate Journal‑page 5](h:\sj\20240229.docx))

3/19/2024 Senate Read second time ([Senate Journal‑page 34](h:\sj\20240319.docx))

3/19/2024 Senate Roll call Ayes-44 Nays-0 ([Senate Journal‑page 34](h:\sj\20240319.docx))

3/20/2024 Senate Read third time and enrolled ([Senate Journal‑page 14](h:\sj\20240320.docx))

5/8/2024 Ratified R 141

5/13/2024 Signed By Governor

5/29/2024 Effective date 05/13/24

5/29/2024 Act No. 126

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=3255&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[12/08/2022](https://www.scstatehouse.gov/sess125_2023-2024/prever/3255_20221208.docx)

[04/06/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3255_20230406.docx)

[02/29/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/3255_20240229.docx)

(A126, R141, H3255)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS 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; AND BY ADDING SECTION 38‑72‑110 SO AS TO PROHIBIT ISSUERS OF LONG‑TERM CARE INSURANCE POLICIES FROM DISCRIMINATING AGAINST LIVING ORGAN DONORS.

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

Citation

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

Individual life insurance

SECTION 2. Article 1, Chapter 63, Title 38 of the S.C. 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.

Group life insurance

SECTION 3. Article 1, Chapter 65, Title 38 of the S.C. 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.

Disability income insurance

SECTION 4. Article 1, Chapter 71, Title 38 of the S.C. 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.

Long‑term care insurance

SECTION 5. Chapter 72, Title 38 of the S.C. 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.

Time effective

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

Ratified the 8th day of May, 2024.

Approved the 13th day of May, 2024.

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