

IN THE SENATE

SENATE BILL NO. 1223

BY BUCKNER-WEBB

AN ACT

RELATING TO INSURANCE; AMENDING CHAPTER 18, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-1852, IDAHO CODE, TO DEFINE A TERM, TO PROHIBIT CERTAIN DISCRIMINATION AND TO PROVIDE FOR ENFORCEMENT.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 18, Title 41, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 41-1852, Idaho Code, and to read as follows:

41-1852. DISCRIMINATION AGAINST LIVING ORGAN DONORS PROHIBITED. (1) For purposes of this section, "policy" means a life insurance policy, disability insurance policy or long-term care insurance policy.

(2) Notwithstanding any provision of law to the contrary, it shall be unlawful to:

(a) Decline or limit coverage of a person under any policy due to the status of such person as a living organ donor;

(b) Preclude a person from donating all or part of an organ as a condition of receiving coverage;

(c) Consider the status of a person as a living organ donor in determining the premium rate for coverage of such person under a policy; or

(d) Otherwise discriminate against a person in the offering, issuance, cancellation, price or conditions of a policy, or in the amount of coverage provided under a policy, based solely and without any additional actuarial risks on the status of such person as a living organ donor.

(3) The director of the department of insurance may take such actions authorized under this title that are necessary to enforce this section.