

By: Representatives Denton, Gibbs (72nd),
Harness, Karriem, Mickens, Thompson

To: Insurance

HOUSE BILL NO. 1213

1 AN ACT TO CREATE THE "LIVING DONOR PROTECTION ACT"; TO
2 PROVIDE DEFINITIONS; TO PROHIBIT AN INSURER OF A LIFE, DISABILITY
3 OR LONG-TERM CARE INSURANCE POLICY FROM DECLINING OR LIMITING
4 COVERAGE OF A PERSON UNDER ANY POLICY OR OTHERWISE DISCRIMINATING
5 AGAINST SUCH PERSON SOLELY DUE TO THE STATUS OF SUCH PERSON AS A
6 LIVING ORGAN DONOR; TO AUTHORIZE THE MISSISSIPPI STATE DEPARTMENT
7 OF HEALTH TO MAKE ANY MATERIAL IT RECEIVES RELATED TO LIVING ORGAN
8 DONATION FROM A RECOGNIZED LIVING ORGAN DONATION ORGANIZATION
9 AVAILABLE TO THE PUBLIC; AND FOR RELATED PURPOSES.

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

11 **SECTION 1.** (1) This section shall be known and may be cited
12 as the "Living Donor Protection Act."

13 (2) The following words and phrases shall have the meanings
14 as defined in this subsection unless the context clearly indicates
15 otherwise:

16 (a) "Living organ donor" means an individual who has
17 donated all or part of an organ and is not deceased.

18 (b) "Policy" means a life insurance policy, disability
19 insurance policy or long-term care insurance policy.

20 (3) Notwithstanding any other provision of law to the
21 contrary, it shall be unlawful for an insurer to:



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

25 (b) Preclude an insured from donating all or part of an
26 organ as a condition of continuing to receive a policy; or

27 (c) Otherwise discriminate in the offering, issuance,
28 cancellation, amount of coverage, price, or any other condition of
29 a policy for a person, based solely and without any additional
30 actuarial risks upon the status of such person as a living organ
31 donor.

32 (4) The Department of Insurance shall adopt rules and
33 regulations as necessary to effectuate the provisions of this
34 section.

35 (5) If the Mississippi State Department of Health receives
36 materials related to living organ donation from a recognized
37 living organ donation organization, the department shall make
38 those materials available to the public. The department may seek,
39 accept and expend gifts, grants, or donations from private or
40 public sources for the purpose of this subsection.

41 **SECTION 2.** This act shall take effect and be in force from
42 and after July 1, 2024.

