

By: Representative Yancey

To: Insurance

HOUSE BILL NO. 1266

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.

