

1 H.322

2 Introduced by Representative Donahue of Northfield

3 Referred to Committee on

4 Date:

5 Subject: Health; employment; insurance; job protected leave for organ donors

6 Statement of purpose of bill as introduced: This bill proposes to add recovery
7 from organ or tissue donation to the bases for family leave under Vermont's
8 Parental and Family Leave. This bill also proposes to prohibit a life insurance
9 or health insurance company from limiting or declining to provide coverage to
10 an insured based solely upon the status of the insured as a living organ or tissue
11 donor.

12 An act relating to family leave and insurance protections for organ donors

13 It is hereby enacted by the General Assembly of the State of Vermont:

14 Sec. 1. 21 V.S.A. § 471 is amended to read:

15 § 471. DEFINITIONS

16 As used in this subchapter:

17 * * *

18 (5) "Serious illness" means an accident, disease, or physical or mental
19 condition, including preparation and recovery from surgery related to organ or
20 tissue donation, that:

- 1 (A) poses imminent danger of death;
2 (B) requires inpatient care in a hospital; or
3 (C) requires continuing in-home care under the direction of a
4 physician.

5 Sec. 2. 8 V.S.A. § 3702 is amended to read:

6 § 3702. OTHER PROHIBITED PRACTICES

7 A life insurance company doing business in the State or an agent thereof
8 shall not:

9 * * *

10 (3) grant a special favor or advantage in the dividends or other benefits
11 to accrue thereon; ~~or~~

12 (4) provide any valuable consideration or inducement not specified in
13 the policy;

14 (5) decline to provide or limit coverage of an insured under any life
15 insurance policy or otherwise discriminate in the premium rating, offering,
16 issuance, cancellation, amount of coverage, or any other condition based solely
17 upon the status of the insured as a living organ or tissue donor; or

18 (6) preclude an insured from donating all or part of an organ or tissue as
19 a condition for receiving or continuing to receive life insurance coverage.

1 Sec. 3. 8 V.S.A. § 4083 is amended to read:

2 § 4083. DISCRIMINATION PROHIBITED

3 (a) No insurer doing in this State the business specified in subdivision
4 3301(a)(2) of this title shall:

5 (1) make or permit any unfair discrimination between individuals of
6 substantially the same hazard in the amount of premium rates charged for any
7 policy or contract of such insurance or in the benefits payable thereunder;

8 (2) decline to provide or limit coverage of an insured under any health
9 insurance policy or otherwise discriminate in the premium rating, offering,
10 issuance, cancellation, amount of coverage, or any other condition based solely
11 upon the status of the insured as a living organ or tissue donor; or

12 (3) preclude an insured from donating all or part of an organ or tissue as
13 a condition for receiving or continuing to receive health insurance coverage.

14 (b) This section shall not prohibit different premium rates, different
15 benefits, or different underwriting procedure for individuals insured under
16 group, family expense, franchise, or blanket plans of insurance.

17 Sec. 4. EFFECTIVE DATE

18 This act shall take effect on January 1, 2020.