Introduced by Representative Donahue of Northfield

Referred to Committee on

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

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

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

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

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

§ 471. DEFINITIONS

As used in this subchapter:

* * *

(5) “Serious illness” means an accident, disease, or physical or mental condition, including preparation and recovery from surgery related to organ or tissue donation, that:
(A) poses imminent danger of death;

(B) requires inpatient care in a hospital; or

(C) requires continuing in-home care under the direction of a physician.

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

§ 3702. OTHER PROHIBITED PRACTICES

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

* * *

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

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

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

(6) preclude an insured from donating all or part of an organ or tissue as a condition for receiving or continuing to receive life insurance coverage.
Sec. 3.  8 V.S.A. § 4083 is amended to read:

§ 4083. DISCRIMINATION PROHIBITED

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

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

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

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

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

Sec. 4. EFFECTIVE DATE

This act shall take effect on January 1, 2022.