



COUNCIL OF THE DISTRICT OF COLUMBIA

THE JOHN A. WILSON BUILDING 1350
PENNSYLVANIA AVENUE, NW
WASHINGTON, D.C. 20004

KENYAN R. McDUFFIE
Councilmember, At Large
Chair Pro Tempore
Chair, Committee on Business and
Economic Development

Committee Member
Executive Administration and Labor
Housing
Recreation and Youth Affairs

March 12, 2024

Nyasha Smith, Secretary
Council of the District of Columbia
1350 Pennsylvania Avenue, N.W.
Washington, DC 20004

Dear Secretary Smith,

Today, I am introducing the Living Donor Protection Amendment Act of 2024, along with Councilmembers Janeese Lewis George, Christina Henderson, Charles Allen, Brianne K. Nadeau, and Matthew Frumin. This legislation would ensure that living organ donors are protected from unfair insurance discrimination due to their status as a living organ donor. It is estimated that nearly 200,000 individuals nationwide are living organ donors, and 567 of those donors are Washingtonians.¹

According to the American Kidney Fund, states have enacted a patchwork of living organ donor protections in the absence of a comprehensive federal law.² The two most common state protections for living organ donors are job-protected leave from public employers and protection from life, disability or long-term care insurance discrimination. The Organ and Bone Marrow Donor Leave Amendment Act of 2002 provides District government employees paid leave to serve as an organ or a bone marrow donor.³ However, unlike 32 other states, the District has yet to enact a law to protect living organ donors from unfair insurance discrimination.

Based solely on a person's status as a living organ donor, the Living Donor Protection Amendment Act of 2024 would prohibit life, disability, and long-term care insurance companies from:

- Denying, canceling, or refusing to issue coverage;
- Determining the price or premium for coverage; or

¹ Organ Procurement and Transplant Network (OPTN), [National and State data](#), data current as of March 6, 2024. OPTN data on organ donation dates from 1988, the first full year of OPTN data collection.

² American Kidney Fund, [State of the States: 2024 AKF Living Donor Protection Report Card](#), February 22, 2024.

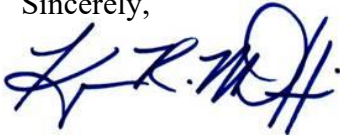
³ D.C. Code § 1-612.03b.

- Otherwise varying any term or condition of an insurance policy.

This bill was developed in consultation with the American Kidney Fund, the American Council of Life Insurers, and the Department of Insurance, Securities, and Banking.

Please contact my Legislative Director, Doni Crawford, at dcrawford@dccouncil.gov if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "K.R. McDuffie". The signature is stylized and cursive.

Kenyan R. McDuffie

1 *Janeese Lewis George*
2 Councilmember Janeese Lewis George

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4 *Charles Allen*
5 Councilmember Charles Allen

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7 *Matthew Frumin*
8 Councilmember Matthew Frumin
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Kenyan R. McDuffie

Councilmember Kenyan R. McDuffie

Christina Henderson

Councilmember Christina Henderson

Brianne K. Nadeau
Councilmember Brianne K. Nadeau

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14 A BILL
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18 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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23 To amend the Insurance Trade Economic Development Amendment Act of 2000 to create
24 definitions for the terms living organ donor and organ, and to protect living organ donors
25 from unfair discrimination.
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27 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
28 act may be cited as the “Living Donor Protection Amendment Act of 2024”.

29 Sec. 2. The Insurance Trade and Economic Development Amendment Act of 2000,
30 effective April 3, 2001 (D.C. Law 13-265; D.C. Official Code § 31-2231.01 *et seq.*), is amended
31 as follows:

32 (a) Section 101 (D.C. Official Code § 31-2231.01) is amended as follows:

33 (1) New paragraphs (7A) and (7B) are added to read as follows:

34 “(7A) “Living organ donor” means an individual who has donated all or part of an
35 organ and is not deceased.”.

36 “(7B) “Organ” means a human eye, kidney, liver, heart, lung, pancreas,
37 esophagus, stomach, or small or large intestine, a portion of the gastrointestinal tract, or another
38 part of the human body designated by the Commissioner by rule.”.

39 (b) Section 111 (D.C. Official Code § 31-2231.11) is amended as follows:

40 (1) A new subsection (c-1) is added to read as follows:

41 “(c-1)(1) Notwithstanding any other provision in this chapter, no insurer shall deny
42 coverage, cancel coverage, refuse to issue, determine the price or premium for, or otherwise vary
43 any term or condition of a life insurance policy, disability insurance policy, or long-term care
44 insurance policy for a person based solely, and without any actual, unique, and material actuarial
45 risks, on the status of such person as a living organ donor.”

46 “(2) This subsection applies to life insurance policies, disability insurance
47 policies, or long-term care insurance policies delivered or issued for delivery after January 1,
48 2025.”.

49 Sec. 3. Fiscal impact statement.

50 The Council adopts the fiscal impact statement in the committee report as the fiscal
51 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
52 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

53 Sec. 4. Effective date.

54 This act shall take effect following approval by the Mayor (or in the event of veto by the
55 Mayor, action by the Council to override the veto), a 30-day period of Congressional review as
56 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

57 24, 1973 (87 Stat. 813; D.C. Code § 1-206(c)(1)), and publication in the District of Columbia

58 Register.