

IN THE SENATE

SENATE BILL NO. 1223

BY BUCKNER-WEBB

AN ACT

1 RELATING TO INSURANCE; AMENDING CHAPTER 18, TITLE 41, IDAHO CODE, BY THE AD-  
2 DITION OF A NEW SECTION 41-1852, IDAHO CODE, TO DEFINE A TERM, TO PRO-  
3 HIBIT CERTAIN DISCRIMINATION AND TO PROVIDE FOR ENFORCEMENT.  
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5 Be It Enacted by the Legislature of the State of Idaho:

6 SECTION 1. That Chapter 18, Title 41, Idaho Code, be, and the same is  
7 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
8 ignated as Section 41-1852, Idaho Code, and to read as follows:

9 41-1852. DISCRIMINATION AGAINST LIVING ORGAN DONORS PROHIBITED. (1)  
10 For purposes of this section, "policy" means a life insurance policy, dis-  
11 ability insurance policy or long-term care insurance policy.

12 (2) Notwithstanding any provision of law to the contrary, it shall be  
13 unlawful to:

14 (a) Decline or limit coverage of a person under any policy due to the  
15 status of such person as a living organ donor;

16 (b) Preclude a person from donating all or part of an organ as a condi-  
17 tion of receiving coverage;

18 (c) Consider the status of a person as a living organ donor in determin-  
19 ing the premium rate for coverage of such person under a policy; or

20 (d) Otherwise discriminate against a person in the offering, issuance,  
21 cancellation, price or conditions of a policy, or in the amount of cov-  
22 erage provided under a policy, based solely and without any additional  
23 actuarial risks on the status of such person as a living organ donor.

24 (3) The director of the department of insurance may take such actions  
25 authorized under this title that are necessary to enforce this section.