

Legislative Analysis



PROHIBIT DISCRIMINATION AGAINST LIVING DONORS FOR DISABILITY, LIFE, OR LONG-TERM CARE INSURANCE

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<http://www.house.mi.gov/hfa>

Senate Bill 384 as passed by the Senate
Sponsor: Sen. Kevin Hertel
House Committee: Health Policy
Senate Committee: Health Policy
Complete to 9-27-23

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

Senate Bill 384 would amend the Insurance Code to prohibit an insurer from discriminating against an individual based solely on their status as a *living donor*.

Living donor would mean an individual who is not dead and who has donated a *tissue* or all or part of an *organ*.

Tissue would mean a portion of the human body that is not an *organ*, such as an eye, skin, bone, bone marrow, a heart valve, a spermatozoon, an ovum, an artery, a vein, a tendon, a ligament, blood, blood derivatives, a pituitary gland, or fluid.

Organ would mean a human kidney, liver, heart, lung, pancreas, esophagus, stomach, or small or large intestine, a portion of the human gastrointestinal tract, or another part of the human body designated by the Department of Insurance and Financial Services (DIFS) by rule.

The prohibition described above would apply to a disability, life, or long-term care insurance policy or certificate delivered or issued for delivery on or after January 1, 2024.

The prohibition would not apply in cases where there is an additional actuarial risk, as determined in accordance with sound actuarial principles as well as the insured individual's actual and reasonably anticipated experience.

The prohibited discrimination would include denying or canceling coverage, refusing to issue the policy or certificate, determining the price or premium for the policy or certificate, or otherwise varying a term or condition of the policy or certificate.

Proposed MCL 500.3406z, 500.3901a, and 500.4002

FISCAL IMPACT:

Senate Bill 384 would not have a fiscal impact on any state or local government units.

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