

# Legislative Analysis



## PROHIBIT INSURANCE DISCRIMINATION AGAINST LIVING DONORS

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**Senate Bill 384 as reported from House committee**  
**Sponsor: Sen. Kevin Hertel**  
**House Committee: Health Policy**  
**Senate Committee: Health Policy**  
**Complete to 10-18-23**

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

*(Enacted as Public Act 192 of 2023)*

### 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.

## POSITIONS:

Representatives of the following entities testified in support of the bill (9-28-23):

- Living Kidney Donation Program, Michigan Medicine
- National Kidney Foundation

The following entities indicated support for the bill (9-28-23):

- Department of Insurance and Financial Services
- Gift of Life Michigan
- Henry Ford Health
- National Down Syndrome Society
- Trinity Health – Michigan
- Life Insurance Association of Michigan
- Michigan Health and Hospital Association
- American Kidney Fund
- National Kidney Foundation of Michigan

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.