

SENATE BILL NO. 384

June 13, 2023, Introduced by Senators HERTEL, JOHNSON, MCMORROW, MCCANN, GEISS, CHANG, WOJNO, SHINK, KLINEFELT, BAYER and SANTANA and referred to the Committee on Health Policy.

A bill to amend 1956 PA 218, entitled
"The insurance code of 1956,"
(MCL 500.100 to 500.8302) by adding sections 3406z, 3901a, and
4002.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 **Sec. 3406z. (1) This section applies to disability insurance**
2 **policies or certificates delivered or issued for delivery after**
3 **December 31, 2023.**
4 **(2) Unless there is an additional actuarial risk, as**

1 determined in accordance with sound actuarial principles as well as
2 the individual's actual and reasonably anticipated experience, an
3 insurer shall not do any of the following with respect to a
4 disability insurance policy or certificate based solely on the
5 individual's status as a living donor:

6 (a) Deny coverage.

7 (b) Cancel coverage.

8 (c) Refuse to issue the policy or certificate.

9 (d) Determine the price or premium for the policy or
10 certificate.

11 (e) Otherwise vary a term or condition of the policy or
12 certificate.

13 (3) As used in this section:

14 (a) "Living donor" means an individual who is not deceased and
15 has donated any of the following:

16 (i) All or part of an organ.

17 (ii) A tissue.

18 (b) "Organ" means a human kidney, liver, heart, lung,
19 pancreas, esophagus, stomach, or small or large intestine, a
20 portion of the human gastrointestinal tract, or another part of the
21 human body designated by the department by rule.

22 (c) "Tissue" means a portion of the human body other than an
23 organ, including, but not limited to, an eye, skin, bone, bone
24 marrow, a heart valve, a spermatozoon, an ova, an artery, a vein, a
25 tendon, a ligament, blood, blood derivatives, a pituitary gland, or
26 fluid.

27 Sec. 3901a. (1) This section applies to all long-term care
28 insurance policies or certificates delivered or issued for delivery
29 after December 31, 2023.

1 (2) Unless there is an additional actuarial risk, as
2 determined in accordance with sound actuarial principles as well as
3 the individual's actual and reasonably anticipated experience, an
4 insurer shall not do any of the following with respect to a long-
5 term care insurance policy or certificate based solely on the
6 individual's status as a living donor:

7 (a) Deny coverage.

8 (b) Cancel coverage.

9 (c) Refuse to issue the policy or certificate.

10 (d) Determine the price or premium for the policy or
11 certificate.

12 (e) Otherwise vary a term or condition of the policy or
13 certificate.

14 (3) As used in this section:

15 (a) "Living donor" means an individual who is not deceased and
16 has donated any of the following:

17 (i) All or part of an organ.

18 (ii) A tissue.

19 (b) "Organ" means a human kidney, liver, heart, lung,
20 pancreas, esophagus, stomach, or small or large intestine, a
21 portion of the gastrointestinal tract, or another part of the human
22 body designated by the department by rule.

23 (c) "Tissue" means a portion of the human body other than an
24 organ, including, but not limited to, an eye, skin, bone, bone
25 marrow, a heart valve, a spermatozoon, an ova, an artery, a vein, a
26 tendon, a ligament, blood, blood derivatives, a pituitary gland, or
27 fluid.

28 Sec. 4002. (1) This section applies to life insurance policies
29 or certificates delivered or issued for delivery after December 31,

1 2023.

2 (2) Unless there is an additional actuarial risk, as
3 determined in accordance with sound actuarial principles as well as
4 the individual's actual and reasonably anticipated experience, an
5 insurer shall not do any of the following with respect to a life
6 insurance policy or certificate based solely on the individual's
7 status as a living donor:

8 (a) Deny coverage.

9 (b) Cancel coverage.

10 (c) Refuse to issue the policy or certificate.

11 (d) Determine the price or premium for the policy or
12 certificate.

13 (e) Otherwise vary a term or condition of the policy or
14 certificate.

15 (3) As used in this section:

16 (a) "Living donor" means an individual who is not deceased and
17 has donated any of the following:

18 (i) All or part of an organ.

19 (ii) A tissue.

20 (b) "Organ" means a human kidney, liver, heart, lung,
21 pancreas, esophagus, stomach, or small or large intestine, a
22 portion of the gastrointestinal tract, or another part of the human
23 body designated by the department by rule.

24 (c) "Tissue" means a portion of the human body other than an
25 organ, including, but not limited to, an eye, skin, bone, bone
26 marrow, a heart valve, a spermatozoon, an ova, an artery, a vein, a
27 tendon, a ligament, blood, blood derivatives, a pituitary gland, or
28 fluid.