HOUSE DOCKET, NO. 884 FILED ON: 1/13/2025

HOUSE . . . . . No. 1248

The Commonwealth of Massachusetts

PRESENTED BY:

Kate Lipper-Garabedian

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act providing living organ donor protections.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Kate Lipper-Garabedian	*32nd Middlesex*	*1/13/2025*
Natalie M. Blais	*1st Franklin*	*1/29/2025*
Lindsay N. Sabadosa	*1st Hampshire*	*2/24/2025*

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By Representative Lipper-Garabedian of Melrose, a petition (accompanied by bill, House, No. 1248) of Kate Lipper-Garabedian, Natalie M. Blais and Lindsay N. Sabadosa relative to protections and health insurance coverage for living organ donors. Financial Services.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *1000* OF 2023-2024.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act providing living organ donor protections.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 26 of the General Laws is hereby amended by inserting after section 8L the following section:-

Section 8M. The commissioner of insurance shall promulgate rules and regulations necessary to implement and enforce section 47OO of chapter 175, section 39 of chapter 176A, section 26 of chapter 176B and section 34 of chapter 176G.

SECTION 2. Chapter 111 of the General Laws is hereby amended by adding the following section:-

Section 243. If the department receives materials related to live organ donation from a live organ donation organization that the department determines to be reputable, the department shall make those materials available to the public.

SECTION 3. Chapter 175 of the General Laws is hereby amended by inserting after section 108N, as appearing in the 2018 Official Edition, the following section:-

Section 108O. An insurer or producer authorized to issue policies against disability from injury or disease in the commonwealth shall not: (1) decline or limit coverage of a person solely due to the status of the person as a living organ donor; (2) preclude a person from donating all or part of an organ as a condition of continuing to receive coverage; or (3) otherwise discriminate in the offering, issuance, cancellation, amount of coverage, price or any other condition of coverage, based solely and without any additional actuarial risks upon the status of a person as a living organ donor. A violation of this section shall constitute an unfair method of competition or an unfair or deceptive act or practice in violation of chapter 176D.

SECTION 4. Said chapter 175 is hereby further amended by inserting after section 120F, as so appearing, the following section:-

Section 120G. Any policy, offer of policy or application for a policy of life insurance, group or individual annuity, pure endowment contract or certificate covering residents of the commonwealth shall not: (1) decline or limit coverage of a person solely due to the status of the person as a living organ donor; (2) preclude a person from donating all or part of an organ as a condition of continuing to receive coverage; or (3) otherwise discriminate in the offering, issuance, cancellation, amount of coverage, price or any other condition of coverage, based solely and without any additional actuarial risks upon the status of a person as a living organ

donor. A violation of this section shall constitute an unfair method of competition or an unfair or deceptive act or practice in violation of chapter 176D.

SECTION 5. Section 3 of chapter 176U of the General Laws, as so appearing, is hereby amended by adding the following subsection:-

(m) A long-term care insurance policy or certificate shall not: (1) decline or limit coverage of a person solely due to the status of the person as a living organ donor; (2) preclude a person from donating all or part of an organ as a condition of continuing to receive coverage; or (3) otherwise discriminate in the offering, issuance, cancellation, amount of coverage, price or any other condition of coverage, based solely and without any additional actuarial risks upon the status of a person as a living organ donor. A violation of this subsection shall constitute an unfair method of competition or an unfair or deceptive act or practice in violation of chapter 176D.