

**SENATE . . . . . No. 727**

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

***William J. Driscoll, Jr.***

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*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.**

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PETITION OF:

NAME:

*William J. Driscoll, Jr.*

DISTRICT/ADDRESS:

*Norfolk, Plymouth and Bristol*

**SENATE . . . . . No. 727**

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By Mr. Driscoll, a petition (accompanied by bill, Senate, No. 727) of William J. Driscoll, Jr. relative to protections and health insurance coverage for living organ donors. Financial Services.

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

**The Commonwealth of Massachusetts**

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

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

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

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

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

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

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

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

23 Section 120G. Any policy, offer of policy or application for a policy of life insurance,  
24 group or individual annuity, pure endowment contract or certificate covering residents of the  
25 commonwealth shall not: (1) decline or limit coverage of a person solely due to the status of the  
26 person as a living organ donor; (2) preclude a person from donating all or part of an organ as a  
27 condition of continuing to receive coverage; or (3) otherwise discriminate in the offering,  
28 issuance, cancellation, amount of coverage, price or any other condition of coverage, based  
29 solely and without any additional actuarial risks upon the status of a person as a living organ  
30 donor. A violation of this section shall constitute an unfair method of competition or an unfair or  
31 deceptive act or practice in violation of chapter 176D.

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

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