

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 228

Introduced by Hughes, 44.

Read first time January 14, 2019

Committee: Banking, Commerce and Insurance

- 1 A BILL FOR AN ACT relating to insurance; to prohibit certain insurance
- 2 practices relating to a person's status as a living organ donor.
- 3 Be it enacted by the people of the State of Nebraska,

1 Section 1. (1) Notwithstanding any other provision of law, it shall
2 be unlawful to:

3 (a) Decline or limit coverage of a person under any life insurance
4 policy, disability insurance policy, or long-term care insurance policy
5 due to the status of such person as a living organ donor;

6 (b) Preclude a person from donating all or part of an organ as a
7 condition of receiving a life insurance policy, disability insurance
8 policy, or long-term care insurance policy;

9 (c) Consider the status of a person as a living organ donor in
10 determining the premium rate for coverage of such person under a life
11 insurance policy, disability insurance policy, or long-term care
12 insurance policy; or

13 (d) Otherwise discriminate against a person in the offering,
14 issuance, cancellation, price, amount of coverage, or any other condition
15 of a life insurance policy, disability insurance policy, or long-term
16 care insurance policy based solely and without any additional actuarial
17 risks upon the status of such person as a living organ donor.

18 (2) Any violation of this section shall be an unfair trade practice
19 in the business of insurance subject to the Unfair Insurance Trade
20 Practices Act.

21 (3) For purpose of this section:

22 (a) Disability insurance policy means a contract under which an
23 entity promises to pay a person a sum of money in the event that an
24 illness or injury resulting in a disability prevents such person from
25 working;

26 (b) Life insurance policy means a contract under which an entity
27 promises to pay a designated beneficiary a sum of money upon the death of
28 the insured;

29 (c) Living organ donor means an individual who has donated all or
30 part of an organ and is not deceased; and

31 (d) Long-term care insurance policy means a contract for which the

1 only insurance protection provided under the contract is coverage of
2 qualified long-term care services as defined in section 7702B(c) of the
3 Internal Revenue Code.