

By Senator Cruz

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1 A bill to be entitled
2 An act relating to living organ donors in insurance
3 policies; creating s. 626.97075, F.S.; defining the
4 term "policy"; prohibiting insurers, health
5 maintenance organizations, and prepaid health clinics
6 under specified policies from declining or limiting
7 coverages and discriminating against persons based
8 solely on their status as living organ donors, and
9 from precluding insureds or subscribers from donating
10 organs; authorizing the Financial Services Commission
11 to adopt rules and take actions to enforce specified
12 laws; creating ss. 627.4795, 627.5215, 627.5585,
13 627.6443, 627.65624, 627.6813, and 627.94065, F.S.;
14 prohibiting insurers under life insurance policies,
15 industrial life insurance policies, group life
16 insurance policies, individual health insurance
17 policies, group, blanket, and franchise health
18 insurance policies, credit life and disability
19 insurance policies, and long-term care insurance
20 policies, respectively, from declining or limiting
21 coverages and discriminating against persons based
22 solely on their status as living organ donors, and
23 from precluding insureds from donating organs;
24 authorizing the commission to adopt rules and take
25 actions to enforce specified laws; creating ss.
26 641.31065 and 641.4275, F.S.; prohibiting health
27 maintenance organizations under health maintenance
28 contracts and prepaid health clinics under prepaid
29 health clinic contracts, respectively, from declining

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30 or limiting coverages and discriminating against
31 persons based on their status as living organ donors,
32 and from precluding subscribers from donating organs;
33 authorizing the commission to adopt rules and take
34 actions to enforce specified laws; providing an
35 effective date.

36
37 Be It Enacted by the Legislature of the State of Florida:

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39 Section 1. Section 626.97075, Florida Statutes, is created
40 to read:

41 626.97075 Life insurance, health insurance, disability
42 insurance, and long-term care insurance; discrimination against
43 living organ donors prohibited.-

44 (1) As used in this section, the term "policy" means any of
45 the following:

46 (a) An individual or group life insurance policy.

47 (b) An industrial life insurance policy, as the term
48 "industrial life insurance" is defined in s. 627.502(1).

49 (c) An individual or a group, blanket, or franchise health
50 insurance policy, as the term "health insurance" is defined in
51 s. 624.603.

52 (d) A credit life insurance or credit disability insurance
53 policy, as defined in s. 627.677(1) and (2), respectively.

54 (e) A long-term care insurance policy as defined in s.
55 627.9404(1).

56 (f) A health maintenance contract as defined s. 641.19(11).

57 (g) A prepaid health clinic contract as defined in s.
58 641.402.

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59 (2) Notwithstanding any other law, an insurer, a health
60 maintenance organization, or a prepaid health clinic may not,
61 under a policy:

62 (a) Decline or limit coverage of a person solely due to his
63 or her status as a living organ donor;

64 (b) Preclude an insured or a subscriber from donating all
65 or part of an organ as a condition to continuing to receive
66 coverage under the policy; or

67 (c) Otherwise discriminate in the offering, issuance,
68 cancellation, coverage, premium, or any other condition of the
69 policy for a person without any additional actuarial risk and
70 based solely on his or her status as a living organ donor.

71 (3) The commission may adopt rules and take actions
72 necessary to enforce this section.

73 Section 2. Section 627.4795, Florida Statutes, is created
74 to read:

75 627.4795 Discrimination against living organ donors
76 prohibited.—

77 (1) Notwithstanding any other law, an insurer may not,
78 under a life insurance policy:

79 (a) Decline or limit coverage of a person solely due to his
80 or her status as a living organ donor;

81 (b) Preclude an insured from donating all or part of an
82 organ as a condition to continuing to receive coverage under the
83 policy; or

84 (c) Otherwise discriminate in the offering, issuance,
85 cancellation, coverage, premium, or any other condition of the
86 policy for a person without any additional actuarial risk and
87 based solely on his or her status as a living organ donor.

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88 (2) The commission may adopt rules and take actions
89 necessary to enforce this section.

90 Section 3. Section 627.5215, Florida Statutes, is created
91 to read:

92 627.5215 Discrimination against living organ donors
93 prohibited.—

94 (1) Notwithstanding any other law, an insurer may not,
95 under an industrial life insurance policy:

96 (a) Decline or limit coverage of a person solely due to his
97 or her status as a living organ donor;

98 (b) Preclude an insured from donating all or part of an
99 organ as a condition to continuing to receive coverage under the
100 policy; or

101 (c) Otherwise discriminate in the offering, issuance,
102 cancellation, coverage, premium, or any other condition of the
103 policy for a person without any additional actuarial risk and
104 based solely on his or her status as a living organ donor.

105 (2) The commission may adopt rules and take actions
106 necessary to enforce this section.

107 Section 4. Section 627.5585, Florida Statutes, is created
108 to read:

109 627.5585 Discrimination against living organ donors
110 prohibited.—

111 (1) Notwithstanding any other law, an insurer may not,
112 under a group life insurance policy:

113 (a) Decline or limit coverage of a person solely due to his
114 or her status as a living organ donor;

115 (b) Preclude an insured from donating all or part of an
116 organ as a condition to continuing to receive coverage under the

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117 policy; or

118 (c) Otherwise discriminate in the offering, issuance,
119 cancellation, coverage, premium, or any other condition of the
120 policy for a person without any additional actuarial risk and
121 based solely on his or her status as a living organ donor.

122 (2) The commission may adopt rules and take actions
123 necessary to enforce this section.

124 Section 5. Section 627.6443, Florida Statutes, is created
125 to read:

126 627.6443 Discrimination against living organ donors
127 prohibited.—

128 (1) Notwithstanding any other law, an insurer may not,
129 under a health insurance policy:

130 (a) Decline or limit coverage of a person solely due to his
131 or her status as a living organ donor;

132 (b) Preclude an insured from donating all or part of an
133 organ as a condition to continuing to receive coverage under the
134 policy; or

135 (c) Otherwise discriminate in the offering, issuance,
136 cancellation, coverage, premium, or any other condition of the
137 policy for a person without any additional actuarial risk and
138 based solely on his or her status as a living organ donor.

139 (2) The commission may adopt rules and take actions
140 necessary to enforce this section.

141 Section 6. Section 627.65624, Florida Statutes, is created
142 to read:

143 627.65624 Discrimination against living organ donors
144 prohibited.—

145 (1) Notwithstanding any other law, an insurer may not,

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146 under a group, blanket, or franchise health insurance policy:

147 (a) Decline or limit coverage of a person solely due to his
148 or her status as a living organ donor;

149 (b) Preclude an insured from donating all or part of an
150 organ as a condition to continuing to receive coverage under the
151 policy; or

152 (c) Otherwise discriminate in the offering, issuance,
153 cancellation, coverage, premium, or any other condition of the
154 policy for a person without any additional actuarial risk and
155 based solely on his or her status as a living organ donor.

156 (2) The commission may adopt rules and take actions
157 necessary to enforce this section.

158 Section 7. Section 627.6813, Florida Statutes, is created
159 to read:

160 627.6813 Discrimination against living organ donors
161 prohibited.—

162 (1) Notwithstanding any other law, an insurer may not,
163 under a credit life insurance or credit disability insurance
164 policy:

165 (a) Decline or limit coverage of a person solely due to his
166 or her status as a living organ donor;

167 (b) Preclude an insured from donating all or part of an
168 organ as a condition to continuing to receive coverage under the
169 policy; or

170 (c) Otherwise discriminate in the offering, issuance,
171 cancellation, coverage, premium, or any other condition of the
172 policy for a person without any additional actuarial risk and
173 based solely on his or her status as a living organ donor.

174 (2) The commission may adopt rules and take actions

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175 necessary to enforce this section.

176 Section 8. Section 627.94065, Florida Statutes, is created
177 to read:

178 627.94065 Discrimination against living organ donors
179 prohibited.-

180 (1) Notwithstanding any other law, an insurer may not,
181 under a long-term care insurance policy:

182 (a) Decline or limit coverage of a person solely due to his
183 or her status as a living organ donor;

184 (b) Preclude an insured from donating all or part of an
185 organ as a condition to continuing to receive coverage under the
186 policy; or

187 (c) Otherwise discriminate in the offering, issuance,
188 cancellation, coverage, premium, or any other condition of the
189 policy for a person without any additional actuarial risk and
190 based solely on his or her status as a living organ donor.

191 (2) The commission may adopt rules and take actions
192 necessary to enforce this section.

193 Section 9. Section 641.31065, Florida Statutes, is created
194 to read:

195 641.31065 Discrimination against living organ donors
196 prohibited.-

197 (1) Notwithstanding any other law, a health maintenance
198 organization may not, under a health maintenance contract:

199 (a) Decline or limit coverage of a person solely due to his
200 or her status as a living organ donor;

201 (b) Preclude a subscriber from donating all or part of an
202 organ as a condition to continuing to receive coverage under the
203 contract; or

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204 (c) Otherwise discriminate in the offering, issuance,
205 cancellation, coverage, premium, or any other condition of the
206 contract for a person without any additional actuarial risk and
207 based solely on his or her status as a living organ donor.

208 (2) The commission may adopt rules and take actions
209 necessary to enforce this section.

210 Section 10. Section 641.4275, Florida Statutes, is created
211 to read:

212 641.4275 Discrimination against living organ donors
213 prohibited.-

214 (1) Notwithstanding any other law, a prepaid health clinic
215 may not, under a prepaid health clinic contract:

216 (a) Decline or limit coverage of a person solely due to his
217 or her status as a living organ donor;

218 (b) Preclude a subscriber from donating all or part of an
219 organ as a condition to continuing to receive coverage under the
220 contract; or

221 (c) Otherwise discriminate in the offering, issuance,
222 cancellation, coverage, premium, or any other condition of the
223 contract for a person without any additional actuarial risk and
224 based solely on his or her status as a living organ donor.

225 (2) The commission may adopt rules and take actions
226 necessary to enforce this section.

227 Section 11. This act shall take effect July 1, 2022.