

**CHAPTER 55****( HB 75 )**

AN ACT relating to living organ donation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔SECTION 1. A NEW SECTION OF SUBTITLE 12 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

(1) *As used in this section:*

(a) *"Insurance coverage" means coverage under a disability insurance, life insurance, or long-term care insurance policy; and*

(b) *"Living donor" means an individual who:*

1. *Has donated all or part of an organ; and*

2. *Is not deceased.*

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

(a) *Limit or decline to issue or renew insurance coverage due solely to the status of an individual as a living donor;*

(b) *Preclude an insured from donating all or part of an organ as a condition of continuing to receive insurance coverage; or*

(c) *Otherwise discriminate in the offering, issuance, cancellation, amount of insurance coverage, price, or any other condition of insurance coverage provided under a policy, based solely and without any additional actuarial risks upon the status of an individual as a living donor.*

➔Section 2. KRS 2.240 is amended to read as follows:

(1) The fourth week of April of each year is designated as Organ Donor Awareness Week, and the Governor shall annually issue a proclamation inviting and urging the people of the Commonwealth to be involved with appropriate activities. This observance is created to educate the citizens of the Commonwealth about the importance of organ donation.

(2) As part of Organ Donor Awareness Week, the Governor and the House of Representatives and the Senate of the General Assembly shall honor those persons who have donated organs and surviving family members with a ceremony in the Capitol rotunda. Each person who has donated an organ shall be recognized collectively by citation and, upon request, the person or the person's family shall be given a copy of the citation. The Governor may establish an organ donor honor board to collect the name of each person, subject to the person's consent, who donates an organ in the Commonwealth during the year, and to recognize medical professionals, educators, volunteers, public employees, and private organizations that are involved with the organ donation process. Nothing in this section shall be construed to require reporting of the name of any person involved with the organ donation process or to supersede patient confidentiality protections established by statute, the Board of Medical Licensure or other state entity, or the Federal Health Insurance Portability and Accountability Act.

(3) Education efforts are encouraged to focus on the importance of organ donation and its significance with saving the lives of Kentuckians. The Cabinet for Health and Family Services is encouraged to develop and circulate materials relating to organ donation, *including but not limited to:*

(a) *The benefits of living organ donation; and*

(b) *The impact of living organ donation on the access of a living organ donor to insurance, including the protections set forth in Section 1 of this Act.*

➔Section 3. Section 1 of this Act applies to insurance policies issued, renewed, or declined on or after the effective date of this Act.

➔Section 4. This Act may be cited as the Living Donor Protection Act of 2021.

**Signed by Governor March 22, 2021.**