ASSEMBLY FINANCIAL INSTITUTIONS AND INSURANCE COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3199

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 19, 2020

The Assembly Financial Institutions and Insurance Committee reports favorably and with committee amendments Assembly Bill No. 3199.

This bill prohibits discrimination against living organ donors in connection with life, health, and long-term care insurance. Living organ donation is the process by which a living person elects to donate all or part of a bodily organ, such as a kidney, lung, or portion of the liver, for transplantation into the body of another person.

Specifically, the bill prohibits life, health, and long-term care insurers from declining or limiting coverage based solely on the status of an individual as a living organ donor; precluding a person from donating all or part of an organ as a condition of continuing to receive coverage or otherwise discriminating in the offering, issuance, cancellation, amount of coverage, price, or other condition of coverage for an individual under a policy based solely, and without any additional actuarial risks, on the status of the individual as a living organ donor.

The bill additionally revises the continuing education credits required for physicians and nurses to require training concerning the protections established under the bill.

This bill is based in part on the provisions of the federal "Living Donor Protection Act of 2019." Similar legislation adopting parts of the federal bill have been enacted in a number of other states, including Arizona, Arkansas, California, Illinois, Kansas, Maryland, Oklahoma, and Oregon.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

(1) prohibit life, health, and long-term care insurers from declining or limiting coverage based solely on the status of an individual as a living organ donor;

(2) prohibit life, health, and long-term care insurers from precluding a person from donating all or part of an organ as a condition of continuing to receive coverage; and

(3) remove from the bill a provision prohibiting life, health, and long-term care insurers from considering the status of a person as a living organ donor in determining the premium rate for coverage of the person.