

# SENATE BILL NO. 384

June 13, 2023, Introduced by Senators HERTEL, JOHNSON, MCMORROW, MCCANN, GEISS, CHANG, WOJNO, SHINK, KLINEFELT, BAYER and SANTANA and referred to the Committee on Health Policy.

A bill to amend 1956 PA 218, entitled  
"The insurance code of 1956,"  
(MCL 500.100 to 500.8302) by adding sections 3406z, 3901a, and  
4002.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

- 1           **Sec. 3406z. (1) This section applies to disability insurance**  
2 **policies or certificates delivered or issued for delivery after**  
3 **December 31, 2023.**  
4           **(2) Unless there is an additional actuarial risk, as**

1 determined in accordance with sound actuarial principles as well as  
2 the individual's actual and reasonably anticipated experience, an  
3 insurer shall not do any of the following with respect to a  
4 disability insurance policy or certificate based solely on the  
5 individual's status as a living donor:

6 (a) Deny coverage.

7 (b) Cancel coverage.

8 (c) Refuse to issue the policy or certificate.

9 (d) Determine the price or premium for the policy or  
10 certificate.

11 (e) Otherwise vary a term or condition of the policy or  
12 certificate.

13 (3) As used in this section:

14 (a) "Living donor" means an individual who is not deceased and  
15 has donated any of the following:

16 (i) All or part of an organ.

17 (ii) A tissue.

18 (b) "Organ" means a human kidney, liver, heart, lung,  
19 pancreas, esophagus, stomach, or small or large intestine, a  
20 portion of the human gastrointestinal tract, or another part of the  
21 human body designated by the department by rule.

22 (c) "Tissue" means a portion of the human body other than an  
23 organ, including, but not limited to, an eye, skin, bone, bone  
24 marrow, a heart valve, a spermatozoon, an ova, an artery, a vein, a  
25 tendon, a ligament, blood, blood derivatives, a pituitary gland, or  
26 fluid.

27 Sec. 3901a. (1) This section applies to all long-term care  
28 insurance policies or certificates delivered or issued for delivery  
29 after December 31, 2023.

1 (2) Unless there is an additional actuarial risk, as  
2 determined in accordance with sound actuarial principles as well as  
3 the individual's actual and reasonably anticipated experience, an  
4 insurer shall not do any of the following with respect to a long-  
5 term care insurance policy or certificate based solely on the  
6 individual's status as a living donor:

7 (a) Deny coverage.

8 (b) Cancel coverage.

9 (c) Refuse to issue the policy or certificate.

10 (d) Determine the price or premium for the policy or  
11 certificate.

12 (e) Otherwise vary a term or condition of the policy or  
13 certificate.

14 (3) As used in this section:

15 (a) "Living donor" means an individual who is not deceased and  
16 has donated any of the following:

17 (i) All or part of an organ.

18 (ii) A tissue.

19 (b) "Organ" means a human kidney, liver, heart, lung,  
20 pancreas, esophagus, stomach, or small or large intestine, a  
21 portion of the gastrointestinal tract, or another part of the human  
22 body designated by the department by rule.

23 (c) "Tissue" means a portion of the human body other than an  
24 organ, including, but not limited to, an eye, skin, bone, bone  
25 marrow, a heart valve, a spermatozoon, an ova, an artery, a vein, a  
26 tendon, a ligament, blood, blood derivatives, a pituitary gland, or  
27 fluid.

28 Sec. 4002. (1) This section applies to life insurance policies  
29 or certificates delivered or issued for delivery after December 31,

1 2023.

2 (2) Unless there is an additional actuarial risk, as  
3 determined in accordance with sound actuarial principles as well as  
4 the individual's actual and reasonably anticipated experience, an  
5 insurer shall not do any of the following with respect to a life  
6 insurance policy or certificate based solely on the individual's  
7 status as a living donor:

8 (a) Deny coverage.

9 (b) Cancel coverage.

10 (c) Refuse to issue the policy or certificate.

11 (d) Determine the price or premium for the policy or  
12 certificate.

13 (e) Otherwise vary a term or condition of the policy or  
14 certificate.

15 (3) As used in this section:

16 (a) "Living donor" means an individual who is not deceased and  
17 has donated any of the following:

18 (i) All or part of an organ.

19 (ii) A tissue.

20 (b) "Organ" means a human kidney, liver, heart, lung,  
21 pancreas, esophagus, stomach, or small or large intestine, a  
22 portion of the gastrointestinal tract, or another part of the human  
23 body designated by the department by rule.

24 (c) "Tissue" means a portion of the human body other than an  
25 organ, including, but not limited to, an eye, skin, bone, bone  
26 marrow, a heart valve, a spermatozoon, an ova, an artery, a vein, a  
27 tendon, a ligament, blood, blood derivatives, a pituitary gland, or  
28 fluid.