

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. House Bill 203

PRINTER NO. 239

AMOUNT

No Fiscal Impact

FUND

General Fund

DATE INTRODUCED

January 21, 2021

PRIME SPONSOR

Representative Toohil

DESCRIPTION AND PURPOSE OF BILL

House Bill 203 creates a new freestanding act to be known as the Living Donor Protection Act.

The bill requires the Department of Health (department) to develop informational materials relating to living donors and the live donation of organs and tissue. As detailed in the legislation, these materials must, at a minimum, cover the following topics:

- The benefits of live organ and tissue donation;
- The impact of such donations on a living donor’s access to insurance and assistance;
- State tax benefits granted to a living donor; and
- Protections granted to living donors under this legislation and other laws.

These informational materials must be distributed in printed form upon request, be posted on the department’s website and be updated periodically.

House Bill 203 also places certain requirements on insurance companies in Pennsylvania by prohibiting them from declining coverage or limiting coverage for an individual based solely upon the individual’s status as a living donor. The sole exception allows an insurer to decline to issue a life insurance policy to an applicant with a scheduled donation until the applicant is released without complication by the surgeon to the care of the applicant’s primary care physician. This legislation does not require an insurance policy to include coverage of organ donation. A violation of these requirements by an insurance company would be considered an unfair or deceptive act under the Unfair Insurance Practices Act.

Additionally, the department and the Insurance Department may each promulgate rules or regulations necessary to carry out the provisions of this bill.

This act shall take effect in 60 days.

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FISCAL IMPACT:

House Bill 203 will have no fiscal impact to the Commonwealth. The Department of Health and the Insurance Department can develop and distribute informational material and promulgate rules within existing staffing and budget levels.