
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 924 Session of
2019

INTRODUCED BY TOOHL, ULLMAN, PETRARCA, PICKETT, KINSEY,
ISAACSON, MILLARD, DeLUCA, SAYLOR, SCHWEYER, HILL-EVANS,
WARREN, KAUFER AND HEFFLEY, MARCH 20, 2019

REFERRED TO COMMITTEE ON HEALTH, MARCH 20, 2019

AN ACT

1 Providing for living donor protection; and imposing duties on
2 the Department of Health, the Department of Labor and
3 Industry and the Insurance Department.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Living Donor
8 Protection Act.

9 Section 2. Definitions.

10 The following words and phrases when used in this act shall
11 have the meanings given to them in this section unless the
12 context clearly indicates otherwise:

13 "Eligible employee." As defined in the FMLA.

14 "FMLA." Family and Medical Leave Act of 1993 (Public Law
15 103-3, 29 U.S.C. § 2601 et seq.).

16 "Insurance policy." A policy, subscriber contract,
17 certificate or plan which provides medical care, health care,
18 life or accident insurance coverage and which is offered or

1 governed under any of the following:

2 (1) The act of May 17, 1921 (P.L.682, No.284), known as
3 The Insurance Company Law of 1921, including, but not limited
4 to, section 630 and Article XXIV of The Insurance Company Law
5 of 1921.

6 (2) The act of December 29, 1972 (P.L.1701, No.364),
7 known as the Health Maintenance Organization Act.

8 (3) 40 Pa.C.S. Ch. 61 (relating to hospital plan
9 corporations) or 63 (relating to professional health services
10 plan corporations).

11 "Insurer." An entity licensed by the Insurance Department
12 with authority to issue insurance policies.

13 "Living donor." An individual who:

14 (1) has donated all or part of an organ or tissue; and

15 (2) is not deceased.

16 "Organ." As follows:

17 (1) A human kidney, liver, heart, lung, pancreas,
18 esophagus, stomach, small or large intestine or portion of
19 the gastrointestinal tract or another part of the human body
20 designated by the Department of Health by regulation.

21 (2) The term includes blood vessels recovered during the
22 recovery of an organ under paragraph (1) if the blood vessels
23 are intended for use in organ transplantation.

24 "Tissue." As follows:

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

29 (2) The term does not include blood or a blood
30 derivative, unless the blood or blood derivative is donated

1 for the purpose of research or education.

2 Section 3. Informational materials.

3 (a) Authorization.--The Department of Health shall develop
4 informational materials relating to living donors and the live
5 donation of organs and tissue.

6 (b) Contents.--The informational materials shall include,
7 but not be limited to, the following:

8 (1) The benefits of live organ and tissue donation.

9 (2) The impact of the donation of organs or tissue on a
10 living donor's access to insurance and assistance.

11 (3) The reduction in Federal adjusted gross income, for
12 State personal income tax purposes, granted to a living
13 donor.

14 (4) The protections granted to a living donor under this
15 act.

16 (c) Distribution.--The informational materials shall be:

17 (1) distributed in printed form, upon request; and

18 (2) posted on the publicly accessible Internet website
19 of the Department of Health.

20 (d) Update.--The Department of Health shall periodically
21 update the informational materials.

22 Section 4. Prohibited practices.

23 An insurer may not:

24 (1) Engage in any of the following actions against an
25 individual based solely upon the individual's status as a
26 living donor without additional actuarial risks:

27 (i) Decline to provide an insurance policy to the
28 individual.

29 (ii) Limit coverage under an insurance policy of the
30 individual.

1 (iii) Otherwise discriminate against the individual
2 regarding the premium rating, offering, issuance,
3 cancellation, amount of coverage or any other condition
4 of an insurance policy.

5 (2) Preclude an insured from donating all or part of an
6 organ or tissue as a condition for receiving or continuing to
7 receive coverage under an insurance policy.

8 Section 5. Family and medical leave.

9 (a) Entitlement.--An employer subject to the FMLA shall
10 provide the same leave to which an eligible employee is entitled
11 under the FMLA, when the eligible employee is unable to work
12 because of a serious health condition or when the eligible
13 employee must care for the eligible employee's spouse, child or
14 parent with a serious medical condition, for the preparation and
15 recovery necessary for surgery related to organ or tissue
16 donation by or for the eligible employee or the eligible
17 employee's spouse, child or parent.

18 (b) Documentation.--An employer may require an eligible
19 employee to submit written documentation regarding the
20 preparation and recovery necessary for surgery described under
21 subsection (a).

22 Section 6. Enforcement.

23 (a) Insurance Department.--The Insurance Department shall
24 ensure compliance with section 4 of this act.

25 (b) Department of Labor and Industry.--The Department of
26 Labor and Industry shall ensure compliance with section 5 of
27 this act.

28 Section 7. Rules and regulations.

29 The Department of Health, the Department of Labor and
30 Industry and the Insurance Department may promulgate rules and

1 regulations as may be necessary to carry out the provisions of
2 this act.

3 Section 8. Effect of act.

4 Unless specifically provided otherwise under this act,
5 nothing in this act shall be construed to interfere with other
6 State law regarding organ or tissue donation.

7 Section 9. Effective date.

8 This act shall take effect in 60 days.