



Living Donor Protection Act

In a Nutshell

A “living donor” is a person who, while living, donates an organ to someone else (e.g., a kidney donor). According to the federal Health Resources and Services Administration’s [OrganDonor.Gov](https://www.organdonor.gov), almost 6,000 living donations occur annually, mostly between family members and close friends. Living donors are nearly 40% of all organ donations. The Living Donor Protection Act generally prohibits insurers from discriminating against living donors.

Federal Legislation

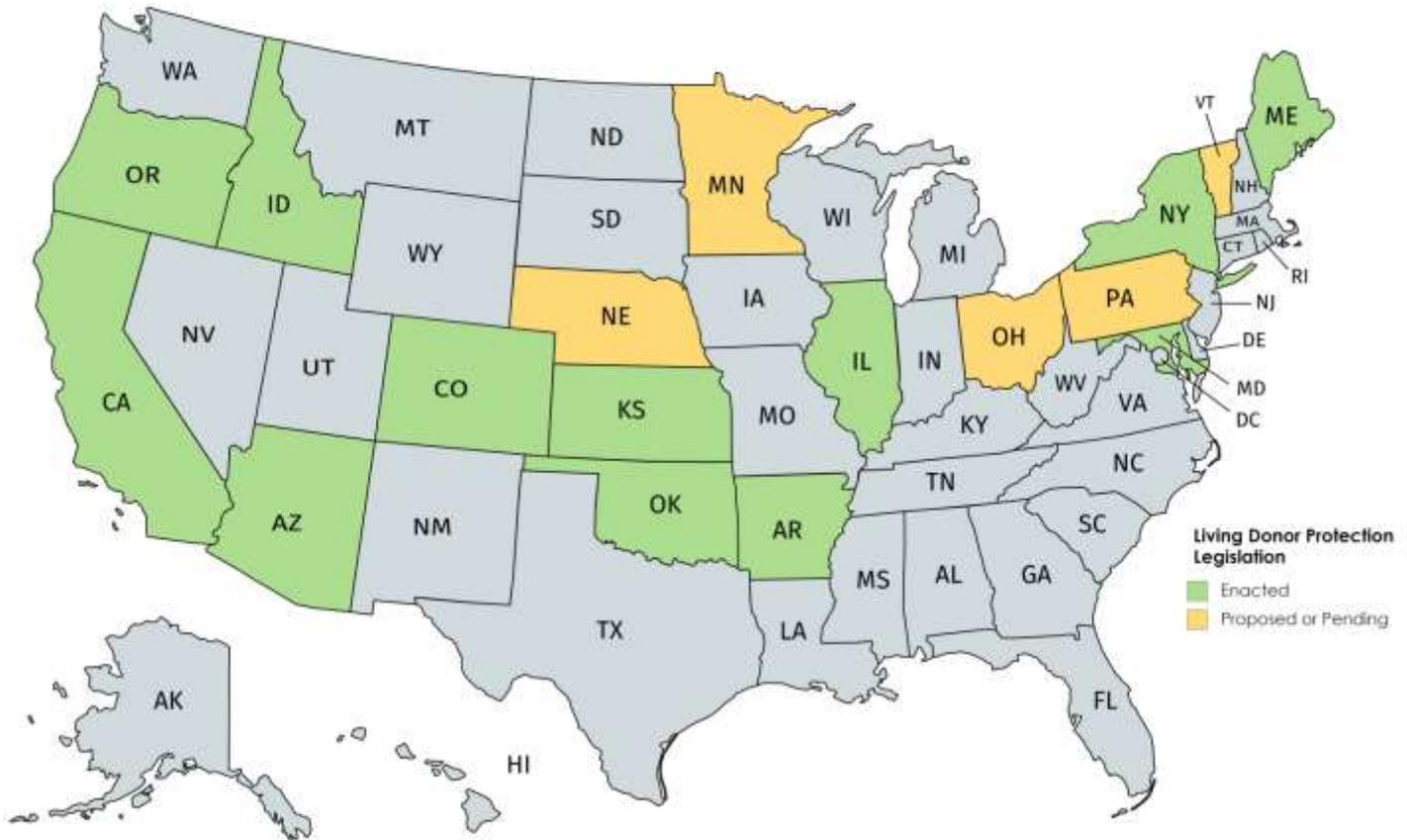
In 2019 Congress introduced the Living Donor Protection Act ([H.R. 1224](#) and [S. 511](#)) that prohibits life, disability, and long-term care insurers from discriminating against living donors. Generally, the legislation prohibits insurers from:

1. declining or limiting coverage because the insured is a living donor;
2. precluding a person from being a living donor as a condition of receiving benefits; and
3. otherwise discriminating against living donors, including by reducing coverage or increasing the price.

Additionally, the legislation (1) specifically incorporates recovery from donating an organ as a qualifying federal Family and Medical Leave Act (FMLA) event and (2) requires the federal health and human services secretary to review and update materials on the benefits of being a live organ donor. State insurance regulators may enforce these requirements. Both pieces of legislation were introduced on February 14, 2019, in both the House and Senate and are awaiting action. Similar legislation was introduced in 2017 ([H.R. 1270](#)), 2016 ([H.R. 4616](#) and [S. 2584](#)), and 2014 ([H.R. 5263](#)). None received a vote in the full House or Senate.

States with Living Donor Insurance Legislation

In addition to the federal legislation, at least 12 states have enacted living donor acts, and at least another five have legislation pending. State legislation varies, but generally prohibits insurers discriminating against living donors in rates, benefits, or coverage. For example, California law also incorporates protected leave provisions similar to those in the federal legislation.



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Sources: Legislative Library and the [National Kidney Foundation](#)

Other Connecticut Organ Donor Insurance Laws and Regulations

Connecticut does not have a Living Donor Protection Act, but has several other insurance laws and regulations related to organ donation. For example:

- Health insurance policies that cover an organ transplant recipient must under certain conditions also cover the donor's expenses ([Conn. Agency Regs. §§ 38a-513-3\(a\)\(7\) & 38a-505-9\(a\)\(9\)](#))
- Individuals may claim state FMLA employment leave for donating an organ ([CGS §§ 5-248a & 31-517](#))
- Certain health insurance policies must cover testing for potential bone marrow donors ([CGS §§ 38a-492o & -518o](#))

Learn
More

[U.S. government website](#) on organ donation and transplantation

Organ Donor [Registry](#)

National Kidney Foundation, [State Laws on Donor Leave and Living Donor Tax Credits](#)

