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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

H.B. 41  
133rd General Assembly

## Fiscal Note & Local Impact Statement

[Click here for H.B. 41's Bill Analysis](#)

**Version:** As Introduced

**Primary Sponsors:** Reps. Hambley and Hicks-Hudson

**Local Impact Statement Procedure Required:** No

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### Highlights

- Enforcing the bill's prohibition may increase the Department of Insurance's administrative costs. Any such costs would be paid from the Department of Insurance Operating Fund (Fund 5540).
- A life, disability, or long-term care insurer that does not comply with the bill's prohibition would be committing an unfair and deceptive act or practice in the business of insurance, which carries civil penalties. Any increase in revenue from such penalties would depend on compliance with the bill; the penalties would be deposited into Fund 5540.
- No direct fiscal effect on political subdivisions.

### Detailed Analysis

#### Summary of provisions with fiscal effects

The bill prohibits an insurer from discriminating against a living organ donor<sup>1</sup> in the offering, issuance, price, or conditions of a policy of insurance based solely, and without any additional actuarial risks, on that person's status as a living organ donor. The bill's prohibition applies to life, disability, or long-term care insurance policies. The bill specifies that a violation of this prohibition is defined to be an unfair and deceptive practice in the business of insurance under existing section 3901.21 of the Revised Code. The bill provides that the Superintendent of Insurance may adopt any necessary rules to carry out its requirements.

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<sup>1</sup> The bill defines a living organ donor as a living person who donates an organ to another living person.

## **Fiscal effect**

The bill may increase the Department of Insurance's administrative costs to enforce the bill's prohibition. The Department's administrative costs are paid from the Department of Insurance Operating Fund (Fund 5540). LBO economists believe that any increase in such expenditures would likely be minimal. In addition, Fund 5540 may receive revenue from penalties assessed by the Superintendent due to insurers committing an unfair and deceptive practice in the business of insurance.<sup>2</sup> The amount of revenue collected would depend on insurers' compliance with the prohibition.

The bill has no direct fiscal effect on political subdivisions.

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<sup>2</sup> Under section 3901.22 of the Revised Code, not in the bill, the Superintendent may assess an insurer for half of the Department's costs of investigating the insurer for possible unfair and deceptive practices, up to \$100,000. In addition, a court may levy a civil penalty up to \$3,500 per violation and up to \$35,000 in a six-month period for failure to comply with a cease and desist order issued by the Superintendent.