

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 338** HLS 25RS 243
 Bill Text Version: **ENGROSSED**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

Date: May 8, 2025	5:37 PM	Author: HILFERTY
Dept./Agy.: Health/Statewide		Analyst: Julie Silva
Subject: Mandatory paid leave for living organ donors		

HEALTH/ANATOMICAL GIFTS EG SEE FISC NOTE GF EX Page 1 of 2
 Provides relative to paid leave for living organ donations

Proposed legislation requires an employer, defined as a person or entity employing twenty or more employees at one site, including an individual, corporation, partnership, association, non-profit organization, group of persons, state, parish, town, city, school district, or other governmental subdivision to grant an employee, defined as an individual working for 20 hours or more per week, paid leave to undergo a medical procedure to donate a living organ. Current law permits this practice for medical procedures to donate bone marrow.

EXPENDITURES	2025-26	2026-27	2027-28	2028-29	2029-30	5 -YEAR TOTAL
State Gen. Fd.	SEE BELOW					
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	SEE BELOW					
Annual Total						
REVENUES	2025-26	2026-27	2027-28	2028-29	2029-30	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	\$0	\$0	\$0	\$0	\$0	\$0
Annual Total	\$0	\$0	\$0	\$0	\$0	\$0

EXPENDITURE EXPLANATION

Proposed legislation may result in a non-quantifiable increase in state and local governmental expenditures to ensure business operations are maintained during the absence of employees granted leave as living organ donors. Costs may include the hiring of temporary staff at state and local agencies or overtime costs for employees working beyond the scope of their traditional duties. It is unknown how many state employees provide living organ donations in a given year; based on living organ donation statistics, it is not expected to be significant. The LFO anticipates any increase in expenditures could impact all means of financing (SGF, SGR, Statutory Dedications, and Federal Funds), but is reflected as SGF in this note. Due to the inclusion of employees at the local level, an indeterminable increase in local fund expenditures is expected.

Proposed legislation requires employers, as defined in R.S. 40:1263.4, to grant a paid leave of absence to employees for the donation of living organs. The length of time required by proposed legislation is capped at 40 hours; however, an employer may grant additional leave based on the specific type of procedure performed. Without a predetermined length of time for paid leave, impacts are indeterminable. For informational purposes, recovery time estimates for living donor operations are included below. The low end of the range reflects the timeframe during which most donors are cleared to return to work. The high end of the range reflects the time for a patient to typically be fully medically cleared and considered "back to normal" following donation and is provided to reflect the maximum length of time a donor may be out of work due to such an operation. Actual leave granted is to be determined by the employer on a case-by-case basis.

Operation	Average Time to Return to Work	Average Total Recovery Time	# of Donors Statewide*			
			YTD 2025	2024	2023	2022
Kidney	4-8 weeks	3-6 months	12	73	76	78
Liver	4-8 weeks	3-6 months	0	7	7	5
Lung	6-8 weeks	3-6 months	0	0	0	0
Pancreas	8-12 weeks	10-12 months	0	0	0	0
Intestine	6-12 weeks	3-6 months	0	0	0	0

*Donor data is from the Organ Procurement and Transplantation Network, U.S. Department of Health and Human Services for ages 18-64 in Louisiana

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REVENUE EXPLANATION

There is no anticipated direct material effect on governmental revenues as a result of this measure.

Senate Dual Referral Rules
 13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}
 13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H}

House
 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}
 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

Patrice Thomas
Deputy Fiscal Officer



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CONTINUED EXPLANATION from page one:

Note: While leave taken for living organ donation is not anticipated to have a significant impact, any time the total amount of paid leave available to state employees in a given year is increased, there may be costs realized by state agencies. This includes compensation for overtime labor and temporary employees needed for continuation of services as well as costs to pay out up to 300 hours of annual leave and compensatory leave upon separation. The use of paid medical leave instead of annual or compensatory leave may result in an agency paying the employee for an indeterminable number of additional hours of leave they would have otherwise used, upon separation.

Senate Dual Referral Rules

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