

2026 Regular Session

SENATE BILL NO. 409

BY SENATORS MYERS, BARROW, SEABAUGH, SELDERS, STINE AND TALBOT

EMPLOYMENT. Provides protections for employees who become living organ donors.  
(8/1/26)

1 AN ACT

2 To enact Part II-A of Subchapter A of Chapter 5-F of Title 40 of the Louisiana Revised  
3 Statutes of 1950, to be comprised of R.S. 40:1264 and 1264.1, relative to public  
4 health; to provide relative to paid leave for living organ donors; to provide for  
5 legislative purpose; to provide for legislative intent; to provide relative to eligibility;  
6 to provide relative to verification procedures by employers; to prohibit forfeiture of  
7 leave under certain circumstances; to provide relative to paid leave by private  
8 employers; to provide relative to definitions; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. Part II-A of Subchapter A of Chapter 5-F of Title 40 of the Louisiana  
11 Revised Statutes of 1950, comprised of R.S. 40:1264 and 1264.1, is hereby enacted to read  
12 as follows:

13 **PART II-A. LOUISIANA LIVING DONOR PAID LEAVE PROTECTION ACT**

14 **§1264. Citation; purpose; legislative intent**

15 **A. Citation. This Part shall be known and may be cited as the "Louisiana**  
16 **Living Donor Paid Leave Protection Act".**

17 **B. Purpose. The legislature declares that the purpose of this Part is all**

1 of the following:

2 (1) To protect living organ donors from job insecurity or surgery delays.

3 (2) To encourage living organ donors, whose organs last longer and  
4 function better than deceased donor organs.

5 (3) To keep Louisianians healthy, employed, and out of long-term state-  
6 funded care, thereby saving the state thousands of dollars per patient each year.

7 C. Legislative intent. To facilitate living organ donors' return to  
8 employment at a reasonable cost to the employer.

9 §1264.1. Definitions; paid leave for public-sector living organ donors; unlawful  
10 practice by employers prohibited; relationship to other leave

11 A. As used in this Section, the following definitions shall apply:

12 (1) "Employee" means a full-time employee of a state agency who has  
13 been continuously employed by the same agency for at least twelve months.

14 "Employee" does not include an independent contractor.

15 (2) "Employer" means a state agency.

16 (3) "Human organ" means all or part of a liver, pancreas, kidney,  
17 intestine, lung, or bone marrow.

18 (4) "Living organ donor" and "organ donor" mean a person who  
19 knowingly and willingly donates all or part of a human organ while he or she  
20 is alive for transplantation into another person.

21 (5) "Private employer" means a sole proprietor, corporation,  
22 partnership, limited liability company, or other entity with one or more  
23 employees. "Private employer" does not include a municipality, parish, state  
24 agency, institution of higher education, or other public employer.

25 (6) "State agency" means any state board, commission, department,  
26 agency, office, or other entity which makes rules, regulations, or policy, or  
27 formulates or issues decisions or orders pursuant to, or as directed by, or in  
28 implementation of, the constitution and laws of the United States or the  
29 constitution and laws of Louisiana. "State agency" does not include the

1 legislature or any branch, committee, or officer thereof, any political  
2 subdivision as defined in Article VI, Section 44 of the Constitution of Louisiana  
3 or any board, commission, department, agency, office, or other entity thereof,  
4 and any court.

5 B.(1) An employer shall grant paid leave of absence to an employee who  
6 seeks to undergo a medical procedure to donate a human organ. The paid leave  
7 of absence shall not exceed thirty consecutive calendar days beginning on the  
8 day immediately following the organ donation surgery. This paid leave shall run  
9 concurrently with any unpaid leave granted to eligible employees pursuant to  
10 the Family and Medical Leave Act, 29 U.S.C. 2601 et seq. Paid leave granted  
11 under this Section shall be in addition to any sick leave, annual leave, or  
12 military leave accrued by the employee during his employment with the state  
13 agency.

14 (2) The employer may require verification by a physician of the purpose  
15 and length of each period of leave requested by the employee to donate a human  
16 organ. If there is a medical determination that the employee does not qualify as  
17 an organ donor, the paid leave of absence granted to the employee prior to that  
18 medical determination is not forfeited.

19 (3) A private employer shall grant an employee an unpaid leave of  
20 absence to allow the employee to serve as a human organ donor or a bone  
21 marrow donor if the employee requests a leave of absence in writing.

22 (a) The length of the leave of absence shall be equal to the time requested  
23 by the employee or thirty consecutive calendar days.

24 (b) Nothing in this Section shall prevent a private employer from  
25 granting a paid or an unpaid leave of absence for a length of time greater than  
26 thirty consecutive calendar days.

27 C. No employee shall be discharged, demoted, suspended, threatened,  
28 harassed, or discriminated against in any manner for requesting or obtaining  
29 a leave of absence as provided for in this Section.

- 1                    **D. This Section does not prevent an employer from providing leave for**  
 2                    **living organ donations in addition to leave allowed under this Section. This**  
 3                    **Section does not affect an employee's rights with respect to any other**  
 4                    **employment benefit.**
- 5                    **E. The paid leave for organ donation authorized by this Section has no**  
 6                    **cash value upon termination from employment.**

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

## DIGEST

SB 409 Reengrossed

2026 Regular Session

Myers

Proposed law may be cited as the "Louisiana Living Donor Paid Leave Protection Act".

Proposed law provides legislative purpose as follows:

- (1) To protect organ donors from job insecurity or surgery delays.
- (2) To encourage living organ donors whose organs last longer and function better than deceased donor organs.
- (3) To keep Louisianians healthy, employed, and out of long-term state-funded care, thereby saving the state thousands of dollars per patient each year.

Proposed law provides that the intent of the legislature is to facilitate living organ donors' return to employment at a reasonable cost to the employer.

Proposed law defines "employee", "employer", "human organ", "living organ donor", "private employer", and "state agency".

Proposed law requires an employer to grant paid leave of absence to an employee who seeks to donate a human organ. Proposed law further provides that the paid leave will not exceed 30 consecutive calendar days beginning on the day immediately following the organ donation surgery.

Proposed law provides that paid leave will run concurrently with unpaid leave granted to eligible employees pursuant to the Family and Medical Leave Protection Act.

Proposed law provides that donor paid leave will be in addition to sick, annual, or military leave accrued by the employee during his employment with the state agency.

Proposed law permits the employer to require verification by a physician of the purpose and length of each leave requested by the employee to donate a human organ.

Proposed law requires a private employer to grant a 30 consecutive calendar day unpaid leave of absence to an employee who serves as a human organ or bone marrow donor if the employee requests leave of absence in writing. Proposed law further allows a private employer to authorize an employee's leave of absence beyond 30 consecutive calendar days.

Proposed law provides that an employee cannot be discharged, demoted, suspended, threatened, harassed, or discriminated against for obtaining a leave of absence to become a human organ or bone marrow donor.

Proposed law provides that organ donor paid leave will not have cash value upon termination.

Effective August 1, 2026.

(Adds R.S. 40:1264 and 1264.1)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Labor and Industrial Relations to the original bill

1. Add that an employee must be continuously employed by the same agency for at least 12 months to qualify for donor paid leave.
2. Add that a "state agency" also formulates or issues decisions or orders pursuant to, or as directed by, or in implementation of, the constitution and laws of the U.S. or Louisiana.
3. Add that "state agency" does not include the legislature or any branch, committee, or officer thereof, any political subdivision as defined in the Constitution of La. or any board, commission, department, agency, office, or other entity thereof, and any court.
4. Make donor paid leave run concurrently with any unpaid leave granted to eligible employees pursuant to the Family and Medical Leave Act.
5. Make technical changes.

Senate Floor Amendments to engrossed bill

1. Make technical changes.