

2025 Regular Session

HOUSE BILL NO. 338

BY REPRESENTATIVE HILFERTY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

HEALTH/ANATOMICAL GIFTS: Provides relative to paid leave for living organ donations

1 AN ACT

2 To amend and reenact R.S. 40:1263.4(B) and (D), relative to living organ donation; to
3 provide for paid employee leave for living organ donation; to authorize the
4 requirement of verification for leave to donate living organs; to prohibit forfeiture
5 of leave under certain circumstances; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:1263.4(B) and (D) are hereby amended and reenacted to read as
8 follows:

9 §1263.4. Definitions; paid marrow and living organs donor leave; prohibition of
10 employer sanctions; relationship to other leave

11 * * *

12 B. An employer shall grant paid leaves of absence to an employee who seeks
13 to undergo a medical procedure to donate bone marrow or a living organ. The
14 ~~combined~~ length of the ~~leaves~~ leave shall be determined by the ~~employee~~, ~~but may~~
15 ~~not exceed forty work hours, unless agreed to by the employer~~ type of medical
16 procedure for the donation being performed. The employer may require verification
17 by a physician of the purpose and length of each leave requested by the employee to
18 donate bone marrow or a living organ. If there is a medical determination that the
19 employee does not qualify as a bone marrow donor or living organ donor, the paid

1 leave of absence granted to the employee prior to that medical determination is not
2 forfeited.

3 * * *

4 D. This Section does not prevent an employer from providing leave for bone
5 marrow or living organ donations in addition to leave allowed ~~under~~ in accordance
6 with this Section. This Section does not affect an employee's rights with respect to
7 any other employment benefit.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, 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)]

HB 338 Original

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Hilferty

Abstract: Grants paid leave of absence to an employee who is donating a living organ.

Present law currently affords required paid leave for bone marrow donations and the combined lengths of such leave is limited to no more than 40 hours. The employee also holds the reservation to decide to use other types of leave to take for a bone marrow donation. Present law also allows an employer to require verification by a doctor of the purpose and length of leave requested by the employee to donate bone marrow. Present law further provides that if a medical determination is made that an employee does not qualify as a bone marrow donor, paid leave that was granted to the employee prior to the determination is not forfeited.

Proposed law grants paid leave to an employee who is a living organ donor (kidney, or part of a liver, lung, pancreas, or intestines).

Proposed law removes the 40 hour cap on the paid leave and allows the amount of leave to be determined by the nature of the donation.

Present law provides that an employer is not prevented from providing leave for bone marrow donations in addition to leave allowed under present law. Employees maintain the right with respect to any other employment benefit.

Proposed law retains present law and adds that employers may provide leave for living organ donations in addition to leave allowed under present law.

(Amends R.S. 40:1263.4(B) and (D))