

2026 Regular Session

SENATE BILL NO. 328

BY SENATOR MYERS

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
13 performs services for hire for an employer, for an average of twenty or more
14 hours per week, and who has been employed by the same employer for at least
15 twelve months. "Employee" does not include an independent contractor.

16 (2) "Employer" means a state agency or other governmental subdivision.

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

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

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

26 (6) "State agency" means a department, agency, bureau, board, or
27 commission of any branch of state government.

28 B.(1) An employer shall grant paid leave of absence to an employee who
29 seeks to undergo a medical procedure to donate a human organ. The paid leave

1 of absence shall not exceed thirty working days, unless agreed to by the
2 employer. Paid leave granted under this Section shall be in addition to any
3 medical, vacation, military, jury duty, or other leave otherwise authorized by
4 law.

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

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

13 (i) The length of the leave of absence shall be equal to the time requested
14 by the employee or thirty days, whichever is less.

15 (ii) A private employer may grant a paid or unpaid leave of absence for
16 a length of time greater than thirty days.

17 (iii) If a private employer agrees to pay the employee's regular salary or
18 wages during the leave of absence, then the private employer may be entitled to
19 a credit against the private employer's tax liability. The credit shall be equal to
20 twenty-five percent of the regular salary or wages paid to the employee while
21 the employee was on leave of absence. If the employer grants the employee a
22 leave of absence greater than thirty days, the credit provided for under this
23 Subsection shall be limited to the regular salary or wages paid during the first
24 thirty days of the leave of absence.

25 (iv) The provisions of Subsection (iii) of this Paragraph shall not apply
26 if the employee is eligible for leave pursuant to 29 U.S.C. 2601 et. seq., formally
27 known as the Family and Medical Leave Act of 1993.

28 C. No employee shall be discharged, demoted, suspended, threatened,
29 harassed, or discriminated against in any manner for requesting or obtaining

1 a leave of absence as provided by this Section.

2 D. This Section does not prevent an employer from providing leave for
3 living organ donations in addition to leave allowed under this Section. This
4 Section does not affect an employee's rights with respect to any other
5 employment benefit.

6 E. An employer may grant paid or unpaid leave for a period longer than
7 thirty working days.

8 F. The paid leave for organ donation authorized by this Section shall not
9 be used for retirement purposes.

10 G. The paid leave for organ donation authorized by this Section has no
11 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 328 Original 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 working days without authorization from the employer.

Proposed law provides that donor paid leave will be in addition to medical, vacation, military, jury duty, or other leave authorized by present law.

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 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 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 prohibits organ donor paid leave to be used for retirement purposes.

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)