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DIGEST

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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 provides that the paid leave shall 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 prohibits an employee from being 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. 40:1264.1 and 1264.2)

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.

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Labor and Industrial Relations to the reengrossed bill:

1. Make title and technical changes.