

## 119TH CONGRESS 1ST SESSION

## S. 1552

To promote and protect from discrimination living organ donors.

## IN THE SENATE OF THE UNITED STATES

May 1, 2025

Mr. Cotton (for himself, Mrs. Gillibrand, Mrs. Hyde-Smith, Mr. Luján, Mrs. Capito, Mr. King, Mr. Blumenthal, Mr. Kaine, Ms. Klobuchar, Mr. Merkley, Mr. Whitehouse, Mr. Coons, Mrs. Blackburn, Mr. Ricketts, Mr. Tillis, Mr. Durbin, Mrs. Shaheen, Ms. Smith, Mr. Wyden, Mr. Kelly, Ms. Rosen, and Mr. Warnock) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

## A BILL

To promote and protect from discrimination living organ donors.

- 1 Be it enacted by the Senate and House of Representa-
- 2 tives of the United States of America in Congress assembled,
- 3 SECTION 1. SHORT TITLE.
- 4 This Act may be cited as the "Living Donor Protec-
- 5 tion Act of 2025".

| 1  | SEC. 2. PROHIBITION ON DENIAL OF COVERAGE OR IN-              |
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| 2  | CREASE IN PREMIUMS OF LIFE OR DIS-                            |
| 3  | ABILITY INSURANCE FOR LIVING ORGAN DO-                        |
| 4  | NORS.   |
| 5  | (a) Prohibition.—Notwithstanding any other provi-             |
| 6  | sion of law, an insurer shall not deny coverage, cancel cov-  |
| 7  | erage, refuse to issue, determine the price or premium for,   |
| 8  | or otherwise vary any term or condition of a life insurance   |
| 9  | policy, disability insurance policy, or long-term care insur- |
| 10 | ance policy for a person based solely, and without any ac-    |
| 11 | tual, unique, and material actuarial risks, on the status     |
| 12 | of such person as a living organ donor.                       |
| 13 | (b) Enforcement.—A State insurance regulator                  |
| 14 | may take such actions to enforce subsection (a) as are spe-   |
| 15 | cifically authorized under the laws of such State.            |
| 16 | (c) Definitions.—In this section:                             |
| 17 | (1) DISABILITY INSURANCE POLICY.—The term                     |
| 18 | "disability insurance policy" means a contract under          |
| 19 | which an entity promises to pay a person a sum of             |
| 20 | money in the event that an illness or injury resulting        |
| 21 | in a disability prevents such person from working.            |
| 22 | (2) Life insurance policy.—The term "life                     |
| 23 | insurance policy" means a contract under which an             |
| 24 | entity promises to pay a designated beneficiary a             |
| 25 | sum of money upon the death of the insured.                   |

| 1                               | (3) LIVING ORGAN DONOR.—The term "living                   |
|---------------------------------|--|
| 2                               | organ donor" means an individual who has donated           |
| 3                               | all or part of an organ and is not deceased.               |
| 4                               | (4) Long-term care insurance policy.—                      |
| 5                               | The term "long-term care insurance policy" means           |
| 6                               | a contract for which the only insurance protection         |
| 7                               | provided under the contract is coverage of qualified       |
| 8                               | long-term care services (as defined in section             |
| 9                               | 7702B(c) of the Internal Revenue Code of 1986).            |
| 10                              | SEC. 3. CLARIFICATION OF ORGAN DONATION SURGERY AS         |
| 11                              | QUALIFYING AS A SERIOUS HEALTH CONDI-                      |
| 12                              | TION UNDER FMLA.   |
| 13                              | (a) Private Sector Employees.—Section 101(11)              |
| 14                              | of the Family and Medical Leave Act of 1993 (29 U.S.C.     |
| 15                              | 2611(11)) is amended, in the matter preceding subpara-     |
| 16                              | graph (A), by inserting "(including recovery from surgery  |
| 17                              | related to organ donation)" after "physical or mental con- |
| 18                              | dition".   |
| 19                              | (b) Federal Civil Service Employees.—                      |
| 20                              | (1) Definition.—Section 6381(5) of title 5,                |
|                                 | (1) DEFINITION.—Section 0301(3) of time 3,                 |
| 21                              | United States Code, is amended, in the matter pre-         |
| <ul><li>21</li><li>22</li></ul> |  |
|                                 | United States Code, is amended, in the matter pre-         |

| 1  | (2) Relationship to organ donor leave.—               |
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| 2  | Section 6382(d)(1) of title 5, United States Code, is |
| 3  | amended by adding at the end the following: "An       |
| 4  | employee who takes any part of the 12-week period     |
| 5  | of leave under subsection (a)(1) to serve as an organ |
| 6  | donor (including recovery from surgery related to     |
| 7  | organ donation) may elect to substitute, for as much  |
| 8  | of that part as possible, any leave available to the  |
| 9  | employee under section 6327.".                        |
| 10 | SEC. 4. UPDATING OF EDUCATIONAL MATERIALS ON THE      |
| 11 | BENEFITS AND RISKS OF LIVING ORGAN DO-                |
| 12 | NATION.   |
| 13 | (a) Educational Materials.—                           |
| 14 | (1) Review and updating.—Not later than 6             |
| 15 | months after the date of enactment of this Act, the   |
| 16 | Secretary of Health and Human Services (in this       |
| 17 | section referred to as the "Secretary") shall review  |
| 18 | and update materials related to living organ dona-    |
| 19 | tion in order to educate the public on—               |
| 20 | (A) the benefits and risks of living organ            |
| 21 | donation; and   |
| 22 | (B) the impact of living organ donation on            |
| 23 | the access of a living organ donor to insurance.      |
| 24 | (2) Information on statutory changes.—                |
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| 1  | the requirements under section 2 and the amend-          |
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| 2  | ments made by section 3.                                 |
| 3  | (b) Methods of Updating.—In carrying out sub-            |
| 4  | section (a), the Secretary shall update, as appropriate— |
| 5  | (1) public service announcements previously              |
| 6  | provided by the Secretary;                               |
| 7  | (2) publicly accessible websites (such as                |
| 8  | organdonor.gov, or a successor website) that are         |
| 9  | maintained by the Secretary and that contain infor-      |
| 10 | mation and resources regarding living organ dona-        |
| 11 | tion; and  |
| 12 | (3) other media, as the Secretary determines             |
| 13 | appropriate.   |

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