

## 116TH CONGRESS 1ST SESSION

## S. 511

To promote and protect from discrimination living organ donors.

## IN THE SENATE OF THE UNITED STATES

February 14, 2019

Mrs. GILLIBRAND (for herself and Mr. COTTON) 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 2019".

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REMIUMS OF LIFE OR DIS-	2
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such person as a living organ donor.

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- 1 (b) Enforcement.—A State insurance regulator 2 may take such actions to enforce subsection (a) as are spe-3 cifically authorized under the laws of such State.
- 4 (c) Definitions.—In this section:

- (1) DISABILITY INSURANCE POLICY.—The term "disability insurance policy" means a contract under which an entity promises to pay a person a sum of money in the event that an illness or injury resulting in a disability prevents such person from working.
  - (2) LIFE INSURANCE POLICY.—The term "life insurance policy" means a contract under which an entity promises to pay a designated beneficiary a sum of money upon the death of the insured.
  - (3) LIVING ORGAN DONOR.—The term "living organ donor" means an individual who has donated all or part of an organ and is not deceased.
- (4) Long-term care insurance policy.—
  The term "long-term care insurance policy" means a contract for which the only insurance protection provided under the contract is coverage of qualified long-term care services (as defined in section 7702B(c) of the Internal Revenue Code of 1986).

1	SEC. 3. CLARIFICATION OF ORGAN DONATION SURGERY AS
2	QUALIFYING AS A SERIOUS HEALTH CONDI
3	TION UNDER FMLA.
4	(a) Private Sector Employees.—Section 101(11)
5	of the Family and Medical Leave Act of 1993 (29 U.S.C
6	2611(11)) is amended by inserting "(including recovery
7	from surgery related to organ donation)" after "physical
8	or mental condition".
9	(b) Federal Civil Service Employees.—
10	(1) Definition.—Section 6381(5) of title 5
11	United States Code, is amended by inserting "(in-
12	cluding recovery from surgery related to organ dona-
13	tion)" after "physical or mental condition".
14	(2) Relationship to organ donor leave.—
15	Section 6382(d) of title 5, United States Code is
16	amended by adding at the end the following: "An
17	employee who takes any part of the 12-week period
18	of leave under subsection (a)(1) to serve as an organ
19	donor (including recovery from surgery related to
20	organ donation) shall substitute, for as much of that
21	part as possible, any leave available to the employee
22	under section 6327.".
23	SEC. 4. UPDATING OF EDUCATIONAL MATERIALS ON THE
24	BENEFITS OF LIVE ORGAN DONATION.
25	(a) Educational Materials.—

1	(1) REVIEW AND UPDATING.—Not later than 6
2	months after the date of enactment of this Act, the
3	Secretary of Health and Human Services (in this
4	section referred to as the "Secretary") shall review
5	and update materials related to live organ donation
6	in order to educate the public on—
7	(A) the benefits of live organ donation; and
8	(B) the impact of live organ donation or
9	the access of a living organ donor to insurance
10	(2) Information on statutory changes.—
11	Such updating shall include information on the
12	changes made by sections 2 and 3 of this Act.
13	(b) Methods of Updating.—In carrying out sub-
14	section (a), the Secretary shall update, as appropriate—
15	(1) Public Service Announcements previously
16	provided by the Secretary;
17	(2) publicly accessible websites (such as
18	organdonor.gov, or a successor website) that are
19	maintained by the Secretary and that contain infor-
20	mation and resources regarding live organ donation
21	and
22	(3) other media determined appropriate by the
23	Secretary.