

Department of Planning and Budget

2023 Fiscal Impact Statement

1. Bill Number: SB1086

House of Origin ☐ Introduced ☐ Substitute ☐ Engrossed

Second House ☐ In Committee ☐ Substitute ☒ Enrolled

2. Patron: Ebbin

3. Committee: Passed Both Houses

4. Title: Living organ donors; unpaid leave; civil penalty.

5. Summary: Requires that an employer that employs 50 or more employees provide eligible employees, defined in the bill, with (i) up to 60 business days of unpaid organ donation leave in any 12-month period to serve as an organ donor and (ii) up to 30 business days of unpaid organ donation leave in any 12-month period to serve as a bone marrow donor. The bill requires the employer to restore the employee's position following the leave, to continue to provide coverage for the employee under any health benefit plan, and to pay the employee any commission earned prior to the leave. The bill prohibits the employer from taking retaliatory action against the employee for taking organ donation leave. The bill requires the Commissioner of Labor and Industry to enforce its provisions and provides for civil penalties for violations of its requirements.

6. Budget Amendment Necessary: No

7. Fiscal Impact Estimates: Final

8. Fiscal Implications: The Department of Human Resource Management's leave policies currently provide up to 30 days of paid leave for these purposes. Updating policies to include additional unpaid time is not expected to create fiscal impacts for the department. The department notes that while this leave is used infrequently, it could create an indeterminate expense for other agencies that pay overtime to other employees covering shifts of an employee who is out on organ donation leave.

The Department of Labor and Industry would be responsible for enforcement of this bill. The department notes that fewer than 7,000 people nationwide are living organ donors and accordingly anticipates a minor increase in caseload that can be absorbed with existing resources.

Employers who knowingly violate this bill could be subject to civil penalties of up to \$1,000 for the first violation; \$2,500 for subsequent violations within two years of the first; and \$5,000 for each successive violation. The bill specifies that such penalties shall be deposited

into the general fund. Because the number of violations cannot be forecast, the revenue impact is indeterminate.

9. Specific Agency or Political Subdivisions Affected: Department of Labor and Industry, Department of Human Resource Management, all agencies and localities

10. Technical Amendment Necessary: No

11. Other Comments: None