



The Living Donor Protection Act (S. 1552 and H.R. 4583) and The Living Donor FMLA Protection Act (H.R. 4582)

The American Nephrology Nurses Association (ANNA) is a nonprofit organization representing registered nurses and other healthcare professionals at all levels of practice. ANNA members work in settings such as chronic kidney disease management, peritoneal dialysis, hemodialysis, continuous renal replacement therapy, transplantation, industry, and government/regulatory agencies.

Background on the Issue

Living donations save lives by providing faster access to transplants and bypassing the ever-growing waitlist for a deceased donor, which can stretch five years or more. For many patients, it's the only path to timely care and their best chance for long-term transplant success.

According to the United Network for Organ Sharing (UNOS), 90,000 Americans are waiting for a kidney transplant. Living donors could help close that gap but almost one in four report facing discrimination when applying for and maintaining life, disability, or long-term care insurance, even after undergoing rigorous health screenings. These barriers are enough to deter many eligible individuals from donating and delay access to life-saving care for patients in urgent need.

Overview of the Legislation

The bipartisan Senate bill *Living Donor Protection Act* (S. 1552) was introduced by Senators Kirsten Gillibrand (D-NY) and Tom Cotton (R-AR). The House bills, the *Living Donor Protection Act* (H.R. 4583) and the *Living Donor FMLA Protection Act* (H.R. 4582) are led by Representatives Don Bacon (R-NE-02) and Jerry Nadler (D-NY-12). The unified Senate bill and dual House bills would protect living organ donors and promote organ donation by:

- Prohibiting discrimination in the issuance, price, or benefit levels for life, disability, and long-term care insurance due solely to the individual's status as a living donor.
- Removing barriers to living organ donation by prohibiting certain discrimination in insurance and codifying protection for living donors under the Family and Medical Leave Act (FMLA).
- Codifying a 2018 opinion letter issued by the U.S. Department of Labor that includes living donation as a serious medical condition under the FMLA, allowing donors to take time off work for organ donation without fear of reprisal.
- Directing the Department of Health and Human Services to update its educational materials related to living organ donation.

Recommendation: ANNA supports the *Living Donor Protection Act* (S. 1552 and H.R. 4583) and the *Living Donor FMLA Protection Act* (H.R. 4582).