

## S. 377 Living Donor Protection Act

This bipartisan bill is led by Senators Kirsten Gillibrand (D-NY) and Tom Cotton (R-AR) and by Congressman Jerry Nadler (D-NY) and Congresswoman Jaime Herrera Beutler (R-WA).

### BACKGROUND

Every day, 17 patients die on the transplant waitlist.<sup>1</sup> Of the over 100,000 patients on the wait list, only 22,817 received a kidney transplant in 2020.<sup>2</sup> Patients wait an average of 3-5 years for a kidney transplant, but in some states the wait can be as long as 10 years.<sup>3</sup>

Transplant is the gold standard of care for kidney failure. It improves patient quality of life and extends life expectancy while also costing Medicare less than long-term dialysis. A transplant from a living donor has the best chance for long-term success. Unfortunately, almost a quarter of living donors report discrimination in the rates and provision of life insurance, disability insurance, and long-term care insurance. Living donors complete a detailed health screening ensuring they are healthy enough to donate and live healthy lives post-donation and yet still face difficulty obtaining insurance.

This bill would not only prohibit discrimination against living donors obtaining life, disability, and long-term care insurance, but also clarify that donors are eligible for unpaid time off from work via the Family Medical Leave Act to complete their donation and recovery. This provision would codify an August 2018 opinion letter issued by the U.S. Department of Labor addressing living donation.

### BILL SUMMARY

**The *Living Donor Protection Act* would protect living organ donors and promote organ donation in three easy, low-cost ways:**

- 1) Prohibits life, disability, and long term care insurance companies from denying or limiting coverage and from charging higher premiums for living organ donors;
- 2) Amends the Family and Medical Leave Act of 1993 to specifically include living organ donation as a serious health condition for private and civil service employees; and
- 3) Directs the U.S. Department of Health and Human Services (HHS) to update their materials on live organ donation to reflect these new protections and encourage more individuals to consider donating an organ.

### ENDORSEMENTS

The **Living Donor Protection Act** is endorsed by the National Kidney Foundation, American Kidney Fund, the American Council of Life Insurers, American Society of Transplantation, Greater New York Hospital Association, LiveOnNY, American Society of Transplant Surgeons, American Association for the Study of Liver Diseases, American Liver Foundation, American Society of Nephrology, American Society of Pediatric Nephrology, Dialysis Patient Citizens, LifeGift, See full list [here](#).

<sup>1</sup> <https://www.organdonor.gov/statistics-stories/statistics.html>

<sup>2</sup> <https://optn.transplant.hrsa.gov/data/view-data-reports/national-data/#>

<sup>3</sup> <https://www.kidney.org/atoz/content/transplant-waitlist>