

Illinois Enacts Protections for Organ Donation Leave

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The [Living Donor Protection Act](#) amends the Illinois Organ Donor Leave Act, adding a section that prohibits employers from retaliating against employees who request or take leaves of absence related to organ donation.

Signed by Governor J.B. Pritzker on August 2, 2019, the Living Donor Protection Act goes into effect on January 1, 2020.

The Living Donor Protection Act, which also amends the Illinois Insurance Code and the Illinois Anatomical Gift Act, was introduced as House Bill 2847 and enacted as Public Act 101-0179.

Organ Donor Leave Act

The Organ Donor Leave Act allows employees to take leaves of up to 30 days in a 12-month period for bone marrow or organ donation, up to one hour for blood donation, and up to two hours for platelet donations. Employees must request the leave in advance.

Employers may not require employees to use accumulated sick or vacation pay before being eligible for organ donor leave.

Illinois Insurance Code

The Living Donor Protection Act amends the Illinois Insurance Code by making it unlawful to refuse to insure or limit coverage for life, disability, or long-term care insurance, or to charge a different rate for the same coverage, solely because the insured is a living organ donor.

The new law clarifies that, with respect to all other conditions, living organ donors are subject to the same actuarial standards that apply to individuals who are not organ donors.

Anatomical Gift Act

The Living Donor Protection Act amends the Anatomical Gift Act to provide that, not later than July 1, 2020, the Secretary of State will create a database of all individuals who have consented to include their names in the First Person Consent donor registry maintained by the Secretary under the Illinois Vehicle Code. Organ procurement organizations will be allowed online access to the database.

Jackson Lewis attorneys are available to answer questions about the new law and other leave management issues and to assist employers in their compliance efforts.



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