

- SUBJECT:** Granting paid leave to state employees who donate an organ or bone marrow
- COMMITTEE:** State Affairs — committee substitute recommended
- VOTE:** 7 ayes — Marchant, Madden, J. Davis, B. Cook, Elkins, Gattis, Villarreal  
0 nays  
2 absent — Goodman, Lewis
- WITNESSES:** For — Rita Littlefield, Texas Renal Coalition; Veronica Munson, R.N., Christus Transplant Institute; Sister Michele O'Brien, Christus Santa Rosa Health Care; Sam Stone, Texas Independent Blood Centers; Marolyn W. Stubblefield, National Kidney Foundation of South and Central Texas; Tom Wycoff, National Kidney Foundation; (*Registered, but did not testify.*) Alexander Aussi, Christus Transplant Institute, Melody Chatelle, Chatelle and Associates, Pfizer; Jenny Fowler, Texas Medical Association; Laurie Reece, Texas Transplantation Society
- Against — None
- BACKGROUND:** In 1999, the U.S. Congress enacted the "Organ Donor Leave Act," increasing from seven to 30 days the amount of paid leave time that federal employees may take to donate an organ for transplant. The 30 days of organ donor leave are in addition to sick leave or annual leave (P.L. No. 106-56). The amount of leave time granted to federal employees for bone marrow donation remains at seven days under 5 U.S.C. 6327.
- Government Code, Ch. 661, subchapter Z, sets forth miscellaneous leave provisions for state employees.
- DIGEST:** CSHB 89 would add sec. 661.916 to Government Code, subchapter Z, to grant state employees leave with no salary deduction to serve as bone marrow or organ donors. A state employee would get five working days per fiscal year to serve as a bone marrow donor, or 30 working days of leave per fiscal year to serve as an organ donor. The bill would take effect September 1, 2003.

**SUPPORTERS  
SAY:**

CSHB 89 would add the state of Texas to a growing list of government employers that provide positive incentives for employees to serve as organ and bone marrow donors. The federal government, 14 state governments, and the District of Columbia all encourage employees through permissive leave policies to donate organs and bone marrow. As one of the largest employers in Texas, the state could help make a difference in the lives of thousands of Texans with chronic kidney disease who are awaiting kidney transplants, and many others with specific forms of cancer and hepatitis who need bone marrow transplants.

By removing financial barriers for state employees who wished to donate a kidney, CSHB 89 could increase the pool of living kidney donors in Texas. More than 3,600 people are waiting for kidneys in Texas right now, and most of them will have to undergo long-term renal dialysis treatment while waiting for a cadaveric donor. Renal dialysis is expensive and painful, and studies have shown that long-term survival rates are higher for patients who receive a kidney from a living donor as opposed to a cadaveric donor. Advances in laparoscopic surgery have made living kidney donations more viable. By removing financial barriers for state employees who wished to donate a kidney, the state could help many Texans get off dialysis and return to a better quality of life.

CSHB 89 would create a positive incentive for altruistic state employees while circumventing potential abuse of a new leave policy. As written, the bill would have an extremely small potential for employee abuse. After all, who would donate a kidney just to get 30 days off of work? Blood donation was removed from the original bill in response to concerns that some employees might take extra leave time four times a year and not donate blood.

**OPPONENTS  
SAY:**

CSHB 89 also should include paid time off for state employees who wish to donate blood. Blood donation saves more lives than all other types of organ, tissue, and bone marrow donations combined. Blood shortages are a chronic and ongoing problem for local hospitals and blood banks, and in times of heightened security, having an ample blood supply is a vital public health concern. The state would make a positive statement and set a good example for private business by allowing state employees to donate blood without losing any leave time.

CSHB 89 does not specify whether the leave time granted to state employees would come out of an employee's sick leave or annual leave time, or if it would be in addition to it. Federal employee leave policy clearly states that organ donation leave time is on top of any other sick leave or annual leave. Without clear legislative intent on this matter, administrators at various state agencies could interpret the bill differently.

**NOTES:**

The committee substitute amended the bill as introduced by removing the provision that would have granted paid leave up to four times in a fiscal year for state employees who wished to donate blood.

The companion bill, SB 149 by Barrientos, was referred to the Senate Government Organization Committee on January 29.