

Department of Planning and Budget

2022 Fiscal Impact Statement

1. Bill Number: SB271

House of Origin	<input type="checkbox"/> Introduced	<input checked="" type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

2. Patron: Ebbin

3. Committee: Passed Senate

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

5. Summary: Prohibits any person from refusing to insure, refusing to continue to insure, or limiting the amount or extent of life insurance, disability insurance, or long-term care insurance coverage available to an individual or to charge an individual a different rate for the same coverage based solely and without any additional actuarial risks upon the status of such individual as a living organ donor. The bill requires that an employer that employs 15 or more employees provide eligible employees 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: Indeterminate. See item 8.

8. Fiscal Implications: This fiscal impact estimate is preliminary and will be revised as additional information becomes available.

The provisions of this bill apply to all employers with 15 or more employees, including the Commonwealth and localities. This bill requires the provision of up to 60 days of unpaid leave for organ donation and up to 30 days of unpaid leave for bone marrow donation in a 12 month period. Current state policy provides up to 30 days of paid time off per calendar year to classified employees for the donation of bone marrow or an organ. While the Department of Human Resource Management's Time, Attendance, and Leave (TAL) System does not serve all agencies, the 65 agencies utilizing TAL reported only two employees utilizing this type of leave in 2020, and three employees in 2021. It is anticipated that any impact to state agencies can be absorbed within existing resources.

The Department of Labor and Industry (DOLI) will have enforcement responsibilities under this bill. According to DOLI, fewer than seven thousand Americans are currently living organ donors. The Department does not anticipate a significant workload increase due to this bill, and will be able to absorb any impact with existing resources.

Fiscal impact estimates from the State Corporation Commission are not yet available.

It is anticipated that this bill will have an indeterminate general fund revenue impact. Employers who violate the provisions of the bill would be liable for a civil penalties of up to \$1,000 for initial violations, up to \$2,500 for subsequent violations within two years, and up to \$5,000 thereafter. Any such revenue would be deposited to the general fund; revenue estimates are indeterminate.

- 9. Specific Agency or Political Subdivisions Affected:** Department of Labor and Industry, State Corporation Commission, Department of Human Resource Management; localities.

10. Technical Amendment Necessary: No

11. Other Comments: None