

Donor Leave Statutes by State

(The information contained in this chart is a general interpretation of each statute. Specific interpretations can vary by state. Please check with your state government to learn how the statute applies to your situation.)

Federal Leave Laws	Statute Reference and Summary
All Federal Employees	5 USC 6327 – Sec. 6327: All federal employees are eligible to use up to 7 days of paid leave each calendar year to serve as a bone marrow donor. An employee also may use up to 30 days of paid leave each calendar year to serve as an organ donor. Leave for bone marrow and organ donation is a separate category of leave that is in addition to annual and sick leave.

The following states have enacted donor leave statutes (active as of June 1, 2017):

State	All Employees (Public and private)	State Employees	Statute Reference and Summary
Alaska		Yes	§39.20.275: allows all state employees 40 to 80 hours of paid leave, unless the worker requests fewer hours. Paid administrative leave may include time spent on a screening process to determine whether the employee is a compatible donor.
Arizona		Yes	§41-706: allows state employees 5 work days of paid leave.
Arkansas	Yes		§21-4-215: State employees are entitled to up to seven days of paid leave per calendar year. §11-3-205: Private employees are entitled to up to 90 days of unpaid or paid leave if not eligible for leave through the Family Medical Leave Act (FMLA). If the employer agrees to pay the employee's regular salary or wages during the leave, then the private employer is entitled to a credit against the private employer's Arkansas withholding tax liability, equal to twenty-five percent (25%) of the regular salary or wages paid to the employee.
California	Yes		§1508-1513: All employers with at least 15 employees must provide a paid leave of absence not exceeding 5 business days to an employee in any one-year period, for the purpose of donating his/her bone marrow to another person. Note: An employer may require, that an employee take those days as earned but unused sick leave, vacation, or paid time off for the purpose of donating his/her bone marrow to another person.
Colorado		Yes	§24-50-104: State employees are entitled to up to two days of paid leave per fiscal year, cannot be accumulated.

Connecticut	Yes		<p>§67:5-248a: State employees are entitled to up to 24 weeks of <i>non-paid</i> medical leave within any two-year period.</p> <p>§557:31-51//: Expands the state Family Medical Leave Act (FMLA) to provide state and private sector employees up to 16 weeks of <i>non-paid</i> medical leave within any two-year period.</p>
Delaware		Yes	<p>§5122; §1318B: State employees, teachers, and school employees are entitled to up to seven days of paid leave per calendar year.</p>
District of Columbia	Yes		<p>§1-612.03b: District government employees are entitled to up to seven days of paid leave per calendar year.</p> <p>§47-1807.08: Private employers granting up to seven days of paid leave to employees are eligible for a tax credit equal to 25% of the regular salary or wages paid during the taxable year.</p>
Georgia		Yes	<p>§45-20-31: State employees are entitled to up to seven days of paid leave.</p>
Hawaii	Yes		<p>§78-23.6: State employees are entitled to up to seven days of paid leave per calendar year.</p> <p>§21-398A: Private employees are allowed leaves of absence for organ, bone marrow, or PBSC donation. Unused sick leave, vacation, or paid/unpaid time off may be used for these leaves and employers are required to restore employees benefits, pay, and an equivalent seniority status upon return.</p>
Idaho		Yes	<p>§67-5343, §59-1608: Full-time state employees, public and state officers are entitled to up to five days of paid leave.</p>
Illinois		Yes	<p>§5 ILCS 327/20: State employees are entitled to up to 30 days of paid leave in any 12-month period.</p>
Indiana		Yes	<p>§4-15-16-7: State employees are entitled to up to five business days of paid leave.</p>
Iowa		Yes	<p>§70A.39, §63.20(8A,70A): State employees are entitled to up to five days of paid leave.</p>

Kansas		Yes	Executive Order 2001-02: State employees are entitled to up to seven days of paid leave.
Louisiana	Yes		§40:1299.124: A private employer who employs 20 or more employees shall grant an employee up to 40 hours of paid leave.
Maine	Yes		§26-7-6A-843, §26-7-6A-844: Every employee who has been employed by the same employer for 12 consecutive months is entitled to up to 10 work weeks of family medical leave, which includes the donation of an organ, in any 2 years unless employed at a permanent work site with fewer than 15 employees.
Maryland		Yes	§11.02.03.18: State employees are entitled to up to seven days of paid leave in any 12-month period.
Massachusetts		Yes	§149:33E: An employee of the commonwealth or of a county, or of a city or town that accepts this section, may take a paid leave of absence of not more than 30 days in a calendar year to serve as a solid organ donor.
Minnesota	Yes		§181.945, §181.9456: A private employer who employs 20 or more employees shall grant an employee up to 40 hours of paid leave.
Mississippi		Yes	§25-3-103: State employees are entitled to up to thirty days of paid leave in any twelve-month period.
Missouri		Yes	§105.266: State employees are entitled to up to five days of paid leave.
Nebraska	Yes		§71-4820: Employers are encouraged to grant paid donor leave to employees.
New Mexico		Yes	§24-28-3: State employees are entitled to up to 20 days of paid leave.

New York	Yes		<p>§202-a: A private employer who employs 20 or more employees shall grant an employee up to 24 hours of unpaid leave.</p> <p>§202-b: A state employee may take up to seven days of paid leave</p>
North Dakota		Yes	<p>§54-06-14.4: State employees are entitled to up to 20 days of paid leave.</p>
Ohio		Yes	<p>§124.139: State employees are entitled to up to 56 hours per calendar year of paid leave.</p>
Oklahoma		Yes	<p>§74-840-2.20B: State employees are entitled to up to five days of paid leave.</p>
Oregon	Yes		<p>§659A.312: All public and private employees are entitled to paid leave that does not exceed the amount of already accrued paid leave or 40 work hours, whichever is less.</p>
Pennsylvania	Yes		<p>Act of Jul. 2, 2006, P.L. 292, No. 65 Cl. 35: All public and private employees are entitled to up to five working days of paid leave.</p>
South Carolina	Yes		<p>§44-43-80: An employer who employs 20 or more employees shall grant an employee up to 40 hours of paid leave</p>
Texas		Yes	<p>§661.916: State employees are entitled to up to five days of paid leave in a fiscal year.</p>
Utah		Yes	<p>§67-19-14.5: State employees are entitled to up to seven days of paid leave.</p>
Virginia		Yes	<p>§2.2-2821.1: State employees are entitled to up to 30 days of paid leave in any calendar year, in addition to other paid leave.</p>
Washington		Yes	<p>Executive Order 02-01: State employees are entitled to up to five days of paid leave within a two-year period. Note: Such leave shall not be charged against sick or annual leave, and use of leave without pay shall not be required.</p>
West Virginia		Yes	<p>§29-6-28: State employees are entitled to up to 56 hours of paid leave per calendar year.</p>

Wisconsin		Yes	§230.35(2d)(b): State employees are entitled to up to five days of paid leave.
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For more donor information: Donor Advocacy 1-800-526-7809 or via email advocate@nmdp.org

For more legislative information: Public & Payer Policy 763-406-4825 or via email legislation@nmdp.org
