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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 2070

03/09/2021

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The bill was read for the first time and referred to the Committee on Labor, Industry, Veterans and Military Affairs Finance and Policy

1.1 A bill for an act
1.2 relating to health; granting paid or unpaid leave for organ donation or partial organ
1.3 donation; amending Minnesota Statutes 2020, section 181.945.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. Minnesota Statutes 2020, section 181.945, is amended to read:

1.6 **181.945 LEAVE FOR BONE MARROW OR ORGAN DONATIONS.**

1.7 Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms have
1.8 the meanings given to them in this subdivision.

1.9 (b) "Employee" means a person who performs services for hire for an employer, for an
1.10 average of 20 or more hours per week, and includes all individuals employed at any site
1.11 owned or operated by an employer. Employee does not include an independent contractor.

1.12 (c) "Employer" means a person or entity that employs 20 or more employees at at least
1.13 one site and includes an individual, corporation, partnership, association, nonprofit
1.14 organization, group of persons, state, county, town, city, school district, or other governmental
1.15 subdivision.

1.16 Subd. 2. **Paid leave.** An employer must grant paid leaves of absence to an employee
1.17 who seeks to undergo a medical procedure to donate bone marrow or to donate an organ or
1.18 partial organ to another person. The combined length of the leaves shall be determined by
1.19 the employee, but may not exceed 40 work hours, unless agreed to by the employer. The
1.20 employer may require verification by a physician of the purpose and length of each leave
1.21 requested by the employee ~~to donate~~ for bone marrow or organ donation. If there is a medical

2.1 determination that the employee does not qualify as a bone marrow or organ donor, the paid
2.2 leave of absence granted to the employee prior to that medical determination is not forfeited.

2.3 Subd. 2a. **Unpaid leave; organ donation.** An employer must grant unpaid leaves of
2.4 absence to an employee who seeks to undergo a medical procedure to donate an organ or
2.5 partial organ to another person. The total length of leave under this subdivision and
2.6 subdivision 2 shall be determined by the employee, but must not exceed 12 weeks, unless
2.7 agreed to by the employer.

2.8 Subd. 3. **No employer sanctions.** An employer shall not retaliate against an employee
2.9 for requesting or obtaining a leave of absence as provided by this section.

2.10 Subd. 4. **Relationship to other leave.** This section does not prevent an employer from
2.11 providing leave for bone marrow or organ donations in addition to leave allowed under this
2.12 section. This section does not affect an employee's rights with respect to any other
2.13 employment benefit.

2.14 **EFFECTIVE DATE.** This section is effective the day following final enactment.