

118TH CONGRESS
1ST SESSION

H. R. 3024

To amend the Family and Medical Leave Act of 1993 to permit additional leave for bone marrow or blood stem cell donation, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 28, 2023

Mr. PHILLIPS (for himself, Mr. FITZPATRICK, and Ms. MATSUI) introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committees on Oversight and Accountability, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Family and Medical Leave Act of 1993 to permit additional leave for bone marrow or blood stem cell donation, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Life Saving Leave
5 Act”.

1 **SEC. 2. ENTITLEMENT TO ADDITIONAL LEAVE FOR BONE**
2 **MARROW OR BLOOD STEM CELL DONATION.**

3 (a) IN GENERAL.—Section 102(a) of the Family and
4 Medical Leave Act of 1993 (29 U.S.C. 2612(a)) is amend-
5 ed—

6 (1) by redesignating paragraph (5) as para-
7 graph (6); and

8 (2) by inserting after paragraph (4) the fol-
9 lowing:

10 “(5) ENTITLEMENT TO ADDITIONAL LEAVE FOR
11 BONE MARROW OR BLOOD STEM CELL DONATION.—

12 “(A) IN GENERAL.—Subject to subpara-
13 graph (B) and section 103(g), an eligible em-
14 ployee shall be entitled to leave under this para-
15 graph—

16 “(i) for predonation activities relating
17 to the making of a donation of bone mar-
18 row or blood stem cells for transplant;

19 “(ii) for the making of such donation;
20 and

21 “(iii) for postdonation activities relat-
22 ing to the making of such donation.

23 “(B) LIMITATIONS.—

24 “(i) IN GENERAL.—An eligible em-
25 ployee shall be entitled to a total of 40

1 hours of leave under this paragraph during
2 any 12-month period.

3 “(ii) COORDINATION RULE.—Leave
4 under this paragraph shall be in addition
5 to any leave provided under any other
6 paragraph of this subsection.”.

7 (b) DEFINITION OF ELIGIBLE EMPLOYEE.—Section
8 101(2) of the Family and Medical Leave Act of 1993 (29
9 U.S.C. 2611(2)) is amended by adding at the end the fol-
10 lowing:

11 “(F) EMPLOYEES REQUESTING BONE MAR-
12 ROW OR BLOOD STEM CELL LEAVE.—The re-
13 quirements of subparagraphs (A) and (B)(ii)
14 shall not apply with respect to leave under sec-
15 tion 102(a)(5).”.

16 (c) SCHEDULE.—Section 102(b)(1) of such Act (29
17 U.S.C. 2612(b)(1)) is amended by inserting after the third
18 sentence the following: “Subject to subsection (e)(4) and
19 section 103(g), leave under subsection (a)(5) may be taken
20 intermittently or on a reduced leave schedule.”.

21 (d) SUBSTITUTION OF PAID LEAVE.—Section
22 102(d)(2) of such Act (29 U.S.C. 2612(d)(2)) is amended
23 by adding at the end the following:

24 “(C) BONE MARROW OR BLOOD STEM
25 CELL DONATION LEAVE.—An eligible employee

1 may elect, but an employer may not require the
2 employee, to substitute any of the accrued paid
3 vacation leave, personal leave, or medical or
4 sick leave of the employee for leave provided
5 under subsection (a)(5) for any part of the 40
6 hours of such leave under such subsection, ex-
7 cept that nothing in this title shall require an
8 employer to provide paid sick leave or paid
9 medical leave in any situation in which such
10 employer would not normally provide any such
11 paid leave.”.

12 (e) NOTICE.—Section 102(e) of such Act (29 U.S.C.
13 2612(e)) is amended by adding at the end the following:

14 “(4) NOTICE RELATING TO BONE MARROW OR
15 BLOOD STEM CELL DONATION LEAVE.—In any case
16 in which the necessity for leave under subsection
17 (a)(5) is foreseeable based on planned predonation,
18 donation, or postdonation activities, the employee—

19 “(A) shall make a reasonable effort to
20 schedule the treatment so as not to disrupt un-
21 duly the operations of the employer, subject to
22 the approval of the relevant health care pro-
23 vider; and

24 “(B) shall provide the employer with not
25 less than 30 days’ notice, before the date the

1 leave is to begin, of the employee's intention to
2 take leave under such subparagraph, except
3 that if the date of the treatment requires leave
4 to begin in less than 30 days, the employee
5 shall provide such notice as is practicable.”.

6 (f) CERTIFICATION.—Section 103 of such Act (29
7 U.S.C. 2613) is amended by adding at the end the fol-
8 lowing:

9 “(g) CERTIFICATION RELATING TO BONE MARROW
10 OR BLOOD STEM CELL DONATION LEAVE.—An employer
11 may require that a request for leave under section
12 102(a)(5) be supported by a certification issued by a con-
13 tractor of the registry functions of the C.W. Bill Young
14 Cell Transplantation Program.”.

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