

118TH CONGRESS
2D SESSION

S. 3685

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

IN THE SENATE OF THE UNITED STATES

JANUARY 30, 2024

Mr. CASEY (for himself and Mr. CASSIDY) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Family and Medical Leave Act of 1993 to permit 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 LEAVE FOR BONE MARROW OR**
2 **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 LEAVE FOR BONE MAR-
11 ROW 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.—Subject
4 to subsection (d)(3), during any 12-month
5 period, an eligible employee shall be enti-
6 tled to a combined total of 12 workweeks
7 of leave under this paragraph and para-
8 graph (1). Nothing in this paragraph shall
9 be construed to limit the availability of
10 leave under paragraph (1) during any
11 other 12-month period.”.

12 (b) DEFINITION OF ELIGIBLE EMPLOYEE.—Section
13 101(2) of the Family and Medical Leave Act of 1993 (29
14 U.S.C. 2611(2)) is amended by adding at the end the fol-
15 lowing:

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

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

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

4 “(C) BONE MARROW OR BLOOD STEM
5 CELL DONATION LEAVE.—An eligible employee
6 may elect, but an employer may not require the
7 employee, to substitute any of the accrued paid
8 vacation leave, personal leave, or medical or
9 sick leave of the employee for leave provided
10 under subsection (a)(5) for any part of the 40
11 hours of such leave under such subsection, ex-
12 cept that nothing in this title shall require an
13 employer to provide paid sick leave or paid
14 medical leave in any situation in which such
15 employer would not normally provide any such
16 paid leave.”.

17 (e) NOTICE.—Section 102(e) of such Act (29 U.S.C.
18 2612(e)) is amended by adding at the end the following:

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

24 “(A) shall, subject to the approval of the
25 treatment provider of the activities, make a rea-

1 sonable effort to schedule the treatment so as
2 not to disrupt unduly the operations of the em-
3 ployer; and

4 “(B) shall provide the employer with not
5 less than 30 days’ notice, before the date the
6 leave is to begin, of the employee’s intention to
7 take leave under such subparagraph, except
8 that if the date of the treatment requires leave
9 to begin in less than 30 days, the employee
10 shall provide such notice as is practicable.”.

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

14 “(g) CERTIFICATION RELATING TO BONE MARROW
15 OR BLOOD STEM CELL DONATION LEAVE.—An employer
16 may require that a request for leave under section
17 102(a)(5) be supported by a certification issued by a con-
18 tractor of the registry functions of the C.W. Bill Young
19 Cell Transplantation Program established under section
20 379 of the Public Health Service Act (42 U.S.C. 274k).”.

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