



The Living Donor Protection Act (S. 377/H.R. 1255)

Every day, 17 patients die on the transplant waitlist; 12 of them were waiting for a kidney. There are over 100,000 patients on the waitlist and 90,000 of them are waiting for a kidney. Unfortunately, only 24,000 people received a kidney transplant in 2021. Patients wait an average of 3-5 years for a deceased donor kidney transplant, but in some states the wait can be 10 years. A living donor transplant can occur in as little as 3-6 months.

Living donor transplant is the gold standard of care for kidney failure. It improves patient quality of life and extends life expectancy while also costing Medicare less than long-term dialysis. A transplant from a living donor has the best chance for long-term success.

Unfortunately, almost a quarter of living donors report discrimination in the rates and provision of life insurance, disability insurance, and long-term care insurance. Living donors complete a detailed health screening ensuring they are healthy enough to donate and live healthy lives post-donation and yet still face difficulty obtaining insurance.

This bill would not only prohibit discrimination against living donors obtaining life, disability, and long-term care insurance, but also clarify that donors are eligible for unpaid time off from work via the Family Medical Leave Act to complete their donation and recovery. This provision would codify an August 2018 opinion letter issued by the U.S. Department of Labor addressing living donation.

This bill is sponsored by Senators Kirsten Gillibrand (D-NY) and Tom Cotton (R-AR) and by Congressman Jerry Nadler (D-NY) and Congresswoman Jaime Herrera Beutler (R-WA). It is supported by the American Council of Life Insurers and a wide array of kidney and transplant organizations. The bill is bipartisan, non-controversial, and cost neutral.

Please contact Jasmin Palomares (Jasmin.Palomares@gillibrand.senate.gov), Madison Erstine (Madison.Erstine@cotton.senate.gov), Andrew Heineman in Rep. Nadler's office (Andrew.heineman@mail.house.gov), or Adrianna Lagorio in Rep. Herrera Beutler's office (Adrianna.lagorio@mail.house.gov) to cosponsor.