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LC002041

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

A N A C T

RELATING TO LABOR AND LABOR RELATIONS – RHODE ISLAND BONE MARROW  
AND ORGAN DONOR LEAVE ACT

Introduced By: Representatives Giraldo, Furtado, Handy, Alzate, Cruz, McGaw, Potter,  
McNamara, Speakman, and Slater

Date Introduced: March 12, 2025

Referred To: House Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 28 of the General Laws entitled "LABOR AND LABOR RELATIONS"

2 is hereby amended by adding thereto the following chapter:

3 CHAPTER 48.1

4 RHODE ISLAND BONE MARROW AND ORGAN DONOR LEAVE ACT

5 **28-48.1-1. Short title.**

6 This chapter shall be known and may be cited as the "Rhode Island Bone Marrow and  
7 Organ Donor Leave Act".

8 **28-48.1-2. Definitions.**

9 As used in this chapter, the following words and terms shall have the following meanings  
10 unless the context shall clearly indicate another or different meaning or intent:

11 (1) "Bone marrow transplant donor" means an individual from whose body bone marrow  
12 is taken to be transferred to the body of another person.

13 (2) "Director" means the director of the department of labor and training.

14 (3) "Employee" means any full-time employee who works an average of thirty (30) or more  
15 hours per week.

16 (4) "Employer" means and includes:

17 (i) Any person, sole proprietorship, partnership, corporation, or other business entity that  
18 employs fifty (50) or more employees;

1 (ii) The State of Rhode Island, including the executive, legislative, and judicial branches,  
2 and any state department or agency that employs any employees;

3 (iii) Any city or town or municipal agency that employs thirty (30) or more employees; and

4 (iv) Any person who acts directly or indirectly in the interest of any employer.

5 (5) “Living organ donor” means an individual who donates all or part of an organ and is  
6 not deceased.

7 **28-48.1-3. Leave requirements.**

8 Medical leave shall be available to any qualified employee serving as a living organ donor  
9 or bone marrow transplant donor. Such leave shall cover any procedures, medical tests, and  
10 surgeries related to donation, including recovery from said donation. The maximum duration of  
11 leave is thirty (30) days for organ donation and five (5) days for bone marrow donation.

12 **28-48.1-4. Employment and health benefits protection.**

13 (a) Every employee who exercises their right to bone marrow or organ donor leave pursuant  
14 to this chapter shall, upon the expiration of that leave, be entitled to be restored by the employer to  
15 the position held by the employee when the leave commenced, or to a position with equivalent  
16 seniority, status, employment benefits, pay, and other terms and conditions of employment,  
17 including fringe benefits and service credits that the employee had been entitled to at the  
18 commencement of leave.

19 (b) During any bone marrow or organ donor leave taken pursuant to this chapter, the  
20 employer shall maintain any existing health benefits of the employee in force for the duration of  
21 the leave as if the employee had continued in employment continuously from the date they  
22 commenced the leave until the date they return to employment pursuant to subsection (a) of this  
23 section.

24 (c) Prior to commencement of bone marrow or organ donor leave, the employee shall pay  
25 to the employer a sum equal to the premium required to maintain the employee’s health benefits in  
26 force during the period of bone marrow or organ donor leave. The employer shall return the  
27 payment to the employee within ten (10) days following the employee’s return to employment.

28 **28-48.1-5. Effect on existing employment benefits.**

29 (a) The taking of bone marrow or organ donor leave pursuant to this chapter shall not result  
30 in the loss of any benefit accrued before the date on which the leave commenced.

31 (b) Except as provided in §28-48.1-4(b), nothing in this chapter shall be construed to entitle  
32 any employee who takes bone marrow or organ donor leave pursuant to this chapter, to any benefit  
33 other than benefits to which the employee would have been entitled had they not taken the leave.

34 (c) Nothing in this chapter shall be construed to affect an employer’s obligation to comply

1 with any collective bargaining agreement or employment benefit plan that provides greater bone  
2 marrow or organ donor leave rights to employees than the rights provided under this chapter.

3 (d) The bone marrow or organ donor leave rights mandated by this chapter shall not be  
4 diminished by any collective bargaining agreement or by any employment benefit plan.

5 (e) Nothing in this chapter shall be construed to affect or diminish the contract rights or  
6 seniority status of any other employee of any employer covered by this chapter.

7 **28-48.1-6. Prohibited acts.**

8 (a) It shall be unlawful for any employer to interfere with, restrain, or deny the exercise of  
9 or the attempt to exercise any right provided by this chapter.

10 (b) It shall be unlawful for any employer to discharge, fine, suspend, expel, discipline, or  
11 in any other manner discriminate against any employee for exercising any right provided by this  
12 chapter.

13 (c) It shall be unlawful for any employer to discharge, fine, suspend, expel, discipline, or  
14 in any other manner discriminate against any employee for opposing any practice made unlawful  
15 by this title.

16 **28-48.1-7. Judicial enforcement.**

17 A civil action may be brought in the superior court by an employee or by the director  
18 against any employer to enforce the provisions of this chapter or of any order issued by the director  
19 pursuant to §28-48.1-8. The court may enjoin any act or practice that violates or may violate any  
20 provision of this chapter, and may order any other equitable relief that is necessary and appropriate  
21 to redress the violation or to enforce any provision of this chapter.

22 **28-48.1-8. Enforcement powers of the director.**

23 If, after giving an employer written notice and an opportunity to be heard, the director finds  
24 that the employer has failed to comply with any provision of this chapter, the director may issue  
25 the orders that the director deems necessary to protect the rights of any employee. The director shall  
26 promulgate the rules and regulations that are necessary and appropriate to implement the provisions  
27 of this chapter.

28 **28-48.1-9. Civil penalty for violations.**

29 Any employer that violates any provision of this chapter or of any order issued pursuant to  
30 §28-48.1-8 shall be subject to a civil penalty of not more than one thousand dollars (\$1,000). In the  
31 case of a continuing violation, each day's continuance shall be deemed a separate and distinct  
32 offense.

33 **28-48.1-10. Notice.**

34 (a) Each employer shall post and keep posted, in conspicuous places upon its premises

1 where notices to employees and applicants for employment are customarily posted, a notice, to be  
2 approved by the department of labor and training, setting forth excerpts from, or summaries of, the  
3 pertinent provisions of this chapter and information pertaining to the filing of a civil action.

4 (b) Any employer that willfully violates this section shall be assessed a civil money penalty  
5 not to exceed one hundred dollars (\$100) for each separate offense.

6 **28-48.1-11. Severability.**

7 If any provision of this chapter or its application to any person or circumstance is held to  
8 be invalid by any court of competent jurisdiction, that invalidity shall not affect other provisions or  
9 applications of this chapter that can be given effect without the invalid provision or application,  
10 and to that end, the provisions of this chapter are declared to be severable.

11 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO LABOR AND LABOR RELATIONS – RHODE ISLAND BONE MARROW  
AND ORGAN DONOR LEAVE ACT

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1           This act would mandate paid leave by allowing qualified employees to take medical leave  
2 to undergo donation procedures, medical tests, and recovery related to being a living organ donor,  
3 or bone marrow transplant donor. The act would also provide that the maximum durations of leave  
4 for each type of donation - up to thirty (30) days for organ donation, and five (5) days for bone  
5 marrow donation.

6           This act would take effect upon passage.

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