

HOUSE No. 1860

The Commonwealth of Massachusetts

PRESENTED BY:

Josh S. Cutler

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to PFML for bone marrow and organ donation.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>	<i>1/10/2023</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>	<i>1/25/2023</i>
<i>Jessica Ann Giannino</i>	<i>16th Suffolk</i>	<i>1/27/2023</i>
<i>Kelly W. Pease</i>	<i>4th Hampden</i>	<i>1/31/2023</i>
<i>Tricia Farley-Bouvier</i>	<i>2nd Berkshire</i>	<i>2/8/2023</i>
<i>Edward R. Philips</i>	<i>8th Norfolk</i>	<i>2/9/2023</i>
<i>Mindy Domb</i>	<i>3rd Hampshire</i>	<i>2/22/2023</i>
<i>Aaron L. Saunders</i>	<i>7th Hampden</i>	<i>2/23/2023</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>2/23/2023</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>2/27/2023</i>
<i>Shirley B. Arriaga</i>	<i>8th Hampden</i>	<i>2/28/2023</i>
<i>Jacob R. Oliveira</i>	<i>Hampden, Hampshire and Worcester</i>	<i>3/17/2023</i>

HOUSE No. 1860

By Representative Cutler of Pembroke, a petition (accompanied by bill, House, No. 1860) of Josh S. Cutler and others for legislation to include bone marrow and organ donation in the paid family and medical leave program. Labor and Workforce Development.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act relative to PFML for bone marrow and organ donation.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 1 of chapter 175M of the General Laws, as appearing in the 2020
2 Official Edition, is hereby amended by inserting the following definitions:-

3 “Blood donor,” an individual who donates whole blood or blood derivatives at any blood
4 collection site or hospital in the commonwealth.

5 “Bone marrow transplant donor,” an individual from whose body bone marrow is taken
6 to be transferred to the body of another person.

7 “Living organ donor,” an individual who donates all or part of an organ and is not
8 deceased.

9 SECTION 2. Said section 1 of said chapter 175M, as so appearing, is hereby further
10 amended by striking out, in line 147, the words “paragraph (2)” and inserting in place thereof the
11 following words:- paragraphs (2) and (3)

12 SECTION 3. Subsection (a) of section 2 of said chapter 175M, as so appearing, is hereby
13 amended by inserting after paragraph (2) the following paragraph:-

14 (3) Medical leave shall be available to any covered individual serving as a living organ
15 donor, bone marrow transplant donor, or blood donor. Such leave shall cover any procedures,
16 medical tests, and surgeries related to donation, including recovery from said donation.

17 SECTION 4. Subsection (c)(1) of said section 2 of said chapter 175M, as so appearing, is
18 hereby amended by inserting after the word “weeks”, in line 29, the following words:-

19 , including no more than 30 days to serve as a living organ donor, no more than 5 days to
20 serve as a bone marrow transplant donor, and no more than 4 hours, at a maximum of 5 times per
21 benefit year, to serve as a blood donor,

22 SECTION 5. Subsection (c)(2) of said section 2 of said chapter 175M, as so appearing, is
23 hereby amended by striking out, in line 41, the words “paragraph (2)” and inserting in place
24 thereof the following words:- paragraphs (2) and (3)

25 SECTION 6. Said subsection (c)(2) of said section 2 of said chapter 175M, as so
26 appearing, is hereby further amended by striking out, in line 46, the words “or (2)” and inserting
27 in place thereof the following words:- , (2) or (3)

28 SECTION 7. Subsection (a) of section 3 of said chapter 175M, as so appearing, is hereby
29 amended by inserting after the first sentence the following sentence:-

30 For medical leave taken pursuant to paragraph (3) of subsection (a) of section 2 of this
31 chapter, the 7-calendar day waiting period for medical leave shall not be required.

32 SECTION 8. Subsection (a) of section 5 of said chapter 175M, as so appearing, is hereby
33 amended by inserting after paragraph (7) the following paragraph:-

34 (8) Certification for a covered individual taking medical leave pursuant to paragraph (3)
35 of subsection (a) of section 2 of this chapter shall be sufficient if it states the date and time at
36 which the donation occurred or will occur, the place at which the donation occurred or will
37 occur, the probable duration of the donation procedure and recovery within the knowledge of the
38 health care provider as required by the department, and, if applicable, a statement of the medical
39 necessity, if any, for intermittent leave or leave on a reduced leave schedule and the expected
40 duration of the intermittent leave or reduced leave schedule.