



**TESTIMONY ON SENATE BILL 1233  
RELATING TO LEAVES OF ABSENCE**

by

Stephen A. Kula, Ph.D., NHA  
President and CEO  
Legacy of Life Hawaii

House Committee on Health  
Representative Della Au Belatti, Chair  
Representative Dee Morikawa, Vice Chair

House Committee on Labor & Public Employment  
Representative Mark M. Nakashima, Chair  
Representative Kyle T. Yamashita, Vice Chair

Wednesday, March 19, 2014, 10:25AM  
State Capitol, Conference Room 329

Chairs Belatti and Nakashima, Vice Chairs Morikawa and Yamashita, and members of the Committees on Health and Labor & Public Employment:

Thank you for the opportunity to offer testimony on behalf of Legacy of Life Hawaii in strong support of SB 1233, requiring private employers to allow employees to take paid leaves of absence for organ, bone marrow, or blood stem cell donation. Legacy of Life Hawaii also supports the requirement that restores employees returning from leave to the same or equivalent position and the employees' right of action to seek enforcement of these provisions.

Since 1989 Legacy of Life Hawaii has been saving lives through the generosity of organ and tissue donors who have given the Gift of Life so others may live. Ultimately this measure will encourage more people to serve as donors and help save the lives of too many critically ill patients in need of these transplants.

I, therefore, urge this committee to give SB 1233 your favorable consideration. Thank you for the opportunity to offer testimony on behalf of Legacy of Life Hawaii in strong support.

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Chamber of Commerce HAWAII  
*The Voice of Business*

**Testimony to the House Committee on Health and Committee on Labor and  
Public Employment  
Wednesday, March 19, 2014 at 10:25 A.M.  
Conference Room 329, State Capitol**

**RE: SENATE BILL 1233 RELATING TO LEAVES OF ABSENCE**

Chairs Belatti and Nakashima, Vice Chairs Morikawa and Yamashita, and Members of the Committees:

The Chamber of Commerce of Hawaii ("The Chamber") **opposes** SB 1233, which requires certain private employers to allow employees to take paid leaves of absence for organ, bone marrow, or peripheral blood stem cell donation; requires employers to restore an employee returning from leave to the same or equivalent position; establishes a private right of action for employees seeking enforcement of provisions.

The Chamber is the largest business organization in Hawaii, representing over 1,000 businesses. Approximately 80% of our members are small businesses with less than 20 employees. As the "Voice of Business" in Hawaii, the organization works on behalf of members and the entire business community to improve the state's economic climate and to foster positive action on issues of common concern.

While we sympathize with those in need of a donor, we do not believe that the business community should be the sole bearer in the cost of this mandate. In essence, you are requiring the employer to pay for a large portion of this benefit. Additionally, we are unaware of any empirical data showing that there are many donors who have not donated due to lack of paid leave. Furthermore, the administrative burden is enormous, especially to small businesses.

Thank you for the opportunity to testify.

January 30, 2013

HOUSE OF REPRESENTATIVES  
THE TWENTY-SEVENTH LEGISLATURE  
REGULAR SESSION OF 2014

COMMITTEE ON HEALTH  
Rep. Della Au Belatti, Chair  
Rep. Dee Morikawa, Vice Chair

COMMITTEE ON LABOR & PUBLIC EMPLOYMENT  
Rep. Mark M. Nakashima, Chair  
Rep. Kyle T. Yamashita, Vice Chair

March 17, 2014

To Whom It May Concern:

Re:

SB 1233 RELATING TO LEAVES OF ABSENCE.

(SSCR565) Requires certain private employers to allow employees to take paid leaves of absence for organ, bone marrow, or peripheral blood stem cell donation. Requires employers to restore an employee returning from leave to the same or equivalent position. Establishes a private right of action for employees seeking enforcement of provisions.

Status & Testimony

To Whom It May Concern:

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Re:

SB 1233 RELATING TO LEAVES OF ABSENCE.

Status & Testimony Requires certain private employers to allow employees to take paid leaves of absence for organ, bone marrow, or peripheral blood stem cell donation. Requires employers to restore an employee returning from leave to the same or equivalent position. Establishes a private right of action for employees seeking enforcement of provisions.

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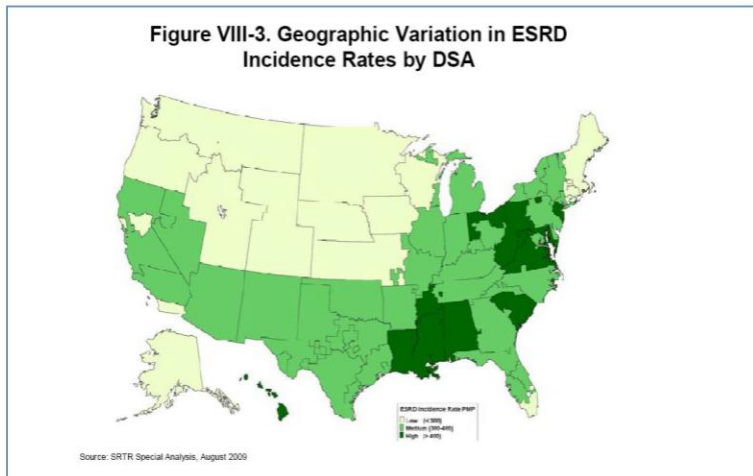
In the US, there are currently 116,950 patients on the transplant waiting list and 18 patients die every day waiting for organs. In Hawaii, there are nearly 400 people waiting for organs, most of them waiting for kidneys.

A kidney transplant is life-altering procedure. It allows patients to be free from dialysis treatments, return to the work force and enjoy a considerably better quality of life. More importantly, the life expectancy and health of a person after transplant is clearly superior to that of a chronic dialysis patient.

In 2011, there were 570 patients who were newly diagnosed patients with end-stage renal disease who were placed on dialysis, and a total of 2849 patients were on dialysis at that time. (www.usrds.org) Many of these patients have diabetes and hypertension as Hawaii has a high incidence of such chronic illnesses. Hawaii is also clearly one of the states with a highest prevalence of end-stage renal disease as demonstrated in the map below, where Hawaii has a >400 dialysis patients per million population. ([www.ustransplants.org](http://www.ustransplants.org))

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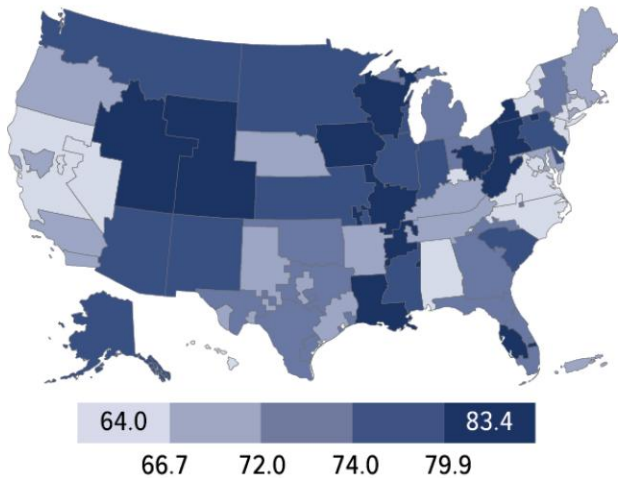
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Hawaii is also the state with one of the lowest deceased-donor organ donation rates in the US. The picture below shows Hawaii's donation rate to be in the low 60s per 100 eligible deaths, which means that nearly 40% of those patients who are medically qualified to donate organs in Hawaii, do not consent for this. Either they are not designated donors or their families refuse to sign the consent for organ donation at the time of death.

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### **Overall donation rates (per 100 eligible deaths)**



As a consequence, people with kidney disease on dialysis in Hawaii have among the longest waiting times for organ transplant. ([www.optn.transplant.hrsa.gov](http://www.optn.transplant.hrsa.gov)) Most patients wait at least 3 years for kidney transplant and those with less common blood types can wait 7-10 years for a deceased donor kidney. The reality of this is that most of these patients are living with hemodialysis treatments 3 times a week, are disabled and cannot work. This adds a financial burden to their families and to Hawaii.

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The only way our State can possibly deal with the disparities between the supply of organ donors and the waiting candidates for transplant, is with living donation. Every year our center has many potential living donors, but typically only 6-10% of these ever get thru the process of evaluation and actually donate a kidney. Some of these potential donors are fearful of the surgery and anesthesia, but many of them fear the financial ramifications. Although the recipient's insurance covers the medical costs, the cost of missing work and still having to support a family often precludes potential donors from actually donating.

We believe that by passing the above bill, the legislature and the State of Hawaii can do their part to promote living organ donation and transplant and end the ever growing disparity between people desperately awaiting organ transplantation and the donor supply.