

# Join the American Kidney Fund in supporting The Living Donor Protection Act of 2023

For people living with end-stage renal disease (ESRD, or kidney failure), kidney transplant is considered the best treatment option because it increases patients' chances of living longer, healthier lives. Kidneys can be donated by deceased or living donors, and kidneys donated by living organ donors can last almost twice as long as kidneys from deceased donors—15–20 years on average.

Donating a kidney is one of the most altruistic actions a person can take, and being a living donor is much easier when you have guaranteed paid leave from work and protection from insurance discrimination. The American Kidney Fund (AKF) has been working at the state and federal levels for several years to get such legislation passed. Until federal legislation passes that would give baseline protections to donors nationwide, states are operating with a patchwork of living donor protection laws. Learn more about the patchwork of laws in the states on AKF's State of the States: Living Donor Report Card at [livingdonor.kidneyfund.org](https://livingdonor.kidneyfund.org).

Giving the gift of life is the ultimate selfless act, and living donors should be rewarded and protected. Right now, however, would-be donors face unnecessary roadblocks and burdens that make it difficult to donate and discourage donations. Without federal protections, living donors can be denied coverage or charged higher premiums for life, disability and long-term care insurance. Additionally, the 2018 Department of Labor Opinion Letter that grants unpaid time off from work to donate an organ under the Family and Medical Leave Act (FMLA) needs to be codified in law to make it permanent.

The Living Donor Protection Act aims to ensure that living organ donors are able to find insurance and have job protection when they take time off to recover from the lifesaving procedure of donating an organ. The Living Donor Protection Act would:

- Prohibit insurers from declining coverage, limiting coverage or charging higher premiums to living organ donors under life, disability or long-term care insurance policies.
- Prohibit insurers from donating all or part of an organ as a condition of receiving a life, disability or long-term care insurance policy.

## What is a living organ donor?

A living organ donor is someone who donates an organ while they are alive. Kidneys are the most common organ donated by living donors, followed by livers. A living donor must be healthy in order to donate an organ, and there are no long-term health or death risks for living kidney donors, compared to similarly healthy people with both kidneys.

## Why are more living donors needed?

The desperate need for organs far exceeds the national supply. There are not nearly enough organs available from deceased donors to meet the increasing demand. Increasing the number of living organ donors is the surest and fastest way to reduce the number of Americans on the transplant waiting list. 13 Americans die every day waiting for a kidney transplant.

## How many people are waiting for a kidney?

There are currently approximately 104,000 Americans on the transplant waiting list and 90,684 of them - 87% are waiting for a kidney. In 2022, just 1 in 4 Americans awaiting a kidney was able to receive a transplant.

## How many kidney transplants are performed each year?

In 2022, there were 26,310 kidney transplants performed in the United States. 20,446 were from deceased donors and 5,864 were from living donors.

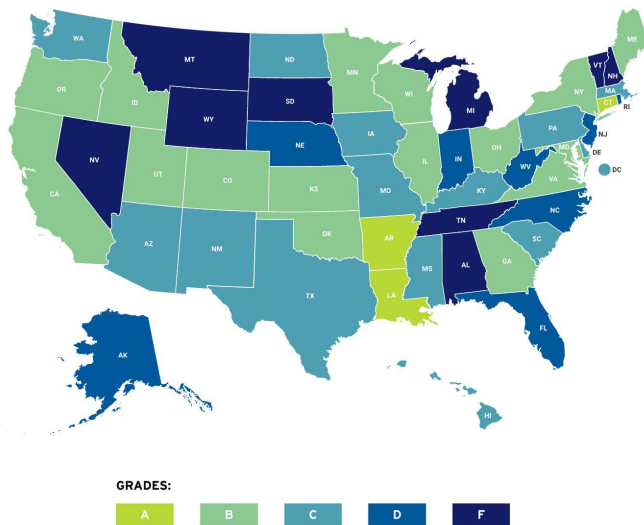
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- Prohibit insurers from considering the status of a person as a living organ donor in determining the premium rate for insurance.
- Codify an opinion letter from the Department of Labor that states FMLA includes organ donation surgery as a qualifying medical condition that would allow living donors to take the leave afforded to others under FMLA.
- Require the Department of Health and Human Services to update their website, brochures and other media regarding live donation and access to insurance for living donors.

## Together, we can give living organ donors the protections they need, no matter where they live.

AKF's 2023 State of the States: Living Donor Protection Report Card is available now at [livingdonor.kidneyfund.org](https://livingdonor.kidneyfund.org)

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**The American Kidney Fund is asking you to cosponsor the Living Donor Protection Act (H.R. 2923/S. 1384). To become a cosponsor, please contact:**

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**For more information on the Living Donor Protection Act or about living organ donation, please contact the American Kidney Fund:**

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