



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB5933

by Rep. Deb Conroy

SYNOPSIS AS INTRODUCED:

5 ILCS 327/20

215 ILCS 5/155.46 new

625 ILCS 5/6-117

from Ch. 95 1/2, par. 6-117

Amends the Organ Donor Leave Act. Provides that an employer shall not retaliate against an employee for requesting or obtaining a leave of absence to donate blood, an organ, or bone marrow. Amends the Illinois Insurance Act. Provides prohibitions on denial of coverage and costs of premiums for living organ donors for life insurance, disability insurance, and long-term care insurance policies. Amends the Illinois Vehicle Code. Requires the Secretary of State to review and update certain public service announcements, websites, and other media relating to live organ donation to educate the public on the benefits of live organ donation and the impact of live organ donation on access to insurance. Effective January 1, 2019.

LRB100 22595 SMS 41568 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. This Act may be referred to as the Living Donor
5 Protection Act.

6 Section 5. The Organ Donor Leave Act is amended by changing
7 Section 20 as follows:

8 (5 ILCS 327/20)

9 Sec. 20. Administration of Act.

10 (a) A participating employee subject to this Act who wishes
11 to donate blood, an organ, or bone marrow shall request in
12 advance leave under this Act.

13 (b) An employee may use (i) up to 30 days of organ donation
14 leave in any 12-month period to serve as a bone marrow donor,
15 (ii) up to 30 days of organ donation leave in any 12-month
16 period to serve as an organ donor, (iii) up to one hour to
17 donate blood, (iv) up to 1.5 hours to donate double red cells,
18 and (v) up to 2 hours to donate blood platelets. The frequency
19 of the blood donation times shall be set by rule in accordance
20 with appropriate medical standards established by the American
21 Red Cross, America's Blood Centers, the American Association of
22 Blood Banks, or other nationally-recognized standards.

1 (c) An employee may use organ donation leave or other leave
2 authorized in subsection (b) of this Section only after
3 obtaining approval from the employee's agency.

4 (d) An employee may not be required to use accumulated sick
5 or vacation leave time before being eligible for organ donor
6 leave.

7 (e) The Department must adopt rules governing organ
8 donation leave, including rules that (i) establish conditions
9 and procedures for requesting and approving leave and (ii)
10 require medical documentation of the proposed organ or bone
11 marrow donation before leave is approved by the employing
12 agency.

13 (f) An employer shall not retaliate against an employee for
14 requesting or obtaining a leave of absence as provided by this
15 Section.

16 (Source: P.A. 98-758, eff. 7-16-14.)

17 Section 10. The Illinois Insurance Code is amended by
18 adding Section 155.46 as follows:

19 (215 ILCS 5/155.46 new)

20 Sec. 155.46. Prohibition on denial of coverage or increase
21 in premiums for living organ donors.

22 (a) As used in this Section:

23 "Human organ" means all or part of a human's liver,
24 pancreas, kidney, intestine, lung, blood, plasma, skin, or bone

1 marrow.

2 "Living organ donor" means an individual who has donated
3 all or part of a human organ and is not deceased.

4 "Disability insurance policy" means a contract under which
5 an entity promises to pay a person a sum of money in the event
6 that an illness or injury resulting in a disability prevents
7 that person from working.

8 "Life insurance policy" means a contract under which an
9 entity promises to pay a designated beneficiary a sum of money
10 upon the death of the insured.

11 "Long-term care insurance policy" means a contract for
12 which the only insurance protection provided under the contract
13 is coverage of qualified long-term care services.

14 (b) Notwithstanding any other provision of law, it shall be
15 unlawful to:

16 (1) decline or limit coverage of a person under a life
17 insurance policy, disability insurance policy, or
18 long-term care insurance policy due to the status of that
19 person as a living organ donor;

20 (2) preclude a person from donating all or part of a
21 human organ as a condition of receiving a life insurance
22 policy, disability insurance policy, or long-term care
23 insurance policy;

24 (3) consider the status of a person as a living organ
25 donor in determining the premium rate for coverage of that
26 person under a life insurance policy, disability insurance

1 policy, or long-term care insurance policy; or

2 (4) otherwise discriminate in the offering, issuance,
3 cancellation, amount of coverage, price, or any other
4 condition of a life insurance policy, disability insurance
5 policy, or long-term care insurance policy for a person
6 based solely and without any additional actuarial risks
7 upon the status of that person as a living organ donor.

8 (c) The Department may take actions to enforce subsection
9 (b) as are specifically authorized under the laws of the State.

10 Section 15. The Illinois Vehicle Code is amended by
11 changing Section 6-117 as follows:

12 (625 ILCS 5/6-117) (from Ch. 95 1/2, par. 6-117)

13 Sec. 6-117. Records to be kept by the Secretary of State.

14 (a) The Secretary of State shall file every application for
15 a license or permit accepted under this Chapter, and shall
16 maintain suitable indexes thereof. The records of the Secretary
17 of State shall indicate the action taken with respect to such
18 applications.

19 (b) The Secretary of State shall maintain appropriate
20 records of all licenses and permits refused, cancelled,
21 disqualified, revoked, or suspended and of the revocation,
22 suspension, and disqualification of driving privileges of
23 persons not licensed under this Chapter, and such records shall
24 note the reasons for such action.

1 (c) The Secretary of State shall maintain appropriate
2 records of convictions reported under this Chapter. Records of
3 conviction may be maintained in a computer processible medium.

4 (d) The Secretary of State may also maintain appropriate
5 records of any accident reports received.

6 (e) The Secretary of State shall also maintain appropriate
7 records of any disposition of supervision or records relative
8 to a driver's referral to a driver remedial or rehabilitative
9 program, as required by the Secretary of State or the courts.
10 Such records shall only be available for use by the Secretary,
11 the driver licensing administrator of any other state, law
12 enforcement agencies, the courts, and the affected driver or,
13 upon proper verification, such affected driver's attorney.

14 (f) The Secretary of State shall also maintain or contract
15 to maintain appropriate records of all photographs and
16 signatures obtained in the process of issuing any driver's
17 license, permit, or identification card. The record shall be
18 confidential and shall not be disclosed except to those
19 entities listed under Section 6-110.1 of this Code.

20 (g) The Secretary of State may establish a First Person
21 Consent organ and tissue donor registry in compliance with
22 subsection (b-1) of Section 5-20 of the Illinois Anatomical
23 Gift Act, as follows:

24 (1) The Secretary shall offer, to each applicant for
25 issuance or renewal of a driver's license or identification
26 card who is 16 years of age or older, the opportunity to

1 have his or her name included in the First Person Consent
2 organ and tissue donor registry. The Secretary must advise
3 the applicant or licensee that he or she is under no
4 compulsion to have his or her name included in the
5 registry. An individual who agrees to having his or her
6 name included in the First Person Consent organ and tissue
7 donor registry has given full legal consent to the donation
8 of any of his or her organs or tissue upon his or her
9 death. A brochure explaining this method of executing an
10 anatomical gift must be given to each applicant for
11 issuance or renewal of a driver's license or identification
12 card. The brochure must advise the applicant or licensee
13 (i) that he or she is under no compulsion to have his or
14 her name included in this registry and (ii) that he or she
15 may wish to consult with family, friends, or clergy before
16 doing so.

17 (2) The Secretary of State may establish additional
18 methods by which an individual may have his or her name
19 included in the First Person Consent organ and tissue donor
20 registry.

21 (3) When an individual has agreed to have his or her
22 name included in the First Person Consent organ and tissue
23 donor registry, the Secretary of State shall note that
24 agreement in the First Person consent organ and tissue
25 donor registry. Representatives of federally designated
26 organ procurement agencies and tissue banks and the offices

1 of Illinois county coroners and medical examiners may
2 inquire of the Secretary of State whether a potential organ
3 donor's name is included in the First Person Consent organ
4 and tissue donor registry, and the Secretary of State may
5 provide that information to the representative.

6 (4) An individual may withdraw his or her consent to be
7 listed in the First Person Consent organ and tissue donor
8 registry maintained by the Secretary of State by notifying
9 the Secretary of State in writing, or by any other means
10 approved by the Secretary, of the individual's decision to
11 have his or her name removed from the registry.

12 (5) The Secretary of State may undertake additional
13 efforts, including education and awareness activities, to
14 promote organ and tissue donation.

15 (6) In the absence of gross negligence or willful
16 misconduct, the Secretary of State and his or her employees
17 are immune from any civil or criminal liability in
18 connection with an individual's consent to be listed in the
19 organ and tissue donor registry.

20 (7) No later than July 1, 2019, the Secretary of State
21 shall review and update materials related to live organ
22 donation in order to educate the public on:

23 (A) the benefits of live organ donation; and

24 (B) the impact of live organ donation on the access
25 of a living organ donor to insurance.

26 Such updating shall include information from Section

1 155.46 of the Illinois Insurance Code.

2 (8) In carrying out paragraph (7), the Secretary of
3 State shall update, as appropriate:

4 (A) public service announcements previously
5 provided by the Secretary of State;

6 (B) publicly accessible websites that are
7 maintained by the Secretary of State and that contain
8 information and resources regarding live organ
9 donation; and

10 (C) other media as deemed appropriate by the
11 Secretary of State.

12 (Source: P.A. 100-41, eff. 1-1-18.)

13 Section 99. Effective date. This Act takes effect January
14 1, 2019.