

1 AN ACT concerning organ donations.

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

4 Section 5. The Organ Donation Request Act is amended by
5 adding Section 3.5 as follows:

6 (755 ILCS 60/3.5 new)

7 Sec. 3.5. Notification of patient; family rights and
8 options.

9 (a) In this Section, "donation after cardiac death" means
10 the donation of organs from a ventilated patient without a
11 certification of brain death and with a do-not-resuscitate
12 order, if a decision has been reached by the physician and the
13 family to withdraw life support and if the donation does not
14 occur until after the declaration of cardiac death.

15 (b) If (i) a potential organ donor, or an individual given
16 authority under subsection (b) of Section 2 to consent to an
17 organ donation, expresses an interest in organ donation, (ii)
18 there has not been a certification of brain death for the
19 potential donor, and (iii) the potential donor is a patient at
20 a hospital that does not allow donation after cardiac death,
21 then the organ procurement agency shall inform the patient or
22 the individual given authority to consent to organ donation
23 that the hospital does not allow donation after cardiac death.

24 (c) In addition to providing oral notification, the organ
25 procurement agency shall develop a written form that indicates
26 to the patient or the individual given authority to consent to
27 organ donation, at a minimum, the following information:

28 (1) That the patient or the individual given authority
29 to consent to organ donation has received literature and
30 has been counseled by (representative's name) of the (organ
31 procurement agency name).

32 (2) That all organ donation options have been explained

1 to the patient or the individual given authority to consent
2 to organ donation, including the option of donation after
3 cardiac death.

4 (3) That the patient or the individual given authority
5 to consent to organ donation is aware that the hospital
6 where the potential donor is a patient does not allow
7 donation after cardiac death.

8 (4) That the patient or the individual given authority
9 to consent to organ donation has been informed of the right
10 to request a patient transfer to a facility allowing
11 donation after cardiac death.

12 (5) That the patient or the individual given authority
13 to consent to organ donation has been informed of another
14 hospital that will allow donation after cardiac death and
15 will accept a patient transfer for the purpose of donation
16 after cardiac death; and that the cost of transferring the
17 patient to that other hospital will be covered by the organ
18 procurement agency, with no additional cost to the patient
19 or the individual given authority to consent to organ
20 donation.

21 The form required under this subsection must include a
22 place for the signatures of the patient or the individual given
23 authority to consent to organ donation and the representative
24 of the organ procurement agency and space to provide the date
25 that the form was signed.

26 Section 99. Effective date. This Act takes effect upon
27 becoming law.