



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB2140

by Rep. Keith R. Wheeler

SYNOPSIS AS INTRODUCED:

20 ILCS 2310/2310-330

was 20 ILCS 2310/55.46

Amends the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois. Requires the Department of Public Health to require each sperm bank operating in this State to keep records of the name and contact information of each sperm donor for a period of 50 years following the donation of sperm. Provides that before any sperm donor makes a donation at a sperm bank, the sperm bank shall require the sperm donor to agree in writing that he has no expectation of anonymity with regard to his donation and that his biological child may be provided with his contact information upon request of the child or the child's parent or guardian if the child is under the age of 18. Provides that the sperm bank shall provide the sperm donor's contact information to the Department and to the biological child of the sperm donor upon request of the child or the parent or guardian of the child if the child is under the age of 18. Requires the Department to create and maintain a database of the sperm donors' names and contact information provided by the sperm bank. Requires the Department to make the name and contact information of a sperm donor available to that sperm donor's verified biological child upon request. Defines "sperm donor".

LRB101 05072 CPF 50083 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning State government.

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

4 Section 5. The Department of Public Health Powers and
5 Duties Law of the Civil Administrative Code of Illinois is
6 amended by changing Section 2310-330 as follows:

7 (20 ILCS 2310/2310-330) (was 20 ILCS 2310/55.46)

8 Sec. 2310-330. Sperm and tissue bank registry; sperm donor
9 records; AIDS test for donors; penalties.

10 (a) The Department shall establish a registry of all sperm
11 banks and tissue banks operating in this State. All sperm banks
12 and tissue banks operating in this State shall register with
13 the Department by May 1 of each year. Any person, hospital,
14 clinic, corporation, partnership, or other legal entity that
15 operates a sperm bank or tissue bank in this State and fails to
16 register with the Department pursuant to this Section commits a
17 business offense and shall be subject to a fine of \$5000.

18 (a-5) The Department shall require each sperm bank
19 operating in this State to keep records of the name and contact
20 information of each sperm donor for a period of 50 years
21 following the donation of sperm. The sperm bank shall provide
22 those records to the Department and to the biological child of
23 the sperm donor upon the biological child's request or upon the

1 request of the biological child's parent or guardian if the
2 biological child is under the age of 18.

3 Before any sperm donor makes a donation at a sperm bank,
4 the sperm bank shall require the sperm donor to agree in
5 writing that he has no expectation of anonymity with regard to
6 his donation and that his biological child may be provided with
7 his contact information upon request of the child or the
8 child's parent or guardian if the child is under the age of 18.

9 The Department shall create and maintain a database of the
10 sperm donors' names and contact information provided by each
11 sperm bank. Upon request and the presentation of proof adequate
12 for the Department to determine the truth of the biological
13 child's identity, the Department shall make the name and
14 contact information of a sperm donor available to that sperm
15 donor's biological child or the biological child's parent or
16 guardian if the biological child is under the age of 18.

17 (b) All donors of semen for purposes of artificial
18 insemination, or donors of corneas, bones, organs, or other
19 human tissue for the purpose of injecting, transfusing, or
20 transplanting any of them in the human body, shall be tested
21 for evidence of exposure to human immunodeficiency virus (HIV)
22 and any other identified causative agent of acquired
23 immunodeficiency syndrome (AIDS) at the time of or after the
24 donation but prior to the semen, corneas, bones, organs, or
25 other human tissue being made available for that use. However,
26 when in the opinion of the attending physician the life of a

1 recipient of a bone, organ, or other human tissue donation
2 would be jeopardized by delays caused by testing for evidence
3 of exposure to HIV and any other causative agent of AIDS,
4 testing shall not be required.

5 (c) Except as otherwise provided in subsection (c-5), no
6 person may intentionally, knowingly, recklessly, or
7 negligently use the semen, corneas, bones, organs, or other
8 human tissue of a donor unless the requirements of subsection
9 (b) have been met. Except as otherwise provided in subsection
10 (c-5), no person may intentionally, knowingly, recklessly, or
11 negligently use the semen, corneas, bones, organs, or other
12 human tissue of a donor who has tested positive for exposure to
13 HIV or any other identified causative agent of AIDS. Violation
14 of this subsection (c) shall be a Class 4 felony.

15 (c-5) It is not a violation of this Section for a person to
16 perform a solid organ transplant of an organ from an HIV
17 infected donor to a person who has tested positive for exposure
18 to HIV or any other identified causative agent of AIDS and who
19 is in immediate threat of death unless the transplant is
20 performed. A tissue bank that provides an organ from an HIV
21 infected donor under this subsection (c-5) may not be
22 criminally or civilly liable for the furnishing of that organ
23 under this subsection (c-5).

24 (d) For the purposes of this Section:

25 "Human tissue" shall not be construed to mean organs or
26 whole blood or its component parts.

1 "Tissue bank" has the same meaning as set forth in the
2 Illinois Anatomical Gift Act.

3 "Solid organ transplant" means the surgical
4 transplantation of internal organs including, but not limited
5 to, the liver, kidney, pancreas, lungs, or heart. "Solid organ
6 transplant" does not mean a bone marrow based transplant or a
7 blood transfusion.

8 "Sperm donor" means a person who donates semen to a sperm
9 bank for the purposes of artificial insemination.

10 "HIV infected donor" means a deceased donor who was
11 infected with HIV or a living donor known to be infected with
12 HIV and who is willing to donate a part or all of one or more of
13 his or her organs. A determination of the donor's HIV infection
14 is made by the donor's medical history or by specific tests
15 that document HIV infection, such as HIV RNA or DNA, or by
16 antibodies to HIV.

17 (Source: P.A. 95-331, eff. 8-21-07.)