



Rep. Deb Conroy

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1 AMENDMENT TO HOUSE BILL 2847

2 AMENDMENT NO. _____. Amend House Bill 2847, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

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

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

9 (5 ILCS 327/20)

10 Sec. 20. Administration of Act.

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

14 (b) An employee may use (i) up to 30 days of organ donation
15 leave in any 12-month period to serve as a bone marrow donor,

1 (ii) up to 30 days of organ donation leave in any 12-month
2 period to serve as an organ donor, (iii) up to one hour to
3 donate blood, (iv) up to 1.5 hours to donate double red cells,
4 and (v) up to 2 hours to donate blood platelets. The frequency
5 of the blood donation times shall be set by rule in accordance
6 with appropriate medical standards established by the American
7 Red Cross, America's Blood Centers, the American Association of
8 Blood Banks, or other nationally-recognized standards.

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

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

15 (e) The Department must adopt rules governing organ
16 donation leave, including rules that (i) establish conditions
17 and procedures for requesting and approving leave and (ii)
18 require medical documentation of the proposed organ or bone
19 marrow donation before leave is approved by the employing
20 agency.

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

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

25 Section 10. The Illinois Insurance Code is amended by

1 adding Section 155.46 as follows:

2 (215 ILCS 5/155.46 new)

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

5 (a) As used in this Section:

6 "Human organ" means all or part of a human's liver,
7 pancreas, kidney, intestine, lung, blood, plasma, skin, or bone
8 marrow.

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

11 "Disability insurance policy" means a contract under which
12 an entity promises to pay a person a sum of money if an illness
13 or injury resulting in a disability prevents that person from
14 working.

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

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

21 (b) Notwithstanding any other provision of law, it is
22 unlawful to refuse to insure, to refuse to continue to insure,
23 to limit the amount, extent, or kind of coverage available for
24 life insurance, disability insurance, or long-term care
25 insurance to an individual, or to charge an individual a

1 different rate for the same coverage, solely because of the
2 individual's status as a living organ donor.

3 (c) With respect to all other conditions, persons who are
4 living organ donors shall be subject to the same standards of
5 sound actuarial principles or actual or reasonably anticipated
6 experience as are persons who are not organ donors.

7 Section 15. The Illinois Anatomical Gift Act is amended by
8 changing Section 5-47 as follows:

9 (755 ILCS 50/5-47)

10 Sec. 5-47. Rights and duties of procurement organizations
11 and others.

12 (a) When a hospital refers an individual at or near death
13 to a procurement organization, the organization shall make a
14 reasonable search of the records of the Secretary of State and
15 any donor registry that it knows exists for the geographical
16 area in which the individual resides to ascertain whether the
17 individual has made an anatomical gift.

18 (b) A procurement organization shall be allowed reasonable
19 access to information in the records of the Secretary of State
20 to ascertain whether an individual at or near death is a donor.
21 If the individual is a donor who is an unemancipated minor, the
22 procurement organization shall conduct a reasonable search for
23 a parent or guardian of the donor and shall provide the parent
24 or guardian with an opportunity to amend or revoke the

1 anatomical gift of the donor's body.

2 (c) Unless prohibited by law other than this Act, at any
3 time after a donor's death, the person to which a part passes
4 under Section 5-12 may conduct any reasonable examination
5 necessary to ensure the medical suitability of the body or part
6 for its intended purpose.

7 (d) Unless prohibited by law other than this Act, an
8 examination under subsection (c) may include an examination of
9 all medical and dental records of the donor or prospective
10 donor.

11 (e) Upon referral by a hospital under subsection (a) of
12 this Section, a procurement organization shall make a
13 reasonable search for any person listed in subsection (b) of
14 Section 5-5 having priority to make an anatomical gift on
15 behalf of a prospective donor. If a procurement organization
16 receives information that an anatomical gift to any other
17 person was made, amended, or revoked, it shall promptly advise
18 the other person of all relevant information.

19 (f) Subject to subsection (i) of Section 5-12, the rights
20 of the person to which a part passes under Section 5-12 are
21 superior to the rights of all others with respect to the part.
22 The person may accept or reject an anatomical gift in whole or
23 in part. Subject to the terms of the document of gift and this
24 Act, a person who accepts an anatomical gift of an entire body
25 may allow embalming, burial or cremation, and use of remains in
26 a funeral service. If the gift is of a part, the person to

1 which the part passes under Section 5-12, upon the death of the
2 donor and before embalming, burial, or cremation, shall cause
3 the part to be removed without unnecessary mutilation.

4 (g) Neither the physician who attends the decedent at death
5 nor the physician who determines the time of the decedent's
6 death may participate in the procedures for removing or
7 transplanting a part from the decedent.

8 (h) A physician or technician may remove a donated part
9 from the body of a donor that the physician or technician is
10 qualified to remove.

11 (i) Not later than July 1, 2020, the Secretary of State
12 shall create a database consisting of all individuals who have
13 consented to having their names included in the First Person
14 Consent organ and tissue donor registry maintained by the
15 Secretary of State pursuant to Section 6-117 of the Illinois
16 Vehicle Code. This database shall include identifying
17 information for each individual, including, where available,
18 the individual's name, address, gender, date of birth, driver's
19 license or identification card number, social security number
20 only if the donor does not have a driver's license or
21 identification card number, and date of consent to join the
22 registry. The Secretary of State shall update the database not
23 less often than every 7 days. Upon executing a data access
24 agreement with the Secretary of State, an organ procurement
25 organization, as defined in this Act, providing services in the
26 State of Illinois shall be granted online access to the

1 database for the purpose of determining whether a potential
2 organ and tissue donor is included in the First Person Consent
3 organ and tissue donor registry.

4 The organ procurement organization shall indemnify and
5 hold harmless the State of Illinois, its officials, and
6 employees for any judgments, assessments, damages, fines,
7 fees, and legal costs arising out of the acts, omissions,
8 decisions, or other conduct of the organ procurement
9 organization and its officials, employees, and agents in the
10 use of the database.

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

12 Section 99. Effective date. This Act takes effect January
13 1, 2020.".