

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 if an illness
6 or injury resulting in a disability prevents that person from
7 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 is
15 unlawful to refuse to insure, to refuse to continue to insure,
16 to limit the amount, extent, or kind of coverage available for
17 life insurance, disability insurance, or long-term care
18 insurance to an individual, or to charge an individual a
19 different rate for the same coverage, solely because of the
20 individual's status as a living organ donor.

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

25 Section 15. The Illinois Anatomical Gift Act is amended by

1 changing Section 5-47 as follows:

2 (755 ILCS 50/5-47)

3 Sec. 5-47. Rights and duties of procurement organizations
4 and others.

5 (a) When a hospital refers an individual at or near death
6 to a procurement organization, the organization shall make a
7 reasonable search of the records of the Secretary of State and
8 any donor registry that it knows exists for the geographical
9 area in which the individual resides to ascertain whether the
10 individual has made an anatomical gift.

11 (b) A procurement organization shall be allowed reasonable
12 access to information in the records of the Secretary of State
13 to ascertain whether an individual at or near death is a donor.
14 If the individual is a donor who is an unemancipated minor, the
15 procurement organization shall conduct a reasonable search for
16 a parent or guardian of the donor and shall provide the parent
17 or guardian with an opportunity to amend or revoke the
18 anatomical gift of the donor's body.

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

24 (d) Unless prohibited by law other than this Act, an
25 examination under subsection (c) may include an examination of

1 all medical and dental records of the donor or prospective
2 donor.

3 (e) Upon referral by a hospital under subsection (a) of
4 this Section, a procurement organization shall make a
5 reasonable search for any person listed in subsection (b) of
6 Section 5-5 having priority to make an anatomical gift on
7 behalf of a prospective donor. If a procurement organization
8 receives information that an anatomical gift to any other
9 person was made, amended, or revoked, it shall promptly advise
10 the other person of all relevant information.

11 (f) Subject to subsection (i) of Section 5-12, the rights
12 of the person to which a part passes under Section 5-12 are
13 superior to the rights of all others with respect to the part.
14 The person may accept or reject an anatomical gift in whole or
15 in part. Subject to the terms of the document of gift and this
16 Act, a person who accepts an anatomical gift of an entire body
17 may allow embalming, burial or cremation, and use of remains in
18 a funeral service. If the gift is of a part, the person to
19 which the part passes under Section 5-12, upon the death of the
20 donor and before embalming, burial, or cremation, shall cause
21 the part to be removed without unnecessary mutilation.

22 (g) Neither the physician who attends the decedent at death
23 nor the physician who determines the time of the decedent's
24 death may participate in the procedures for removing or
25 transplanting a part from the decedent.

26 (h) A physician or technician may remove a donated part

1 from the body of a donor that the physician or technician is
2 qualified to remove.

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

22 The organ procurement organization shall indemnify and
23 hold harmless the State of Illinois, its officials, and
24 employees for any judgments, assessments, damages, fines,
25 fees, and legal costs arising out of the acts, omissions,
26 decisions, or other conduct of the organ procurement

1 organization and its officials, employees, and agents in the
2 use of the database.

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

4 Section 99. Effective date. This Act takes effect January
5 1, 2020.