

# HB5299



## 101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5299

by Rep. Dan Brady

### SYNOPSIS AS INTRODUCED:

755 ILCS 50/5-12

Amends the Illinois Anatomical Gift Act. Provides that an anatomical gift may be made, for the training of search and rescue canines, to a person operating within a State agency, emergency management agency, or local law enforcement agency.

LRB101 17277 LNS 66682 b

A BILL FOR

1 AN ACT concerning civil law.

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

4 Section 5. The Illinois Anatomical Gift Act is amended by  
5 changing Section 5-12 as follows:

6 (755 ILCS 50/5-12)

7 Sec. 5-12. Persons who may receive an anatomical gift;  
8 purpose of anatomical gift.

9 (a) An anatomical gift may be made to the following persons  
10 named in the document of gift:

11 (1) for research or education, a hospital; an  
12 accredited medical school, dental school, college, or  
13 university; an organ procurement organization; or other  
14 appropriate person;

15 (2) subject to subsection (b) of this Section, an  
16 individual designated by the person making the anatomical  
17 gift if the individual is the recipient of the part;

18 (3) an eye bank or tissue bank; ~~or~~

19 (4) for research or education, a non-transplant  
20 anatomic bank; or ~~or~~

21 (5) for the training of search and rescue canines, a  
22 person operating within a State agency, emergency  
23 management agency, or local law enforcement agency.

1           (b) If an anatomical gift to an individual under item (2)  
2 of subsection (a) of this Section cannot be transplanted into  
3 the individual, the part passes in accordance with subsection  
4 (g) of this Section unless there is an express, contrary  
5 indication by the person making the anatomical gift.

6           (c) If an anatomical gift of one or more specific parts or  
7 of all parts is made in a document of gift that does not name a  
8 person described in subsection (a) of this Section, but  
9 identifies the purpose for which an anatomical gift may be  
10 used, the following rules apply:

11           (1) If the part is an eye and the gift is for the  
12 purpose of transplantation or therapy, the gift passes to  
13 the appropriate eye bank.

14           (2) If the part is tissue and the gift is for the  
15 purpose of transplantation or therapy, the gift passes to  
16 the appropriate tissue bank.

17           (3) If the part is an organ and the gift is for the  
18 purpose of transplantation or therapy, the gift passes to  
19 the appropriate organ procurement organization as  
20 custodian of the organ.

21           (4) If the part is an organ, an eye, or tissue and the  
22 gift is for the purpose of research or education, the gift  
23 passes to the appropriate procurement organization.

24           (d) For the purpose of subsection (c) of this Section, if  
25 there is more than one purpose of an anatomical gift set forth  
26 in the document of gift but the purposes are not set forth in

1 any priority, and if the gift cannot be used for  
2 transplantation or therapy, the gift may be used for research  
3 or education.

4 (e) If an anatomical gift of one or more specific parts is  
5 made in a document of gift that does not name a person  
6 described in subsection (a) of this Section and does not  
7 identify the purpose of the gift, the gift may be used only for  
8 transplantation or therapy or research, and the gift passes in  
9 accordance with subsection (g) of this Section.

10 (f) If a document of gift specifies only a general intent  
11 to make an anatomical gift by words such as "donor", "organ  
12 donor", or "body donor", or by a symbol or statement of similar  
13 import, the gift may be used only for transplantation or  
14 therapy or research, and the gift passes in accordance with  
15 subsection (g) of this Section.

16 (g) For purposes of subsections (b), (e), and (f) of this  
17 Section, the following rules apply:

18 (1) If the part is an eye, the gift passes to the  
19 appropriate eye bank.

20 (2) If the part is tissue, the gift passes to the  
21 appropriate tissue bank.

22 (3) If the part is an organ, the gift passes to the  
23 appropriate organ procurement organization as custodian of  
24 the organ.

25 (h) An anatomical gift of an organ for transplantation or  
26 therapy, other than an anatomical gift under item (2) of

1 subsection (a) of this Section, passes to the organ procurement  
2 organization as custodian of the organ.

3 (i) If an anatomical gift does not pass under this Section  
4 or the decedent's body or part is not used for transplantation,  
5 therapy, research, or education, custody of the body or part  
6 passes to the person under obligation to dispose of the body or  
7 part.

8 (j) A person may not accept an anatomical gift if the  
9 person knows that the gift was not effectively made under  
10 Section 5-5 or subsection (e) or (e-5) of Section 5-20 or if  
11 the person knows that the decedent made a refusal under Section  
12 5-43 that was not revoked.

13 (k) Except as otherwise provided in item (2) of subsection  
14 (a) of this Section, nothing in this Act affects the allocation  
15 of organs for transplantation or therapy.

16 (Source: P.A. 98-172, eff. 1-1-14.)