

102ND GENERAL ASSEMBLY**State of Illinois****2021 and 2022****SB0500**

Introduced 2/23/2021, by Sen. Jason A. Barickman

SYNOPSIS AS INTRODUCED:

755 ILCS 50/5-15

was 755 ILCS 50/4.5

Amends the Illinois Anatomical Gift Act. Deletes language providing that no hospital, physician and surgeon, procurement organization, or other person shall determine the ultimate recipient of an anatomical gift based upon a potential recipient's physical or mental disability, except to the extent that the physical or mental disability has been found by a physician and surgeon, following a case-by-case evaluation of the potential recipient, to be medically significant to the provision of the anatomical gift. Provides instead that a hospital, physician and surgeon, procurement organization, or other person shall not, solely on the basis of an individual's mental or physical disability: deem an individual ineligible to receive an anatomical gift or organ transplant; deny medical and other services related to organ transplantation, including evaluation, surgery, counseling, postoperative treatment, and services; refuse to refer the individual to a transplant center or other related specialist for the purpose of evaluation for or receipt of an organ transplant; refuse to place an individual on an organ transplant waiting list or place an individual at a lower priority position on the waiting list than the position at which the individual would have been placed if not for the individual's disability; or decline insurance coverage for any procedure associated with the receipt of the anatomical gift, including posttransplantation care. Provides that a hospital, physician and surgeon, procurement organization, or other person may take an individual's disability into account when making treatment or coverage recommendations or decisions solely to the extent that the physical or mental disability has been found by a physician or surgeon, following an individualized evaluation of the potential recipient, to be medically significant to the provision of the anatomical gift.

LRB102 14520 LNS 19873 b

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 5-15 as follows:

6 (755 ILCS 50/5-15) (was 755 ILCS 50/4.5)

7 Sec. 5-15. Disability of recipient.

8 (a) A hospital, physician and surgeon, procurement
9 organization, or other person shall not, solely on the basis
10 of an individual's mental or physical disability:

11 (1) deem an individual ineligible to receive an
12 anatomical gift or organ transplant;

13 (2) deny medical and other services related to organ
14 transplantation, including evaluation, surgery,
15 counseling, postoperative treatment, and services;

16 (3) refuse to refer the individual to a transplant
17 center or other related specialist for the purpose of
18 evaluation for or receipt of an organ transplant;

19 (4) refuse to place an individual on an organ
20 transplant waiting list or place an individual at a lower
21 priority position on the waiting list than the position at
22 which the individual would have been placed if not for the
23 individual's disability; or

1 (5) decline insurance coverage for any procedure
2 associated with the receipt of the anatomical gift,
3 including posttransplantation care.

4 (a-5) Notwithstanding subsection (a), a hospital,
5 physician and surgeon, procurement organization, or other
6 person may take an individual's disability into account when
7 making treatment or coverage recommendations or decisions
8 solely to the extent that the physical or mental disability
9 has been found by a physician or surgeon, following an
10 individualized evaluation of the potential recipient, to be
11 medically significant to the provision of the anatomical gift.
12 ~~No hospital, physician and surgeon, procurement organization,~~
13 ~~or other person shall determine the ultimate recipient of an~~
14 ~~anatomical gift based upon a potential recipient's physical or~~
15 ~~mental disability, except to the extent that the physical or~~
16 ~~mental disability has been found by a physician and surgeon,~~
17 ~~following a case by case evaluation of the potential~~
18 ~~recipient, to be medically significant to the provision of the~~
19 ~~anatomical gift.~~

20 (b) Subsection (a) shall apply to each part of the organ
21 transplant process.

22 (c) The court shall accord priority on its calendar and
23 handle expeditiously any action brought to seek any remedy
24 authorized by law for purposes of enforcing compliance with
25 this Section.

26 (d) This Section shall not be deemed to require referrals

1 or recommendations for or the performance of medically
2 inappropriate organ transplants.

3 (e) As used in this Section "disability" has the same
4 meaning as in the federal Americans with Disabilities Act of
5 1990 (42 U.S.C. 12101 et seq., Public Law 101-336) as may be
6 amended from time to time.

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