



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 02/06/04, by Tom Cross

SYNOPSIS AS INTRODUCED:

755 ILCS 50/3

from Ch. 110 1/2, par. 303

Amends the Uniform Anatomical Gift Act. Makes technical changes in a Section concerning people who may execute an anatomical gift.

LRB093 14064 LCB 40129 b

1 AN ACT concerning anatomical gifts.

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

4 Section 5. The Uniform Anatomical Gift Act is amended by
5 changing Section 3 as follows:

6 (755 ILCS 50/3) (from Ch. 110 1/2, par. 303)

7 Sec. 3. Persons who may execute an anatomical gift.

8 (a) An ~~Any~~ individual of sound mind who has attained the
9 age of 18 may give all or any part of his or her body for any
10 purpose specified in Section 4. The ~~Such a~~ gift may be executed
11 in any of the ways set out in Section 5, and shall take effect
12 upon the individual's death without the need to obtain the
13 consent of any survivor. An anatomical gift made by an agent of
14 an individual, as authorized by the individual under the Powers
15 of Attorney for Health Care Law, as now or hereafter amended,
16 is deemed to be a gift by that individual and takes effect
17 without the need to obtain the consent of any other person.

18 (b) If no gift has been executed under subsection (a), any
19 of the following persons, in the order of priority stated in
20 items (1) through (9) below, when persons in prior classes are
21 not available and in the absence of (i) actual notice of
22 contrary intentions by the decedent and (ii) actual notice of
23 opposition by any member within the same priority class, may
24 give all or any part of the decedent's body after or
25 immediately before death for any purpose specified in Section
26 4:

27 (1) the decedent's agent under a power of attorney for
28 health care which provides specific direction regarding
29 organ donation,

30 (2) the decedent's spouse,

31 (3) the decedent's adult sons or daughters,

32 (4) either of the decedent's parents,

- 1 (5) any of the decedent's adult brothers or sisters,
2 (6) any adult grandchild of the decedent,
3 (7) the guardian of the decedent's estate,
4 (8) the decedent's surrogate decision maker under the
5 Health Care Surrogate Act,
6 (9) any person authorized or under obligation to
7 dispose of the body.

8 If the donee has actual notice of opposition to the gift by
9 the decedent or any person in the highest priority class in
10 which an available person can be found, then no gift of all or
11 any part of the decedent's body shall be accepted.

12 (c) For the purposes of this Act, a person will not be
13 considered "available" for the giving of consent or refusal if:

14 (1) the existence of the person is unknown to the donee
15 and is not readily ascertainable through the examination of
16 the decedent's hospital records and the questioning of any
17 persons who are available for giving consent;

18 (2) the donee has unsuccessfully attempted to contact
19 the person by telephone or in any other reasonable manner;

20 (3) the person is unable or unwilling to respond in a
21 manner which indicates the person's refusal or consent.

22 (d) A gift of all or part of a body authorizes any
23 examination necessary to assure medical acceptability of the
24 gift for the purposes intended.

25 (e) The rights of the donee created by the gift are
26 paramount to the rights of others except as provided by Section
27 8(d).

28 (f) If no gift has been executed under this Section, then
29 no part of the decedent's body may be used for any purpose
30 specified in Section 4 of this Act, except in accordance with
31 the Organ Donation Request Act or the Corneal Transplant Act.

32 (Source: P.A. 92-349, eff. 1-1-02.)