

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 Department of Public Health Powers and  
5 Duties Law of the Civil Administrative Code of Illinois is  
6 amended by changing Section 2310-330 as follows:

7 (20 ILCS 2310/2310-330) (was 20 ILCS 2310/55.46)

8 Sec. 2310-330. Sperm and tissue bank registry; AIDS test  
9 for donors; penalties.

10 (a) The Department shall establish a registry of all sperm  
11 banks and tissue banks operating in this State. All sperm banks  
12 and tissue banks operating in this State shall register with  
13 the Department by May 1 of each year. Any person, hospital,  
14 clinic, corporation, partnership, or other legal entity that  
15 operates a sperm bank or tissue bank in this State and fails to  
16 register with the Department pursuant to this Section commits a  
17 business offense and shall be subject to a fine of \$5000.

18 (b) All donors of semen for purposes of artificial  
19 insemination, or donors of corneas, bones, organs, or other  
20 human tissue for the purpose of injecting, transfusing, or  
21 transplanting any of them in the human body, shall be tested  
22 for evidence of exposure to human immunodeficiency virus (HIV)  
23 and any other identified causative agent of acquired  
24 immunodeficiency syndrome (AIDS) at the time of or after the  
25 donation but prior to the semen, corneas, bones, organs, or  
26 other human tissue being made available for that use. However,  
27 when in the opinion of the attending physician the life of a  
28 recipient of a bone, organ, or other human tissue donation  
29 would be jeopardized by delays caused by testing for evidence  
30 of exposure to HIV and any other causative agent of AIDS,  
31 testing shall not be required.

32 (c) No person may intentionally, knowingly, recklessly, or

1 negligently use the semen, corneas, bones, organs, or other  
2 human tissue of a donor unless the requirements of subsection  
3 (b) have been met. No person may intentionally, knowingly,  
4 recklessly, or negligently use the semen, corneas, bones,  
5 organs, or other human tissue of a donor who has tested  
6 positive for exposure to HIV or any other identified causative  
7 agent of AIDS. Violation of this subsection (c) shall be a  
8 Class 4 felony.

9 (d) For the purposes of this Section, "human tissue" shall  
10 not be construed to mean organs or whole blood or its component  
11 parts.

12 For the purposes of this Section, "tissue bank" has the  
13 same meaning as set forth in the Illinois Anatomical Gift Act.  
14 ~~means any facility or program that is involved in procuring,~~  
15 ~~furnishing, donating, processing, or distributing corneas,~~  
16 ~~bones, organs, or other human tissue for the purpose of~~  
17 ~~injecting, transfusing, or transplanting any of them in the~~  
18 ~~human body.~~

19 (Source: P.A. 91-239, eff. 1-1-00.)

20 Section 10. The School Code is amended by changing Section  
21 27-23.5 as follows:

22 (105 ILCS 5/27-23.5)

23 Sec. 27-23.5. Organ/tissue donor and transplantation  
24 programs. Each school district that maintains grades 9 and 10  
25 may include in its curriculum and teach to the students of  
26 either such grade one unit of instruction on organ/tissue donor  
27 and transplantation programs. No student shall be required to  
28 take or participate in instruction on organ/tissue donor and  
29 transplantation programs if a parent or guardian files written  
30 objection thereto on constitutional grounds, and refusal to  
31 take or participate in such instruction on those grounds shall  
32 not be reason for suspension or expulsion of a student or  
33 result in any academic penalty.

34 The regional superintendent of schools in which a school

1 district that maintains grades 9 and 10 is located shall obtain  
2 and distribute ~~make available~~ to each ~~the~~ school in his or her  
3 ~~board of the~~ district information and data that may be used by  
4 the school ~~district~~ in developing a unit of instruction under  
5 this Section. However, each school board shall determine the  
6 minimum amount of instructional time that shall qualify as a  
7 unit of instruction satisfying the requirements of this  
8 Section.

9 (Source: P.A. 90-635, eff. 7-24-98.)

10 Section 15. The Hospital Licensing Act is amended by  
11 changing Sections 6.16 and 10.4 as follows:

12 (210 ILCS 85/6.16)

13 Sec. 6.16. Agreement with designated organ procurement  
14 agency. Each hospital licensed under this Act shall have an  
15 agreement with its federally designated organ procurement  
16 agency providing for notification of the organ procurement  
17 agency when potential organ donors become available, as  
18 required in Section 5-25 of the Illinois Anatomical Gift Act ~~2~~  
19 ~~of the Organ Donation Request Act.~~

20 (Source: P.A. 89-393, eff. 8-20-95.)

21 (210 ILCS 85/10.4) (from Ch. 111 1/2, par. 151.4)

22 Sec. 10.4. Medical staff privileges.

23 (a) Any hospital licensed under this Act or any hospital  
24 organized under the University of Illinois Hospital Act shall,  
25 prior to the granting of any medical staff privileges to an  
26 applicant, or renewing a current medical staff member's  
27 privileges, request of the Director of Professional Regulation  
28 information concerning the licensure status and any  
29 disciplinary action taken against the applicant's or medical  
30 staff member's license, except for medical personnel who enter  
31 a hospital to obtain organs and tissues for transplant from a  
32 ~~deceased~~ donor in accordance with the Illinois Uniform  
33 Anatomical Gift Act. The Director of Professional Regulation

1 shall transmit, in writing and in a timely fashion, such  
2 information regarding the license of the applicant or the  
3 medical staff member, including the record of imposition of any  
4 periods of supervision or monitoring as a result of alcohol or  
5 substance abuse, as provided by Section 23 of the Medical  
6 Practice Act of 1987, and such information as may have been  
7 submitted to the Department indicating that the application or  
8 medical staff member has been denied, or has surrendered,  
9 medical staff privileges at a hospital licensed under this Act,  
10 or any equivalent facility in another state or territory of the  
11 United States. The Director of Professional Regulation shall  
12 define by rule the period for timely response to such requests.

13 No transmittal of information by the Director of  
14 Professional Regulation, under this Section shall be to other  
15 than the president, chief operating officer, chief  
16 administrative officer, or chief of the medical staff of a  
17 hospital licensed under this Act, a hospital organized under  
18 the University of Illinois Hospital Act, or a hospital operated  
19 by the United States, or any of its instrumentalities. The  
20 information so transmitted shall be afforded the same status as  
21 is information concerning medical studies by Part 21 of Article  
22 VIII of the Code of Civil Procedure, as now or hereafter  
23 amended.

24 (b) All hospitals licensed under this Act, except county  
25 hospitals as defined in subsection (c) of Section 15-1 of the  
26 Illinois Public Aid Code, shall comply with, and the medical  
27 staff bylaws of these hospitals shall include rules consistent  
28 with, the provisions of this Section in granting, limiting,  
29 renewing, or denying medical staff membership and clinical  
30 staff privileges. Hospitals that require medical staff members  
31 to possess faculty status with a specific institution of higher  
32 education are not required to comply with subsection (1) below  
33 when the physician does not possess faculty status.

34 (1) Minimum procedures for pre-applicants and  
35 applicants for medical staff membership shall include the  
36 following:

1 (A) Written procedures relating to the acceptance  
2 and processing of pre-applicants or applicants for  
3 medical staff membership, which should be contained in  
4 medical staff bylaws.

5 (B) Written procedures to be followed in  
6 determining a pre-applicant's or an applicant's  
7 qualifications for being granted medical staff  
8 membership and privileges.

9 (C) Written criteria to be followed in evaluating a  
10 pre-applicant's or an applicant's qualifications.

11 (D) An evaluation of a pre-applicant's or an  
12 applicant's current health status and current license  
13 status in Illinois.

14 (E) A written response to each pre-applicant or  
15 applicant that explains the reason or reasons for any  
16 adverse decision (including all reasons based in whole  
17 or in part on the applicant's medical qualifications or  
18 any other basis, including economic factors).

19 (2) Minimum procedures with respect to medical staff  
20 and clinical privilege determinations concerning current  
21 members of the medical staff shall include the following:

22 (A) A written notice of an adverse decision.

23 (B) An explanation of the reasons for an adverse  
24 decision including all reasons based on the quality of  
25 medical care or any other basis, including economic  
26 factors.

27 (C) A statement of the medical staff member's right  
28 to request a fair hearing on the adverse decision  
29 before a hearing panel whose membership is mutually  
30 agreed upon by the medical staff and the hospital  
31 governing board. The hearing panel shall have  
32 independent authority to recommend action to the  
33 hospital governing board. Upon the request of the  
34 medical staff member or the hospital governing board,  
35 the hearing panel shall make findings concerning the  
36 nature of each basis for any adverse decision

1 recommended to and accepted by the hospital governing  
2 board.

3 (i) Nothing in this subparagraph (C) limits a  
4 hospital's or medical staff's right to summarily  
5 suspend, without a prior hearing, a person's  
6 medical staff membership or clinical privileges if  
7 the continuation of practice of a medical staff  
8 member constitutes an immediate danger to the  
9 public, including patients, visitors, and hospital  
10 employees and staff. A fair hearing shall be  
11 commenced within 15 days after the suspension and  
12 completed without delay.

13 (ii) Nothing in this subparagraph (C) limits a  
14 medical staff's right to permit, in the medical  
15 staff bylaws, summary suspension of membership or  
16 clinical privileges in designated administrative  
17 circumstances as specifically approved by the  
18 medical staff. This bylaw provision must  
19 specifically describe both the administrative  
20 circumstance that can result in a summary  
21 suspension and the length of the summary  
22 suspension. The opportunity for a fair hearing is  
23 required for any administrative summary  
24 suspension. Any requested hearing must be  
25 commenced within 15 days after the summary  
26 suspension and completed without delay. Adverse  
27 decisions other than suspension or other  
28 restrictions on the treatment or admission of  
29 patients may be imposed summarily and without a  
30 hearing under designated administrative  
31 circumstances as specifically provided for in the  
32 medical staff bylaws as approved by the medical  
33 staff.

34 (iii) If a hospital exercises its option to  
35 enter into an exclusive contract and that contract  
36 results in the total or partial termination or

1 reduction of medical staff membership or clinical  
2 privileges of a current medical staff member, the  
3 hospital shall provide the affected medical staff  
4 member 60 days prior notice of the effect on his or  
5 her medical staff membership or privileges. An  
6 affected medical staff member desiring a hearing  
7 under subparagraph (C) of this paragraph (2) must  
8 request the hearing within 14 days after the date  
9 he or she is so notified. The requested hearing  
10 shall be commenced and completed (with a report and  
11 recommendation to the affected medical staff  
12 member, hospital governing board, and medical  
13 staff) within 30 days after the date of the medical  
14 staff member's request. If agreed upon by both the  
15 medical staff and the hospital governing board,  
16 the medical staff bylaws may provide for longer  
17 time periods.

18 (D) A statement of the member's right to inspect  
19 all pertinent information in the hospital's possession  
20 with respect to the decision.

21 (E) A statement of the member's right to present  
22 witnesses and other evidence at the hearing on the  
23 decision.

24 (F) A written notice and written explanation of the  
25 decision resulting from the hearing.

26 (F-5) A written notice of a final adverse decision  
27 by a hospital governing board.

28 (G) Notice given 15 days before implementation of  
29 an adverse medical staff membership or clinical  
30 privileges decision based substantially on economic  
31 factors. This notice shall be given after the medical  
32 staff member exhausts all applicable procedures under  
33 this Section, including item (iii) of subparagraph (C)  
34 of this paragraph (2), and under the medical staff  
35 bylaws in order to allow sufficient time for the  
36 orderly provision of patient care.

1           (H) Nothing in this paragraph (2) of this  
2 subsection (b) limits a medical staff member's right to  
3 waive, in writing, the rights provided in  
4 subparagraphs (A) through (G) of this paragraph (2) of  
5 this subsection (b) upon being granted the written  
6 exclusive right to provide particular services at a  
7 hospital, either individually or as a member of a  
8 group. If an exclusive contract is signed by a  
9 representative of a group of physicians, a waiver  
10 contained in the contract shall apply to all members of  
11 the group unless stated otherwise in the contract.

12           (3) Every adverse medical staff membership and  
13 clinical privilege decision based substantially on  
14 economic factors shall be reported to the Hospital  
15 Licensing Board before the decision takes effect. These  
16 reports shall not be disclosed in any form that reveals the  
17 identity of any hospital or physician. These reports shall  
18 be utilized to study the effects that hospital medical  
19 staff membership and clinical privilege decisions based  
20 upon economic factors have on access to care and the  
21 availability of physician services. The Hospital Licensing  
22 Board shall submit an initial study to the Governor and the  
23 General Assembly by January 1, 1996, and subsequent reports  
24 shall be submitted periodically thereafter.

25           (4) As used in this Section:

26           "Adverse decision" means a decision reducing,  
27 restricting, suspending, revoking, denying, or not  
28 renewing medical staff membership or clinical privileges.

29           "Economic factor" means any information or reasons for  
30 decisions unrelated to quality of care or professional  
31 competency.

32           "Pre-applicant" means a physician licensed to practice  
33 medicine in all its branches who requests an application  
34 for medical staff membership or privileges.

35           "Privilege" means permission to provide medical or  
36 other patient care services and permission to use hospital



1 resources, including equipment, facilities and personnel  
2 that are necessary to effectively provide medical or other  
3 patient care services. This definition shall not be  
4 construed to require a hospital to acquire additional  
5 equipment, facilities, or personnel to accommodate the  
6 granting of privileges.

7 (5) Any amendment to medical staff bylaws required  
8 because of this amendatory Act of the 91st General Assembly  
9 shall be adopted on or before July 1, 2001.

10 (c) All hospitals shall consult with the medical staff  
11 prior to closing membership in the entire or any portion of the  
12 medical staff or a department. If the hospital closes  
13 membership in the medical staff, any portion of the medical  
14 staff, or the department over the objections of the medical  
15 staff, then the hospital shall provide a detailed written  
16 explanation for the decision to the medical staff 10 days prior  
17 to the effective date of any closure. No applications need to  
18 be provided when membership in the medical staff or any  
19 relevant portion of the medical staff is closed.

20 (Source: P.A. 90-14, eff. 7-1-97; 90-149, eff. 1-1-98; 90-655,  
21 eff. 7-30-98; 91-166, eff. 1-1-00.)

22 Section 20. The AIDS Confidentiality Act is amended by  
23 changing Section 7 as follows:

24 (410 ILCS 305/7) (from Ch. 111 1/2, par. 7307)

25 Sec. 7. (a) Notwithstanding the provisions of Sections 4, 5  
26 and 6 of this Act, written informed consent is not required for  
27 a health care provider or health facility to perform a test  
28 when the health care provider or health facility procures,  
29 processes, distributes or uses a human body part donated for a  
30 purpose specified under the Illinois ~~Uniform~~ Anatomical Gift  
31 Act, or semen provided prior to the effective date of this Act  
32 for the purpose of artificial insemination, and such a test is  
33 necessary to assure medical acceptability of such gift or semen  
34 for the purposes intended.

1 (b) Written informed consent is not required for a health  
2 care provider or health facility to perform a test when a  
3 health care provider or employee of a health facility, or a  
4 firefighter or an EMT-A, EMT-I or EMT-P, is involved in an  
5 accidental direct skin or mucous membrane contact with the  
6 blood or bodily fluids of an individual which is of a nature  
7 that may transmit HIV, as determined by a physician in his  
8 medical judgment. Should such test prove to be positive, the  
9 patient and the health care provider, health facility employee,  
10 firefighter, EMT-A, EMT-I, or EMT-P shall be provided  
11 appropriate counseling consistent with this Act.

12 (c) Written informed consent is not required for a health  
13 care provider or health facility to perform a test when a law  
14 enforcement officer is involved in the line of duty in a direct  
15 skin or mucous membrane contact with the blood or bodily fluids  
16 of an individual which is of a nature that may transmit HIV, as  
17 determined by a physician in his medical judgment. Should such  
18 test prove to be positive, the patient shall be provided  
19 appropriate counseling consistent with this Act. For purposes  
20 of this subsection (c), "law enforcement officer" means any  
21 person employed by the State, a county or a municipality as a  
22 policeman, peace officer, auxiliary policeman, correctional  
23 officer or in some like position involving the enforcement of  
24 the law and protection of the public interest at the risk of  
25 that person's life.

26 (Source: P.A. 86-887; 86-891; 86-1028; 87-459.)

27 Section 25. The Illinois Vehicle Code is amended by  
28 changing Sections 6-110 and 12-215 as follows:

29 (625 ILCS 5/6-110) (from Ch. 95 1/2, par. 6-110)

30 Sec. 6-110. Licenses issued to drivers.

31 (a) The Secretary of State shall issue to every qualifying  
32 applicant a driver's license as applied for, which license  
33 shall bear a distinguishing number assigned to the licensee,  
34 the name, social security number, zip code, date of birth,

1 address, and a brief description of the licensee, and a space  
2 where the licensee may write his usual signature.

3 If the licensee is less than 17 years of age, the license  
4 shall, as a matter of law, be invalid for the operation of any  
5 motor vehicle during any time the licensee is prohibited from  
6 being on any street or highway under the provisions of the  
7 Child Curfew Act.

8 Licenses issued shall also indicate the classification and  
9 the restrictions under Section 6-104 of this Code.

10 In lieu of the social security number, the Secretary may in  
11 his discretion substitute a federal tax number or other  
12 distinctive number.

13 A driver's license issued may, in the discretion of the  
14 Secretary, include a suitable photograph of a type prescribed  
15 by the Secretary.

16 (b) The Secretary of State shall provide a format on the  
17 reverse of each driver's license issued which the licensee may  
18 use to execute a document of gift conforming to the provisions  
19 of the Illinois ~~Uniform~~ Anatomical Gift Act. The format shall  
20 allow the licensee to indicate the gift intended, whether  
21 specific organs, any organ, or the entire body, and shall  
22 accommodate the signatures of the donor and 2 witnesses. The  
23 Secretary shall also inform each applicant or licensee of this  
24 format, describe the procedure for its execution, and may offer  
25 the necessary witnesses; provided that in so doing, the  
26 Secretary shall advise the applicant or licensee that he or she  
27 is under no compulsion to execute a document of gift. A  
28 brochure explaining this method of executing an anatomical gift  
29 document shall be given to each applicant or licensee. The  
30 brochure shall advise the applicant or licensee that he or she  
31 is under no compulsion to execute a document of gift, and that  
32 he or she may wish to consult with family, friends or clergy  
33 before doing so. The Secretary of State may undertake  
34 additional efforts, including education and awareness  
35 activities, to promote organ and tissue donation.

36 (c) The Secretary of State shall designate on each driver's

1 license issued a space where the licensee may place a sticker  
2 or decal of the uniform size as the Secretary may specify,  
3 which sticker or decal may indicate in appropriate language  
4 that the owner of the license carries an Emergency Medical  
5 Information Card.

6 The sticker may be provided by any person, hospital,  
7 school, medical group, or association interested in assisting  
8 in implementing the Emergency Medical Information Card, but  
9 shall meet the specifications as the Secretary may by rule or  
10 regulation require.

11 (d) The Secretary of State shall designate on each driver's  
12 license issued a space where the licensee may indicate his  
13 blood type and RH factor.

14 (e) The Secretary of State shall provide that each original  
15 or renewal driver's license issued to a licensee under 21 years  
16 of age shall be of a distinct nature from those driver's  
17 licenses issued to individuals 21 years of age and older. The  
18 color designated for driver's licenses for licensees under 21  
19 years of age shall be at the discretion of the Secretary of  
20 State.

21 (e-1) The Secretary shall provide that each driver's  
22 license issued to a person under the age of 21 displays the  
23 date upon which the person becomes 18 years of age and the date  
24 upon which the person becomes 21 years of age.

25 (f) The Secretary of State shall inform all Illinois  
26 licensed commercial motor vehicle operators of the  
27 requirements of the Uniform Commercial Driver License Act,  
28 Article V of this Chapter, and shall make provisions to insure  
29 that all drivers, seeking to obtain a commercial driver's  
30 license, be afforded an opportunity prior to April 1, 1992, to  
31 obtain the license. The Secretary is authorized to extend  
32 driver's license expiration dates, and assign specific times,  
33 dates and locations where these commercial driver's tests shall  
34 be conducted. Any applicant, regardless of the current  
35 expiration date of the applicant's driver's license, may be  
36 subject to any assignment by the Secretary. Failure to comply

1 with the Secretary's assignment may result in the applicant's  
2 forfeiture of an opportunity to receive a commercial driver's  
3 license prior to April 1, 1992.

4 (g) The Secretary of State shall designate on a driver's  
5 license issued, a space where the licensee may indicate that he  
6 or she has drafted a living will in accordance with the  
7 Illinois Living Will Act or a durable power of attorney for  
8 health care in accordance with the Illinois Power of Attorney  
9 Act.

10 (g-1) The Secretary of State, in his or her discretion, may  
11 designate on each driver's license issued a space where the  
12 licensee may place a sticker or decal, issued by the Secretary  
13 of State, of uniform size as the Secretary may specify, that  
14 shall indicate in appropriate language that the owner of the  
15 license has renewed his or her driver's license.

16 (h) A person who acts in good faith in accordance with the  
17 terms of this Section is not liable for damages in any civil  
18 action or subject to prosecution in any criminal proceeding for  
19 his or her act.

20 (Source: P.A. 91-357, eff. 7-29-99; 92-689, eff. 1-1-03.)

21 (625 ILCS 5/12-215) (from Ch. 95 1/2, par. 12-215)

22 (Text of Section before amendment by P.A. 92-872)

23 Sec. 12-215. Oscillating, rotating or flashing lights on  
24 motor vehicles. Except as otherwise provided in this Code:

25 (a) The use of red or white oscillating, rotating or  
26 flashing lights, whether lighted or unlighted, is prohibited  
27 except on:

28 1. Law enforcement vehicles of State, Federal or local  
29 authorities;

30 2. A vehicle operated by a police officer or county  
31 coroner and designated or authorized by local authorities,  
32 in writing, as a law enforcement vehicle; however, such  
33 designation or authorization must be carried in the  
34 vehicle;

35 3. Vehicles of local fire departments and State or

1 federal firefighting vehicles;

2 4. Vehicles which are designed and used exclusively as  
3 ambulances or rescue vehicles; furthermore, such lights  
4 shall not be lighted except when responding to an emergency  
5 call for and while actually conveying the sick or injured;

6 5. Tow trucks licensed in a state that requires such  
7 lights; furthermore, such lights shall not be lighted on  
8 any such tow truck while the tow truck is operating in the  
9 State of Illinois;

10 6. Vehicles of the Illinois Emergency Management  
11 Agency, and vehicles of the Department of Nuclear Safety;  
12 ~~and~~

13 7. Vehicles operated by a local or county emergency  
14 management services agency as defined in the Illinois  
15 Emergency Management Agency Act; ~~and-~~

16 8. Vehicles that are equipped and used exclusively as  
17 organ transplant vehicles when used in combination with  
18 blue oscillating, rotating, or flashing lights;  
19 furthermore, these lights shall be lighted only when the  
20 transportation is declared an emergency by a member of the  
21 transplant team or a representative of the organ  
22 procurement organization.

23 (b) The use of amber oscillating, rotating or flashing  
24 lights, whether lighted or unlighted, is prohibited except on:

25 1. Second division vehicles designed and used for  
26 towing or hoisting vehicles; furthermore, such lights  
27 shall not be lighted except as required in this paragraph  
28 1; such lights shall be lighted when such vehicles are  
29 actually being used at the scene of an accident or  
30 disablement; if the towing vehicle is equipped with a flat  
31 bed that supports all wheels of the vehicle being  
32 transported, the lights shall not be lighted while the  
33 vehicle is engaged in towing on a highway; if the towing  
34 vehicle is not equipped with a flat bed that supports all  
35 wheels of a vehicle being transported, the lights shall be  
36 lighted while the towing vehicle is engaged in towing on a

1 highway during all times when the use of headlights is  
2 required under Section 12-201 of this Code;

3 2. Motor vehicles or equipment of the State of  
4 Illinois, local authorities and contractors; furthermore,  
5 such lights shall not be lighted except while such vehicles  
6 are engaged in maintenance or construction operations  
7 within the limits of construction projects;

8 3. Vehicles or equipment used by engineering or survey  
9 crews; furthermore, such lights shall not be lighted except  
10 while such vehicles are actually engaged in work on a  
11 highway;

12 4. Vehicles of public utilities, municipalities, or  
13 other construction, maintenance or automotive service  
14 vehicles except that such lights shall be lighted only as a  
15 means for indicating the presence of a vehicular traffic  
16 hazard requiring unusual care in approaching, overtaking  
17 or passing while such vehicles are engaged in maintenance,  
18 service or construction on a highway;

19 5. Oversized vehicle or load; however, such lights  
20 shall only be lighted when moving under permit issued by  
21 the Department under Section 15-301 of this Code;

22 6. The front and rear of motorized equipment owned and  
23 operated by the State of Illinois or any political  
24 subdivision thereof, which is designed and used for removal  
25 of snow and ice from highways;

26 7. Fleet safety vehicles registered in another state,  
27 furthermore, such lights shall not be lighted except as  
28 provided for in Section 12-212 of this Code;

29 8. Such other vehicles as may be authorized by local  
30 authorities;

31 9. Law enforcement vehicles of State or local  
32 authorities when used in combination with red oscillating,  
33 rotating or flashing lights;

34 9.5. Propane delivery trucks;

35 10. Vehicles used for collecting or delivering mail for  
36 the United States Postal Service provided that such lights

1 shall not be lighted except when such vehicles are actually  
2 being used for such purposes;

3 11. Any vehicle displaying a slow-moving vehicle  
4 emblem as provided in Section 12-205.1;

5 12. All trucks equipped with self-compactors or  
6 roll-off hoists and roll-on containers for garbage or  
7 refuse hauling. Such lights shall not be lighted except  
8 when such vehicles are actually being used for such  
9 purposes;

10 13. Vehicles used by a security company, alarm  
11 responder, or control agency; and

12 14. Security vehicles of the Department of Human  
13 Services; however, the lights shall not be lighted except  
14 when being used for security related purposes under the  
15 direction of the superintendent of the facility where the  
16 vehicle is located.

17 (c) The use of blue oscillating, rotating or flashing  
18 lights, whether lighted or unlighted, is prohibited except on:

19 1. Rescue squad vehicles not owned by a fire department  
20 and vehicles owned or fully operated by a:

21 voluntary firefighter;

22 paid firefighter;

23 part-paid firefighter;

24 call firefighter;

25 member of the board of trustees of a fire  
26 protection district;

27 paid or unpaid member of a rescue squad;

28 paid or unpaid member of a voluntary ambulance  
29 unit; or

30 paid or unpaid members of a local or county  
31 emergency management services agency as defined in the  
32 Illinois Emergency Management Agency Act, designated  
33 or authorized by local authorities, in writing, and  
34 carrying that designation or authorization in the  
35 vehicle.

36 However, such lights are not to be lighted except when



1           responding to a bona fide emergency.

2           2. Police department vehicles in cities having a  
3 population of 500,000 or more inhabitants.

4           3. Law enforcement vehicles of State or local  
5 authorities when used in combination with red oscillating,  
6 rotating or flashing lights.

7           4. Vehicles of local fire departments and State or  
8 federal firefighting vehicles when used in combination  
9 with red oscillating, rotating or flashing lights.

10          5. Vehicles which are designed and used exclusively as  
11 ambulances or rescue vehicles when used in combination with  
12 red oscillating, rotating or flashing lights; furthermore,  
13 such lights shall not be lighted except when responding to  
14 an emergency call.

15          6. Vehicles that are equipped and used exclusively as  
16 organ transport vehicles when used in combination with red  
17 oscillating, rotating, or flashing lights; furthermore,  
18 these lights shall only be lighted when the transportation  
19 is declared an emergency by a member of the transplant team  
20 or a representative of the organ procurement organization.

21          7. Vehicles of the Illinois Emergency Management  
22 Agency and vehicles of the Department of Nuclear Safety,  
23 when used in combination with red oscillating, rotating, or  
24 flashing lights.

25          8. Vehicles operated by a local or county emergency  
26 management services agency as defined in the Illinois  
27 Emergency Management Agency Act, when used in combination  
28 with red oscillating, rotating, or flashing lights.

29          (c-1) In addition to the blue oscillating, rotating, or  
30 flashing lights permitted under subsection (c), and  
31 notwithstanding subsection (a), a vehicle operated by a  
32 voluntary firefighter may be equipped with flashing white  
33 headlights and blue grill lights, which may be used only in  
34 responding to an emergency call.

35          (c-2) In addition to the blue oscillating, rotating, or  
36 flashing lights permitted under subsection (c), and

1 notwithstanding subsection (a), a vehicle operated by a paid or  
2 unpaid member of a local or county emergency management  
3 services agency as defined in the Illinois Emergency Management  
4 Agency Act, may be equipped with white oscillating, rotating,  
5 or flashing lights to be used in combination with blue  
6 oscillating, rotating, or flashing lights, if authorization by  
7 local authorities is in writing and carried in the vehicle.

8 (d) The use of a combination of amber and white  
9 oscillating, rotating or flashing lights, whether lighted or  
10 unlighted, is prohibited, except motor vehicles or equipment of  
11 the State of Illinois, local authorities and contractors may be  
12 so equipped; furthermore, such lights shall not be lighted  
13 except while such vehicles are engaged in highway maintenance  
14 or construction operations within the limits of highway  
15 construction projects.

16 (e) All oscillating, rotating or flashing lights referred  
17 to in this Section shall be of sufficient intensity, when  
18 illuminated, to be visible at 500 feet in normal sunlight.

19 (f) Nothing in this Section shall prohibit a manufacturer  
20 of oscillating, rotating or flashing lights or his  
21 representative from temporarily mounting such lights on a  
22 vehicle for demonstration purposes only.

23 (g) Any person violating the provisions of subsections (a),  
24 (b), (c) or (d) of this Section who without lawful authority  
25 stops or detains or attempts to stop or detain another person  
26 shall be guilty of a Class 4 felony.

27 (h) Except as provided in subsection (g) above, any person  
28 violating the provisions of subsections (a) or (c) of this  
29 Section shall be guilty of a Class A misdemeanor.

30 (Source: P.A. 91-357, eff. 7-29-99; 92-138, eff. 7-24-01;  
31 92-407, eff. 8-17-01; 92-651, eff. 7-11-02; 92-782, eff.  
32 8-6-02; 92-820, eff. 8-21-02; revised 8-26-02.)

33 (Text of Section after amendment by P.A. 92-872)

34 Sec. 12-215. Oscillating, rotating or flashing lights on  
35 motor vehicles. Except as otherwise provided in this Code:

1 (a) The use of red or white oscillating, rotating or  
2 flashing lights, whether lighted or unlighted, is prohibited  
3 except on:

4 1. Law enforcement vehicles of State, Federal or local  
5 authorities;

6 2. A vehicle operated by a police officer or county  
7 coroner and designated or authorized by local authorities,  
8 in writing, as a law enforcement vehicle; however, such  
9 designation or authorization must be carried in the  
10 vehicle;

11 3. Vehicles of local fire departments and State or  
12 federal firefighting vehicles;

13 4. Vehicles which are designed and used exclusively as  
14 ambulances or rescue vehicles; furthermore, such lights  
15 shall not be lighted except when responding to an emergency  
16 call for and while actually conveying the sick or injured;

17 5. Tow trucks licensed in a state that requires such  
18 lights; furthermore, such lights shall not be lighted on  
19 any such tow truck while the tow truck is operating in the  
20 State of Illinois;

21 6. Vehicles of the Illinois Emergency Management  
22 Agency, and vehicles of the Department of Nuclear Safety;  
23 ~~and~~

24 7. Vehicles operated by a local or county emergency  
25 management services agency as defined in the Illinois  
26 Emergency Management Agency Act; and.

27 8. Vehicles that are equipped and used exclusively as  
28 organ transplant vehicles when used in combination with  
29 blue oscillating, rotating, or flashing lights;  
30 furthermore, these lights shall be lighted only when the  
31 transportation is declared an emergency by a member of the  
32 transplant team or a representative of the organ  
33 procurement organization.

34 (b) The use of amber oscillating, rotating or flashing  
35 lights, whether lighted or unlighted, is prohibited except on:

36 1. Second division vehicles designed and used for

1 towing or hoisting vehicles; furthermore, such lights  
2 shall not be lighted except as required in this paragraph  
3 1; such lights shall be lighted when such vehicles are  
4 actually being used at the scene of an accident or  
5 disablement; if the towing vehicle is equipped with a flat  
6 bed that supports all wheels of the vehicle being  
7 transported, the lights shall not be lighted while the  
8 vehicle is engaged in towing on a highway; if the towing  
9 vehicle is not equipped with a flat bed that supports all  
10 wheels of a vehicle being transported, the lights shall be  
11 lighted while the towing vehicle is engaged in towing on a  
12 highway during all times when the use of headlights is  
13 required under Section 12-201 of this Code;

14 2. Motor vehicles or equipment of the State of  
15 Illinois, local authorities and contractors; furthermore,  
16 such lights shall not be lighted except while such vehicles  
17 are engaged in maintenance or construction operations  
18 within the limits of construction projects;

19 3. Vehicles or equipment used by engineering or survey  
20 crews; furthermore, such lights shall not be lighted except  
21 while such vehicles are actually engaged in work on a  
22 highway;

23 4. Vehicles of public utilities, municipalities, or  
24 other construction, maintenance or automotive service  
25 vehicles except that such lights shall be lighted only as a  
26 means for indicating the presence of a vehicular traffic  
27 hazard requiring unusual care in approaching, overtaking  
28 or passing while such vehicles are engaged in maintenance,  
29 service or construction on a highway;

30 5. Oversized vehicle or load; however, such lights  
31 shall only be lighted when moving under permit issued by  
32 the Department under Section 15-301 of this Code;

33 6. The front and rear of motorized equipment owned and  
34 operated by the State of Illinois or any political  
35 subdivision thereof, which is designed and used for removal  
36 of snow and ice from highways;

1           7. Fleet safety vehicles registered in another state,  
2           furthermore, such lights shall not be lighted except as  
3           provided for in Section 12-212 of this Code;

4           8. Such other vehicles as may be authorized by local  
5           authorities;

6           9. Law enforcement vehicles of State or local  
7           authorities when used in combination with red oscillating,  
8           rotating or flashing lights;

9           9.5. Propane delivery trucks;

10          10. Vehicles used for collecting or delivering mail for  
11          the United States Postal Service provided that such lights  
12          shall not be lighted except when such vehicles are actually  
13          being used for such purposes;

14          11. Any vehicle displaying a slow-moving vehicle  
15          emblem as provided in Section 12-205.1;

16          12. All trucks equipped with self-compactors or  
17          roll-off hoists and roll-on containers for garbage or  
18          refuse hauling. Such lights shall not be lighted except  
19          when such vehicles are actually being used for such  
20          purposes;

21          13. Vehicles used by a security company, alarm  
22          responder, or control agency;

23          14. Security vehicles of the Department of Human  
24          Services; however, the lights shall not be lighted except  
25          when being used for security related purposes under the  
26          direction of the superintendent of the facility where the  
27          vehicle is located; and

28          15. Vehicles of union representatives, except that the  
29          lights shall be lighted only while the vehicle is within  
30          the limits of a construction project.

31          (c) The use of blue oscillating, rotating or flashing  
32          lights, whether lighted or unlighted, is prohibited except on:

33                  1. Rescue squad vehicles not owned by a fire department  
34                  and vehicles owned or fully operated by a:

35                          voluntary firefighter;

36                          paid firefighter;

1           part-paid firefighter;  
2           call firefighter;  
3           member of the board of trustees of a fire  
4 protection district;  
5           paid or unpaid member of a rescue squad;  
6           paid or unpaid member of a voluntary ambulance  
7 unit; or  
8           paid or unpaid members of a local or county  
9 emergency management services agency as defined in the  
10 Illinois Emergency Management Agency Act, designated  
11 or authorized by local authorities, in writing, and  
12 carrying that designation or authorization in the  
13 vehicle.

14           However, such lights are not to be lighted except when  
15 responding to a bona fide emergency.

16           2. Police department vehicles in cities having a  
17 population of 500,000 or more inhabitants.

18           3. Law enforcement vehicles of State or local  
19 authorities when used in combination with red oscillating,  
20 rotating or flashing lights.

21           4. Vehicles of local fire departments and State or  
22 federal firefighting vehicles when used in combination  
23 with red oscillating, rotating or flashing lights.

24           5. Vehicles which are designed and used exclusively as  
25 ambulances or rescue vehicles when used in combination with  
26 red oscillating, rotating or flashing lights; furthermore,  
27 such lights shall not be lighted except when responding to  
28 an emergency call.

29           6. Vehicles that are equipped and used exclusively as  
30 organ transport vehicles when used in combination with red  
31 oscillating, rotating, or flashing lights; furthermore,  
32 these lights shall only be lighted when the transportation  
33 is declared an emergency by a member of the transplant team  
34 or a representative of the organ procurement organization.

35           7. Vehicles of the Illinois Emergency Management  
36 Agency and vehicles of the Department of Nuclear Safety,

1 when used in combination with red oscillating, rotating, or  
2 flashing lights.

3 8. Vehicles operated by a local or county emergency  
4 management services agency as defined in the Illinois  
5 Emergency Management Agency Act, when used in combination  
6 with red oscillating, rotating, or flashing lights.

7 (c-1) In addition to the blue oscillating, rotating, or  
8 flashing lights permitted under subsection (c), and  
9 notwithstanding subsection (a), a vehicle operated by a  
10 voluntary firefighter, a voluntary member of a rescue squad, or  
11 a member of a voluntary ambulance unit may be equipped with  
12 flashing white headlights and blue grill lights, which may be  
13 used only in responding to an emergency call.

14 (c-2) In addition to the blue oscillating, rotating, or  
15 flashing lights permitted under subsection (c), and  
16 notwithstanding subsection (a), a vehicle operated by a paid or  
17 unpaid member of a local or county emergency management  
18 services agency as defined in the Illinois Emergency Management  
19 Agency Act, may be equipped with white oscillating, rotating,  
20 or flashing lights to be used in combination with blue  
21 oscillating, rotating, or flashing lights, if authorization by  
22 local authorities is in writing and carried in the vehicle.

23 (d) The use of a combination of amber and white  
24 oscillating, rotating or flashing lights, whether lighted or  
25 unlighted, is prohibited except motor vehicles or equipment of  
26 the State of Illinois, local authorities, contractors, and  
27 union representatives may be so equipped; furthermore, such  
28 lights shall not be lighted on vehicles of the State of  
29 Illinois, local authorities, and contractors except while such  
30 vehicles are engaged in highway maintenance or construction  
31 operations within the limits of highway construction projects,  
32 and shall not be lighted on the vehicles of union  
33 representatives except when those vehicles are within the  
34 limits of a construction project.

35 (e) All oscillating, rotating or flashing lights referred  
36 to in this Section shall be of sufficient intensity, when

1 illuminated, to be visible at 500 feet in normal sunlight.

2 (f) Nothing in this Section shall prohibit a manufacturer  
3 of oscillating, rotating or flashing lights or his  
4 representative from temporarily mounting such lights on a  
5 vehicle for demonstration purposes only.

6 (g) Any person violating the provisions of subsections (a),  
7 (b), (c) or (d) of this Section who without lawful authority  
8 stops or detains or attempts to stop or detain another person  
9 shall be guilty of a Class 4 felony.

10 (h) Except as provided in subsection (g) above, any person  
11 violating the provisions of subsections (a) or (c) of this  
12 Section shall be guilty of a Class A misdemeanor.

13 (Source: P.A. 91-357, eff. 7-29-99; 92-138, eff. 7-24-01;  
14 92-407, eff. 8-17-01; 92-651, eff. 7-11-02; 92-782, eff.  
15 8-6-02; 92-820, eff. 8-21-02; 92-872, eff. 6-1-03; revised  
16 1-10-03.)

17 Section 30. The Criminal Code of 1961 is amended by  
18 changing Section 12-20 as follows:

19 (720 ILCS 5/12-20) (from Ch. 38, par. 12-20)

20 Sec. 12-20. Sale of body parts. (a) Except as provided in  
21 subsection (b), any person who knowingly buys or sells, or  
22 offers to buy or sell, a human body or any part of a human body,  
23 is guilty of a Class A misdemeanor for the first conviction and  
24 a Class 4 felony for subsequent convictions.

25 (b) This Section does not prohibit:

26 (1) An anatomical gift made in accordance with the Illinois  
27 ~~Uniform~~ Anatomical Gift Act.

28 (2) The removal and use of a human cornea in accordance  
29 with the Illinois Anatomical Gift ~~Corneal Transplant~~ Act.

30 (3) Reimbursement of actual expenses incurred by a living  
31 person in donating an organ, tissue or other body part or fluid  
32 for transplantation, implantation, infusion, injection, or  
33 other medical or scientific purpose, including medical costs,  
34 loss of income, and travel expenses.



1           (4) Payments provided under a plan of insurance or other  
2 health care coverage.

3           (5) Reimbursement of reasonable costs associated with the  
4 removal, storage or transportation of a human body or part  
5 thereof donated for medical or scientific purposes.

6           (6) Purchase or sale of blood, plasma, blood products or  
7 derivatives, other body fluids, or human hair.

8           (7) Purchase or sale of drugs, reagents or other substances  
9 made from human bodies or body parts, for use in medical or  
10 scientific research, treatment or diagnosis.

11 (Source: P.A. 85-191.)

12           Section 35. The Illinois Living Will Act is amended by  
13 changing Section 6 as follows:

14           (755 ILCS 35/6) (from Ch. 110 1/2, par. 706)

15           Sec. 6. Physician Responsibilities. An attending  
16 physician who has been notified of the existence of a  
17 declaration executed under this Act, without delay after the  
18 diagnosis of a terminal condition of the patient, shall take  
19 the necessary steps to provide for written recording of the  
20 patient's terminal condition, so that the patient may be deemed  
21 to be a qualified patient under this Act, or shall notify the  
22 patient or, if the patient is unable to initiate a transfer,  
23 the person or persons described in subsection (d) of Section 3  
24 in the order of priority stated therein that the physician is  
25 unwilling to comply with the provisions of the patient's  
26 declaration. In the event of the patient's death as determined  
27 by a physician, all medical care is to be terminated unless the  
28 patient is an organ donor, in which case appropriate organ  
29 donation treatment may be applied or continued temporarily.

30 (Source: P.A. 85-860.)

31           Section 40. The Health Care Surrogate Act is amended by  
32 changing Sections 20 and 65 as follows:

1 (755 ILCS 40/20) (from Ch. 110 1/2, par. 851-20)

2 Sec. 20. Private decision making process.

3 (a) Decisions whether to forgo life-sustaining or any other  
4 form of medical treatment involving an adult patient with  
5 decisional capacity may be made by that adult patient.

6 (b) Decisions whether to forgo life-sustaining treatment  
7 on behalf of a patient without decisional capacity are lawful,  
8 without resort to the courts or legal process, if the patient  
9 has a qualifying condition and if the decisions are made in  
10 accordance with one of the following paragraphs in this  
11 subsection and otherwise meet the requirements of this Act:

12 (1) Decisions whether to forgo life-sustaining  
13 treatment on behalf of a minor or an adult patient who  
14 lacks decisional capacity may be made by a surrogate  
15 decision maker or makers in consultation with the attending  
16 physician, in the order or priority provided in Section 25.  
17 A surrogate decision maker shall make decisions for the  
18 adult patient conforming as closely as possible to what the  
19 patient would have done or intended under the  
20 circumstances, taking into account evidence that includes,  
21 but is not limited to, the patient's personal,  
22 philosophical, religious and moral beliefs and ethical  
23 values relative to the purpose of life, sickness, medical  
24 procedures, suffering, and death. Where possible, the  
25 surrogate shall determine how the patient would have  
26 weighed the burdens and benefits of initiating or  
27 continuing life-sustaining treatment against the burdens  
28 and benefits of that treatment. In the event an unrevoked  
29 advance directive, such as a living will, a declaration for  
30 mental health treatment, or a power of attorney for health  
31 care, is no longer valid due to a technical deficiency or  
32 is not applicable to the patient's condition, that document  
33 may be used as evidence of a patient's wishes. The absence  
34 of a living will, declaration for mental health treatment,  
35 or power of attorney for health care shall not give rise to  
36 any presumption as to the patient's preferences regarding

1 the initiation or continuation of life-sustaining  
2 procedures. If the adult patient's wishes are unknown and  
3 remain unknown after reasonable efforts to discern them or  
4 if the patient is a minor, the decision shall be made on  
5 the basis of the patient's best interests as determined by  
6 the surrogate decision maker. In determining the patient's  
7 best interests, the surrogate shall weigh the burdens on  
8 and benefits to the patient of initiating or continuing  
9 life-sustaining treatment against the burdens and benefits  
10 of that treatment and shall take into account any other  
11 information, including the views of family and friends,  
12 that the surrogate decision maker believes the patient  
13 would have considered if able to act for herself or  
14 himself.

15 (2) Decisions whether to forgo life-sustaining  
16 treatment on behalf of a minor or an adult patient who  
17 lacks decisional capacity, but without any surrogate  
18 decision maker or guardian being available determined  
19 after reasonable inquiry by the health care provider, may  
20 be made by a court appointed guardian. A court appointed  
21 guardian shall be treated as a surrogate for the purposes  
22 of this Act.

23 (b-5) Decisions concerning medical treatment on behalf of a  
24 patient without decisional capacity are lawful, without resort  
25 to the courts or legal process, if the patient does not have a  
26 qualifying condition and if decisions are made in accordance  
27 with one of the following paragraphs in this subsection and  
28 otherwise meet the requirements of this Act:

29 (1) Decisions concerning medical treatment on behalf  
30 of a minor or adult patient who lacks decisional capacity  
31 may be made by a surrogate decision maker or makers in  
32 consultation with the attending physician, in the order of  
33 priority provided in Section 25 with the exception that  
34 decisions to forgo life-sustaining treatment may be made  
35 only when a patient has a qualifying condition. A surrogate  
36 decision maker shall make decisions for the patient

1 conforming as closely as possible to what the patient would  
2 have done or intended under the circumstances, taking into  
3 account evidence that includes, but is not limited to, the  
4 patient's personal, philosophical, religious, and moral  
5 beliefs and ethical values relative to the purpose of life,  
6 sickness, medical procedures, suffering, and death. In the  
7 event an unrevoked advance directive, such as a living  
8 will, a declaration for mental health treatment, or a power  
9 of attorney for health care, is no longer valid due to a  
10 technical deficiency or is not applicable to the patient's  
11 condition, that document may be used as evidence of a  
12 patient's wishes. The absence of a living will, declaration  
13 for mental health treatment, or power of attorney for  
14 health care shall not give rise to any presumption as to  
15 the patient's preferences regarding any process. If the  
16 adult patient's wishes are unknown and remain unknown after  
17 reasonable efforts to discern them or if the patient is a  
18 minor, the decision shall be made on the basis of the  
19 patient's best interests as determined by the surrogate  
20 decision maker. In determining the patient's best  
21 interests, the surrogate shall weigh the burdens on and  
22 benefits to the patient of the treatment against the  
23 burdens and benefits of that treatment and shall take into  
24 account any other information, including the views of  
25 family and friends, that the surrogate decision maker  
26 believes the patient would have considered if able to act  
27 for herself or himself.

28 (2) Decisions concerning medical treatment on behalf  
29 of a minor or adult patient who lacks decisional capacity,  
30 but without any surrogate decision maker or guardian being  
31 available as determined after reasonable inquiry by the  
32 health care provider, may be made by a court appointed  
33 guardian. A court appointed guardian shall be treated as a  
34 surrogate for the purposes of this Act.

35 (c) For the purposes of this Act, a patient or surrogate  
36 decision maker is presumed to have decisional capacity in the

1 absence of actual notice to the contrary without regard to  
2 advanced age. With respect to a patient, a diagnosis of mental  
3 illness or mental retardation, of itself, is not a bar to a  
4 determination of decisional capacity. A determination that an  
5 adult patient lacks decisional capacity shall be made by the  
6 attending physician to a reasonable degree of medical  
7 certainty. The determination shall be in writing in the  
8 patient's medical record and shall set forth the attending  
9 physician's opinion regarding the cause, nature, and duration  
10 of the patient's lack of decisional capacity. Before  
11 implementation of a decision by a surrogate decision maker to  
12 forgo life-sustaining treatment, at least one other qualified  
13 physician must concur in the determination that an adult  
14 patient lacks decisional capacity. The concurring  
15 determination shall be made in writing in the patient's medical  
16 record after personal examination of the patient. The attending  
17 physician shall inform the patient that it has been determined  
18 that the patient lacks decisional capacity and that a surrogate  
19 decision maker will be making life-sustaining treatment  
20 decisions on behalf of the patient. Moreover, the patient shall  
21 be informed of the identity of the surrogate decision maker and  
22 any decisions made by that surrogate. If the person identified  
23 as the surrogate decision maker is not a court appointed  
24 guardian and the patient objects to the statutory surrogate  
25 decision maker or any decision made by that surrogate decision  
26 maker, then the provisions of this Act shall not apply.

27 (d) A surrogate decision maker acting on behalf of the  
28 patient shall express decisions to forgo life-sustaining  
29 treatment to the attending physician and one adult witness who  
30 is at least 18 years of age. This decision and the substance of  
31 any known discussion before making the decision shall be  
32 documented by the attending physician in the patient's medical  
33 record and signed by the witness.

34 (e) The existence of a qualifying condition shall be  
35 documented in writing in the patient's medical record by the  
36 attending physician and shall include its cause and nature, if

1 known. The written concurrence of another qualified physician  
2 is also required.

3 (f) Once the provisions of this Act are complied with, the  
4 attending physician shall thereafter promptly implement the  
5 decision to forgo life-sustaining treatment on behalf of the  
6 patient unless he or she believes that the surrogate decision  
7 maker is not acting in accordance with his or her  
8 responsibilities under this Act, or is unable to do so for  
9 reasons of conscience or other personal views or beliefs.

10 (g) In the event of a patient's death as determined by a  
11 physician, all life-sustaining treatment and other medical  
12 care is to be terminated, unless the patient is an organ donor,  
13 in which case appropriate organ donation treatment may be  
14 applied or continued temporarily.

15 (Source: P.A. 90-246, eff. 1-1-98.)

16 (755 ILCS 40/65)

17 Sec. 65. Do-not-resuscitate orders.

18 (a) An individual of sound mind and having reached the age  
19 of majority or having obtained the status of an emancipated  
20 person pursuant to the Emancipation of Mature Minors Act may  
21 execute a document (consistent with the Department of Public  
22 Health Uniform DNR Order Form) directing that resuscitating  
23 efforts shall not be implemented. Such an order may also be  
24 executed by an attending physician. Notwithstanding the  
25 existence of a DNR order, appropriate organ donation treatment  
26 may be applied or continued temporarily in the event of the  
27 patient's death, in accordance with subsection (g) of Section  
28 20 of this Act, if the patient is an organ donor.

29 (b) Consent to a DNR order may be obtained from the  
30 individual, or from another person at the individual's  
31 direction, or from the individual's legal guardian, agent under  
32 a power of attorney for health care, or surrogate decision  
33 maker, and witnessed by 2 individuals 18 years of age or older.

34 (c) The DNR order may, but need not, be in the form adopted  
35 by the Department of Public Health pursuant to Section 2310-600

1 of the Department of Public Health Powers and Duties Law (20  
2 ILCS 2310/2310-600).

3 (d) A health care professional or health care provider may  
4 presume, in the absence of knowledge to the contrary, that a  
5 completed Department of Public Health Uniform DNR Order form or  
6 a copy of that form is a valid DNR order. A health care  
7 professional or health care provider, or an employee of a  
8 health care professional or health care provider, who in good  
9 faith complies with a do-not-resuscitate order made in  
10 accordance with this Act is not, as a result of that  
11 compliance, subject to any criminal or civil liability, except  
12 for willful and wanton misconduct, and may not be found to have  
13 committed an act of unprofessional conduct.

14 (Source: P.A. 92-356, eff. 10-1-01.)

15 Section 45. The Illinois Power of Attorney Act is amended  
16 by changing Sections 4-7 and 4-10 as follows:

17 (755 ILCS 45/4-7) (from Ch. 110 1/2, par. 804-7)

18 Sec. 4-7. Duties of health care providers and others in  
19 relation to health care agencies. Each health care provider and  
20 each other person with whom an agent deals under a health care  
21 agency shall be subject to the following duties and  
22 responsibilities:

23 (a) It is the responsibility of the agent or patient to  
24 notify the health care provider of the existence of the health  
25 care agency and any amendment or revocation thereof. A health  
26 care provider furnished with a copy of a health care agency  
27 shall make it a part of the patient's medical records and shall  
28 enter in the records any change in or termination of the health  
29 care agency by the principal that becomes known to the  
30 provider. Whenever a provider believes a patient may lack  
31 capacity to give informed consent to health care which the  
32 provider deems necessary, the provider shall consult with any  
33 available health care agent known to the provider who then has  
34 power to act for the patient under a health care agency.

1 (b) A health care decision made by an agent in accordance  
2 with the terms of a health care agency shall be complied with  
3 by every health care provider to whom the decision is  
4 communicated, subject to the provider's right to administer  
5 treatment for the patient's comfort care or alleviation of  
6 pain; but if the provider is unwilling to comply with the  
7 agent's decision, the provider shall promptly inform the agent  
8 who shall then be responsible to make the necessary  
9 arrangements for the transfer of the patient to another  
10 provider. It is understood that a provider who is unwilling to  
11 comply with the agent's decision will continue to afford  
12 reasonably necessary consultation and care in connection with  
13 the transfer.

14 (c) At the patient's expense and subject to reasonable  
15 rules of the health care provider to prevent disruption of the  
16 patient's health care, each health care provider shall give an  
17 agent authorized to receive such information under a health  
18 care agency the same right the principal has to examine and  
19 copy any part or all of the patient's medical records that the  
20 agent deems relevant to the exercise of the agent's powers,  
21 whether the records relate to mental health or any other  
22 medical condition and whether they are in the possession of or  
23 maintained by any physician, psychiatrist, psychologist,  
24 therapist, hospital, nursing home or other health care  
25 provider.

26 (d) If and to the extent a health care agency empowers the  
27 agent to (1) make an anatomical gift on behalf of the principal  
28 under the Illinois ~~Uniform~~ Anatomical Gift Act, as now or  
29 hereafter amended, or (2) authorize an autopsy of the  
30 principal's body pursuant to Section 2 of "An Act in relation  
31 to autopsy of dead bodies", approved August 13, 1965, as now or  
32 hereafter amended, or (3) direct the disposition of the  
33 principal's remains, the decision by an authorized agent as to  
34 anatomical gift, autopsy approval or remains disposition shall  
35 be deemed the act of the principal and shall control over the  
36 decision of other persons who might otherwise have priority;



1 and each person to whom a direction by the agent in accordance  
2 with the terms of the agency is communicated shall comply with  
3 such direction.

4 (Source: P.A. 86-736.)

5 (755 ILCS 45/4-10) (from Ch. 110 1/2, par. 804-10)

6 Sec. 4-10. Statutory short form power of attorney for  
7 health care.

8 (a) The following form (sometimes also referred to in this  
9 Act as the "statutory health care power") may be used to grant  
10 an agent powers with respect to the principal's own health  
11 care; but the statutory health care power is not intended to be  
12 exclusive nor to cover delegation of a parent's power to  
13 control the health care of a minor child, and no provision of  
14 this Article shall be construed to invalidate or bar use by the  
15 principal of any other or different form of power of attorney  
16 for health care. Nonstatutory health care powers must be  
17 executed by the principal, designate the agent and the agent's  
18 powers, and comply with Section 4-5 of this Article, but they  
19 need not be witnessed or conform in any other respect to the  
20 statutory health care power. When a power of attorney in  
21 substantially the following form is used, including the  
22 "notice" paragraph at the beginning in capital letters, it  
23 shall have the meaning and effect prescribed in this Act. The  
24 statutory health care power may be included in or combined with  
25 any other form of power of attorney governing property or other  
26 matters.

27 "ILLINOIS STATUTORY SHORT FORM POWER OF ATTORNEY FOR HEALTH  
28 CARE

29 (NOTICE: THE PURPOSE OF THIS POWER OF ATTORNEY IS TO GIVE  
30 THE PERSON YOU DESIGNATE (YOUR "AGENT") BROAD POWERS TO MAKE  
31 HEALTH CARE DECISIONS FOR YOU, INCLUDING POWER TO REQUIRE,  
32 CONSENT TO OR WITHDRAW ANY TYPE OF PERSONAL CARE OR MEDICAL  
33 TREATMENT FOR ANY PHYSICAL OR MENTAL CONDITION AND TO ADMIT YOU  
34 TO OR DISCHARGE YOU FROM ANY HOSPITAL, HOME OR OTHER  
35 INSTITUTION. THIS FORM DOES NOT IMPOSE A DUTY ON YOUR AGENT TO

1 EXERCISE GRANTED POWERS; BUT WHEN POWERS ARE EXERCISED, YOUR  
 2 AGENT WILL HAVE TO USE DUE CARE TO ACT FOR YOUR BENEFIT AND IN  
 3 ACCORDANCE WITH THIS FORM AND KEEP A RECORD OF RECEIPTS,  
 4 DISBURSEMENTS AND SIGNIFICANT ACTIONS TAKEN AS AGENT. A COURT  
 5 CAN TAKE AWAY THE POWERS OF YOUR AGENT IF IT FINDS THE AGENT IS  
 6 NOT ACTING PROPERLY. YOU MAY NAME SUCCESSOR AGENTS UNDER THIS  
 7 FORM BUT NOT CO-AGENTS, AND NO HEALTH CARE PROVIDER MAY BE  
 8 NAMED. UNLESS YOU EXPRESSLY LIMIT THE DURATION OF THIS POWER IN  
 9 THE MANNER PROVIDED BELOW, UNTIL YOU REVOKE THIS POWER OR A  
 10 COURT ACTING ON YOUR BEHALF TERMINATES IT, YOUR AGENT MAY  
 11 EXERCISE THE POWERS GIVEN HERE THROUGHOUT YOUR LIFETIME, EVEN  
 12 AFTER YOU BECOME DISABLED. THE POWERS YOU GIVE YOUR AGENT, YOUR  
 13 RIGHT TO REVOKE THOSE POWERS AND THE PENALTIES FOR VIOLATING  
 14 THE LAW ARE EXPLAINED MORE FULLY IN SECTIONS 4-5, 4-6, 4-9 AND  
 15 4-10(b) OF THE ILLINOIS "POWERS OF ATTORNEY FOR HEALTH CARE  
 16 LAW" OF WHICH THIS FORM IS A PART (SEE THE BACK OF THIS FORM).  
 17 THAT LAW EXPRESSLY PERMITS THE USE OF ANY DIFFERENT FORM OF  
 18 POWER OF ATTORNEY YOU MAY DESIRE. IF THERE IS ANYTHING ABOUT  
 19 THIS FORM THAT YOU DO NOT UNDERSTAND, YOU SHOULD ASK A LAWYER  
 20 TO EXPLAIN IT TO YOU.)

21 POWER OF ATTORNEY made this .....day of  
 22 .....

23 (month) (year)

24 1. I, .....,  
 25 (insert name and address of principal)

26 hereby appoint:  
 27 .....

28 (insert name and address of agent)

29 as my attorney-in-fact (my "agent") to act for me and in my  
 30 name (in any way I could act in person) to make any and all  
 31 decisions for me concerning my personal care, medical  
 32 treatment, hospitalization and health care and to require,  
 33 withhold or withdraw any type of medical treatment or  
 34 procedure, even though my death may ensue. My agent shall have  
 35 the same access to my medical records that I have, including  
 36 the right to disclose the contents to others. My agent shall

1 also have full power to authorize an autopsy and direct the  
2 disposition of my remains. Effective upon my death, my agent  
3 has the full power to make an anatomical gift of the following  
4 (initial one):

5 ....Any organs, tissues, or eyes suitable for  
6 transplantation or used for research or education ~~organ~~.

7 ....Specific organs: .....

8 (THE ABOVE GRANT OF POWER IS INTENDED TO BE AS BROAD AS  
9 POSSIBLE SO THAT YOUR AGENT WILL HAVE AUTHORITY TO MAKE ANY  
10 DECISION YOU COULD MAKE TO OBTAIN OR TERMINATE ANY TYPE OF  
11 HEALTH CARE, INCLUDING WITHDRAWAL OF FOOD AND WATER AND OTHER  
12 LIFE-SUSTAINING MEASURES, IF YOUR AGENT BELIEVES SUCH ACTION  
13 WOULD BE CONSISTENT WITH YOUR INTENT AND DESIRES. IF YOU WISH  
14 TO LIMIT THE SCOPE OF YOUR AGENT'S POWERS OR PRESCRIBE SPECIAL  
15 RULES OR LIMIT THE POWER TO MAKE AN ANATOMICAL GIFT, AUTHORIZE  
16 AUTOPSY OR DISPOSE OF REMAINS, YOU MAY DO SO IN THE FOLLOWING  
17 PARAGRAPHS.)

18 2. The powers granted above shall not include the following  
19 powers or shall be subject to the following rules or  
20 limitations (here you may include any specific limitations you  
21 deem appropriate, such as: your own definition of when  
22 life-sustaining measures should be withheld; a direction to  
23 continue food and fluids or life-sustaining treatment in all  
24 events; or instructions to refuse any specific types of  
25 treatment that are inconsistent with your religious beliefs or  
26 unacceptable to you for any other reason, such as blood  
27 transfusion, electro-convulsive therapy, amputation,  
28 psychosurgery, voluntary admission to a mental institution,  
29 etc.):

30 .....  
31 .....  
32 .....  
33 .....  
34 .....

35 (THE SUBJECT OF LIFE-SUSTAINING TREATMENT IS OF PARTICULAR  
36 IMPORTANCE. FOR YOUR CONVENIENCE IN DEALING WITH THAT SUBJECT,

1 SOME GENERAL STATEMENTS CONCERNING THE WITHHOLDING OR REMOVAL  
2 OF LIFE-SUSTAINING TREATMENT ARE SET FORTH BELOW. IF YOU AGREE  
3 WITH ONE OF THESE STATEMENTS, YOU MAY INITIAL THAT STATEMENT;  
4 BUT DO NOT INITIAL MORE THAN ONE):

5 I do not want my life to be prolonged nor do I want  
6 life-sustaining treatment to be provided or continued if my  
7 agent believes the burdens of the treatment outweigh the  
8 expected benefits. I want my agent to consider the relief of  
9 suffering, the expense involved and the quality as well as the  
10 possible extension of my life in making decisions concerning  
11 life-sustaining treatment.

12 Initialed.....

13 I want my life to be prolonged and I want life-sustaining  
14 treatment to be provided or continued unless I am in a coma  
15 which my attending physician believes to be irreversible, in  
16 accordance with reasonable medical standards at the time of  
17 reference. If and when I have suffered irreversible coma, I  
18 want life-sustaining treatment to be withheld or discontinued.

19 Initialed.....

20 I want my life to be prolonged to the greatest extent  
21 possible without regard to my condition, the chances I have for  
22 recovery or the cost of the procedures.

23 Initialed.....

24 (THIS POWER OF ATTORNEY MAY BE AMENDED OR REVOKED BY YOU IN THE  
25 MANNER PROVIDED IN SECTION 4-6 OF THE ILLINOIS "POWERS OF  
26 ATTORNEY FOR HEALTH CARE LAW" (SEE THE BACK OF THIS FORM).  
27 ABSENT AMENDMENT OR REVOCATION, THE AUTHORITY GRANTED IN THIS  
28 POWER OF ATTORNEY WILL BECOME EFFECTIVE AT THE TIME THIS POWER  
29 IS SIGNED AND WILL CONTINUE UNTIL YOUR DEATH, AND BEYOND IF  
30 ANATOMICAL GIFT, AUTOPSY OR DISPOSITION OF REMAINS IS  
31 AUTHORIZED, UNLESS A LIMITATION ON THE BEGINNING DATE OR  
32 DURATION IS MADE BY INITIALING AND COMPLETING EITHER OR BOTH OF  
33 THE FOLLOWING:)

34 3. ( ) This power of attorney shall become effective on  
35 .....  
36 .....

1 (insert a future date or event during your lifetime, such as  
2 court determination of your disability, when you want this  
3 power to first take effect)

4 4. ( ) This power of attorney shall terminate on .....  
5 .....

6 (insert a future date or event, such as court determination of  
7 your disability, when you want this power to terminate prior to  
8 your death)

9 (IF YOU WISH TO NAME SUCCESSOR AGENTS, INSERT THE NAMES AND  
10 ADDRESSES OF SUCH SUCCESSORS IN THE FOLLOWING PARAGRAPH.)

11 5. If any agent named by me shall die, become incompetent,  
12 resign, refuse to accept the office of agent or be unavailable,  
13 I name the following (each to act alone and successively, in  
14 the order named) as successors to such agent:

15 .....  
16 .....

17 For purposes of this paragraph 5, a person shall be considered  
18 to be incompetent if and while the person is a minor or an  
19 adjudicated incompetent or disabled person or the person is  
20 unable to give prompt and intelligent consideration to health  
21 care matters, as certified by a licensed physician. (IF YOU  
22 WISH TO NAME YOUR AGENT AS GUARDIAN OF YOUR PERSON, IN THE  
23 EVENT A COURT DECIDES THAT ONE SHOULD BE APPOINTED, YOU MAY,  
24 BUT ARE NOT REQUIRED TO, DO SO BY RETAINING THE FOLLOWING  
25 PARAGRAPH. THE COURT WILL APPOINT YOUR AGENT IF THE COURT FINDS  
26 THAT SUCH APPOINTMENT WILL SERVE YOUR BEST INTERESTS AND  
27 WELFARE. STRIKE OUT PARAGRAPH 6 IF YOU DO NOT WANT YOUR AGENT  
28 TO ACT AS GUARDIAN.)

29 6. If a guardian of my person is to be appointed, I  
30 nominate the agent acting under this power of attorney as such  
31 guardian, to serve without bond or security.

32 7. I am fully informed as to all the contents of this form  
33 and understand the full import of this grant of powers to my  
34 agent.

35 Signed.....

36 (principal)

1 The principal has had an opportunity to read the above form  
2 and has signed the form or acknowledged his or her signature or  
3 mark on the form in my presence.

4 ..... Residing at.....

5 (witness)

6 (YOU MAY, BUT ARE NOT REQUIRED TO, REQUEST YOUR AGENT AND  
7 SUCCESSOR AGENTS TO PROVIDE SPECIMEN SIGNATURES BELOW. IF YOU  
8 INCLUDE SPECIMEN SIGNATURES IN THIS POWER OF ATTORNEY, YOU MUST  
9 COMPLETE THE CERTIFICATION OPPOSITE THE SIGNATURES OF THE  
10 AGENTS.)

11 Specimen signatures of I certify that the signatures of my  
12 agent (and successors). agent (and successors) are correct.

13 ..... ..

14 (agent) (principal)

15 ..... ..

16 (successor agent) (principal)

17 ..... ..

18 (successor agent) (principal)"

19 (b) The statutory short form power of attorney for health  
20 care (the "statutory health care power") authorizes the agent  
21 to make any and all health care decisions on behalf of the  
22 principal which the principal could make if present and under  
23 no disability, subject to any limitations on the granted powers  
24 that appear on the face of the form, to be exercised in such  
25 manner as the agent deems consistent with the intent and  
26 desires of the principal. The agent will be under no duty to  
27 exercise granted powers or to assume control of or  
28 responsibility for the principal's health care; but when  
29 granted powers are exercised, the agent will be required to use  
30 due care to act for the benefit of the principal in accordance  
31 with the terms of the statutory health care power and will be  
32 liable for negligent exercise. The agent may act in person or  
33 through others reasonably employed by the agent for that  
34 purpose but may not delegate authority to make health care  
35 decisions. The agent may sign and deliver all instruments,  
36 negotiate and enter into all agreements and do all other acts

1 reasonably necessary to implement the exercise of the powers  
2 granted to the agent. Without limiting the generality of the  
3 foregoing, the statutory health care power shall include the  
4 following powers, subject to any limitations appearing on the  
5 face of the form:

6 (1) The agent is authorized to give consent to and  
7 authorize or refuse, or to withhold or withdraw consent to, any  
8 and all types of medical care, treatment or procedures relating  
9 to the physical or mental health of the principal, including  
10 any medication program, surgical procedures, life-sustaining  
11 treatment or provision of food and fluids for the principal.

12 (2) The agent is authorized to admit the principal to or  
13 discharge the principal from any and all types of hospitals,  
14 institutions, homes, residential or nursing facilities,  
15 treatment centers and other health care institutions providing  
16 personal care or treatment for any type of physical or mental  
17 condition. The agent shall have the same right to visit the  
18 principal in the hospital or other institution as is granted to  
19 a spouse or adult child of the principal, any rule of the  
20 institution to the contrary notwithstanding.

21 (3) The agent is authorized to contract for any and all  
22 types of health care services and facilities in the name of and  
23 on behalf of the principal and to bind the principal to pay for  
24 all such services and facilities, and to have and exercise  
25 those powers over the principal's property as are authorized  
26 under the statutory property power, to the extent the agent  
27 deems necessary to pay health care costs; and the agent shall  
28 not be personally liable for any services or care contracted  
29 for on behalf of the principal.

30 (4) At the principal's expense and subject to reasonable  
31 rules of the health care provider to prevent disruption of the  
32 principal's health care, the agent shall have the same right  
33 the principal has to examine and copy and consent to disclosure  
34 of all the principal's medical records that the agent deems  
35 relevant to the exercise of the agent's powers, whether the  
36 records relate to mental health or any other medical condition

1 and whether they are in the possession of or maintained by any  
2 physician, psychiatrist, psychologist, therapist, hospital,  
3 nursing home or other health care provider.

4 (5) The agent is authorized: to direct that an autopsy be  
5 made pursuant to Section 2 of "An Act in relation to autopsy of  
6 dead bodies", approved August 13, 1965, including all  
7 amendments; to make a disposition of any part or all of the  
8 principal's body pursuant to the Illinois ~~Uniform~~ Anatomical  
9 Gift Act, as now or hereafter amended; and to direct the  
10 disposition of the principal's remains.

11 (Source: P.A. 91-240, eff. 1-1-00.)

12 Section 50. The Uniform Anatomical Gift Act is amended by  
13 changing and renumbering Sections 1, 2, 3, 4, 4.5, 5, 6, 7, 8,  
14 and 8.1 and by adding Article headings for Articles 1 and 5 and  
15 adding Sections 1-5, 5-25, and 5-30 as follows:

16 (755 ILCS 50/Art. 1 heading new)

17 Article 1. Title and General Provisions.

18 (755 ILCS 50/1-1 new) (was 755 ILCS 50/1)

19 Sec. 1-1 ~~4~~. Short Title.

20 This Act may be cited as the Illinois ~~Uniform~~ Anatomical  
21 Gift Act.

22 (Source: P.A. 76-1209.)

23 (755 ILCS 50/1-5 new)

24 Sec. 1-5. Purpose. Illinois recognizes that there is a  
25 critical shortage of human organs and tissues available to  
26 citizens in need of organ and tissue transplants. This shortage  
27 leads to the untimely death of many adults and children in  
28 Illinois and across the nation each year. This Act is intended  
29 to implement the public policy of encouraging timely donation  
30 of human organs and tissue in Illinois and facilitating  
31 transplants of those organs and tissue into patients in need of  
32 them. Through this Act, laws relating to organ and tissue



1 donation and transplantation are consolidated and modified for  
2 the purpose of furthering this public policy.

3 (755 ILCS 50/1-10 new) (was 755 ILCS 50/2)

4 Sec. 1-10 2. Definitions. ~~(a)~~

5 "Bank or storage facility" means a facility licensed,  
6 accredited or approved under the laws of any state for storage  
7 of human bodies or parts thereof.

8 "Close friend" means any person 18 years of age or older  
9 who has exhibited special care and concern for the decedent and  
10 who presents an affidavit to the decedent's attending  
11 physician, or the hospital administrator or his or her  
12 designated representative, stating that he or she (i) was a  
13 close friend of the decedent, (ii) is willing and able to  
14 consent to the donation, and (iii) maintained such regular  
15 contact with the decedent as to be familiar with the decedent's  
16 health and social history, and religious and moral beliefs. The  
17 affidavit must also state facts and circumstances that  
18 demonstrate that familiarity.

19 ~~(b)~~ "Death" means for the purposes of the Act, the  
20 irreversible cessation of total brain function, according to  
21 usual and customary standards of medical practice.

22 ~~(c)~~ "Decedent" means a deceased individual and includes a  
23 stillborn infant or fetus.

24 ~~(d)~~ "Donor" means an individual who makes a gift of all or  
25 parts of his body.

26 "Federally designated organ procurement agency" means the  
27 organ procurement agency designated by the Secretary of the  
28 U.S. Department of Health and Human Services for the service  
29 area in which a hospital is located, or the organ procurement  
30 agency for which the U.S. Secretary of Health and Human  
31 Services has granted the hospital a waiver pursuant to 42  
32 U.S.C. 1320b-8(a).

33 ~~(e)~~ "Hospital" means a hospital licensed, accredited or  
34 approved under the laws of any state; and includes a hospital  
35 operated by the United States government, a state, or a

1 subdivision thereof, although not required to be licensed under  
2 state laws.

3 "Not available" for the giving of consent or refusal means:

4 (1) the existence of the person is unknown to the hospital  
5 administrator or designee, organ procurement agency, or tissue  
6 bank and is not readily ascertainable through the examination  
7 of the decedent's hospital records and the questioning of any  
8 persons who are available for giving consent;

9 (2) the administrator or designee, organ procurement  
10 agency, or tissue bank has unsuccessfully attempted to contact  
11 the person by telephone or in any other reasonable manner; or

12 (3) the person is unable or unwilling to respond in a  
13 manner that indicates the person's refusal or consent.

14 "Organ" means a human kidney, liver, heart, lung, pancreas,  
15 small bowel, or other transplantable vascular body part as  
16 determined by the Organ Procurement and Transplantation  
17 Network, as periodically selected by the U.S. Department of  
18 Health and Human Services.

19 "Tissue" means eyes, bones, heart valves, veins, skin, and  
20 any other portions of a human body excluding blood, blood  
21 products or organs.

22 ~~(f)~~ "Part" means organs, tissues, eyes, bones, arteries,  
23 blood, other fluids and any other portions of a human body.

24 ~~(g)~~ "Person" means an individual, corporation, government  
25 or governmental subdivision or agency, business trust, estate,  
26 trust, partnership or association or any other legal entity.

27 ~~(h)~~ "Physician" or "surgeon" means a physician or surgeon  
28 licensed or authorized to practice medicine in all of its  
29 branches under the laws of any state.

30 ~~(i)~~ "State" includes any state, district, commonwealth,  
31 territory, insular possession, and any other area subject to  
32 the legislative authority of the United States of America.

33 ~~(j)~~ "Technician" means an individual trained and certified  
34 to remove tissue, by a recognized medical training institution  
35 in the State of Illinois.

36 "Tissue bank" means any facility or program operating in

1 Illinois that is certified by the American Association of  
2 Tissue Banks, the Eye Bank Association of America, or the  
3 Association of Organ Procurement Organizations and is involved  
4 in procuring, furnishing, donating, or distributing corneas,  
5 bones, or other human tissue for the purpose of injecting,  
6 transfusing, or transplanting any of them into the human body.  
7 "Tissue bank" does not include a licensed blood bank. For the  
8 purposes of this Act, "tissue" does not include organs or blood  
9 or blood products.

10 (Source: P.A. 79-952.)

11 (755 ILCS 50/Art. 5/heading new)

12 Article 5. Organ Donation.

13 (755 ILCS 50/5-5 new) (was 755 ILCS 50/3)

14 Sec. 5-5 ~~3~~. Persons who may execute an anatomical gift.

15 (a) Any individual of sound mind who has attained the age  
16 of 18 may give all or any part of his or her body for any  
17 purpose specified in Section 5-10 ~~4~~. Such a gift may be  
18 executed in any of the ways set out in Section 5-20 ~~5~~, and  
19 shall take effect upon the individual's death without the need  
20 to obtain the consent of any survivor. An anatomical gift made  
21 by an agent of an individual, as authorized by the individual  
22 under the Powers of Attorney for Health Care Law, as now or  
23 hereafter amended, is deemed to be a gift by that individual  
24 and takes effect without the need to obtain the consent of any  
25 other person.

26 (b) If no gift has been executed under subsection (a), any  
27 of the following persons, in the order of priority stated in  
28 items (1) through (11) ~~(9)~~ below, when persons in prior classes  
29 are not available for the giving of consent or refusal and in  
30 the absence of (i) actual notice of contrary intentions by the  
31 decedent and (ii) actual notice of opposition by any member  
32 within the same priority class, may consent to give all or any  
33 part of the decedent's body after or immediately before death  
34 to a person who may become a donee for any purpose specified in

1 Section 5-10 4:

2 (1) an individual acting as the decedent's agent under  
3 a power of attorney for health care ~~which provides specific~~  
4 ~~direction regarding organ donation,~~

5 (2) the decedent's surrogate decision maker identified  
6 by the attending physician in accordance with the Health  
7 Care Surrogate Act,

8 (3) the guardian of the decedent's person at the time  
9 of death,

10 (4) ~~(2)~~ the decedent's spouse,

11 (5) ~~(3)~~ any of the decedent's adult sons or daughters,

12 (6) ~~(4)~~ either of the decedent's parents,

13 (7) ~~(5)~~ any of the decedent's adult brothers or  
14 sisters,

15 (8) ~~(6)~~ any adult grandchild of the decedent,

16 (9) a close friend of the decedent,

17 (10) ~~(7)~~ the guardian of the decedent's estate,

18 ~~(8) the decedent's surrogate decision maker under the~~  
19 ~~Health Care Surrogate Act,~~

20 (11) ~~(9)~~ any other person authorized or under legal  
21 obligation to dispose of the body.

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

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

28 ~~(1) the existence of the person is unknown to the donee~~  
29 ~~and is not readily ascertainable through the examination of~~  
30 ~~the decedent's hospital records and the questioning of any~~  
31 ~~persons who are available for giving consent;~~

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

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

36 (c) ~~(d)~~ A gift of all or part of a body authorizes any

1 examination necessary to assure medical acceptability of the  
2 gift for the purposes intended.

3 (d) ~~(e)~~ The rights of the donee created by the gift are  
4 paramount to the rights of others except as provided by Section  
5 5-45 ~~(d)~~.

6 (e) ~~(f)~~ If no gift has been executed under this Act  
7 ~~Section~~, then no part of the decedent's body may be used for  
8 any purpose specified in ~~Section 4~~ of this Act, ~~except in~~  
9 ~~accordance with the Organ Donation Request Act or the Corneal~~  
10 ~~Transplant Act.~~

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

12 (755 ILCS 50/5-10 new) (was 755 ILCS 50/4)

13 Sec. 5-10 ~~4~~. Persons Who May Become Donees; Purposes for  
14 Which Anatomical Gifts May be Made.

15 The following persons may become donees of gifts of bodies  
16 or parts thereof for the purposes stated:

17 (1) any hospital, surgeon, or physician, for medical or  
18 dental education, research, advancement of medical or dental  
19 science, therapy, or transplantation; or

20 (2) any accredited medical, chiropractic, mortuary or  
21 dental school, college or university for education, research,  
22 advancement of medical or dental science, or therapy; or

23 (3) any bank or storage facility, for medical or dental  
24 education, research, advancement of medical or dental science,  
25 therapy, or transplantation; or

26 (4) any federally designated organ procurement agency or  
27 tissue bank, for medical or dental education, research,  
28 advancement of medical or dental science, therapy, or  
29 transplantation; or

30 (5) ~~(4)~~ any specified individual for therapy or  
31 transplantation needed by him or her, or for any other purpose.

32 (Source: P.A. 76-1209.)

33 (755 ILCS 50/5-15 new) (was 755 ILCS 50/4.5)

34 Sec. 5-15 ~~4.5~~. Disability of recipient.

1 (a) No hospital, physician and surgeon, bank or storage  
2 facility, or other person shall determine the ultimate  
3 recipient of an anatomical gift based upon a potential  
4 recipient's physical or mental disability, except to the extent  
5 that the physical or mental disability has been found by a  
6 physician and surgeon, following a case-by-case evaluation of  
7 the potential recipient, to be medically significant to the  
8 provision of the anatomical gift.

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

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

15 (d) This Section shall not be deemed to require referrals  
16 or recommendations for or the performance of medically  
17 inappropriate organ transplants.

18 (e) As used in this Section "disability" has the same  
19 meaning as in the federal Americans with Disabilities Act of  
20 1990 (42 U.S.C. 12101 et seq., Public Law 101-336) as may be  
21 amended from time to time.

22 (Source: P.A. 91-345, eff. 1-1-00.)

23 (755 ILCS 50/5-20 new) (was 755 ILCS 50/5)

24 Sec. 5-20 ~~5~~. Manner of Executing Anatomical Gifts. (a) A  
25 gift of all or part of the body under Section 5-5 ~~3~~ (a) may be  
26 made by will. The gift becomes effective upon the death of the  
27 testator without waiting for probate. If the will is not  
28 probated, or if it is declared invalid for testamentary  
29 purposes, the gift, to the extent that it has been acted upon  
30 in good faith, is nevertheless valid and effective.

31 (b) A gift of all or part of the body under Section 5-5 ~~3~~  
32 (a) may also be made by a written, signed document other than a  
33 will. The gift becomes effective upon the death of the donor.  
34 The document, which may be a card or a valid driver's license  
35 designed to be carried on the person, must be signed by the

1 donor in the presence of 2 witnesses who must sign the document  
2 in his presence and who thereby certify that he was of sound  
3 mind and memory and free from any undue influence and knows the  
4 objects of his bounty and affection. Such a gift may also be  
5 made by properly executing the form provided by the Secretary  
6 of State on the reverse side of the donor's driver's license  
7 pursuant to subsection (b) of Section 6-110 of The Illinois  
8 Vehicle Code. Delivery of the document of gift during the  
9 donor's lifetime is not necessary to make the gift valid.

10 (c) The gift may be made to a specified donee or without  
11 specifying a donee. If the latter, the gift may be accepted by  
12 the attending physician as donee upon or following death. If  
13 the gift is made to a specified donee who is not available at  
14 the time and place of death, then if made for the purpose of  
15 transplantation, it shall be effectuated in accordance with  
16 Section 5-25, and if made for any other purpose the attending  
17 physician upon or following death, in the absence of any  
18 expressed indication that the donor desired otherwise, may  
19 accept the gift as donee. ~~The physician who becomes a donee~~  
20 ~~under this subsection shall not participate either physically~~  
21 ~~or financially in the procedures for removing or transplanting~~  
22 ~~a part.~~

23 (d) Notwithstanding Section 5-45 & (b), the donor may  
24 designate in his will, card, or other document of gift the  
25 surgeon or physician to carry out the appropriate procedures.  
26 In the absence of a designation or if the designee is not  
27 available, the donee or other person authorized to accept the  
28 gift may employ or authorize any surgeon or physician for the  
29 purpose.

30 (e) Any gift by a person designated in Section 5-5 & (b)  
31 shall be made by a document signed by him or made by his  
32 telegraphic, recorded telephonic, or other recorded message.

33 (Source: P.A. 85-192.)

34 (755 ILCS 50/5-25 new)

35 Sec. 5-25. Notification; consent.

1       (a) When, based upon generally accepted medical standards,  
2       an inpatient in a general acute care hospital with more than  
3       100 beds is a suitable candidate for organ or tissue donation  
4       and the patient has not made an anatomical gift of all or any  
5       part of his or her body pursuant to Section 5-20 of this Act,  
6       the hospital shall proceed in accordance with the requirements  
7       of 42 CFR 482.45 or any successor provisions of federal statute  
8       or regulation, as may be amended from time to time, and the  
9       written agreement between the hospital and the applicable organ  
10       procurement agency executed thereunder.

11       (b) In making a request for organ or tissue donation, the  
12       hospital or the hospital's federally designated organ  
13       procurement agency or tissue bank shall request any of the  
14       following persons, in the order of priority stated in items (1)  
15       through (11) below, when persons in prior classes are not  
16       available and in the absence of (i) actual notice of contrary  
17       intentions by the decedent, (ii) actual notice of opposition by  
18       any member within the same priority class, and (iii) reason to  
19       believe that an anatomical gift is contrary to the decedent's  
20       religious beliefs, to consent to the gift of all or any part of  
21       the decedent's body for any purpose specified in Section 5-10  
22       of this Act:

23               (1) an individual acting as the decedent's agent under  
24               a power of attorney for health care;

25               (2) the decedent's surrogate decision maker identified  
26               by the attending physician in accordance with the Health  
27               Care Surrogate Act;

28               (3) the guardian of the decedent's person at the time  
29               of death;

30               (4) the decedent's spouse;

31               (5) any of the decedent's adult sons or daughters;

32               (6) either of the decedent's parents;

33               (7) any of the decedent's adult brothers or sisters;

34               (8) any adult grandchild of the decedent;

35               (9) a close friend of the decedent;

36               (10) the guardian of the decedent's estate; or



1           (11) any other person authorized or under legal  
2           obligation to dispose of the body.

3           (c) If (1) the hospital, the applicable organ procurement  
4           agency, or the tissue bank has actual notice of opposition to  
5           the gift by the decedent or any person in the highest priority  
6           class in which an available person can be found, or (2) there  
7           is reason to believe that an anatomical gift is contrary to the  
8           decedent's religious beliefs, or (3) the Director of Public  
9           Health has adopted a rule signifying his or her determination  
10           that the need for organs and tissues for donation has been  
11           adequately met, then the gift of all or any part of the  
12           decedent's body shall not be requested. If a donation is  
13           requested, consent or refusal may be obtained only from the  
14           person or persons in the highest priority class available. If  
15           the hospital administrator, or his or her designated  
16           representative, the designated organ procurement agency, or  
17           the tissue bank is unable to obtain consent from any of the  
18           persons named in items (1) through (11) of subsection (b) of  
19           this Section, the decedent's body shall not be used for an  
20           anatomical gift unless a valid anatomical gift document was  
21           executed under this Act.

22           (d) When there is a suitable candidate for organ donation,  
23           as described in subsection (a), or if consent to remove organs  
24           and tissues is granted, the hospital shall notify the  
25           applicable federally designated organ procurement agency. The  
26           federally designated organ procurement agency shall notify any  
27           tissue bank specified by the hospital of the suitable candidate  
28           for tissue donation. The organ procurement agency shall  
29           collaborate with all tissue banks in Illinois to maximize  
30           tissue procurement in a timely manner.

31           (755 ILCS 50/5-30 new)

32           Sec. 5-30. Corneal Transplants.

33           (a) Upon request by a physician licensed to practice  
34           medicine in all its branches, or by an eye bank certified by  
35           the Eye Bank Association of America, and approved by the

1 coroner or county medical examiner, in any case in which a  
2 patient is in need of corneal tissue for a transplant, a  
3 coroner or county medical examiner who orders the performance  
4 of an autopsy may provide corneal tissue of a decedent whenever  
5 all of the following conditions are met:

6 (1) The decedent from whom the tissue is taken is under  
7 the jurisdiction of the coroner or county medical examiner.

8 (2) There has been a reasonable and good faith effort  
9 by the coroner or county medical examiner or any authorized  
10 individual acting for the coroner or county medical  
11 examiner to contact an appropriate person as set forth in  
12 subsection (b) of this Section.

13 (3) No objection by the decedent or, after the  
14 decedent's death, by an appropriate person as set forth in  
15 subsection (b) of this Section is known to the coroner or  
16 county medical examiner or authorized individual acting  
17 for the coroner or county medical examiner prior to removal  
18 of the corneal tissue.

19 (4) The person designated to remove the tissue is  
20 qualified to do so under this Act.

21 (5) Removal of the tissue will not interfere with the  
22 subsequent course of an investigation or autopsy.

23 (6) The individual when living did not make known in  
24 writing his or her objection on religious grounds to the  
25 removal of his or her corneal tissue.

26 (b) Objection to the removal of corneal tissue may be made  
27 known to the coroner or county medical examiner or authorized  
28 individual acting for the coroner or county medical examiner by  
29 the individual during his or her lifetime or by the following  
30 persons, in the order of priority stated, after the decedent's  
31 death:

32 (1) an individual acting as the decedent's agent under  
33 a power of attorney for health care;

34 (2) the decedent's surrogate decision maker identified  
35 by the attending physician in accordance with the Health  
36 Care Surrogate Act;

1           (3) the guardian of the decedent's person at the time  
2           of death;

3           (4) the decedent's spouse;

4           (5) any of the decedent's adult sons or daughters;

5           (6) either of the decedent's parents;

6           (7) any of the decedent's adult brothers or sisters;

7           (8) any adult grandchild of the decedent;

8           (9) a close friend of the decedent;

9           (10) the guardian of the decedent's estate; or

10           (11) any other person authorized or under legal  
11           obligation to dispose of the body.

12           (c) If the coroner or county medical examiner or any  
13           authorized individual acting for the coroner or county medical  
14           examiner has actual notice of any contrary indications by the  
15           decedent or actual notice that any member within the same class  
16           specified in subsection (b), paragraphs (1) through (11), of  
17           this Section, in the same order of priority, objects to the  
18           removal, the coroner or county medical examiner shall not  
19           approve the removal of corneal tissue.

20           (d) The coroner or county medical examiner or any  
21           authorized individual acting for the coroner or county medical  
22           examiner authorizing the removal of corneal tissue, or the  
23           persons or organizations listed in subsection (a) of this  
24           Section, shall not be liable in any civil or criminal action  
25           for removing corneal tissue from a decedent and using the same  
26           for transplant purposes if there has been compliance with the  
27           provisions of this Section.

28           (755 ILCS 50/5-35 new) (was 755 ILCS 50/6)

29           Sec. 5-35 ~~6~~. Delivery of Document of Gift.

30           If the gift is made by the donor to a specified donee, the  
31 will, card, or other document, or an executed copy thereof, may  
32 be delivered to the donee to expedite the appropriate  
33 procedures immediately after death. Delivery is not necessary  
34 to the validity of the gift. The will, card, or other document,  
35 or an executed copy thereof, may be deposited in any hospital,

1 bank or storage facility, or registry office that accepts it  
2 for safekeeping or for facilitation of procedures after death.  
3 On request of any interested party upon or after the donor's  
4 death, the person in possession shall produce the document for  
5 examination.

6 (Source: P.A. 76-1209.)

7 (755 ILCS 50/5-40 new) (was 755 ILCS 50/7)

8 Sec. 5-40 ~~7~~. Amendment or Revocation of the Gift.

9 (a) If the will, card, or other document or executed copy  
10 thereof, has been delivered to a specified donee, the donor may  
11 amend or revoke the gift by:

12 (1) the execution and delivery to the donee of a signed  
13 statement witnessed and certified as provided in Section  
14 5-20 ~~5~~ (b); or

15 (2) a signed card or document found on his person, or  
16 in his effects, executed at a date subsequent to the date  
17 the original gift was made and witnessed and certified as  
18 provided in Section 5-20 ~~5~~ (b).

19 (b) Any document of gift which has not been delivered to  
20 the donee may be revoked by the donor in the manner set out in  
21 subsection (a).

22 (c) Any gift made by a will may also be amended or revoked  
23 in the manner provided for amendment or revocation of wills or  
24 as provided in subsection (a).

25 (Source: P.A. 87-895.)

26 (755 ILCS 50/5-45 new) (was 755 ILCS 50/8)

27 Sec. 5-45 ~~8~~. Rights and Duties at Death. (a) The donee may  
28 accept or reject the gift. If the donee accepts a gift of the  
29 entire body, he may, subject to the terms of the gift,  
30 authorize embalming and the use of the body in funeral  
31 services, unless a person named in subsection (b) of Section  
32 5-5 ~~3~~ has requested, prior to the final disposition by the  
33 donee, that the remains of said body be returned to his or her  
34 custody for the purpose of final disposition. Such request

1 shall be honored by the donee if the terms of the gift are  
2 silent on how final disposition is to take place. If the gift  
3 is of a part of the body, the donee or technician designated by  
4 him upon the death of the donor and prior to embalming, shall  
5 cause the part to be removed without unnecessary mutilation and  
6 without undue delay in the release of the body for the purposes  
7 of final disposition. After removal of the part, custody of the  
8 remainder of the body vests in the surviving spouse, next of  
9 kin, or other persons under obligation to dispose of the body,  
10 in the order or priority listed in subsection (b) of Section  
11 5-5 ~~3~~ of this Act.

12 (b) The time of death shall be determined by a physician  
13 who attends the donor at his death, or, if none, the physician  
14 who certifies the death. The physician shall not participate in  
15 the procedures for removing or transplanting a part.

16 (c) A person who acts in good faith in accord with the  
17 terms of this Act and the AIDS Confidentiality Act, or the  
18 anatomical gift laws of another state or a foreign country, is  
19 not liable for damages in any civil action or subject to  
20 prosecution in any criminal proceeding for his act. Any person  
21 that participates in good faith and according to the usual and  
22 customary standards of medical practice in the removal or  
23 transplantation of any part of a decedent's body pursuant to an  
24 anatomical gift made by the decedent under Section 5-20 ~~5~~ of  
25 this Act or pursuant to an anatomical gift made by an  
26 individual as authorized by subsection (b) of Section 5-5 ~~3~~ of  
27 this Act shall have immunity from liability, civil, criminal,  
28 or otherwise, that might result by reason of such actions. For  
29 the purpose of any proceedings, civil or criminal, the validity  
30 of an anatomical gift executed pursuant to Section 5-20 ~~5~~ of  
31 this Act shall be presumed and the good faith of any person  
32 participating in the removal or transplantation of any part of  
33 a decedent's body pursuant to an anatomical gift made by the  
34 decedent or by another individual authorized by the Act shall  
35 be presumed.

36 (d) This Act is subject to the provisions of "An Act to

1 revise the law in relation to coroners", approved February 6,  
2 1874, as now or hereafter amended, to the laws of this State  
3 prescribing powers and duties with respect to autopsies, and to  
4 the statutes, rules, and regulations of this State with respect  
5 to the transportation and disposition of deceased human bodies.

6 (e) If the donee is provided information, or determines  
7 through independent examination, that there is evidence that  
8 the gift was exposed to the human immunodeficiency virus (HIV)  
9 or any other identified causative agent of acquired  
10 immunodeficiency syndrome (AIDS), the donee may reject the gift  
11 and shall treat the information and examination results as a  
12 confidential medical record; the donee may disclose only the  
13 results confirming HIV exposure, and only to the physician of  
14 the deceased donor. The donor's physician shall determine  
15 whether the person who executed the gift should be notified of  
16 the confirmed positive test result.

17 (Source: P.A. 85-1209.)

18 (755 ILCS 50/5-50 new) (was 755 ILCS 50/8.1)

19 Sec. 5-50 ~~8.1~~. Payment for gift. (a) Except as provided in  
20 subsection (b), any person who knowingly pays or offers to pay  
21 any financial consideration to a donor or to any of the persons  
22 listed in subsection (b) of Section 5-5 ~~3~~ for making or  
23 consenting to an anatomical gift shall be guilty of a Class A  
24 misdemeanor for the first conviction and a Class 4 felony for  
25 subsequent convictions.

26 (b) This Section does not prohibit reimbursement for  
27 reasonable costs associated with the removal, storage or  
28 transportation of a human body or part thereof pursuant to an  
29 anatomical gift executed pursuant to this Act.

30 (Source: P.A. 85-191.)

31 (755 ILCS 50/9 rep.)

32 (755 ILCS 50/11 rep.)

33 Section 55. The Uniform Anatomical Gift Act is amended by  
34 repealing Sections 9 and 11.

1 (755 ILCS 55/Act rep.)

2 Section 60. The Illinois Corneal Transplant Act is  
3 repealed.

4 (755 ILCS 60/Act rep.)

5 Section 65. The Organ Donation Request Act is repealed.

6 Section 99. Effective date. This Act takes effect upon  
7 becoming law.

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3	20 ILCS 2310/2310-330	was 20 ILCS 2310/55.46
4	105 ILCS 5/27-23.5	
5	210 ILCS 85/6.16	
6	210 ILCS 85/10.4	from Ch. 111 1/2, par. 151.4
7	410 ILCS 305/7	from Ch. 111 1/2, par. 7307
8	625 ILCS 5/6-110	from Ch. 95 1/2, par. 6-110
9	625 ILCS 5/12-215	from Ch. 95 1/2, par. 12-215
10	720 ILCS 5/12-20	from Ch. 38, par. 12-20
11	755 ILCS 35/6	from Ch. 110 1/2, par. 706
12	755 ILCS 40/20	from Ch. 110 1/2, par. 851-20
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15	755 ILCS 45/4-10	from Ch. 110 1/2, par. 804-10
16	755 ILCS 50/Art. 1 heading	
17	new	
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19	755 ILCS 50/1-5 new	
20	755 ILCS 50/1-10 new	was 755 ILCS 50/2
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1 755 ILCS 60/Act rep.