



Sen. Laura Fine

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10400SB1411sam002

LRB104 07373 JRC 24821 a

1 AMENDMENT TO SENATE BILL 1411

2 AMENDMENT NO. _____. Amend Senate Bill 1411, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Illinois Living Will Act is amended by
6 changing Section 9 and by adding Sections 3.5 and 9.5 as
7 follows:

8 (755 ILCS 35/3.5 new)

9 Sec. 3.5. Applicability. Section 4-11 of the Illinois
10 Power of Attorney Act governs the applicability of this Act if
11 a patient has a health care agency. Notwithstanding Section
12 9.5 or any other provision in this Act, a declaration is not
13 operative as long as an agent is available who is authorized by
14 a health care agency to make decisions concerning
15 life-sustaining or death delaying procedures for the patient,
16 and nothing in this Act may impair or supersede the authority

1 of an agent under a health care agency to make decisions
2 regarding life-sustaining or death delaying treatment.

3 (755 ILCS 35/9) (from Ch. 110 1/2, par. 709)

4 Sec. 9. General provisions.

5 (a) The withholding or withdrawal of death delaying
6 procedures from a qualified patient in accordance with the
7 provisions of this Act shall not, for any purpose, constitute
8 a suicide.

9 (b) The making of a declaration pursuant to Section 3
10 shall not affect in any manner the sale, procurement, or
11 issuance of any policy of life insurance, nor shall it be
12 deemed to modify the terms of an existing policy of life
13 insurance. No policy of life insurance shall be legally
14 impaired or invalidated in any manner by the withholding or
15 withdrawal of death delaying procedures from an insured
16 qualified patient, notwithstanding any term of the policy to
17 the contrary.

18 (c) No physician, health care facility, or other health
19 care provider, and no health care service plan, health
20 maintenance organization, insurer issuing disability
21 insurance, self-insured employee welfare benefit plan,
22 nonprofit medical service corporation or mutual nonprofit
23 hospital service corporation shall require any person to
24 execute a declaration as a condition for being insured for, or
25 receiving, health care services.

1 (d) Nothing in this Act shall impair or supersede any
2 legal right or legal responsibility which any person may have
3 to effect the withholding or withdrawal of death delaying
4 procedures in any lawful manner. In such respect the
5 provisions of this Act are cumulative.

6 (e) This Act shall create no presumption concerning the
7 intention of an individual who has not executed a declaration
8 to consent to the use or withholding of death delaying
9 procedures in the event of a terminal condition.

10 (f) Nothing in this Act shall be construed to condone,
11 authorize or approve mercy killing or to permit any
12 affirmative or deliberate act or omission to end life other
13 than to permit the natural process of dying as provided in this
14 Act.

15 (g) An instrument executed before the effective date of
16 this Act that substantially complies with subsection (e) of
17 Section 3 shall be given effect pursuant to the provisions of
18 this Act.

19 (h) A declaration executed in another state in compliance
20 with the law of that state or this State is validly executed
21 for purposes of this Act, and such declaration shall be
22 applied in accordance with the provisions of this Act.

23 (i) Documents, writings, forms, and copies referred to in
24 this Act may be in hard copy or electronic format. Nothing in
25 this Act is intended to prevent the population of a
26 declaration, document, writing, or form with electronic data.

1 Electronic documents under this Act may be created, signed, or
2 revoked electronically using a generic, technology-neutral
3 system in which each user is assigned a unique identifier that
4 is securely maintained and in a manner that meets the
5 regulatory requirements for a digital or electronic signature.
6 Compliance with the standards defined in the Uniform
7 Electronic Transactions Act or the implementing rules of the
8 Hospital Licensing Act for medical record entry authentication
9 for author validation of the documentation, content accuracy,
10 and completeness meets this standard.

11 (j) No physician, health care provider, employee, or
12 facility may require the execution of a POLST or other such
13 similar form to put into effect the qualified patient's
14 declaration if a patient has been determined to be a qualified
15 patient.

16 (k) Except as otherwise provided in this Act, a physician,
17 health care provider, employee, or facility may rely on and
18 must comply with a qualified patient's declaration that is
19 apparent and immediately available if a patient has been
20 determined to be a qualified patient and the patient lacks
21 ability to give directions regarding the use of death delaying
22 procedures.

23 (l) Nothing in this Act impairs or supersedes a surrogate
24 decision maker's authority to make decisions regarding
25 life-sustaining or death delaying treatment on behalf of a
26 patient who lacks decisional capacity and has a qualifying

1 condition as defined in the Health Care Surrogate Act.

2 (Source: P.A. 101-163, eff. 1-1-20; 102-38, eff. 6-25-21.)

3 (755 ILCS 35/9.5 new)

4 Sec. 9.5. Operation of living will. Subject to Section 3.5
5 and Section 9(1), a declaration under this Act becomes
6 operative when all of the following conditions have been met:

7 (1) it has been validly executed;

8 (2) it has not been revoked in accordance with Section
9 5;

10 (3) the patient is unable to give directions regarding
11 the use of life-sustaining or death delaying procedures;
12 and

13 (4) the patient is a qualified patient.

14 An operative and unrevoked living will declaration
15 continues in effect until revoked in accordance with this
16 Act."