



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

SB3613

Introduced 2/11/2010, by Sen. Dale E. Risinger

#### SYNOPSIS AS INTRODUCED:

755 ILCS 50/5-55 new

Amends the Illinois Anatomical Gift Act. Provides that, on and after July 1, 2012, each resident of Illinois who is of sound mind and who has attained the age of 18 years is presumed, by operation of law, to have given all of his or her body for any organ donation purposes. Allows an individual to opt out of the presumed donation by executing an anatomical gift as otherwise provided in the Act or by filing with the Secretary of State an organ donor opt out document. An individual who has filed such a document shall be included in an Organ Donor Opt Out Registry maintained by the Secretary of State. Requires representatives of federally designated organ procurement agencies and tissue banks and the offices of Illinois county coroners and medical examiners to inquire of the Secretary of State whether a potential organ donor's name is included in the Organ Donor Opt Out Registry and, if not, whether the name is included on the First Person Consent organ and tissue donor registry. Allows an individual to withdraw his or her opt out by notifying the Secretary of State in writing. Provides that in the absence of gross negligence or willful misconduct, the Secretary of State and his or her employees are immune from any civil or criminal liability in connection with the Organ Donor Opt Out Registry.

LRB096 19603 AJO 34997 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning organ donation.

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

4 Section 5. The Illinois Anatomical Gift Act is amended by  
5 adding Section 5-55 as follows:

6 (755 ILCS 50/5-55 new)

7 Sec. 5-55. Presumption of donation; opt-out.

8 (a) On and after July 1, 2012, each resident of Illinois  
9 who is of sound mind and who has attained the age of 18 years is  
10 presumed, by operation of law, to have given all of his or her  
11 body for any purpose stated in Section 5-10. The gift takes  
12 effect upon the individual's death without the need to obtain  
13 the consent of any survivor.

14 (b) Any individual presumed to have made a gift under  
15 subsection (a) is deemed to have opted out of the provisions of  
16 subsection (a) if that individual has executed a gift in any of  
17 the ways set out in Section 5-20.

18 (c) An individual may also opt out of the provisions of  
19 subsection (a) by filing with the Secretary of State, in a form  
20 and manner determined by the Secretary of State by rule, an  
21 organ donor opt out document. An individual who has filed such  
22 a document shall be included in an Organ Donor Opt Out Registry  
23 maintained by the Secretary of State. The Secretary of State

1 may establish additional methods by which an individual may  
2 have his or her name included in the Organ Donor Opt Out  
3 Registry.

4 (d) When an individual has agreed to have his or her name  
5 included in the Organ Donor Opt Out Registry, the Secretary of  
6 State shall note that agreement in the Organ Donor Opt Out  
7 Registry. Representatives of federally designated organ  
8 procurement agencies and tissue banks and the offices of  
9 Illinois county coroners and medical examiners must inquire of  
10 the Secretary of State (i) whether a potential organ donor's  
11 name is included in the Organ Donor Opt Out Registry and (ii)  
12 if not, whether the potential organ donor's name is included in  
13 the First Person Consent organ and tissue donor registry  
14 maintained under Section 6-117 of the Illinois Vehicle Code.  
15 The Secretary of State must provide the requested information  
16 to the representative.

17 (e) An individual may withdraw his or her opt out from the  
18 provisions of subsection (a) by notifying the Secretary of  
19 State in writing, or by any other means approved by the  
20 Secretary, of the individual's decision to have his or her name  
21 removed from the Organ Donor Opt Out Registry.

22 (f) In the absence of gross negligence or willful  
23 misconduct, the Secretary of State and his or her employees are  
24 immune from any civil or criminal liability in connection with  
25 the Organ Donor Opt Out Registry.