

AN ACT concerning civil law.

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

Section 5. The Illinois Anatomical Gift Act is amended by changing Section 5-15 as follows:

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

Sec. 5-15. Disability of recipient.

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

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

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

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

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

(5) decline insurance coverage for any procedure associated with the receipt of the anatomical gift, including posttransplantation care; or

(6) if an individual has the necessary support system to assist the individual in complying with posttransplant medical requirements, consider the individual's inability to independently comply with posttransplant medical requirements to be medically significant for the purposes of subsection (a-5).

A covered entity shall comply with the requirements of the Americans with Disabilities Act of 1990 and its implementing regulations in making reasonable modifications to its policies or procedures in response to a request from an individual with disabilities regarding access to transplantation-related services, including diagnostic services, surgery, coverage, postoperative treatment, and counseling.

(a-5) Notwithstanding subsection (a), a hospital, physician and surgeon, procurement organization, or other person may take an individual's disability into account when making treatment or coverage recommendations or decisions solely to the extent that the physical or mental disability has been found by a physician or surgeon, following an individualized evaluation of the potential recipient, to be medically significant to the provision of the anatomical gift.  
~~No hospital, physician and surgeon, procurement organization, or other person shall determine the ultimate recipient of an~~

~~anatomical gift based upon a potential recipient's physical or mental disability, except to the extent that the physical or mental disability has been found by a physician and surgeon, following a case-by-case evaluation of the potential recipient, to be medically significant to the provision of the anatomical gift.~~

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

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

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

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

(f) As used in this Section, "covered entity" has the meaning ascribed to it under HIPAA, as specified in 45 CFR 160.103.

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