

HB0011



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB0011

Introduced 1/9/2019, by Rep. Mary E. Flowers

SYNOPSIS AS INTRODUCED:

New Act

Creates the Biological Specimen Guardianship Act. Provides that the court may enter an order appointing a guardian over a biological specimen if: (1) the petitioner is a descendant of the subject from whom a biological specimen has been obtained; and (2) the biological specimen was obtained and used in a manner that violates specified federal regulations. Provides that a guardian may: grant or refuse consent to the use of the biological specimen; ensure that the use of the biological specimen safeguards the privacy of the guardian and others; and seek compensation for the prior use of the biological specimen without consent. Provides that notwithstanding any other statute of limitation or statute of repose, an action under the Act may be filed at any time. Provides that any applicable statute of repose or statute of limitation relating to the unauthorized use of a biological specimen begins to run on the date of appointment of a guardian under the Act.

LRB101 04063 LNS 49071 b

A BILL FOR

1 AN ACT concerning civil law.

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

4 Section 1. Short title. This Act may be cited as the
5 Biological Specimen Guardianship Act.

6 Section 5. Cause of action.

7 (a) The court may enter an order appointing a guardian over
8 a biological specimen if:

9 (1) the petitioner is a descendant of the subject from
10 whom a biological specimen has been obtained; and

11 (2) the biological specimen was obtained and used in a
12 manner that violates 45 CFR 46.116.

13 (b) A guardian appointed under this Act may:

14 (1) grant or refuse consent to the use of the
15 biological specimen;

16 (2) ensure that the use of the biological specimen
17 safeguards the privacy of the guardian and others; and

18 (3) seek compensation for the prior use of the
19 biological specimen without consent.

20 (c) Notwithstanding any other statute of limitation or
21 statute of repose, an action under this Act may be filed at any
22 time. Any applicable statute of repose or statute of limitation
23 relating to the unauthorized use of a biological specimen

1 begins to run on the date of appointment of a guardian under
2 this Act.