



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

SB1938

Introduced 2/25/2005, by Sen. Richard J. Winkel, Jr.

#### SYNOPSIS AS INTRODUCED:

755 ILCS 60/2.5 new

Amends the Organ Donation Request Act. Provides that if a person authorized under the Act to consent to the donation of a decedent's organs is not immediately available for an organ procurement agency to make a request for such consent, the hospital may use organ preservation equipment and techniques to maintain the viability of the decedent's organs. Provides that neither a decedent's estate nor a relative or guardian of a decedent may be required to pay for any costs associated with organ preservation. Provides that a hospital that initiates organ preservation measures must bear all costs associated with the organ preservation if (i) the recipient of the preserved organ is indigent, (ii) a person authorized to consent to the donation of the decedent's organs cannot be located within a reasonable time, or (iii) a person authorized to consent does not consent.

LRB094 11486 LCB 42431 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning estates.

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

4 Section 5. The Organ Donation Request Act is amended by  
5 adding Section 2.5 as follows:

6 (755 ILCS 60/2.5 new)

7 Sec. 2.5. Organ preservation.

8 (a) If a person authorized by subsection (b) of Section 2  
9 to consent to an organ donation is not immediately available  
10 for an organ procurement agency to make the request required by  
11 subsection (a) of Section 2, the hospital may use organ  
12 preservation equipment and techniques, including ventilators  
13 and in situ flushing and cooling equipment, to maintain the  
14 viability of the decedent's organs in order to preserve the  
15 option of family members and other authorized persons to  
16 consider donation.

17 (b) If a hospital initiates the preservation of a  
18 decedent's organs pursuant to subsection (a), the hospital  
19 shall use all available means to locate a person authorized by  
20 subsection (b) of Section 2 to consent to the donation of the  
21 decedent's organs. If a person authorized to give such consent  
22 cannot be located within a time period deemed reasonable by a  
23 designated medical professional, or declines to give such  
24 consent, the hospital shall discontinue the organ preservation  
25 measures.

26 (c) A hospital shall fully disclose to a person authorized  
27 by subsection (b) of Section 2 to consent to the donation of a  
28 decedent's organs the organ preservation techniques or  
29 preservation equipment, if any, used by the hospital pursuant  
30 to this Section.

31 (d) In the absence of gross negligence or willful  
32 misconduct, any person employed or authorized by a hospital to

1 use organ preservation techniques pursuant to subsection (a)  
2 shall be immune from any civil or criminal liability in  
3 connection with taking the medically necessary steps to  
4 preserve a decedent's organs during the search for, or  
5 consultation with, a person authorized by subsection (b) of  
6 Section 2 to consent to the donation of the decedent's organs.

7 (e) Neither a decedent nor relative or guardian of a  
8 decedent shall be required to pay any costs associated with  
9 organ preservation pursuant to this Section.

10 (f) A hospital that initiates organ preservation pursuant  
11 to subsection (a) shall bear all costs associated with the  
12 organ preservation if:

13 (1) the recipient of the preserved organ is indigent;

14 (2) a person authorized by subsection (b) of Section 2  
15 to consent to the donation of the decedent's organs cannot  
16 be located within a time period deemed reasonable by a  
17 designated medical professional; or

18 (3) a person authorized by subsection (b) of Section 2  
19 to consent to the donation of the decedent's organs does  
20 not consent to such a donation.