

1 AN ACT concerning advance directives.

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

4 Section 5. The Health Care Surrogate Act is amended by  
5 changing Section 65 as follows:

6 (755 ILCS 40/65)

7 Sec. 65. Do-not-resuscitate advance directive forms.

8 (a) An individual of sound mind and having reached the age  
9 of majority or having obtained the status of an emancipated  
10 person pursuant to the Emancipation of Minors Act may execute a  
11 document (consistent with the Department of Public Health  
12 Uniform DNR Advance Directive) directing that resuscitating  
13 efforts shall not be implemented. Such a document may also be  
14 executed by an attending physician. Notwithstanding the  
15 existence of a do-not-resuscitate (DNR) ~~DNR~~ order, appropriate  
16 organ donation treatment may be applied or continued  
17 temporarily in the event of the patient's death, in accordance  
18 with subsection (g) of Section 20 of this Act, if the patient  
19 is an organ donor.

20 (b) Consent to a DNR Advance Directive may be obtained from  
21 the individual, or from another person at the individual's  
22 direction, or from the individual's legal guardian, agent under  
23 a power of attorney for health care, or surrogate decision

1 maker, and witnessed by one individual ~~2 individuals~~ 18 years  
2 of age or older, who attests that the individual, other person,  
3 guardian, agent, or surrogate (1) has had an opportunity to  
4 read the form; and (2) has signed the form or acknowledged his  
5 or her signature or mark on the form in the witness's presence.

6 (c) The DNR Advance Directive may, but need not, be in the  
7 form adopted by the Department of Public Health pursuant to  
8 Section 2310-600 of the Department of Public Health Powers and  
9 Duties Law (20 ILCS 2310/2310-600).

10 (d) A health care professional or health care provider may  
11 presume, in the absence of knowledge to the contrary, that a  
12 completed Department of Public Health Uniform DNR Advance  
13 Directive or a copy of that Advance Directive is a valid DNR  
14 Advance Directive. A health care professional or health care  
15 provider, or an employee of a health care professional or  
16 health care provider, who in good faith complies with a  
17 do-not-resuscitate order made in accordance with this Act is  
18 not, as a result of that compliance, subject to any criminal or  
19 civil liability, except for willful and wanton misconduct, and  
20 may not be found to have committed an act of unprofessional  
21 conduct.

22 (e) Nothing in this Section or this Amendatory Act of the  
23 94th General Assembly shall be construed to affect the ability  
24 of a physician to make a do-not-resuscitate ~~DNR~~ order.

25 (Source: P.A. 93-794, eff. 7-22-04; 94-865, eff. 6-16-06.)