



Rep. Lou Lang

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LRB098 04087 RPM 42894 a

1 AMENDMENT TO HOUSE BILL 158

2 AMENDMENT NO. _____. Amend House Bill 158 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Medical Patient Rights Act is amended by
5 changing Section 2.01 and by adding Section 3.3 as follows:

6 (410 ILCS 50/2.01) (from Ch. 111 1/2, par. 5402.01)

7 Sec. 2.01. "Patient" means any person who has received or
8 is receiving medical care, treatment, or services from an
9 individual or institution licensed to provide medical care or
10 treatment in this State or who is the subject of a research
11 program or an experimental procedure, as defined under the
12 rules and regulations adopted pursuant to the Hospital
13 Licensing Act.

14 (Source: P.A. 81-1167.)

15 (410 ILCS 50/3.3 new)

1 Sec. 3.3. Commercial use of human tissue.

2 (a) If human tissue is removed from a patient by a
3 physician or health care provider for the purpose of pursuing
4 commercial research, then the following guidelines shall be
5 followed:

6 (1) Informed consent as described in Section 3.1 of
7 this Act must be obtained from patients whose human tissue
8 is to be removed.

9 (2) Any intended use of the removed human tissue for
10 commercial research that is known at the time the human
11 tissue is removed must be disclosed to the patient as part
12 of the informed consent process.

13 (3) Profits from the use of human tissue in commercial
14 research under item (2) of this subsection (a) may be
15 shared with patients, in accordance with contractual
16 agreements. These contractual agreements may include an
17 option for a negotiated flat fee.

18 (4) The diagnostic and therapeutic alternatives
19 offered to patients by their physicians should conform to
20 standards of good medical practice and should not be
21 influenced in any way by the commercial research potential
22 of the patient's human tissue.

23 (b) For the purposes of this Section, "human tissue" means
24 blood, plasma, blood products or derivatives, other bodily
25 fluids, or hair taken from a living natural person for
26 commercial research use not to be transplanted directly into

1 another human body.

2 (c) Nothing in this Section shall be construed to limit the
3 use of human tissue, organs, cadavers, or any other biological
4 specimen in non-commercial medical or scientific research,
5 education, treatment, or diagnosis.

6 (d) Nothing in this Section shall be construed to limit or
7 supersede organ or tissue donation as permitted by law.

8 Section 10. The Criminal Code of 2012 is amended by
9 changing Section 12-20 as follows:

10 (720 ILCS 5/12-20) (from Ch. 38, par. 12-20)

11 Sec. 12-20. Sale of body parts.

12 (a) Except as provided in subsection (b), any person who
13 knowingly buys or sells, or offers to buy or sell, a human body
14 or any part of a human body, is guilty of a Class A misdemeanor
15 for the first conviction and a Class 4 felony for subsequent
16 convictions.

17 (b) This Section does not prohibit:

18 (1) An anatomical gift made in accordance with the
19 Illinois Anatomical Gift Act.

20 (2) (Blank).

21 (3) Reimbursement of actual expenses incurred by a
22 living person in donating an organ, tissue or other body
23 part or fluid for transplantation, implantation, infusion,
24 injection, or other medical or scientific purpose,

1 including medical costs, loss of income, and travel
2 expenses.

3 (4) Payments provided under a plan of insurance or
4 other health care coverage.

5 (5) Reimbursement of reasonable costs associated with
6 the removal, storage or transportation of a human body or
7 part thereof donated for medical or scientific purposes.

8 (6) Purchase or sale of blood, plasma, blood products
9 or derivatives, other body fluids, or human hair, including
10 those removed pursuant to Section 3.3 of the Medical
11 Patient Rights Act.

12 (7) Purchase or sale of drugs, reagents or other
13 substances made from human bodies or body parts, for use in
14 medical or scientific research, treatment or diagnosis.

15 (Source: P.A. 96-1551, eff. 7-1-11.)

16 Section 99. Effective date. This Act takes effect September
17 1, 2013."