



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0516

Introduced 2/4/2009, by Rep. Lisa M. Dugan

SYNOPSIS AS INTRODUCED:

New Act

Creates the Disposition of Veterans' Cremains Act. Provides that a funeral director must make a reasonable effort to determine whether a deceased person, whose remains have been submitted for final disposition by cremation, was a veteran of the armed services ("veteran"), a spouse of a veteran, or the dependent child of a veteran. If there is uncertainty regarding the deceased person's status and no authorizing agent exists, the funeral director may allow the National Cemetery Administration's National Cemetery Scheduling Office, any veterans organization whose primary purpose is to locate, identify, and inter the unclaimed cremains of American veterans, or any federally-chartered veterans service organization to have access to the cremains and all information regarding the deceased person in the possession of the funeral director so that the deceased person's status may be determined. If the deceased person is identified as a veteran, spouse of a veteran, or dependent child of a veteran, requires the funeral director to notify the authorizing agent over the disposal of the cremains that the decedent may be eligible to be interred at a veterans' cemetery. Provides that if the cremains are not claimed by an authorizing agent after one year and the authorizing agent then fails to respond within 30 days to the funeral director's written request for disposition instructions, the funeral director must then contact any veterans organization whose primary purpose is to locate, identify, and inter the unclaimed cremains of American veterans or any federally-chartered veterans service organization so that arrangements for the disposition of the cremains of the veteran, spouse of a veteran, or dependent child of a veteran may be made in a state or national veterans' cemetery. Provides that a funeral director complying with this Act is immune from any criminal or civil liability regarding the release of information relative to the determination of the status as a veteran or any available interment as a veteran or for the release of the cremains to a veterans' cemetery. Effective immediately.

LRB096 08256 ASK 18591 b

1 AN ACT concerning regulation.

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 Disposition of Veterans' Cremains Act.

6 Section 5. Definitions. The following terms have the
7 meanings indicated, unless the context requires otherwise:

8 "Funeral director" means a person, known by the title of
9 "funeral director" or other similar words or titles, licensed
10 under the Funeral Directors and Embalmers Licensing Code and
11 who practices funeral directing.

12 "Authorizing agent" means a person who is legally entitled
13 to order the cremation and final disposition of the specific
14 human remains of the deceased person.

15 "Veteran" means an Illinois resident who has served as a
16 member of the United States Armed Services on active duty or
17 State active duty, a member of the Illinois National Guard, or
18 a member of the United States Reserve Forces and who has
19 received an honorable discharge.

20 "Veterans organization" means an association or other
21 entity organized for the benefits of veterans that has been
22 recognized or chartered by the United States Congress and
23 includes, but is not limited to, the American Legion, the

1 Legion of Honor, the Patriot Guard, the Missing in America
2 Project, and the Vietnam Veterans of America.

3 Section 10. Funeral director responsibilities.

4 (a) A funeral director must make a reasonable effort to
5 determine whether a deceased person, whose remains have been
6 submitted to a funeral establishment for final disposition by
7 cremation, is one of the following:

8 (1) a veteran;

9 (2) a spouse of a veteran; or

10 (3) the dependent child of such a veteran.

11 (b) This determination must be made at, or shortly after,
12 the time the order of disposition for cremation is signed by
13 the authorizing agent. The funeral director must start his or
14 her inquiry with the authorizing agent and notify the
15 authorizing agent of the funeral director's responsibilities
16 under this Act.

17 (c) If the funeral director cannot determine with certainty
18 the deceased person's status and no authorizing agent exists,
19 the funeral director may allow the National Cemetery
20 Administration's National Cemetery Scheduling Office, any
21 veterans organization whose primary purpose is to locate,
22 identify, and inter the unclaimed cremains of American
23 veterans, or any federally-chartered veterans service
24 organization to have access to the cremains and all information
25 regarding the deceased person in the possession of the funeral

1 director so that it may attempt to determine whether the
2 deceased person qualifies under subsection (a) of this Section.

3 (d) If the funeral director determines that the deceased
4 person is either a veteran, a spouse of a veteran, or the
5 dependent child of a veteran, the funeral director must
6 immediately notify the authorizing agent of this finding and
7 advise the authorizing agent that the deceased person may be
8 eligible to be interred at an appropriate veterans' cemetery.

9 (e) If the cremains of a veteran, spouse of a veteran, or
10 dependent child of a veteran are not claimed by an authorizing
11 agent, the funeral director must hold any cremains for at least
12 one year, as required by Sections 5-20 and 10-45 of the Funeral
13 Directors and Embalmers Licensing Code. After one year has
14 expired, the funeral director must then send written notice to
15 an authorizing agent requesting disposition instructions. If
16 the funeral director does not receive a written response from
17 an authorizing agent within 30 days after this written notice
18 is sent, the funeral director must then contact any veterans
19 organization whose primary purpose is to locate, identify, and
20 inter the unclaimed cremains of American veterans or any
21 federally-chartered veterans service organization so that
22 arrangements for the disposition of the cremains of the
23 veteran, spouse of a veteran, or dependent child of a veteran
24 may be made in a state or national veterans' cemetery.

25 (f) The funeral director may release any relevant
26 information to the U.S. Department of Veterans Affairs or any

1 veterans' organization to affect the timely and accurate
2 identification and interment of a decedent as either a veteran,
3 the spouse of a veteran, or the dependent child of a veteran.

4 Section 15. Immunity. A funeral director complying with
5 this Act is immune from any criminal or civil liability
6 regarding the release of information relative to the
7 determination of the status as a veteran or any available
8 interment as a veteran or for the release of the cremains to a
9 veterans' cemetery.

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.