

1 AN ACT concerning public health.

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

4 Section 5. The Hospital Licensing Act is amended by  
5 changing Section 11.4 as follows:

6 (210 ILCS 85/11.4)

7 Sec. 11.4. Disposition of fetus. A hospital having custody  
8 of a fetus following a spontaneous fetal demise occurring after  
9 a gestation period of less than 20 completed weeks must notify  
10 the mother of her right to arrange for the burial or cremation  
11 of the fetus. Notification may also include other options such  
12 as, but not limited to, a ceremony, a certificate, or common  
13 burial or cremation of fetal tissue. If, within 24 hours after  
14 being notified under this Section, the mother elects in writing  
15 to arrange for the burial or cremation of the fetus, the  
16 disposition of the fetus shall be subject to the same laws and  
17 rules that apply in the case of a fetal death that occurs in  
18 this State after a gestation period of 20 completed weeks or  
19 more. The Department of Public Health shall develop forms to be  
20 used for notifications and elections under this Section and  
21 hospitals shall provide the forms to the mother.

22 (Source: P.A. 92-348, eff. 1-1-02.)

1 Section 10. The Crematory Regulation Act is amended by  
2 changing Section 35 as follows:

3 (410 ILCS 18/35)

4 Sec. 35. Cremation procedures.

5 (a) Human remains shall not be cremated within 24 hours  
6 after the time of death, as indicated on the Medical  
7 Examiner's/Coroner's Certificate of Death. In any death, the  
8 human remains shall not be cremated by the crematory authority  
9 until a cremation permit has been received from the coroner or  
10 medical examiner of the county in which the death occurred and  
11 the crematory authority has received a cremation authorization  
12 form, executed by an authorizing agent, in accordance with the  
13 provisions of Section 15 of this Act. In no instance, however,  
14 shall the lapse of time between the death and the cremation be  
15 less than 24 hours, unless (i) it is known the deceased has an  
16 infectious or dangerous disease and that the time requirement  
17 is waived in writing by the medical examiner or coroner where  
18 the death occurred or (ii) because of a religious requirement.

19 (b) Except as set forth in subsection (a) of this Section,  
20 a crematory authority shall have the right to schedule the  
21 actual cremation to be performed at its own convenience, at any  
22 time after the human remains have been delivered to the  
23 crematory authority, unless the crematory authority has  
24 received specific instructions to the contrary on the cremation  
25 authorization form.

1           (c) No crematory authority shall cremate human remains when  
2 it has actual knowledge that human remains contain a pacemaker  
3 or any other material or implant that may be potentially  
4 hazardous to the person performing the cremation.

5           (d) No crematory authority shall refuse to accept human  
6 remains for cremation because such human remains are not  
7 embalmed.

8           (e) Whenever a crematory authority is unable or  
9 unauthorized to cremate human remains immediately upon taking  
10 custody of the remains, the crematory authority shall place the  
11 human remains in a holding facility in accordance with the  
12 crematory authority's rules and regulations. The crematory  
13 authority must notify the authorizing agent of the reasons for  
14 delay in cremation if a properly authorized cremation is not  
15 performed within any time period expressly contemplated in the  
16 authorization.

17           (f) A crematory authority shall not accept a casket or  
18 alternative container from which there is any evidence of the  
19 leakage of body fluids.

20           (g) The casket or the alternative container shall be  
21 cremated with the human remains or destroyed, unless the  
22 crematory authority has notified the authorizing agent to the  
23 contrary on the cremation authorization form and obtained the  
24 written consent of the authorizing agent.

25           (h) The simultaneous cremation of the human remains of more  
26 than one person within the same cremation chamber, without the

1 prior written consent of the authorizing agent, is prohibited  
2 except for common cremation pursuant to Section 11.4 of the  
3 Hospital Licensing Act. Nothing in this subsection, however,  
4 shall prevent the simultaneous cremation within the same  
5 cremation chamber of body parts delivered to the crematory  
6 authority from multiple sources, or the use of cremation  
7 equipment that contains more than one cremation chamber.

8 (i) No unauthorized person shall be permitted in the  
9 holding facility or cremation room while any human remains are  
10 being held there awaiting cremation, being cremated, or being  
11 removed from the cremation chamber.

12 (j) A crematory authority shall not remove any dental gold,  
13 body parts, organs, or any item of value prior to or subsequent  
14 to a cremation without previously having received specific  
15 written authorization from the authorizing agent and written  
16 instructions for the delivery of these items to the authorizing  
17 agent. Under no circumstances shall a crematory authority  
18 profit from making or assisting in any removal of valuables.

19 (k) Upon the completion of each cremation, and insofar as  
20 is practicable, all of the recoverable residue of the cremation  
21 process shall be removed from the cremation chamber.

22 (l) If all of the recovered cremated remains will not fit  
23 within the receptacle that has been selected, the remainder of  
24 the cremated remains shall be returned to the authorizing agent  
25 or the agent's designee in a separate container. The crematory  
26 authority shall not return to an authorizing agent or the

1 agent's designee more or less cremated remains than were  
2 removed from the cremation chamber.

3 (m) A crematory authority shall not knowingly represent to  
4 an authorizing agent or the agent's designee that a temporary  
5 container or urn contains the cremated remains of a specific  
6 decedent when it does not.

7 (n) Cremated remains shall be shipped only by a method that  
8 has an internal tracing system available and that provides a  
9 receipt signed by the person accepting delivery.

10 (o) A crematory authority shall maintain an identification  
11 system that shall ensure that it shall be able to identify the  
12 human remains in its possession throughout all phases of the  
13 cremation process.

14 (Source: P.A. 92-675, eff. 7-1-03.)

15 Section 15. The Vital Records Act is amended by adding  
16 Section 21.5 as follows:

17 (410 ILCS 535/21.5 new)

18 Sec. 21.5. Group burial; group cremation. Notwithstanding  
19 Sections 20 and 21 of this Act, a permit for a group burial or  
20 group cremation under Section 11.4 of the Hospital Licensing  
21 Act may be issued without a fetal death certificate. The  
22 Department shall adopt rules to implement this Section.