



Rep. Anthony DeLuca

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10400HB4695ham001

LRB104 20396 JRC 36213 a

1 AMENDMENT TO HOUSE BILL 4695

2 AMENDMENT NO. _____. Amend House Bill 4695 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Crematory Regulation Act is amended by
5 changing Sections 5, 7, 10, 11, 11.5, 20, 25, 35, 40, 50, 55,
6 65, 91, and 94 as follows:

7 (410 ILCS 18/5)

8 (Section scheduled to be repealed on January 1, 2029)

9 Sec. 5. Definitions. As used in this Act:

10 "Address of record" means the designated address recorded
11 by the Comptroller in the applicant's or licensee's
12 application file or license file. It is the duty of the
13 applicant or licensee to inform the Comptroller of any change
14 of address within 14 days, and such changes must be made either
15 through the Comptroller's website or by contacting the
16 Comptroller. The address of record shall be the permanent

1 street address of the crematory.

2 "Alternative container" means a receptacle, other than a
3 casket, in which human remains are transported to the
4 crematory and placed in the cremation chamber for cremation.
5 An alternative container shall be (i) composed of readily
6 combustible or consumable materials suitable for cremation,
7 (ii) able to be closed in order to provide a complete covering
8 for the human remains, (iii) resistant to leakage or spillage,
9 (iv) rigid enough for handling with ease, and (v) able to
10 provide protection for the health, safety, and personal
11 integrity of crematory personnel.

12 "Authorizing agent" means a person legally entitled to
13 order the cremation and final disposition of specific human
14 remains. "Authorizing agent" includes an institution of
15 medical, mortuary, or other sciences as provided in Section 20
16 of the Disposition of Remains of the Indigent Act.

17 "Body parts" means limbs or other portions of the anatomy
18 that are removed from a person or human remains for medical
19 purposes during treatment, surgery, biopsy, autopsy, or
20 medical research; or human bodies or any portion of bodies
21 that have been donated to science for medical research
22 purposes.

23 "Burial transit permit" means a permit for disposition of
24 a dead human body as required by Illinois law.

25 "Casket" means a rigid container that is designed for the
26 encasement of human remains, is usually constructed of wood,

1 metal, or like material and ornamented and lined with fabric,
2 and may or may not be combustible.

3 "Chain of custody record" means a record that establishes
4 the continuous control of the deceased's body, body parts, or
5 human remains.

6 "Comptroller" means the Comptroller of the State of
7 Illinois.

8 "Cremated remains" means all human remains recovered after
9 the completion of the cremation, which may possibly include
10 the residue of any foreign matter including casket material,
11 bridgework, or eyeglasses, that was cremated with the human
12 remains.

13 "Cremation" means the technical process, using heat and
14 flame, or alkaline hydrolysis that reduces human remains to
15 bone fragments. The reduction takes place through heat and
16 evaporation or through hydrolysis. Cremation shall include the
17 processing, and may include the pulverization, of the bone
18 fragments.

19 "Cremation chamber" means the enclosed space within which
20 the cremation takes place.

21 "Cremation interment container" means a rigid outer
22 container that, subject to a cemetery's rules and regulations,
23 is composed of concrete, steel, fiberglass, or some similar
24 material in which an urn is placed prior to being interred in
25 the ground, and which is designed to withstand prolonged
26 exposure to the elements and to support the earth above the

1 urn.

2 "Cremation room" means the room in which the cremation
3 chamber is located.

4 "Crematory" means the building or portion of a building
5 that houses the cremation room and the holding facility.

6 "Crematory authority" means the legal entity which is
7 licensed by the Comptroller to operate a crematory and to
8 perform cremations.

9 "Final disposition" means the burial, cremation, or other
10 disposition of a dead human body or parts of a dead human body.

11 "Funeral director" means a person known by the title of
12 "funeral director", "funeral director and embalmer", or other
13 similar words or titles, licensed by the State to practice
14 funeral directing or funeral directing and embalming.

15 "Funeral establishment" means a building or separate
16 portion of a building having a specific street address and
17 location and devoted to activities relating to the shelter,
18 care, custody, and preparation of a deceased human body and
19 may contain facilities for funeral or wake services.

20 "Holding facility" means an area that (i) is designated
21 for the retention of human remains prior to cremation, (ii)
22 complies with all applicable public health law, (iii)
23 preserves the health and safety of the crematory authority
24 personnel, and (iv) is secure from access by anyone other than
25 authorized persons. A holding facility may be located in a
26 cremation room.

1 "Human remains" means the body of a deceased person,
2 including any form of body prosthesis that has been
3 permanently attached or implanted in the body.

4 "Licensee" means an entity licensed under this Act. An
5 entity that holds itself as a licensee or that is accused of
6 unlicensed practice is considered a licensee for purposes of
7 enforcement, investigation, hearings, and the Illinois
8 Administrative Procedure Act.

9 "Niche" means a compartment or cubicle for the
10 memorialization and permanent placement of an urn containing
11 cremated remains.

12 "Person" means any person, partnership, association,
13 corporation, limited liability company, or other entity, and
14 in the case of any such business organization, its officers,
15 partners, members, or shareholders possessing 25% or more of
16 ownership of the entity.

17 "Processing" means the reduction of identifiable bone
18 fragments after the completion of the cremation process to
19 unidentifiable bone fragments by manual or mechanical means.

20 "Pulverization" means the reduction of identifiable bone
21 fragments after the completion of the cremation process to
22 granulated particles by manual or mechanical means.

23 "Scattering area" means an area which may be designated by
24 a cemetery and located on dedicated cemetery property or
25 property used for outdoor recreation or natural resource
26 conservation owned by the Department of Natural Resources and

1 designated as a scattering area, where cremated remains, which
2 have been removed from their container, can be mixed with, or
3 placed on top of, the soil, ground cover, or, in limited
4 scenarios that comply with the requirements under subsection
5 (b) of Section 40, water.

6 "Temporary container" means a receptacle for cremated
7 remains, usually composed of cardboard, plastic or similar
8 material, that can be closed in a manner that prevents the
9 leakage or spillage of the cremated remains or the entrance of
10 foreign material, and is a single container of sufficient size
11 to hold the cremated remains until an urn is acquired or the
12 cremated remains are scattered.

13 "Uniquely identified" means providing the deceased with
14 individualized identification.

15 "Urn" means a receptacle designed to encase the cremated
16 remains.

17 (Source: P.A. 103-907, eff. 1-1-25; 104-124, eff. 1-1-26.)

18 (410 ILCS 18/7)

19 (Section scheduled to be repealed on January 1, 2029)

20 Sec. 7. Powers and duties of the Comptroller. Subject to
21 the provisions of this Act, the Comptroller may exercise any
22 of the following powers and duties:

23 (1) Authorize standards to ascertain the
24 qualifications and fitness of applicants for licensing as
25 licensed crematory authorities and pass upon the

1 qualifications of applicants for licensure.

2 (2) Examine, investigate, and audit a licensed
3 crematory authority's records, crematory, or any other
4 aspects of crematory operation as the Comptroller deems
5 appropriate.

6 (3) Investigate any and all unlicensed activity.

7 (4) Conduct hearings on proceedings to refuse to issue
8 licenses or to revoke, suspend, place on probation,
9 reprimand, or otherwise discipline licensees and to refuse
10 to issue licenses or to revoke, suspend, place on
11 probation, reprimand, or otherwise discipline licensees.

12 (5) Formulate rules required for the administration of
13 this Act.

14 (6) Maintain rosters of the names and addresses of all
15 licensees, and all entities whose licenses have been
16 suspended, revoked, or otherwise disciplined. These
17 rosters shall be available upon written request and
18 payment of the required fee.

19 (Source: P.A. 96-863, eff. 3-1-12; 97-679, eff. 2-6-12.)

20 (410 ILCS 18/10)

21 (Section scheduled to be repealed on January 1, 2029)

22 Sec. 10. Establishment of crematory and licensing of
23 crematory authority.

24 (a) Any person doing business in this State, or any
25 cemetery, funeral establishment, corporation, partnership,

1 joint venture, voluntary organization or any other entity, may
2 erect, maintain, and operate a crematory in this State and
3 provide the necessary appliances and facilities for the
4 cremation of human remains in accordance with this Act.

5 (b) A crematory shall be subject to all local, State, and
6 federal health and environmental protection requirements and
7 shall obtain all necessary licenses and permits from the
8 Department of Financial and Professional Regulation, the
9 Department of Public Health, the federal Department of Health
10 and Human Services, and the Illinois and federal Environmental
11 Protection Agencies, or such other appropriate local, State,
12 or federal agencies.

13 (c) A crematory may be constructed on or adjacent to any
14 cemetery, on or adjacent to any funeral establishment, or at
15 any other location consistent with local zoning regulations.

16 (d) An application for licensure as a crematory authority
17 shall be in writing on forms furnished by the Comptroller.
18 Applications shall be accompanied by a fee of \$100 and shall
19 contain all of the following:

20 (1) The full name and address, both residence and
21 business, of the applicant if the applicant is an
22 individual; the full name and address of every member if
23 the applicant is a partnership; the full name and address
24 of every member of the board of directors if the applicant
25 is an association; and the name and address of every
26 officer, director, and shareholder holding 25% or more of

1 ownership of the entity holding more than 25% of the
2 ~~corporate stock~~ if the applicant is a corporation.

3 (2) The address and location of the crematory.

4 (3) A description of the type of structure and
5 equipment to be used in the operation of the crematory,
6 including the operating permit number issued to the
7 cremation device by the Illinois Environmental Protection
8 Agency.

9 (4) Any further information that the Comptroller
10 reasonably may require.

11 (e) Each crematory authority shall file an annual report
12 with the Comptroller, accompanied with a \$25 fee, providing
13 (i) an affidavit signed by the owner of the crematory
14 authority that at the time of the report the cremation device
15 was in proper operating condition, (ii) the total number of
16 all cremations performed at the crematory during the past
17 year, (iii) attestation by the licensee that all applicable
18 permits and certifications are valid, (iv) either (A) any
19 changes required in the information provided under subsection
20 (d) or (B) an indication that no changes have occurred, and (v)
21 any other information that the Comptroller may require. The
22 annual report shall be filed by a crematory authority on or
23 before March 15 of each calendar year. If the fiscal year of a
24 crematory authority is other than on a calendar year basis,
25 then the crematory authority shall file the report required by
26 this Section within 75 days after the end of its fiscal year.

1 If a crematory authority fails to submit an annual report to
2 the Comptroller within the time specified in this Section, the
3 Comptroller shall impose upon the crematory authority a
4 penalty of \$5 for each and every day the crematory authority
5 remains delinquent in submitting the annual report. The
6 Comptroller may abate all or part of the \$5 daily penalty for
7 good cause shown. The \$25 annual report fee shall be deposited
8 in the Comptroller's Administrative Fund.

9 (f) All records required to be maintained under this Act,
10 including but not limited to those relating to the license and
11 annual report of the crematory authority required to be filed
12 under this Section, shall be subject to inspection by the
13 Comptroller ~~upon reasonable notice~~.

14 (g) The Comptroller may inspect crematory records and
15 premises at the crematory authority's place of business to
16 review the licensee's compliance with this Act. The
17 Comptroller may charge a \$100 fee for the inspection of the
18 licensee. The inspection must include verification that:

19 (1) the crematory authority has complied with
20 record-keeping requirements of this Act;

21 (2) a crematory device operator's certification of
22 training and the required continuing education
23 certification are conspicuously displayed at the
24 crematory;

25 (3) the cremation device has a current operating
26 permit issued by the Illinois Environmental Protection

1 Agency and the permit is conspicuously displayed in the
2 crematory;

3 (4) the crematory authority is in compliance with
4 local zoning requirements;

5 (5) the crematory authority license issued by the
6 Comptroller is conspicuously displayed at the crematory;
7 and

8 (6) other details as determined by rule.

9 (h) The Comptroller shall issue licenses under this Act to
10 the crematories that are registered with the Comptroller as of
11 on March 1, 2012 without requiring the previously registered
12 crematories to complete license applications.

13 (i) Every license issued under this Act shall be renewed
14 every 5 years for a renewal fee of \$100 to be sent to the
15 Comptroller. The renewal fee shall be deposited into the
16 Comptroller's Administrative Fund. The Comptroller, upon the
17 request of an interested person, or on his or her own motion,
18 may issue new licenses to a licensee whose license or licenses
19 have been revoked, if no factor or condition exists that would
20 have warranted the Comptroller to refuse the issuance of the
21 license.

22 (j) Each crematory authority shall implement a standard
23 operating procedure that is appropriate for the crematory
24 authority and not made uniform through rules and provide a
25 copy to all employees.

26 (k) Each crematory authority shall implement a medical

1 waste management plan that is appropriate for the crematory
2 authority and not made uniform through rules.

3 (Source: P.A. 103-253, eff. 6-30-23.)

4 (410 ILCS 18/11)

5 (Section scheduled to be repealed on January 1, 2029)

6 Sec. 11. Grounds for denial or discipline.

7 (a) In this Section, "applicant" means a person who has
8 applied for a license under this Act including those persons
9 whose names are listed on a license application in Section 10
10 of this Act.

11 (b) The Comptroller may refuse to issue a license, place
12 on probation, reprimand, or take other disciplinary action
13 that the Comptroller may deem appropriate, including imposing
14 fines not to exceed \$10,000 ~~\$5,000~~ for each violation, with
15 regard to any license under this Act, or may suspend or revoke
16 a license issued under this Act, on any of the following
17 grounds:

18 (1) The applicant or licensee has made any
19 misrepresentation or false statement or concealed any
20 material fact in furnishing information to the
21 Comptroller.

22 (2) The applicant or licensee has been engaged in
23 business practices that work a fraud.

24 (3) The applicant or licensee has refused to give
25 information required under this Act to be disclosed to the

1 Comptroller or failing, within 30 days, to provide
2 information in response to a written request made by the
3 Comptroller.

4 (4) Engaging in dishonorable, unethical, or
5 unprofessional conduct of a character likely to deceive,
6 defraud, or harm the public.

7 (5) As to any individual listed in the license
8 application as required under Section 10, that individual
9 has conducted or is about to conduct any cremation
10 business on behalf of the applicant in a fraudulent manner
11 or has been convicted of any felony or misdemeanor an
12 essential element of which is fraud.

13 (6) The applicant or licensee has failed to make the
14 annual report required by this Act or to comply with a
15 final order, decision, or finding of the Comptroller made
16 under this Act.

17 (7) The applicant or licensee, including any member,
18 officer, or director of the applicant or licensee if the
19 applicant or licensee is a firm, partnership, association,
20 or corporation and including any shareholder holding more
21 than 25% of the corporate stock of the applicant or
22 licensee, has violated any provision of this Act or any
23 regulation or order made by the Comptroller under this
24 Act.

25 (8) The Comptroller finds any fact or condition
26 existing that, if it had existed at the time of the

1 original application for a license under this Act, would
2 have warranted the Comptroller in refusing the issuance of
3 the license.

4 (9) Any violation of this Act or of the rules adopted
5 under this Act.

6 (10) Incompetence.

7 (11) Gross malpractice.

8 (12) Discipline by another state, District of
9 Columbia, territory, or foreign nation, if at least one of
10 the grounds for the discipline is the same or
11 substantially equivalent to those set forth in this
12 Section.

13 (13) Directly or indirectly giving to or receiving
14 from any person, firm, corporation, partnership, or
15 association any fee, commission, rebate, or other form of
16 compensation for professional services not actually or
17 personally rendered.

18 (14) A finding by the Comptroller that the licensee,
19 after having its license placed on probationary status,
20 has violated the terms of probation.

21 (15) Willfully making or filing false records or
22 reports, including, but not limited to, false records
23 filed with State agencies or departments.

24 (16) Gross, willful, or continued overcharging for
25 professional services, including filing false statements
26 for collection of fees for which services are not

1 rendered.

2 (17) Practicing under a false or, except as provided
3 by law, an assumed name.

4 (18) Cheating on or attempting to subvert this Act's
5 licensing application process.

6 (Source: P.A. 96-863, eff. 3-1-12; 97-679, eff. 2-6-12.)

7 (410 ILCS 18/11.5)

8 (Section scheduled to be repealed on January 1, 2029)

9 Sec. 11.5. License revocation or suspension; surrender of
10 license.

11 (a) (Blank).

12 (b) Upon the revocation or suspension of a license issued
13 under this Act, the licensee must immediately surrender the
14 license to the Comptroller. If the licensee fails to do so, the
15 Comptroller may seize the license.

16 (c) Upon the revocation or suspension, the Comptroller
17 shall notify the county coroner or medical examiner
18 responsible for the area where the crematory is located to
19 immediately make arrangements to take possession of bodies and
20 cremated remains and arrange for final disposition of any
21 decedents in the suspended licensee's possession after
22 consulting and in accordance with the wishes of the
23 authorizing agents for those bodies. If no authorizing agent
24 can be contacted, the county coroner or medical examiner shall
25 take possession of bodies and cremated remains within 72 hours

1 of notification from the Comptroller and continue efforts to
2 contact the authorizing agents.

3 (Source: P.A. 96-863, eff. 3-1-12; 97-679, eff. 2-6-12.)

4 (410 ILCS 18/20)

5 (Section scheduled to be repealed on January 1, 2029)

6 Sec. 20. Authorization to cremate.

7 (a) A crematory authority shall not cremate human remains
8 until it has received all of the following:

9 (1) A cremation authorization form signed, in either
10 paper or electronic format, by an authorizing agent. The
11 cremation authorization form shall be provided by the
12 crematory authority and shall contain, at a minimum, the
13 following information:

14 (A) The identity of the human remains and the time
15 and date of death.

16 (B) The name of the funeral director and funeral
17 establishment, if applicable, that obtained the
18 cremation authorization.

19 (C) Notification as to whether the death occurred
20 from a disease declared by the Department of Health to
21 be infectious, contagious, communicable, or dangerous
22 to the public health.

23 (D) The name of the authorizing agent and the
24 relationship between the authorizing agent and the
25 decedent.

1 (E) A representation that the authorizing agent
2 does in fact have the right to authorize the cremation
3 of the decedent, and that the authorizing agent is not
4 aware of any living person who has a superior priority
5 right to that of the authorizing agent, as set forth in
6 Section 15. In the event there is another living
7 person who has a superior priority right to that of the
8 authorizing agent, the form shall contain a
9 representation that the authorizing agent has made all
10 reasonable efforts to contact that person, has been
11 unable to do so, and has no reason to believe that the
12 person would object to the cremation of the decedent.

13 (F) Authorization for the crematory authority to
14 cremate the human remains.

15 (G) A representation that the human remains do not
16 contain a pacemaker or any other material or implant
17 that may be potentially hazardous or cause damage to
18 the cremation chamber or the person performing the
19 cremation.

20 (H) The name of the person authorized to receive
21 the cremated remains from the crematory authority.

22 (I) The manner in which final disposition of the
23 cremated remains is to take place, if known. If the
24 cremation authorization form does not specify final
25 disposition in a grave, crypt, niche, or scattering
26 area, then the form may indicate that the cremated

1 remains will be held by the crematory authority for 30
2 days before they are released, unless they are picked
3 up from the crematory authority prior to that time, in
4 person, by the authorizing agent. At the end of the 30
5 days the crematory authority may return the cremated
6 remains to the authorizing agent if no final
7 disposition arrangements are made; or at the end of 60
8 days the crematory authority may dispose of the
9 cremated remains in accordance with subsection (d) of
10 Section 40.

11 (J) A listing of any items of value to be delivered
12 to the crematory authority along with the human
13 remains, and instructions as to how the items should
14 be handled.

15 (K) A specific statement as to whether the
16 authorizing agent has made arrangements for any type
17 of viewing of the decedent before cremation, or for a
18 service with the decedent present before cremation in
19 connection with the cremation, and if so, the date and
20 time of the viewing or service and whether the
21 crematory authority is authorized to proceed with the
22 cremation upon receipt of the human remains.

23 (L) The signature, in either paper or electronic
24 format, of the authorizing agent, attesting to the
25 accuracy of all representations contained on the
26 cremation authorization form, except as set forth in

1 paragraph (M) of this subsection.

2 (M) If a cremation authorization form is being
3 executed on a pre-need basis, the cremation
4 authorization form shall contain the disclosure
5 required by subsection (b) of Section 140.

6 (N) The cremation authorization form, other than
7 pre-need cremation forms, shall also be signed, in
8 either paper or electronic format, by a funeral
9 director or other representative of the funeral
10 establishment that obtained the cremation
11 authorization. That individual shall merely execute
12 the cremation authorization form as a witness and
13 shall not be responsible for any of the
14 representations made by the authorizing agent, unless
15 the individual has actual knowledge to the contrary.
16 The information requested by items (A), (B), (C) and
17 (G) of this subsection, however, shall be considered
18 to be representations of the authorizing agent. In
19 addition, the funeral director or funeral
20 establishment shall warrant to the crematory that the
21 human remains delivered to the crematory authority are
22 the human remains identified on the cremation
23 authorization form.

24 (2) A completed and executed burial transit permit
25 indicating that the human remains are to be cremated.

26 (3) Any other documentation required by this State.

1 (b) If an authorizing agent is not available to execute a
2 cremation authorization form in person, that person may
3 delegate that authority to another person in writing, or by
4 sending the crematory authority a facsimile transmission that
5 contains the name, address, and relationship of the sender to
6 the decedent and the name and address of the individual to whom
7 authority is delegated. Upon receipt of the written document,
8 or facsimile transmission, telegram, or other electronic
9 telecommunications transmission which specifies the individual
10 to whom authority has been delegated, the crematory authority
11 shall allow this individual to serve as the authorizing agent
12 and to execute the cremation authorization form. The crematory
13 authority shall be entitled to rely upon the cremation
14 authorization form without liability.

15 (c) An authorizing agent who signs, in either paper or
16 electronic format, a cremation authorization form shall be
17 deemed to warrant the truthfulness of any facts set forth on
18 the cremation authorization form, including that person's
19 authority to order the cremation; except for the information
20 required by items (C) and (G) of paragraph (1) of subsection
21 (a) of this Section, unless the authorizing agent has actual
22 knowledge to the contrary. An authorizing agent signing, in
23 either paper or electronic format, a cremation authorization
24 form shall be personally and individually liable for all
25 damages occasioned by and resulting from authorizing the
26 cremation.

1 (d) A crematory authority shall have authority to cremate
2 human remains upon the receipt of a cremation authorization
3 form signed, in either paper or electronic format, by an
4 authorizing agent. There shall be no liability for a crematory
5 authority that cremates human remains according to an
6 authorization, or that releases or disposes of the cremated
7 remains according to an authorization, except for a crematory
8 authority's gross negligence, provided that the crematory
9 authority performs its functions in compliance with this Act.

10 (e) After an authorizing agent has executed a cremation
11 authorization form, the authorizing agent may revoke the
12 authorization and instruct the crematory authority to cancel
13 the cremation and to release or deliver the human remains to
14 another crematory authority or funeral establishment. The
15 instructions shall be provided to the crematory authority in
16 writing. A crematory authority shall honor any instructions
17 given to it by an authorizing agent under this Section if it
18 receives the instructions prior to beginning the cremation of
19 the human remains.

20 (Source: P.A. 102-824, eff. 1-1-23.)

21 (410 ILCS 18/25)

22 (Section scheduled to be repealed on January 1, 2029)

23 Sec. 25. Recordkeeping.

24 (a) The crematory authority shall furnish to the person
25 who delivers human remains to the crematory authority a

1 receipt signed, in either paper or electronic format, at the
2 time of delivery by both the crematory authority and the
3 person who delivers the human remains, showing the date and
4 time of the delivery, the type of casket or alternative
5 container that was delivered, the name of the person from whom
6 the human remains were received and the name of the funeral
7 establishment or other entity with whom the person is
8 affiliated, the name of the person who received the human
9 remains on behalf of the crematory authority, and the name of
10 the decedent. The crematory shall retain a copy of this
11 receipt in its permanent records.

12 (b) Upon its release of cremated remains, the crematory
13 authority shall furnish to the person who receives the
14 cremated remains from the crematory authority a receipt
15 signed, in either paper or electronic format, by both the
16 crematory authority and the person who receives the cremated
17 remains, showing the date and time of the release, the name of
18 the person to whom the cremated remains were released and the
19 name of the funeral establishment, cemetery, or other entity
20 with whom the person is affiliated, the name of the person who
21 released the cremated remains on behalf of the crematory
22 authority, and the name of the decedent. The crematory shall
23 retain a copy of this receipt in its permanent records.

24 (c) A crematory authority shall maintain at its place of
25 business a permanent record of each cremation that took place
26 at its facility which shall contain the name of the decedent,

1 the date of the cremation, and the final disposition of the
2 cremated remains if known, and if not, the date the cremated
3 remains were returned to the authorizing agent or otherwise
4 disposed in accordance with Section 40.

5 (d) The crematory authority shall maintain a record of all
6 cremated remains disposed of by the crematory authority in
7 accordance with subsection (d) of Section 40.

8 (e) Upon completion of the cremation, the crematory
9 authority shall file the burial transit permit as required by
10 the Illinois Vital Records Act and rules adopted under that
11 Act and the Illinois Counties Code, and transmit a photocopy
12 of the burial transit permit along with the cremated remains
13 to whoever receives the cremated remains from the authorizing
14 agent unless the cremated remains are to be interred,
15 entombed, inurned, or placed in a scattering area, in which
16 case the crematory authority shall retain a copy of the burial
17 transit permit and shall send the permit, along with the
18 cremated remains, to the cemetery, which shall file the permit
19 with the designated agency after the interment, entombment,
20 inurnment, or scattering has taken place.

21 (f) All cemeteries shall maintain a record of all cremated
22 remains that are disposed of on their property, provided that
23 the cremated remains were properly transferred to the cemetery
24 and the cemetery issued a receipt acknowledging the transfer
25 of the cremated remains.

26 (Source: P.A. 102-824, eff. 1-1-23.)

1 (410 ILCS 18/35)

2 (Section scheduled to be repealed on January 1, 2029)

3 Sec. 35. Cremation procedures.

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

18 (b) Except as set forth in subsection (a) of this Section,
19 a crematory authority shall have the right to schedule the
20 actual cremation to be performed at its own convenience, at
21 any time after the human remains have been delivered to the
22 crematory authority, unless the crematory authority has
23 received specific instructions to the contrary on the
24 cremation authorization form. If human remains have not been
25 cremated within 30 days after the date of delivery to the

1 crematory, and absent direction from a law enforcement agency
2 to hold the remains, the crematory authority shall provide
3 notice to the Comptroller's office and the coroner or medical
4 examiner in the county in which the death occurred as to why
5 the cremation cannot be performed. This 30-day notice
6 requirement may not be construed as a legal standard of
7 reasonableness for the timeliness of a cremation.

8 (c) No crematory authority shall cremate human remains
9 when it has actual knowledge that human remains contain a
10 pacemaker or any other material or implant that may be
11 potentially hazardous to the person performing the cremation.
12 Pacemakers do not need to be removed in alkaline hydrolysis
13 if: (1) the involved funeral director has received advance
14 written notice from the crematory authority that its alkaline
15 hydrolysis vessel has been certified by the manufacturer to
16 work safely on human remains that contain pacemakers; and (2)
17 the involved funeral director has received advance written
18 confirmation that the aqueous solution that results from the
19 alkaline hydrolysis of a pacemaker satisfies all federal and
20 State hazardous waste rules and meets all publicly owned
21 treatment works pretreatment standards upon being discharged
22 into the sanitary sewer system.

23 (d) No crematory authority shall refuse to accept human
24 remains for cremation because such human remains are not
25 embalmed.

26 (e) Whenever a crematory authority is unable or

1 unauthorized to cremate human remains immediately upon taking
2 custody of the remains, the crematory authority shall place
3 the human remains in a holding facility in accordance with the
4 crematory authority's rules and regulations. The crematory
5 authority must notify the authorizing agent of the reasons for
6 delay in cremation if a properly authorized cremation is not
7 performed within any time period expressly contemplated in the
8 authorization.

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

12 (g) The casket or the alternative container shall be
13 cremated with the human remains or destroyed, unless the
14 crematory authority has notified the authorizing agent to the
15 contrary on the cremation authorization form and obtained the
16 written consent of the authorizing agent.

17 (h) The simultaneous cremation of the human remains of
18 more than one person within the same cremation chamber,
19 without the prior written consent of the authorizing agent, is
20 prohibited except for common cremation pursuant to Section
21 11.4 of the Hospital Licensing Act. Nothing in this
22 subsection, however, shall prevent the simultaneous cremation
23 within the same cremation chamber of body parts delivered to
24 the crematory authority from multiple sources, or the use of
25 cremation equipment that contains more than one cremation
26 chamber.

1 (i) No unauthorized person shall be permitted in the
2 holding facility or cremation room while any human remains are
3 being held there awaiting cremation, being cremated, or being
4 removed from the cremation chamber.

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

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

16 (l) If all of the recovered cremated remains will not fit
17 within the receptacle that has been selected, the remainder of
18 the cremated remains shall be returned to the authorizing
19 agent or the agent's designee in a separate container. The
20 crematory authority shall not return to an authorizing agent
21 or the agent's designee more or less cremated remains than
22 were removed from the cremation chamber.

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

1 (n) Cremated remains shall be shipped only by a method
2 that has an internal tracing system available and that
3 provides a receipt signed, in either paper or electronic
4 format, by the person accepting delivery.

5 (o) A crematory authority shall maintain a chain of
6 custody record, which is an identification system that ensures
7 that a crematory authority is able to identify the human
8 remains in its possession throughout all phases of the
9 cremation process.

10 (p) A crematory authority shall not take possession of
11 unembalmed human remains that cannot be cremated within 24
12 hours unless it provides or maintains either of the following
13 capable of maintaining a temperature of less than 40 degrees
14 Fahrenheit: an operable refrigeration unit, with cleanable,
15 noncorrosive interior and exterior finishes, or a suitable
16 cooling room.

17 (Source: P.A. 102-824, eff. 1-1-23; 103-253, eff. 6-30-23;
18 103-907, eff. 1-1-25.)

19 (410 ILCS 18/40)

20 (Section scheduled to be repealed on January 1, 2029)

21 Sec. 40. Disposition of cremated remains.

22 (a) The authorizing agent shall be responsible for the
23 final disposition of the cremated remains.

24 (b) Cremated remains may be disposed of by placing them in
25 a grave, crypt, or niche, by scattering them in a scattering

1 area as defined in this Act, or in any manner whatever on the
2 private property of a consenting owner. When a deceased
3 individual is a member of a religion where the tenets of their
4 faith require the scattering of that individual's cremated
5 remains in water, the deceased individual's cremated remains
6 may be scattered in an Illinois river without approval through
7 the Department of Natural Resources' permit process as long as
8 the scattering of the cremated remains is: (1) limited to one
9 deceased individual; (2) spread over an area large enough to
10 avoid leaving an identifiable accumulation of remains; (3) out
11 of sight of any public use areas, including, but not limited
12 to, roads, walkways, trails, picnic areas, campgrounds, and
13 parking lots; and (4) conducted in a manner in which no other
14 objects, including, but not limited to, any cremation
15 identification disc, body prosthesis, or artificial organ,
16 other than pulverized cremated remains, are scattered into a
17 river. Nothing in this subsection (b) grants an individual
18 authority to trespass on private property.

19 (c) Upon the completion of the cremation process, and
20 except as provided for in item (I) of paragraph (1) of
21 subsection (a) of Section 20, if the crematory authority has
22 not been instructed to arrange for the interment, entombment,
23 inurnment, or scattering of the cremated remains, the
24 crematory authority shall deliver the cremated remains to the
25 individual specified on the cremation authorization form, or
26 if no individual is specified then to the authorizing agent.

1 The delivery may be made in person or by registered mail. Upon
2 receipt of the cremated remains, the individual receiving them
3 may transport them in any manner in this State without a
4 permit, and may dispose of them in accordance with this
5 Section. After delivery, the crematory authority shall be
6 discharged from any legal obligation or liability concerning
7 the cremated remains.

8 (d) If, after a period of 60 days from the date of the
9 cremation, the authorizing agent or the agent's designee has
10 not instructed the crematory authority to arrange for the
11 final disposition of the cremated remains or claimed the
12 cremated remains, the crematory authority may dispose of the
13 cremated remains in any manner permitted by this Section. The
14 crematory authority, however, shall keep a permanent record
15 identifying the site of final disposition. The authorizing
16 agent shall be responsible for reimbursing the crematory
17 authority for all reasonable expenses incurred in disposing of
18 the cremated remains. Upon disposing of the cremated remains,
19 the crematory authority shall be discharged from any legal
20 obligation or liability concerning the cremated remains. Any
21 person who was in possession of cremated remains prior to the
22 effective date of this Act may dispose of them in accordance
23 with this Section.

24 (e) Except with the express written permission of the
25 authorizing agent, no person shall:

26 (1) Dispose of cremated remains in a manner or in a

1 location so that the cremated remains are commingled with
2 those of another person. This prohibition shall not apply
3 to the scattering of cremated remains at sea, by air, or in
4 an area located in a dedicated cemetery and used
5 exclusively for those purposes.

6 (2) Place cremated remains of more than one person in
7 the same temporary container or urn.

8 (f) Cremated remains must be stored in a place free from
9 exposure to the elements and be responsibly maintained until
10 disposal.

11 (Source: P.A. 104-124, eff. 1-1-26.)

12 (410 ILCS 18/50)

13 (Section scheduled to be repealed on January 1, 2029)

14 Sec. 50. Pacemakers and hazardous implants. If an
15 authorizing agent informs the funeral director and the
16 cremation authority on the cremation authorization form of the
17 presence of a pacemaker in the human remains, then the funeral
18 director shall be responsible for ensuring that all necessary
19 steps have been taken to remove the pacemaker before
20 delivering the human remains to the crematory. Should the
21 funeral director who delivers the human remains to the
22 crematory fail to ensure that the pacemaker has been removed
23 from the human remains prior to delivery, and should the human
24 remains be cremated with the pacemaker, then the funeral
25 director who delivered the human remains to the crematory and

1 anyone else covered by this Section shall be liable for all
2 resulting damages. Pacemakers do not need to be removed in
3 alkaline hydrolysis if: (1) the involved funeral director has
4 received advance written notice from the crematory authority
5 that its alkaline hydrolysis vessel has been certified by the
6 manufacturer to work safely on human remains that contain
7 pacemakers; and (2) the involved funeral director has received
8 advance written confirmation that the aqueous solution that
9 results from the alkaline hydrolysis of a pacemaker satisfies
10 all federal and State hazardous waste rules and meets all
11 publicly owned treatment works pretreatment standards upon
12 being discharged into the sanitary sewer system.

13 (Source: P.A. 87-1187.)

14 (410 ILCS 18/55)

15 (Section scheduled to be repealed on January 1, 2029)

16 Sec. 55. Penalties. Violations of this Act shall be
17 punishable as follows:

18 (1) Performing a cremation without receipt of a
19 cremation authorization form signed, in either paper or
20 electronic format, by an authorizing agent shall be a
21 Class 4 felony.

22 (2) Signing, in either paper or electronic format, a
23 cremation authorization form with the actual knowledge
24 that the form contains false or incorrect information
25 shall be a Class 4 felony.

1 (3) A Violation of any cremation procedure set forth
2 in Section 35 shall be a Class 4 felony.

3 (4) Holding oneself out to the public as a crematory
4 authority, or the operation of a building or structure
5 within this State as a crematory, without being licensed
6 under this Act, shall be a Class A misdemeanor.

7 (4.5) Performance of a cremation service by a person
8 who has not completed a training program as defined in
9 Section 22 of this Act shall be a Class A misdemeanor.

10 (4.10) Any person who intentionally violates a
11 provision of this Act or a final order of the Comptroller
12 is liable for a civil penalty not to exceed \$10,000 ~~\$5,000~~
13 per violation.

14 (4.15) Any person who knowingly acts without proper
15 legal authority and who willfully and knowingly destroys
16 or damages the remains of a deceased human being or who
17 desecrates human remains is guilty of a Class 3 felony.

18 (5) A violation of any other provision of this Act
19 shall be a Class B misdemeanor.

20 (Source: P.A. 102-824, eff. 1-1-23.)

21 (410 ILCS 18/65)

22 (Section scheduled to be repealed on January 1, 2029)

23 Sec. 65. Pre-need cremation arrangements.

24 (a) Any person, or anyone who has legal authority to act on
25 behalf of a person, on a pre-need basis, may authorize his or

1 her own cremation and the final disposition of his or her
2 cremated remains by executing, as the authorizing agent, a
3 cremation authorization form on a pre-need basis. A copy of
4 this form shall be provided to the person. Any person shall
5 have the right to transfer or cancel this authorization at any
6 time prior to death by destroying the executed cremation
7 authorization form and providing written notice to the
8 crematory authority.

9 (b) Any cremation authorization form that is being
10 executed by an individual as his or her own authorizing agent
11 on a pre-need basis shall contain the following disclosure,
12 which shall be completed by the authorizing agent:

13 "() I do not wish to allow any of my survivors the option
14 of cancelling my cremation and selecting alternative
15 arrangements, regardless of whether my survivors deem
16 a change to be appropriate.

17 () I wish to allow only the survivors whom I have
18 designated below the option of cancelling my cremation
19 and selecting alternative arrangements, if they deem a
20 change to be appropriate:....."

21 (c) Except as provided in subsection (b) of this Section,
22 at the time of the death of a person who has executed, as the
23 authorizing agent, a cremation authorization form on a
24 pre-need basis, any person in possession of an executed form
25 and any person charged with making arrangements for the final
26 disposition of the decedent who has knowledge of the existence

1 of an executed form, shall use their best efforts to ensure
2 that the decedent is cremated and that the final disposition
3 of the cremated remains is in accordance with the instructions
4 contained on the cremation authorization form. If a crematory
5 authority (i) is in possession of a completed cremation
6 authorization form that was executed on a pre-need basis, (ii)
7 is in possession of the designated human remains, and (iii)
8 has received payment for the cremation of the human remains
9 and the final disposition of the cremated remains, if not to be
10 returned to the authorized agent, or is otherwise assured of
11 payment, then the crematory authority shall be required to
12 cremate the human remains and dispose of the cremated remains
13 according to the instructions contained on the cremation
14 authorization form, and may do so without any liability.

15 (d) Any pre-need contract sold by, or pre-need
16 arrangements made with, a cemetery, funeral establishment,
17 crematory authority, or any other party that includes a
18 cremation shall specify the final disposition of the cremated
19 remains or instruction to return the cremated remains to the
20 authorizing agent, in accordance with Section 40. In the event
21 that no different or inconsistent instructions are provided to
22 the crematory authority by the authorizing agent at the time
23 of death, the crematory authority shall be authorized to
24 release or dispose of the cremated remains as indicated in the
25 pre-need agreement. Upon compliance with the terms of the
26 pre-need agreement, the crematory authority shall be

1 discharged from any legal obligation concerning the cremated
2 remains. The pre-need agreement shall be kept as a permanent
3 record by the crematory authority.

4 (e) This Section shall not apply to any cremation
5 authorization form or pre-need contract executed prior to the
6 effective date of this Act. Any cemetery, funeral
7 establishment, crematory authority, or other party, however,
8 with the written approval of the authorizing agent or person
9 who executed the pre-need contract, may designate that the
10 cremation authorization form or pre-need contract shall be
11 subject to this Act.

12 (Source: P.A. 96-863, eff. 3-1-12; 97-679, eff. 2-6-12.)

13 (410 ILCS 18/91)

14 (Section scheduled to be repealed on January 1, 2029)

15 Sec. 91. Civil action and civil penalties. In addition to
16 the other penalties and remedies provided in this Act, the
17 Comptroller may bring a civil action in the county of
18 residence of the licensee or any other person to enjoin any
19 violation or threatened violation of this Act. In addition to
20 any other penalty provided by law, any person who violates
21 this Act shall forfeit and pay a civil penalty to the
22 Comptroller in an amount not to exceed \$10,000 ~~\$5,000~~ for each
23 violation as determined by the Comptroller. The civil penalty
24 shall be assessed by the Comptroller in accordance with the
25 provisions of this Act.

1 Any civil penalty shall be paid within 60 days after the
2 effective date of the order imposing the civil penalty. The
3 order shall constitute a judgment and may be filed and
4 execution had thereon in the same manner as any judgment from
5 any court of record. All moneys collected under this Section
6 shall be deposited with the Comptroller.

7 (Source: P.A. 96-863, eff. 3-1-12; 97-679, eff. 2-6-12.)

8 (410 ILCS 18/94)

9 (Section scheduled to be repealed on January 1, 2029)

10 Sec. 94. Summary suspension of a license. The Comptroller
11 may summarily suspend a license of a licensed crematory
12 without a hearing, within 14 days of ~~simultaneously with~~ the
13 institution of proceedings for a hearing provided for in this
14 Act, if the Comptroller finds that evidence in the
15 Comptroller's possession indicates that the licensee's
16 continued practice would constitute an imminent danger to the
17 public. A summary suspension under this Section is not
18 effective until the licensee is notified in writing of the
19 suspension and of the violations of this Act that necessitated
20 the suspension and informed that a notice of hearing will be
21 issued within 14 days. In the event that the Comptroller
22 summarily suspends the license of a licensed crematory without
23 a hearing, a hearing must be commenced within 30 days after the
24 suspension has occurred and concluded as expeditiously as
25 practical. In the event of a summary suspension, the

1 Comptroller shall notify the county coroner or medical
2 examiner responsible for the area where the crematory is
3 located to immediately make arrangements to take possession of
4 bodies and cremated remains and arrange for final disposition
5 of any decedents in the suspended licensee's possession after
6 consulting and in accordance with the wishes of the
7 authorizing agents for those bodies. If no authorizing agent
8 can be contacted, the county coroner or medical examiner shall
9 take possession of bodies and cremated remains within 72 hours
10 of notification from the Comptroller and continue efforts to
11 contact the authorizing agents. ~~the county coroner or medical~~
12 ~~examiner responsible for the area where the crematory is~~
13 ~~located shall make arrangements to dispose of any bodies in~~
14 ~~the suspended licensee's possession after consulting with the~~
15 ~~authorizing agents for those bodies.~~

16 (Source: P.A. 96-863, eff. 3-1-12; 97-679, eff. 2-6-12.)".