

# SB1793



## 104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB1793

Introduced 2/5/2025, by Sen. Laura Ellman

### SYNOPSIS AS INTRODUCED:

410 ILCS 18/5

Amends the Crematory Regulation Act. Requires the Department of Natural Resources to designate scattering areas for the deposition of cremated remains in Illinois rivers in accordance with a Department-granted permit.

LRB104 10083 BDA 20155 b

A BILL FOR

1 AN ACT concerning health.

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

4 Section 5. The Crematory Regulation Act is amended by  
5 changing Section 5 as follows:

6 (410 ILCS 18/5)

7 (Section scheduled to be repealed on January 1, 2029)

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

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

17 "Alternative container" means a receptacle, other than a  
18 casket, in which human remains are transported to the  
19 crematory and placed in the cremation chamber for cremation.  
20 An alternative container shall be (i) composed of readily  
21 combustible or consumable materials suitable for cremation,  
22 (ii) able to be closed in order to provide a complete covering  
23 for the human remains, (iii) resistant to leakage or spillage,

1 (iv) rigid enough for handling with ease, and (v) able to  
2 provide protection for the health, safety, and personal  
3 integrity of crematory personnel.

4 "Authorizing agent" means a person legally entitled to  
5 order the cremation and final disposition of specific human  
6 remains. "Authorizing agent" includes an institution of  
7 medical, mortuary, or other sciences as provided in Section 20  
8 of the Disposition of Remains of the Indigent Act.

9 "Body parts" means limbs or other portions of the anatomy  
10 that are removed from a person or human remains for medical  
11 purposes during treatment, surgery, biopsy, autopsy, or  
12 medical research; or human bodies or any portion of bodies  
13 that have been donated to science for medical research  
14 purposes.

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

17 "Casket" means a rigid container that is designed for the  
18 encasement of human remains, is usually constructed of wood,  
19 metal, or like material and ornamented and lined with fabric,  
20 and may or may not be combustible.

21 "Chain of custody record" means a record that establishes  
22 the continuous control of the deceased's body, body parts, or  
23 human remains.

24 "Comptroller" means the Comptroller of the State of  
25 Illinois.

26 "Cremated remains" means all human remains recovered after

1 the completion of the cremation, which may possibly include  
2 the residue of any foreign matter including casket material,  
3 bridgework, or eyeglasses, that was cremated with the human  
4 remains.

5 "Cremation" means the technical process, using heat and  
6 flame, or alkaline hydrolysis that reduces human remains to  
7 bone fragments. The reduction takes place through heat and  
8 evaporation or through hydrolysis. Cremation shall include the  
9 processing, and may include the pulverization, of the bone  
10 fragments.

11 "Cremation chamber" means the enclosed space within which  
12 the cremation takes place.

13 "Cremation interment container" means a rigid outer  
14 container that, subject to a cemetery's rules and regulations,  
15 is composed of concrete, steel, fiberglass, or some similar  
16 material in which an urn is placed prior to being interred in  
17 the ground, and which is designed to withstand prolonged  
18 exposure to the elements and to support the earth above the  
19 urn.

20 "Cremation room" means the room in which the cremation  
21 chamber is located.

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

24 "Crematory authority" means the legal entity which is  
25 licensed by the Comptroller to operate a crematory and to  
26 perform cremations.

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

3 "Funeral director" means a person known by the title of  
4 "funeral director", "funeral director and embalmer", or other  
5 similar words or titles, licensed by the State to practice  
6 funeral directing or funeral directing and embalming.

7 "Funeral establishment" means a building or separate  
8 portion of a building having a specific street address and  
9 location and devoted to activities relating to the shelter,  
10 care, custody, and preparation of a deceased human body and  
11 may contain facilities for funeral or wake services.

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

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

22 "Licensee" means an entity licensed under this Act. An  
23 entity that holds itself as a licensee or that is accused of  
24 unlicensed practice is considered a licensee for purposes of  
25 enforcement, investigation, hearings, and the Illinois  
26 Administrative Procedure Act.

1 "Niche" means a compartment or cubicle for the  
2 memorialization and permanent placement of an urn containing  
3 cremated remains.

4 "Person" means any person, partnership, association,  
5 corporation, limited liability company, or other entity, and  
6 in the case of any such business organization, its officers,  
7 partners, members, or shareholders possessing 25% or more of  
8 ownership of the entity.

9 "Processing" means the reduction of identifiable bone  
10 fragments after the completion of the cremation process to  
11 unidentifiable bone fragments by manual or mechanical means.

12 "Pulverization" means the reduction of identifiable bone  
13 fragments after the completion of the cremation process to  
14 granulated particles by manual or mechanical means.

15 "Scattering area" means an area which may be designated by  
16 a cemetery and located on dedicated cemetery property or  
17 property used for outdoor recreation or natural resource  
18 conservation owned by the Department of Natural Resources and  
19 designated as a scattering area, where cremated remains, which  
20 have been removed from their container, can be mixed with, or  
21 placed on top of, the soil, ~~or~~ ground cover, or, in limited  
22 scenarios, water. The Department of Natural Resources shall  
23 designate scattering areas within Illinois rivers for members  
24 of religions, where the tenets of their faith require such  
25 disposition, to receive approval through the Department's  
26 permit process..

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

8           "Uniquely identified" means providing the deceased with  
9 individualized identification.

10          "Urn" means a receptacle designed to encase the cremated  
11 remains.

12          (Source: P.A. 103-907, eff. 1-1-25.)