



Sen. Laura Ellman

**Filed: 3/14/2025**

10400SB1793sam001

LRB104 10083 BDA 23742 a

1 AMENDMENT TO SENATE BILL 1793

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1793 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 and 40 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7 (Section scheduled to be repealed on January 1, 2029)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.

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

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

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

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

24 "Casket" means a rigid container that is designed for the  
25 encasement of human remains, is usually constructed of wood,  
26 metal, or like material and ornamented and lined with fabric,

1 and may or may not be combustible.

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

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

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

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

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

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

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

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

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

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

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

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

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

26 "Human remains" means the body of a deceased person,

1 including any form of body prosthesis that has been  
2 permanently attached or implanted in the body.

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

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

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

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

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

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

1 have been removed from their container, can be mixed with, or  
2 placed on top of, the soil, ~~or~~ ground cover, or, in limited  
3 scenarios that comply with the requirements under subsection  
4 (b) of Section 40, water.

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

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

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

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

17 (410 ILCS 18/40)

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

19 Sec. 40. Disposition of cremated remains.

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

22 (b) Cremated remains may be disposed of by placing them in  
23 a grave, crypt, or niche, by scattering them in a scattering  
24 area as defined in this Act, or in any manner whatever on the  
25 private property of a consenting owner. When a deceased

1 individual is a member of a religion where the tenets of their  
2 faith require the scattering of that individual's cremated  
3 remains in water, the deceased individual's cremated remains  
4 may be scattered in an Illinois river without approval through  
5 the Department of Natural Resources' permit process as long as  
6 the scattering of the cremated remains is: (1) limited to one  
7 deceased individual; (2) spread over an area large enough to  
8 avoid leaving an identifiable accumulation of remains; (3) out  
9 of sight of any public use areas, including, but not limited  
10 to, roads, walkways, trails, picnic areas, campgrounds, and  
11 parking lots; and (4) conducted in a manner where the  
12 cremation identification disc is not left on site.

13 (c) Upon the completion of the cremation process, and  
14 except as provided for in item (I) of paragraph (1) of  
15 subsection (a) of Section 20, if the crematory authority has  
16 not been instructed to arrange for the interment, entombment,  
17 inurnment, or scattering of the cremated remains, the  
18 crematory authority shall deliver the cremated remains to the  
19 individual specified on the cremation authorization form, or  
20 if no individual is specified then to the authorizing agent.  
21 The delivery may be made in person or by registered mail. Upon  
22 receipt of the cremated remains, the individual receiving them  
23 may transport them in any manner in this State without a  
24 permit, and may dispose of them in accordance with this  
25 Section. After delivery, the crematory authority shall be  
26 discharged from any legal obligation or liability concerning

1 the cremated remains.

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

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

20 (1) Dispose of cremated remains in a manner or in a  
21 location so that the cremated remains are commingled with  
22 those of another person. This prohibition shall not apply  
23 to the scattering of cremated remains at sea, by air, or in  
24 an area located in a dedicated cemetery and used  
25 exclusively for those purposes.

26 (2) Place cremated remains of more than one person in

1           the same temporary container or urn.

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