



Rep. Dan Brady

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10200HB0214ham001

LRB102 04082 CPF 25112 a

1 AMENDMENT TO HOUSE BILL 214

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 214 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Vital Records Act is amended by changing  
5 Sections 1, 18, 20, and 21 as follows:

6 (410 ILCS 535/1) (from Ch. 111 1/2, par. 73-1)

7 Sec. 1. As used in this Act, unless the context otherwise  
8 requires:

9 (1) "Vital records" means records of births, deaths, fetal  
10 deaths, marriages, dissolution of marriages, and data related  
11 thereto.

12 (2) "System of vital records" includes the registration,  
13 collection, preservation, amendment, and certification of  
14 vital records, and activities related thereto.

15 (3) "Filing" means the presentation of a certificate,  
16 report, or other record provided for in this Act, of a birth,

1 death, fetal death, adoption, marriage, or dissolution of  
2 marriage, for registration by the Office of Vital Records.

3 (4) "Registration" means the acceptance by the Office of  
4 Vital Records and the incorporation in its official records of  
5 certificates, reports, or other records provided for in this  
6 Act, of births, deaths, fetal deaths, adoptions, marriages, or  
7 dissolution of marriages.

8 (5) "Live birth" means the complete expulsion or  
9 extraction from its mother of a product of human conception,  
10 irrespective of the duration of pregnancy, which after such  
11 separation breathes or shows any other evidence of life such  
12 as beating of the heart, pulsation of the umbilical cord, or  
13 definite movement of voluntary muscles, whether or not the  
14 umbilical cord has been cut or the placenta is attached.

15 (6) "Fetal death" means death prior to the complete  
16 expulsion or extraction from the uterus of a product of human  
17 conception, irrespective of the duration of pregnancy, and  
18 which is not due to an abortion as defined in Section 1-10 of  
19 the Reproductive Health Act. The death is indicated by the  
20 fact that after such separation the fetus does not breathe or  
21 show any other evidence of life such as beating of the heart,  
22 pulsation of the umbilical cord, or definite movement of  
23 voluntary muscles.

24 (7) "Dead body" means a lifeless human body or parts of  
25 such body or bones thereof from the state of which it may  
26 reasonably be concluded that death has occurred.

1           (8) "Final disposition" means the burial, cremation, or  
2 other disposition of a dead human body or fetus or parts  
3 thereof.

4           (9) "Physician" means a person licensed to practice  
5 medicine in Illinois or any other state.

6           (10) "Institution" means any establishment, public or  
7 private, which provides in-patient medical, surgical, or  
8 diagnostic care or treatment, or nursing, custodial, or  
9 domiciliary care to 2 or more unrelated individuals, or to  
10 which persons are committed by law.

11           (11) "Department" means the Department of Public Health of  
12 the State of Illinois.

13           (12) "Director" means the Director of the Illinois  
14 Department of Public Health.

15           (13) "Licensed health care professional" means a person  
16 licensed to practice as a physician, advanced practice  
17 registered nurse, or physician assistant in Illinois or any  
18 other state.

19           (14) "Licensed mental health professional" means a person  
20 who is licensed or registered to provide mental health  
21 services by the Department of Financial and Professional  
22 Regulation or a board of registration duly authorized to  
23 register or grant licenses to persons engaged in the practice  
24 of providing mental health services in Illinois or any other  
25 state.

26           (15) "Intersex condition" means a condition in which a

1 person is born with a reproductive or sexual anatomy or  
2 chromosome pattern that does not fit typical definitions of  
3 male or female.

4 (16) "Homeless person" means an individual who meets the  
5 definition of "homeless" under Section 103 of the federal  
6 McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302) or an  
7 individual residing in any of the living situations described  
8 in 42 U.S.C. 11434a(2).

9 (17) "Advanced practice registered nurse" means: (i) an  
10 advanced practice registered nurse with full practice  
11 authority; or (ii) an advanced practice registered nurse with  
12 a collaborative agreement with a physician who has delegated  
13 the completion of death certificates.

14 (18) "Certifying health care professional" means a  
15 physician or advanced practice registered nurse.

16 (Source: P.A. 100-360, eff. 1-1-18; 100-506, eff. 1-1-18;  
17 100-863, eff. 8-14-18; 101-13, eff. 6-12-19.)

18 (410 ILCS 535/18) (from Ch. 111 1/2, par. 73-18)

19 Sec. 18. (1) Each death which occurs in this State shall be  
20 registered by filing a death certificate with the local  
21 registrar of the district in which the death occurred or the  
22 body was found, within 7 days after such death (within 5 days  
23 if the death occurs prior to January 1, 1989) and prior to  
24 cremation or removal of the body from the State, except when  
25 death is subject to investigation by the coroner or medical

1 examiner.

2 (a) For the purposes of this Section, if the place of  
3 death is unknown, a death certificate shall be filed in  
4 the registration district in which a dead body is found,  
5 which shall be considered the place of death.

6 (b) When a death occurs on a moving conveyance, the  
7 place where the body is first removed from the conveyance  
8 shall be considered the place of death and a death  
9 certificate shall be filed in the registration district in  
10 which such place is located.

11 (c) The funeral director who first assumes custody of  
12 a dead body shall be responsible for filing a completed  
13 death certificate. He or she shall obtain the personal  
14 data from the next of kin or the best qualified person or  
15 source available; he or she shall enter on the certificate  
16 the name, relationship, and address of the ~~his~~ informant;  
17 he or she shall enter the date, place, and method of final  
18 disposition; he or she shall affix his or her own  
19 signature and enter his or her address; and shall present  
20 the certificate to the person responsible for completing  
21 the medical certification of cause of death. The person  
22 responsible for completing the medical certification of  
23 cause of death must note the presence of  
24 methicillin-resistant staphylococcus aureus, clostridium  
25 difficile, or vancomycin-resistant enterococci if it is a  
26 contributing factor to or the cause of death. Additional

1 multi-drug resistant organisms (MDROs) may be added to  
2 this list by the Department by rule.

3 (2) The medical certification shall be completed and  
4 signed within 48 hours after death by the certifying health  
5 care professional who, within 12 months prior to the date of  
6 the patient's death, was treating or managing treatment  
7 ~~physician in charge~~ of the patient's ~~care for the~~ illness or  
8 condition which resulted in death, except when death is  
9 subject to the coroner's or medical examiner's investigation.  
10 In the absence of the certifying health care professional  
11 ~~physician~~ or with his or her approval, the medical certificate  
12 may be completed and signed by his or her associate physician  
13 or advanced practice registered nurse, the chief medical  
14 officer of the institution in which death occurred, or by the  
15 physician who performed an autopsy upon the decedent.

16 (3) When a death occurs without medical attendance, or  
17 when it is otherwise subject to the coroner's or medical  
18 examiner's investigation, the coroner or medical examiner  
19 shall be responsible for the completion of a coroner's or  
20 medical examiner's certificate of death and shall sign the  
21 medical certification within 48 hours after death, except as  
22 provided by regulation in special problem cases. If the  
23 decedent was under the age of 18 years at the time of his or  
24 her death, and the death was due to injuries suffered as a  
25 result of a motor vehicle backing over a child, or if the death  
26 occurred due to the power window of a motor vehicle, the

1 coroner or medical examiner must send a copy of the medical  
2 certification, with information documenting that the death was  
3 due to a vehicle backing over the child or that the death was  
4 caused by a power window of a vehicle, to the Department of  
5 Children and Family Services. The Department of Children and  
6 Family Services shall (i) collect this information for use by  
7 Child Death Review Teams and (ii) compile and maintain this  
8 information as part of its Annual Child Death Review Team  
9 Report to the General Assembly.

10 (3.5) The medical certification of cause of death shall  
11 expressly provide an opportunity for the person completing the  
12 certification to indicate that the death was caused in whole  
13 or in part by a dementia-related disease, Parkinson's Disease,  
14 or Parkinson-Dementia Complex.

15 (4) When the deceased was a veteran of any war of the  
16 United States, the funeral director shall prepare a  
17 "Certificate of Burial of U. S. War Veteran", as prescribed  
18 and furnished by the Illinois Department of Veterans' Affairs,  
19 and submit such certificate to the Illinois Department of  
20 Veterans' Affairs monthly.

21 (5) When a death is presumed to have occurred in this State  
22 but the body cannot be located, a death certificate may be  
23 prepared by the State Registrar upon receipt of an order of a  
24 court of competent jurisdiction which includes the finding of  
25 facts required to complete the death certificate. Such death  
26 certificate shall be marked "Presumptive" and shall show on

1 its face the date of the registration and shall identify the  
2 court and the date of the judgment.

3 (Source: P.A. 96-1000, eff. 7-2-10; 97-376, eff. 8-15-11.)

4 (410 ILCS 535/20) (from Ch. 111 1/2, par. 73-20)

5 Sec. 20. Fetal death; place of registration.

6 (1) Each fetal death which occurs in this State after a  
7 gestation period of 20 completed weeks (and when the mother  
8 elects in writing to arrange for the burial or cremation of the  
9 fetus under Section 11.4 of the Hospital Licensing Act) or  
10 more shall be registered with the local or subregistrar of the  
11 district in which the delivery occurred within 7 days after  
12 the delivery and before removal of the fetus from the State,  
13 except as provided by regulation in special problem cases.

14 (a) For the purposes of this Section, if the place of  
15 fetal death is unknown, a fetal death certificate shall be  
16 filed in the registration district in which a dead fetus  
17 is found, which shall be considered the place of fetal  
18 death.

19 (b) When a fetal death occurs on a moving conveyance,  
20 the city, village, township, or road district in which the  
21 fetus is first removed from the conveyance shall be  
22 considered the place of delivery and a fetal death  
23 certificate shall be filed in the registration district in  
24 which the place is located.

25 (c) The funeral director or person acting as such who



1 first assumes custody of a fetus shall file the  
2 certificate. The personal data shall be obtained from the  
3 best qualified person or source available. The name,  
4 relationship, and address of the informant shall be  
5 entered on the certificate. The date, place, and method of  
6 final disposition of the fetus shall be recorded over the  
7 personal signature and address of the funeral director  
8 responsible for the disposition. The certificate shall be  
9 presented to the person responsible for completing the  
10 medical certification of the cause of death.

11 (2) The medical certification shall be completed and  
12 signed within 24 hours after delivery by the certifying health  
13 care professional ~~physician~~ in attendance at or after  
14 delivery, except when investigation is required under Division  
15 3-3 of Article 3 of the Counties Code and except as provided by  
16 regulation in special problem cases.

17 (3) When a fetal death occurs without medical attendance  
18 upon the mother at or after the delivery, or when  
19 investigation is required under Division 3-3 of Article 3 of  
20 the Counties Code, the coroner shall be responsible for the  
21 completion of the fetal death certificate and shall sign the  
22 medical certification within 24 hours after the delivery or  
23 the finding of the fetus, except as provided by regulation in  
24 special problem cases.

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

1 (410 ILCS 535/21) (from Ch. 111 1/2, par. 73-21)

2 Sec. 21. (1) The funeral director or person acting as such  
3 who first assumes custody of a dead body or fetus shall make a  
4 written report to the registrar of the district in which death  
5 occurred or in which the body or fetus was found within 24  
6 hours after taking custody of the body or fetus on a form  
7 prescribed and furnished by the State Registrar and in  
8 accordance with the rules promulgated by the State Registrar.  
9 Except as specified in paragraph (2) of this Section, the  
10 written report shall serve as a permit to transport, bury, or  
11 entomb the body or fetus within this State, provided that the  
12 funeral director or person acting as such shall certify that  
13 the certifying health care professional who, within 12 months  
14 prior to the date of the patient's death, was treating or  
15 managing treatment ~~physician in charge~~ of the patient's ~~care~~  
16 ~~for the~~ illness or condition which resulted in death has been  
17 contacted and has affirmatively stated that he or she will  
18 sign the medical certificate of death or the fetal death  
19 certificate. If a funeral director fails to file written  
20 reports under this Section in a timely manner, the local  
21 registrar may suspend the funeral director's privilege of  
22 filing written reports by mail. In a county with a population  
23 greater than 3,000,000, if a funeral director or person acting  
24 as such interrs or entombs a dead body without having  
25 previously certified that the certifying health care  
26 professional who, within 12 months prior to the date of the

1 patient's death, was treating or managing treatment ~~physician~~  
2 ~~in charge~~ of the patient's ~~care for the~~ illness or condition  
3 that resulted in death has been contacted and has  
4 affirmatively stated that he or she will sign the medical  
5 certificate of death, then that funeral director or person  
6 acting as such is responsible for payment of the specific  
7 costs incurred by the county medical examiner in disinterring  
8 and reintering or reentombing the dead body.

9 (2) The written report as specified in paragraph (1) of  
10 this Section shall not serve as a permit to:

11 (a) Remove body or fetus from this State;

12 (b) Cremate the body or fetus; or

13 (c) Make disposal of any body or fetus in any manner  
14 when death is subject to the coroner's or medical  
15 examiner's investigation.

16 (3) In accordance with the provisions of paragraph (2) of  
17 this Section the funeral director or person acting as such who  
18 first assumes custody of a dead body or fetus shall obtain a  
19 permit for disposition of such dead human body prior to final  
20 disposition or removal from the State of the body or fetus.  
21 Such permit shall be issued by the registrar of the district  
22 where death occurred or the body or fetus was found. No such  
23 permit shall be issued until a properly completed certificate  
24 of death has been filed with the registrar. The registrar  
25 shall insure the issuance of a permit for disposition within  
26 an expedited period of time to accommodate Sunday or holiday

1 burials of decedents whose time of death and religious tenets  
2 or beliefs necessitate Sunday or holiday burials.

3 (4) A permit which accompanies a dead body or fetus  
4 brought into this State shall be authority for final  
5 disposition of the body or fetus in this State, except in  
6 municipalities where local ordinance requires the issuance of  
7 a local permit prior to disposition.

8 (5) A permit for disposition of a dead human body shall be  
9 required prior to disinterment of a dead body or fetus, and  
10 when the disinterred body is to be shipped by a common carrier.  
11 Such permit shall be issued to a licensed funeral director or  
12 person acting as such, upon proper application, by the local  
13 registrar of the district in which disinterment is to be made.  
14 In the case of disinterment, proper application shall include  
15 a statement providing the name and address of any surviving  
16 spouse of the deceased, or, if none, any surviving children of  
17 the deceased, or if no surviving spouse or children, a parent,  
18 brother, or sister of the deceased. The application shall  
19 indicate whether the applicant is one of these parties and, if  
20 so, whether the applicant is a surviving spouse or a surviving  
21 child. Prior to the issuance of a permit for disinterment, the  
22 local registrar shall, by certified mail, notify the surviving  
23 spouse, unless he or she is the applicant, or if there is no  
24 surviving spouse, all surviving children except for the  
25 applicant, of the application for the permit. The person or  
26 persons notified shall have 30 days from the mailing of the

1 notice to object by obtaining an injunction enjoining the  
2 issuance of the permit. After the 30-day period has expired,  
3 the local registrar shall issue the permit unless he or she has  
4 been enjoined from doing so or there are other statutory  
5 grounds for refusal. The notice to the spouse or surviving  
6 children shall inform the person or persons being notified of  
7 the right to seek an injunction within 30 days.  
8 Notwithstanding any other provision of this subsection (5), a  
9 court may order issuance of a permit for disinterment without  
10 notice or prior to the expiration of the 30-day period where  
11 the petition is made by an agency of any governmental unit and  
12 good cause is shown for disinterment without notice or for the  
13 early order. Nothing in this subsection (5) limits the  
14 authority of the City of Chicago to acquire property or  
15 otherwise exercise its powers under the O'Hare Modernization  
16 Act or requires that City, or any person acting on behalf of  
17 that City, to obtain a permit under this subsection (5) when  
18 exercising powers under the O'Hare Modernization Act. The  
19 Illinois Department of Transportation, and any person acting  
20 on its behalf under a public-private agreement entered into in  
21 accordance with the Public-Private Agreements for the South  
22 Suburban Airport Act, is exempt from this subsection (5),  
23 provided that the Illinois Department of Transportation, or  
24 any such person, takes reasonable steps to comply with the  
25 provisions of this subsection (5) so long as compliance does  
26 not interfere with the design, development, operation, or

1 maintenance of the South Suburban Airport or the exercise of  
2 their powers under the Public-Private Agreements for the South  
3 Suburban Airport Act.

4 (Source: P.A. 98-109, eff. 7-25-13.)

5 Section 99. Effective date. This Act takes effect January  
6 1, 2022.".