

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 Sections 20, 25, 35, and 55 as follows:

6 (410 ILCS 18/20)

7 (Section scheduled to be repealed on January 1, 2024)

8 Sec. 20. Authorization to cremate.

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

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

16 (A) The identity of the human remains and the time
17 and date of death.

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

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

1 to the public health.

2 (D) The name of the authorizing agent and the
3 relationship between the authorizing agent and the
4 decedent.

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

17 (F) Authorization for the crematory authority to
18 cremate the human remains.

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

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

26 (I) The manner in which final disposition of the

1 cremated remains is to take place, if known. If the
2 cremation authorization form does not specify final
3 disposition in a grave, crypt, niche, or scattering
4 area, then the form may indicate that the cremated
5 remains will be held by the crematory authority for 30
6 days before they are released, unless they are picked
7 up from the crematory authority prior to that time, in
8 person, by the authorizing agent. At the end of the 30
9 days the crematory authority may return the cremated
10 remains to the authorizing agent if no final
11 disposition arrangements are made; or at the end of 60
12 days the crematory authority may dispose of the
13 cremated remains in accordance with subsection (d) of
14 Section 40.

15 (J) A listing of any items of value to be delivered
16 to the crematory authority along with the human
17 remains, and instructions as to how the items should
18 be handled.

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

1 (L) The signature, in either paper or electronic
2 format, of the authorizing agent, attesting to the
3 accuracy of all representations contained on the
4 cremation authorization form, except as set forth in
5 paragraph (M) of this subsection.

6 (M) If a cremation authorization form is being
7 executed on a pre-need basis, the cremation
8 authorization form shall contain the disclosure
9 required by subsection (b) of Section 140.

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

1 authorization form.

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

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

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

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

1 either paper or electronic format, a cremation authorization
2 form shall be personally and individually liable for all
3 damages occasioned by and resulting from authorizing the
4 cremation.

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

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

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

25 (410 ILCS 18/25)

1 (Section scheduled to be repealed on January 1, 2024)

2 Sec. 25. Recordkeeping.

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

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

1 retain a copy of this receipt in its permanent records.

2 (c) A crematory authority shall maintain at its place of
3 business a permanent record of each cremation that took place
4 at its facility which shall contain the name of the decedent,
5 the date of the cremation, and the final disposition of the
6 cremated remains.

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

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

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

1 of the cremated remains.

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

3 (410 ILCS 18/35)

4 (Section scheduled to be repealed on January 1, 2024)

5 Sec. 35. Cremation procedures.

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

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

1 cremation authorization form.

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

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

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

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

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

26 (h) The simultaneous cremation of the human remains of

1 more than one person within the same cremation chamber,
2 without the prior written consent of the authorizing agent, is
3 prohibited except for common cremation pursuant to Section
4 11.4 of the Hospital Licensing Act. Nothing in this
5 subsection, however, shall prevent the simultaneous cremation
6 within the same cremation chamber of body parts delivered to
7 the crematory authority from multiple sources, or the use of
8 cremation equipment that contains more than one cremation
9 chamber.

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

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

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

25 (l) If all of the recovered cremated remains will not fit
26 within the receptacle that has been selected, the remainder of

1 the cremated remains shall be returned to the authorizing
2 agent or the agent's designee in a separate container. The
3 crematory authority shall not return to an authorizing agent
4 or the agent's designee more or less cremated remains than
5 were removed from the cremation chamber.

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

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

14 (o) A crematory authority shall maintain an identification
15 system that shall ensure that it shall be able to identify the
16 human remains in its possession throughout all phases of the
17 cremation process.

18 (Source: P.A. 96-338, eff. 1-1-10.)

19 (410 ILCS 18/55)

20 (Section scheduled to be repealed on January 1, 2024)

21 Sec. 55. Penalties. Violations of this Act shall be
22 punishable as follows:

23 (1) Performing a cremation without receipt of a
24 cremation authorization form signed, in either paper or
25 electronic format, by an authorizing agent shall be a

1 Class 4 felony.

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

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

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

12 (4.5) Performance of a cremation service by a person
13 who has not completed a training program as defined in
14 Section 22 of this Act shall be a Class A misdemeanor.

15 (4.10) Any person who intentionally violates a
16 provision of this Act or a final order of the Comptroller
17 is liable for a civil penalty not to exceed \$5,000 per
18 violation.

19 (4.15) Any person who knowingly acts without proper
20 legal authority and who willfully and knowingly destroys
21 or damages the remains of a deceased human being or who
22 desecrates human remains is guilty of a Class 3 felony.

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

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