



Rep. Dan Brady

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LRB100 07814 HEP 24332 a

1 AMENDMENT TO HOUSE BILL 3488

2 AMENDMENT NO. _____. Amend House Bill 3488 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Disposition of Remains of the Indigent Act.

6 Section 5. Purpose. The General Assembly recognizes:

7 (1) that each individual in the State regardless of his
8 or her economic situation is entitled to a dignified
9 disposition of his or her remains;

10 (2) that it is a matter of public concern and interest
11 that the preparation, care, and final disposition of a
12 deceased human body be attended to with appropriate
13 observance and understanding;

14 (3) that it is a matter of public concern and interest
15 that there is a due regard and respect for the reverent
16 care of the human body, for those bereaved, and the overall

1 spiritual dignity of every person;

2 (4) that the provision of cadavers and other human
3 materials is a much-needed service for the advancement of
4 medical, mortuary, and other sciences;

5 (5) that there is a critical shortage of cadavers
6 necessary for the advancement of medical, mortuary, and
7 other sciences;

8 (6) that the State has, in the past, paid for the
9 burial and funeral of indigent individuals;

10 (7) that payment for such services is not now
11 consistent with the needs or demands of the current State
12 budget;

13 (8) that the State will no longer make payments for
14 funeral and burial services of indigent individuals;

15 (9) that the State has had a long-standing policy that
16 government officials who have custody of a body of any
17 deceased person shall transfer such custody to any State
18 medical college, school, or other institution of higher
19 science education or school of mortuary science for
20 advancement of medical, anatomical, biological, or
21 mortuary science; and

22 (10) that current law provides that any county coroner
23 may donate bodies not claimed by family members or friends.

24 Section 10. Indigent funeral and burial.

25 (a) If private funds are not available to pay funeral and

1 burial costs and a request is made for those costs to an
2 official of State or local government, such official shall
3 refer the appropriate family member, executor, or agent
4 empowered to direct the disposition of the decedent's remains
5 as provided in Section 65 of the Crematory Regulation Act or in
6 subsection (a) of Section 40 of the Disposition of Remains Act
7 to any institution of medical, mortuary, or other sciences
8 registered in accordance with this Act for use in the
9 advancement of medical science.

10 (b) The appropriate family member, executor, or agent
11 empowered to direct the disposition of the decedent's remains
12 shall be responsible for authorizing the use of such remains in
13 accordance with the process of the specific institution of
14 medical, mortuary, or other sciences registered in accordance
15 with this Act.

16 (c) If funds are not otherwise available for burial or the
17 cadaver has not been claimed by a family member or other
18 responsible person, the coroner with custody may donate the
19 cadaver for medical science purposes pursuant to Section 3-3034
20 of the Counties Code.

21 Section 15. Funeral and burial of cadavers in the custody
22 of the State.

23 (a) Unclaimed cadavers held by any State facility,
24 hospital, institution, morgue, or other place for bodies of
25 deceased persons may be turned over to any institution of

1 medical, mortuary, or other sciences registered in accordance
2 with this Act for use in the advancement of medical science.

3 (b) The State facility director must make reasonable
4 efforts to contact family members or other responsible persons
5 so that they take responsibility for burial.

6 (c) No body may be surrendered if a family member or other
7 responsible person requests the remains. However, in such
8 event, such family member or other responsible person must
9 remove the cadaver within 72 hours of notice from the facility.

10 (d) If arrangements have not been made or the cadaver has
11 not been removed within 72 hours of notice from the facility,
12 the State facility director may contribute the cadaver to any
13 institution of medical, mortuary, or other sciences registered
14 in accordance with this Act for use in the advancement of
15 medical science.

16 (e) The State facility director shall as soon as is
17 practicable after the end of the 72 hours of notice period:

18 (1) verify, if known, or make good faith efforts to
19 discover, if not known, identifying information regarding
20 the decedent, including ethnicity, religious affiliation
21 and former associations;

22 (2) provide to the Department of Public Health after
23 such verification or discovery all information in its
24 possession relating to the decedent;

25 (3) preserve all information submitted to the
26 Department of Public Health along with information on how

1 the State facility obtained or attempted to obtain
2 information regarding the decedent, including persons
3 contacted, time of contact, name of contact, and documents
4 reviewed.

5 (f) The State facility director shall inquire and obtain
6 from the Department of Public Health the appropriate
7 institution to which it should send the cadaver.

8 (g) The State facility director shall provide to the
9 institution the name, address, e-mail, and telephone of the
10 family member or other responsible party if a contribution has
11 been made.

12 (h) The State facility shall not pay any costs related to
13 funeral or burial.

14 Section 20. Responsibility for expenses. The Department of
15 Human Services, subject to appropriation, may pay to a funeral
16 home or an institution of medical, mortuary, or other sciences
17 an allowance for:

- 18 (1) funeral homes services;
19 (2) the burial ceremony; and
20 (3) transportation of the remains to the institution of
21 medical, mortuary, or other sciences.

22 Section 25. Institution of medical, mortuary, or other
23 sciences.

24 (a) An institution of medical, mortuary or other sciences

1 receiving a cadaver pursuant to Section 15 of this Act shall:

2 (1) hold the cadaver at its facility for 30 days after
3 receipt from the State facility; and

4 (2) ensure during the 30-day period that the cadaver is
5 not used for any purpose other than for embalming.

6 (b) After use of the remains, the institution of medical,
7 mortuary, or other sciences shall cremate them pursuant to
8 Section 19 of the Crematory Regulation Act and deliver them to
9 the appropriate family member, executor, or agent empowered to
10 direct the disposition of the decedent's cremated human
11 remains. Only for the purpose of ordering the cremation as
12 provided in this subsection, the institution of medical,
13 mortuary, or other sciences shall be considered an authorizing
14 agent under the Crematory Regulation Act.

15 (c) If no such person is available, the institution of
16 medical, mortuary, or other sciences shall inter the cremated
17 human remains at a cemetery licensed under the Cemetery
18 Oversight Act. Upon such interment, the institution shall
19 notify the family member, executor, or agent empowered to
20 direct the disposition of the decedent's remains by mail of the
21 location of the remains. The institution shall maintain at all
22 times a registry of such interred cremated human remains. Only
23 for the purpose of interring the remains following cremation as
24 provided in this subsection the institution of medical,
25 mortuary, or other sciences will be considered an authorizing
26 agent under the Crematory Regulation Act.

1 (d) If at any time an appropriate family member, executor,
2 or agent empowered to direct the disposition of the decedent's
3 remains makes a written request concerning disposition, the
4 institution of medical, mortuary, or other sciences shall
5 return the remains within a reasonable time.

6 (e) If a family member, executor, or agent empowered to
7 direct the disposition of the decedent's remains prior to the
8 commencement of its use for medical or science purposes
9 requests that the remains be returned for burial, the
10 institution shall surrender the remains for interment at the
11 institution's place of business.

12 Section 30. Registry of contributed cadavers and
13 institutions of medical, mortuary, or other sciences.

14 (a) The Department of Public Health shall maintain a
15 registry of:

16 (1) cadavers that have been contributed to
17 institutions of medical, mortuary, or other sciences
18 pursuant to Section 15; and

19 (2) institutions qualifying as institutions of
20 medical, mortuary, or other sciences eligible to receive
21 donations under this Act.

22 The Department shall update the registry with any new
23 information within 24 hours of receiving the information.

24 (b) An institution must be a not-for-profit corporation
25 under Section 501(c)(3) of the Internal Revenue Code and

1 registered under the Charitable Trust Act in order to qualify
2 for registration.

3 (c) The Department of Public Health shall adopt rules to
4 determine the appropriate qualifications for such
5 institutions.

6 (d) Each institution shall submit its request for cadavers
7 in State custody. The Department of Public Health shall
8 designate the next institution to receive a cadaver when
9 requested by a State facility.

10 (e) If the number of cadavers is insufficient for the use
11 of the relevant institutions, the Department of Public Health
12 shall determine which institution shall receive them, taking
13 into account the relative proportion of the numbers of students
14 at each institution.

15 Section 90. The Crematory Regulation Act is amended by
16 changing Section 5 as follows:

17 (410 ILCS 18/5)

18 (Section scheduled to be repealed on January 1, 2021)

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

20 "Address of record" means the designated address recorded
21 by the Comptroller in the applicant's or licensee's application
22 file or license file. It is the duty of the applicant or
23 licensee to inform the Comptroller of any change of address
24 within 14 days, and such changes must be made either through

1 the Comptroller's website or by contacting the Comptroller. The
2 address of record shall be the permanent street address of the
3 crematory.

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

14 "Authorizing agent" means a person legally entitled to
15 order the cremation and final disposition of specific human
16 remains. "Authorizing agent" includes an institution of
17 medical, mortuary, or other sciences as provided in Section 25
18 of the Disposition of Remains of the Indigent Act.

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

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

26 "Casket" means a rigid container that is designed for the

1 encasement of human remains, is usually constructed of wood,
2 metal, or like material and ornamented and lined with fabric,
3 and may or may not be combustible.

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

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

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

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

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

26 "Cremation room" means the room in which the cremation

1 chamber is located.

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

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

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

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

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

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

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

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

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

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

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

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

20 "Scattering area" means an area which may be designated by
21 a cemetery and located on dedicated cemetery property where
22 cremated remains, which have been removed from their container,
23 can be mixed with, or placed on top of, the soil or ground
24 cover.

25 "Temporary container" means a receptacle for cremated
26 remains, usually composed of cardboard, plastic or similar

1 material, that can be closed in a manner that prevents the
2 leakage or spillage of the cremated remains or the entrance of
3 foreign material, and is a single container of sufficient size
4 to hold the cremated remains until an urn is acquired or the
5 cremated remains are scattered.

6 "Urn" means a receptacle designed to encase the cremated
7 remains.

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

9 Section 95. The Disposition of Remains Act is amended by
10 changing Section 5 as follows:

11 (755 ILCS 65/5)

12 Sec. 5. Right to control disposition; priority. Unless a
13 decedent has left directions in writing for the disposition or
14 designated an agent to direct the disposition of the decedent's
15 remains as provided in Section 65 of the Crematory Regulation
16 Act or in subsection (a) of Section 40 of this Act, the
17 following persons, in the priority listed, have the right to
18 control the disposition, including cremation, of the
19 decedent's remains and are liable for the reasonable costs of
20 the disposition:

21 (1) the person designated in a written instrument that
22 satisfies the provisions of Sections 10 and 15 of this Act;

23 (2) any person serving as executor or legal
24 representative of the decedent's estate and acting

1 according to the decedent's written instructions contained
2 in the decedent's will;

3 (3) the individual who was the spouse of the decedent
4 at the time of the decedent's death;

5 (4) the sole surviving competent adult child of the
6 decedent, or if there is more than one surviving competent
7 adult child of the decedent, the majority of the surviving
8 competent adult children; however, less than one-half of
9 the surviving adult children shall be vested with the
10 rights and duties of this Section if they have used
11 reasonable efforts to notify all other surviving competent
12 adult children of their instructions and are not aware of
13 any opposition to those instructions on the part of more
14 than one-half of all surviving competent adult children;

15 (5) the surviving competent parents of the decedent; if
16 one of the surviving competent parents is absent, the
17 remaining competent parent shall be vested with the rights
18 and duties of this Act after reasonable efforts have been
19 unsuccessful in locating the absent surviving competent
20 parent;

21 (6) the surviving competent adult person or persons
22 respectively in the next degrees of kindred or, if there is
23 more than one surviving competent adult person of the same
24 degree of kindred, the majority of those persons; less than
25 the majority of surviving competent adult persons of the
26 same degree of kindred shall be vested with the rights and

1 duties of this Act if those persons have used reasonable
2 efforts to notify all other surviving competent adult
3 persons of the same degree of kindred of their instructions
4 and are not aware of any opposition to those instructions
5 on the part of one-half or more of all surviving competent
6 adult persons of the same degree of kindred;

7 (6.5) any recognized religious, civic, community, or
8 fraternal organization willing to assume legal and
9 financial responsibility;

10 (7) in the case of indigents or any other individuals
11 whose final disposition is the responsibility of the State
12 or any of its instrumentalities, a public administrator,
13 medical examiner, coroner, State appointed guardian, or
14 any other public official charged with arranging the final
15 disposition of the decedent;

16 (8) in the case of individuals who have donated their
17 bodies to science, or whose death occurred in a nursing
18 home or other private institution, ~~who have executed~~
19 ~~cremation authorization forms under Section 65 of the~~
20 ~~Crematory Regulation Act~~ and the institution is charged
21 with making arrangements for the final disposition of the
22 decedent, a representative of the institution; or

23 (9) any other person or organization that is willing to
24 assume legal and financial responsibility.

25 As used in Section, "adult" means any individual who has
26 reached his or her eighteenth birthday.

1 Notwithstanding provisions to the contrary, in the case of
2 decedents who die while serving as members of the United States
3 Armed Forces, the Illinois National Guard, or the United States
4 Reserve Forces, as defined in Section 1481 of Title 10 of the
5 United States Code, and who have executed the required U.S.
6 Department of Defense Record of Emergency Data Form (DD Form
7 93), or successor form, the person designated in such form to
8 direct disposition of the decedent's remains shall have the
9 right to control the disposition, including cremation, of the
10 decedent's remains.

11 (Source: P.A. 97-333, eff. 8-12-11; 98-463, eff. 8-16-13.)".