



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB4825

Introduced 2/18/2020, by Rep. Dan Brady

#### SYNOPSIS AS INTRODUCED:

410 ILCS 535/18	from Ch. 111 1/2, par. 73-18
410 ILCS 535/20	from Ch. 111 1/2, par. 73-20
410 ILCS 535/21	from Ch. 111 1/2, par. 73-21

Amends the Vital Records Act. Provides that death certificates and medical certifications may be completed and signed by advanced practice registered nurses. Makes other changes. Effective January 1, 2021.

LRB101 17935 CPF 70095 b

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 Vital Records Act is amended by changing  
5 Sections 18, 20, and 21 as follows:

6 (410 ILCS 535/18) (from Ch. 111 1/2, par. 73-18)

7 Sec. 18. (1) Each death which occurs in this State shall be  
8 registered by filing a death certificate with the local  
9 registrar of the district in which the death occurred or the  
10 body was found, within 7 days after such death (within 5 days  
11 if the death occurs prior to January 1, 1989) and prior to  
12 cremation or removal of the body from the State, except when  
13 death is subject to investigation by the coroner or medical  
14 examiner.

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

19 (b) When a death occurs on a moving conveyance, the  
20 place where the body is first removed from the conveyance  
21 shall be considered the place of death and a death  
22 certificate shall be filed in the registration district in  
23 which such place is located.

1 (c) The funeral director who first assumes custody of a  
2 dead body shall be responsible for filing a completed death  
3 certificate. He or she shall obtain the personal data from  
4 the next of kin or the best qualified person or source  
5 available; he or she shall enter on the certificate the  
6 name, relationship, and address of the ~~his~~ informant; he or  
7 she shall enter the date, place, and method of final  
8 disposition; he or she shall affix his or her own signature  
9 and enter his or her address; and shall present the  
10 certificate to the person responsible for completing the  
11 medical certification of cause of death. The person  
12 responsible for completing the medical certification of  
13 cause of death must note the presence of  
14 methicillin-resistant staphylococcus aureus, clostridium  
15 difficile, or vancomycin-resistant enterococci if it is a  
16 contributing factor to or the cause of death. Additional  
17 multi-drug resistant organisms (MDROs) may be added to this  
18 list by the Department by rule.

19 (2) The medical certification shall be completed and signed  
20 within 48 hours after death by the physician or advanced  
21 practice registered nurse in charge of the patient's care for  
22 the illness or condition which resulted in death, except when  
23 death is subject to the coroner's or medical examiner's  
24 investigation. In the absence of the physician or advanced  
25 practice registered nurse or with his or her approval, the  
26 medical certificate may be completed and signed by his or her

1 associate physician or advanced practice registered nurse, the  
2 chief medical officer of the institution in which death  
3 occurred, or by the physician who performed an autopsy upon the  
4 decedent.

5 (3) When a death occurs without medical attendance, or when  
6 it is otherwise subject to the coroner's or medical examiner's  
7 investigation, the coroner or medical examiner shall be  
8 responsible for the completion of a coroner's or medical  
9 examiner's certificate of death and shall sign the medical  
10 certification within 48 hours after death, except as provided  
11 by regulation in special problem cases. If the decedent was  
12 under the age of 18 years at the time of his or her death, and  
13 the death was due to injuries suffered as a result of a motor  
14 vehicle backing over a child, or if the death occurred due to  
15 the power window of a motor vehicle, the coroner or medical  
16 examiner must send a copy of the medical certification, with  
17 information documenting that the death was due to a vehicle  
18 backing over the child or that the death was caused by a power  
19 window of a vehicle, to the Department of Children and Family  
20 Services. The Department of Children and Family Services shall  
21 (i) collect this information for use by Child Death Review  
22 Teams and (ii) compile and maintain this information as part of  
23 its Annual Child Death Review Team Report to the General  
24 Assembly.

25 (3.5) The medical certification of cause of death shall  
26 expressly provide an opportunity for the person completing the

1 certification to indicate that the death was caused in whole or  
2 in part by a dementia-related disease, Parkinson's Disease, or  
3 Parkinson-Dementia Complex.

4 (4) When the deceased was a veteran of any war of the  
5 United States, the funeral director shall prepare a  
6 "Certificate of Burial of U. S. War Veteran", as prescribed and  
7 furnished by the Illinois Department of Veterans' Affairs, and  
8 submit such certificate to the Illinois Department of Veterans'  
9 Affairs monthly.

10 (5) When a death is presumed to have occurred in this State  
11 but the body cannot be located, a death certificate may be  
12 prepared by the State Registrar upon receipt of an order of a  
13 court of competent jurisdiction which includes the finding of  
14 facts required to complete the death certificate. Such death  
15 certificate shall be marked "Presumptive" and shall show on its  
16 face the date of the registration and shall identify the court  
17 and the date of the judgment.

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

19 (410 ILCS 535/20) (from Ch. 111 1/2, par. 73-20)

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

21 (1) Each fetal death which occurs in this State after a  
22 gestation period of 20 completed weeks (and when the mother  
23 elects in writing to arrange for the burial or cremation of the  
24 fetus under Section 11.4 of the Hospital Licensing Act) or more  
25 shall be registered with the local or subregistrar of the

1 district in which the delivery occurred within 7 days after the  
2 delivery and before removal of the fetus from the State, except  
3 as provided by regulation in special problem cases.

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

8 (b) When a fetal death occurs on a moving conveyance,  
9 the city, village, township, or road district in which the  
10 fetus is first removed from the conveyance shall be  
11 considered the place of delivery and a fetal death  
12 certificate shall be filed in the registration district in  
13 which the place is located.

14 (c) The funeral director or person acting as such who  
15 first assumes custody of a fetus shall file the  
16 certificate. The personal data shall be obtained from the  
17 best qualified person or source available. The name,  
18 relationship, and address of the informant shall be entered  
19 on the certificate. The date, place, and method of final  
20 disposition of the fetus shall be recorded over the  
21 personal signature and address of the funeral director  
22 responsible for the disposition. The certificate shall be  
23 presented to the person responsible for completing the  
24 medical certification of the cause of death.

25 (2) The medical certification shall be completed and signed  
26 within 24 hours after delivery by the physician or advanced

1 practice registered nurse in attendance at or after delivery,  
2 except when investigation is required under Division 3-3 of  
3 Article 3 of the Counties Code and except as provided by  
4 regulation in special problem cases.

5 (3) When a fetal death occurs without medical attendance  
6 upon the mother at or after the delivery, or when investigation  
7 is required under Division 3-3 of Article 3 of the Counties  
8 Code, the coroner shall be responsible for the completion of  
9 the fetal death certificate and shall sign the medical  
10 certification within 24 hours after the delivery or the finding  
11 of the fetus, except as provided by regulation in special  
12 problem cases.

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

14 (410 ILCS 535/21) (from Ch. 111 1/2, par. 73-21)

15 Sec. 21. (1) The funeral director or person acting as such  
16 who first assumes custody of a dead body or fetus shall make a  
17 written report to the registrar of the district in which death  
18 occurred or in which the body or fetus was found within 24  
19 hours after taking custody of the body or fetus on a form  
20 prescribed and furnished by the State Registrar and in  
21 accordance with the rules promulgated by the State Registrar.  
22 Except as specified in paragraph (2) of this Section, the  
23 written report shall serve as a permit to transport, bury, or  
24 entomb the body or fetus within this State, provided that the  
25 funeral director or person acting as such shall certify that

1 the physician or advanced practice registered nurse in charge  
2 of the patient's care for the illness or condition which  
3 resulted in death has been contacted and has affirmatively  
4 stated that he or she will sign the medical certificate of  
5 death or the fetal death certificate. If a funeral director  
6 fails to file written reports under this Section in a timely  
7 manner, the local registrar may suspend the funeral director's  
8 privilege of filing written reports by mail. In a county with a  
9 population greater than 3,000,000, if a funeral director or  
10 person acting as such interrs or entombs a dead body without  
11 having previously certified that the physician or advanced  
12 practice registered nurse in charge of the patient's care for  
13 the illness or condition that resulted in death has been  
14 contacted and has affirmatively stated that he or she will sign  
15 the medical certificate of death, then that funeral director or  
16 person acting as such is responsible for payment of the  
17 specific costs incurred by the county medical examiner in  
18 disinterring and reinterring or reentombing the dead body.

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

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

22 (b) Cremate the body or fetus; or

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

26 (3) In accordance with the provisions of paragraph (2) of



1 this Section the funeral director or person acting as such who  
2 first assumes custody of a dead body or fetus shall obtain a  
3 permit for disposition of such dead human body prior to final  
4 disposition or removal from the State of the body or fetus.  
5 Such permit shall be issued by the registrar of the district  
6 where death occurred or the body or fetus was found. No such  
7 permit shall be issued until a properly completed certificate  
8 of death has been filed with the registrar. The registrar shall  
9 insure the issuance of a permit for disposition within an  
10 expedited period of time to accommodate Sunday or holiday  
11 burials of decedents whose time of death and religious tenets  
12 or beliefs necessitate Sunday or holiday burials.

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

18 (5) A permit for disposition of a dead human body shall be  
19 required prior to disinterment of a dead body or fetus, and  
20 when the disinterred body is to be shipped by a common carrier.  
21 Such permit shall be issued to a licensed funeral director or  
22 person acting as such, upon proper application, by the local  
23 registrar of the district in which disinterment is to be made.  
24 In the case of disinterment, proper application shall include a  
25 statement providing the name and address of any surviving  
26 spouse of the deceased, or, if none, any surviving children of

1 the deceased, or if no surviving spouse or children, a parent,  
2 brother, or sister of the deceased. The application shall  
3 indicate whether the applicant is one of these parties and, if  
4 so, whether the applicant is a surviving spouse or a surviving  
5 child. Prior to the issuance of a permit for disinterment, the  
6 local registrar shall, by certified mail, notify the surviving  
7 spouse, unless he or she is the applicant, or if there is no  
8 surviving spouse, all surviving children except for the  
9 applicant, of the application for the permit. The person or  
10 persons notified shall have 30 days from the mailing of the  
11 notice to object by obtaining an injunction enjoining the  
12 issuance of the permit. After the 30-day period has expired,  
13 the local registrar shall issue the permit unless he or she has  
14 been enjoined from doing so or there are other statutory  
15 grounds for refusal. The notice to the spouse or surviving  
16 children shall inform the person or persons being notified of  
17 the right to seek an injunction within 30 days. Notwithstanding  
18 any other provision of this subsection (5), a court may order  
19 issuance of a permit for disinterment without notice or prior  
20 to the expiration of the 30-day period where the petition is  
21 made by an agency of any governmental unit and good cause is  
22 shown for disinterment without notice or for the early order.  
23 Nothing in this subsection (5) limits the authority of the City  
24 of Chicago to acquire property or otherwise exercise its powers  
25 under the O'Hare Modernization Act or requires that City, or  
26 any person acting on behalf of that City, to obtain a permit

1 under this subsection (5) when exercising powers under the  
2 O'Hare Modernization Act. The Illinois Department of  
3 Transportation, and any person acting on its behalf under a  
4 public-private agreement entered into in accordance with the  
5 Public-Private Agreements for the South Suburban Airport Act,  
6 is exempt from this subsection (5), provided that the Illinois  
7 Department of Transportation, or any such person, takes  
8 reasonable steps to comply with the provisions of this  
9 subsection (5) so long as compliance does not interfere with  
10 the design, development, operation, or maintenance of the South  
11 Suburban Airport or the exercise of their powers under the  
12 Public-Private Agreements for the South Suburban Airport Act.  
13 (Source: P.A. 98-109, eff. 7-25-13.)

14 Section 99. Effective date. This Act takes effect January  
15 1, 2021.