

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

19 (4) "Registration" means the acceptance by the Office of
20 Vital Records and the incorporation in its official records of
21 certificates, reports, or other records provided for in this
22 Act, of births, deaths, fetal deaths, adoptions, marriages, or
23 dissolution of marriages.

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

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

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

20 (8) "Final disposition" means the burial, cremation, or
21 other disposition of a dead human body or fetus or parts
22 thereof.

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

25 (10) "Institution" means any establishment, public or
26 private, which provides in-patient medical, surgical, or

1 diagnostic care or treatment, or nursing, custodial, or
2 domiciliary care to 2 or more unrelated individuals, or to
3 which persons are committed by law.

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

6 (12) "Director" means the Director of the Illinois
7 Department of Public Health.

8 (13) "Licensed health care professional" means a person
9 licensed to practice as a physician, advanced practice
10 registered nurse, or physician assistant in Illinois or any
11 other state.

12 (14) "Licensed mental health professional" means a person
13 who is licensed or registered to provide mental health
14 services by the Department of Financial and Professional
15 Regulation or a board of registration duly authorized to
16 register or grant licenses to persons engaged in the practice
17 of providing mental health services in Illinois or any other
18 state.

19 (15) "Intersex condition" means a condition in which a
20 person is born with a reproductive or sexual anatomy or
21 chromosome pattern that does not fit typical definitions of
22 male or female.

23 (16) "Homeless person" means an individual who meets the
24 definition of "homeless" under Section 103 of the federal
25 McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302) or an
26 individual residing in any of the living situations described

1 in 42 U.S.C. 11434a(2).

2 (17) "Advanced practice registered nurse" means: (i) an
3 advanced practice registered nurse with full practice
4 authority; or (ii) an advanced practice registered nurse with
5 a collaborative agreement with a physician who has delegated
6 the completion of death certificates.

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

9 (Source: P.A. 100-360, eff. 1-1-18; 100-506, eff. 1-1-18;
10 100-863, eff. 8-14-18; 101-13, eff. 6-12-19.)

11 (410 ILCS 535/18) (from Ch. 111 1/2, par. 73-18)

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

20 (a) For the purposes of this Section, if the place of
21 death is unknown, a death certificate shall be filed in
22 the registration district in which a dead body is found,
23 which shall be considered the place of death.

24 (b) When a death occurs on a moving conveyance, the
25 place where the body is first removed from the conveyance

1 shall be considered the place of death and a death
2 certificate shall be filed in the registration district in
3 which such place is located.

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

22 (2) The medical certification shall be completed and
23 signed within 48 hours after death by the certifying health
24 care professional who, within 12 months prior to the date of
25 the patient's death, was treating or managing treatment
26 ~~physician in charge~~ of the patient's ~~care for the~~ illness or

1 condition which resulted in death, except when death is
2 subject to the coroner's or medical examiner's investigation.
3 In the absence of the certifying health care professional
4 ~~physician~~ or with his or her approval, the medical certificate
5 may be completed and signed by his or her associate physician
6 or advanced practice registered nurse, the chief medical
7 officer of the institution in which death occurred, or by the
8 physician who performed an autopsy upon the decedent.

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

1 information as part of its Annual Child Death Review Team
2 Report to the General Assembly.

3 (3.5) The medical certification of cause of death shall
4 expressly provide an opportunity for the person completing the
5 certification to indicate that the death was caused in whole
6 or in part by a dementia-related disease, Parkinson's Disease,
7 or Parkinson-Dementia Complex.

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

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

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

23 (410 ILCS 535/20) (from Ch. 111 1/2, par. 73-20)

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

25 (1) Each fetal death which occurs in this State after a

1 gestation period of 20 completed weeks (and when the mother
2 elects in writing to arrange for the burial or cremation of the
3 fetus under Section 11.4 of the Hospital Licensing Act) or
4 more shall be registered with the local or subregistrar of the
5 district in which the delivery occurred within 7 days after
6 the delivery and before removal of the fetus from the State,
7 except as provided by regulation in special problem cases.

8 (a) For the purposes of this Section, if the place of
9 fetal death is unknown, a fetal death certificate shall be
10 filed in the registration district in which a dead fetus
11 is found, which shall be considered the place of fetal
12 death.

13 (b) When a fetal death occurs on a moving conveyance,
14 the city, village, township, or road district in which the
15 fetus is first removed from the conveyance shall be
16 considered the place of delivery and a fetal death
17 certificate shall be filed in the registration district in
18 which the place is located.

19 (c) The funeral director or person acting as such who
20 first assumes custody of a fetus shall file the
21 certificate. The personal data shall be obtained from the
22 best qualified person or source available. The name,
23 relationship, and address of the informant shall be
24 entered on the certificate. The date, place, and method of
25 final disposition of the fetus shall be recorded over the
26 personal signature and address of the funeral director

1 responsible for the disposition. The certificate shall be
2 presented to the person responsible for completing the
3 medical certification of the cause of death.

4 (2) The medical certification shall be completed and
5 signed within 24 hours after delivery by the certifying health
6 care professional ~~physician~~ in attendance at or after
7 delivery, except when investigation is required under Division
8 3-3 of Article 3 of the Counties Code and except as provided by
9 regulation in special problem cases.

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

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

19 (410 ILCS 535/21) (from Ch. 111 1/2, par. 73-21)

20 Sec. 21. (1) The funeral director or person acting as such
21 who first assumes custody of a dead body or fetus shall make a
22 written report to the registrar of the district in which death
23 occurred or in which the body or fetus was found within 24
24 hours after taking custody of the body or fetus on a form
25 prescribed and furnished by the State Registrar and in

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

1 and reintering or reentombing the dead body.

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

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

5 (b) Cremate the body or fetus; or

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

9 (3) In accordance with the provisions of paragraph (2) of
10 this Section the funeral director or person acting as such who
11 first assumes custody of a dead body or fetus shall obtain a
12 permit for disposition of such dead human body prior to final
13 disposition or removal from the State of the body or fetus.
14 Such permit shall be issued by the registrar of the district
15 where death occurred or the body or fetus was found. No such
16 permit shall be issued until a properly completed certificate
17 of death has been filed with the registrar. The registrar
18 shall insure the issuance of a permit for disposition within
19 an expedited period of time to accommodate Sunday or holiday
20 burials of decedents whose time of death and religious tenets
21 or beliefs necessitate Sunday or holiday burials.

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

1 (5) A permit for disposition of a dead human body shall be
2 required prior to disinterment of a dead body or fetus, and
3 when the disinterred body is to be shipped by a common carrier.
4 Such permit shall be issued to a licensed funeral director or
5 person acting as such, upon proper application, by the local
6 registrar of the district in which disinterment is to be made.
7 In the case of disinterment, proper application shall include
8 a statement providing the name and address of any surviving
9 spouse of the deceased, or, if none, any surviving children of
10 the deceased, or if no surviving spouse or children, a parent,
11 brother, or sister of the deceased. The application shall
12 indicate whether the applicant is one of these parties and, if
13 so, whether the applicant is a surviving spouse or a surviving
14 child. Prior to the issuance of a permit for disinterment, the
15 local registrar shall, by certified mail, notify the surviving
16 spouse, unless he or she is the applicant, or if there is no
17 surviving spouse, all surviving children except for the
18 applicant, of the application for the permit. The person or
19 persons notified shall have 30 days from the mailing of the
20 notice to object by obtaining an injunction enjoining the
21 issuance of the permit. After the 30-day period has expired,
22 the local registrar shall issue the permit unless he or she has
23 been enjoined from doing so or there are other statutory
24 grounds for refusal. The notice to the spouse or surviving
25 children shall inform the person or persons being notified of
26 the right to seek an injunction within 30 days.

1 Notwithstanding any other provision of this subsection (5), a
2 court may order issuance of a permit for disinterment without
3 notice or prior to the expiration of the 30-day period where
4 the petition is made by an agency of any governmental unit and
5 good cause is shown for disinterment without notice or for the
6 early order. Nothing in this subsection (5) limits the
7 authority of the City of Chicago to acquire property or
8 otherwise exercise its powers under the O'Hare Modernization
9 Act or requires that City, or any person acting on behalf of
10 that City, to obtain a permit under this subsection (5) when
11 exercising powers under the O'Hare Modernization Act. The
12 Illinois Department of Transportation, and any person acting
13 on its behalf under a public-private agreement entered into in
14 accordance with the Public-Private Agreements for the South
15 Suburban Airport Act, is exempt from this subsection (5),
16 provided that the Illinois Department of Transportation, or
17 any such person, takes reasonable steps to comply with the
18 provisions of this subsection (5) so long as compliance does
19 not interfere with the design, development, operation, or
20 maintenance of the South Suburban Airport or the exercise of
21 their powers under the Public-Private Agreements for the South
22 Suburban Airport Act.

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

24 Section 99. Effective date. This Act takes effect January
25 1, 2022.