



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4552

Introduced 1/21/2022, by Rep. Kelly M. Cassidy - Stephanie A. Kifowit

SYNOPSIS AS INTRODUCED:

410 ILCS 18/5

Amends the Crematory Regulation Act. Provides that "cremation" includes natural organic reduction. Defines "natural organic reduction". Effective immediately.

LRB102 23793 CPF 32984 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 Crematory Regulation Act is amended by
5 changing Section 5 as follows:

6 (410 ILCS 18/5)

7 (Section scheduled to be repealed on January 1, 2024)

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

9 "Address of record" means the designated address recorded
10 by the Comptroller in the applicant's or licensee's
11 application file or license file. It is the duty of the
12 applicant or licensee to inform the Comptroller of any change
13 of address within 14 days, and such changes must be made either
14 through the Comptroller's website or by contacting the
15 Comptroller. The address of record shall be the permanent
16 street address of the crematory.

17 "Alternative container" means a receptacle, other than a
18 casket, in which human remains are transported to the
19 crematory and placed in the cremation chamber for cremation.
20 An alternative container shall be (i) composed of readily
21 combustible or consumable materials suitable for cremation,
22 (ii) able to be closed in order to provide a complete covering
23 for the human remains, (iii) resistant to leakage or spillage,

1 (iv) rigid enough for handling with ease, and (v) able to
2 provide protection for the health, safety, and personal
3 integrity of crematory personnel.

4 "Authorizing agent" means a person legally entitled to
5 order the cremation and final disposition of specific human
6 remains. "Authorizing agent" includes an institution of
7 medical, mortuary, or other sciences as provided in Section 20
8 of the Disposition of Remains of the Indigent Act.

9 "Body parts" means limbs or other portions of the anatomy
10 that are removed from a person or human remains for medical
11 purposes during treatment, surgery, biopsy, autopsy, or
12 medical research; or human bodies or any portion of bodies
13 that have been donated to science for medical research
14 purposes.

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

17 "Casket" means a rigid container that is designed for the
18 encasement of human remains, is usually constructed of wood,
19 metal, or like material and ornamented and lined with fabric,
20 and may or may not be combustible.

21 "Comptroller" means the Comptroller of the State of
22 Illinois.

23 "Cremated remains" means all human remains recovered after
24 the completion of the cremation, which may possibly include
25 the residue of any foreign matter including casket material,
26 bridgework, or eyeglasses, that was cremated with the human

1 remains.

2 "Cremation" means the technical process, using heat and
3 flame, or alkaline hydrolysis that reduces human remains to
4 bone fragments. The reduction takes place through heat and
5 evaporation or through hydrolysis. Cremation shall include the
6 processing, and may include the pulverization, of the bone
7 fragments. "Cremation" also means natural organic reduction.

8 "Cremation chamber" means the enclosed space within which
9 the cremation takes place.

10 "Cremation interment container" means a rigid outer
11 container that, subject to a cemetery's rules and regulations,
12 is composed of concrete, steel, fiberglass, or some similar
13 material in which an urn is placed prior to being interred in
14 the ground, and which is designed to withstand prolonged
15 exposure to the elements and to support the earth above the
16 urn.

17 "Cremation room" means the room in which the cremation
18 chamber is located.

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

21 "Crematory authority" means the legal entity which is
22 licensed by the Comptroller to operate a crematory and to
23 perform cremations.

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

26 "Funeral director" means a person known by the title of

1 "funeral director", "funeral director and embalmer", or other
2 similar words or titles, licensed by the State to practice
3 funeral directing or funeral directing and embalming.

4 "Funeral establishment" means a building or separate
5 portion of a building having a specific street address and
6 location and devoted to activities relating to the shelter,
7 care, custody, and preparation of a deceased human body and
8 may contain facilities for funeral or wake services.

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

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

19 "Licensee" means an entity licensed under this Act. An
20 entity that holds itself as a licensee or that is accused of
21 unlicensed practice is considered a licensee for purposes of
22 enforcement, investigation, hearings, and the Illinois
23 Administrative Procedure Act.

24 "Natural organic reduction" means the contained,
25 accelerated conversion of human remains to soil.

26 "Niche" means a compartment or cubicle for the

1 memorialization and permanent placement of an urn containing
2 cremated remains.

3 "Person" means any person, partnership, association,
4 corporation, limited liability company, or other entity, and
5 in the case of any such business organization, its officers,
6 partners, members, or shareholders possessing 25% or more of
7 ownership of the entity.

8 "Processing" means the reduction of identifiable bone
9 fragments after the completion of the cremation process to
10 unidentifiable bone fragments by manual or mechanical means.

11 "Pulverization" means the reduction of identifiable bone
12 fragments after the completion of the cremation process to
13 granulated particles by manual or mechanical means.

14 "Scattering area" means an area which may be designated by
15 a cemetery and located on dedicated cemetery property or
16 property used for outdoor recreation or natural resource
17 conservation owned by the Department of Natural Resources and
18 designated as a scattering area, where cremated remains, which
19 have been removed from their container, can be mixed with, or
20 placed on top of, the soil or ground cover.

21 "Temporary container" means a receptacle for cremated
22 remains, usually composed of cardboard, plastic or similar
23 material, that can be closed in a manner that prevents the
24 leakage or spillage of the cremated remains or the entrance of
25 foreign material, and is a single container of sufficient size
26 to hold the cremated remains until an urn is acquired or the

1 cremated remains are scattered.

2 "Urn" means a receptacle designed to encase the cremated
3 remains.

4 (Source: P.A. 100-97, eff. 1-1-18; 100-526, eff. 6-1-18;
5 100-863, eff. 8-14-18.)

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.