

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7 (Section scheduled to be repealed on January 1, 2024)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

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.)