



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2146

Introduced 2/10/2023, by Sen. Meg Loughran Cappel

SYNOPSIS AS INTRODUCED:

5 ILCS 80/4.34
5 ILCS 80/4.39
410 ILCS 18/22
410 ILCS 18/35

Amends the Regulatory Sunset Act. Provides that the Crematory Regulation Act is repealed on January 1, 2029 (rather than January 1, 2024). Amends the Crematory Regulation Act. Provides that a person who is certified to perform a cremation service in this State must complete, at least once every 5 years after the amendatory Act's effective date, a continuing education cremation course that is at least 2 hours in length and that is offered by a continuing education provider recognized by the Comptroller in order for that person to perform a cremation service in this State. Requires crematory authorities to provide or maintain an operable refrigeration unit that (1) has cleanable, noncorrosive interior and exterior finishes, (2) is capable of maintaining a temperature of less than 40 degrees Fahrenheit, and (3) is capable of containing at least 3 human bodies. Makes other changes. Effective immediately.

LRB103 28651 CPF 55032 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 Regulatory Sunset Act is amended by
5 changing Sections 4.34 and 4.39 as follows:

6 (5 ILCS 80/4.34)

7 Sec. 4.34. Acts and Section repealed on January 1, 2024.

8 The following Acts and Section of an Act are repealed on
9 January 1, 2024:

10 ~~The Crematory Regulation Act.~~

11 The Electrologist Licensing Act.

12 The Illinois Certified Shorthand Reporters Act of
13 1984.

14 The Illinois Occupational Therapy Practice Act.

15 The Illinois Public Accounting Act.

16 The Private Detective, Private Alarm, Private
17 Security, Fingerprint Vendor, and Locksmith Act of 2004.

18 The Registered Surgical Assistant and Registered
19 Surgical Technologist Title Protection Act.

20 Section 2.5 of the Illinois Plumbing License Law.

21 The Veterinary Medicine and Surgery Practice Act of
22 2004.

23 (Source: P.A. 102-291, eff. 8-6-21.)

1 (5 ILCS 80/4.39)

2 Sec. 4.39. Acts repealed on January 1, 2029 and December
3 31, 2029.

4 (a) The following Acts are ~~Act is~~ repealed on January 1,
5 2029:

6 The Environmental Health Practitioner Licensing Act.

7 The Crematory Regulation Act.

8 (b) The following Act is repealed on December 31, 2029:

9 The Structural Pest Control Act.

10 (Source: P.A. 100-716, eff. 8-3-18; 100-796, eff. 8-10-18;
11 101-81, eff. 7-12-19.)

12 Section 10. The Crematory Regulation Act is amended by
13 changing Sections 22 and 35 as follows:

14 (410 ILCS 18/22)

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

16 Sec. 22. Performance of cremation service; training. A
17 person may not perform a cremation service in this State
18 unless he or she has completed training in performing
19 cremation services, ~~and~~ received certification by a program
20 recognized by the Comptroller, and satisfied the continuing
21 education requirement set forth in this Section. The crematory
22 authority must conspicuously display the certification at the
23 crematory authority's place of business. Any new employee

1 shall have a reasonable time period, not to exceed one year, to
2 attend a recognized training program. In the interim, the new
3 employee may perform a cremation service if he or she has
4 received training from another person who has received
5 certification by a program recognized by the Comptroller and
6 is under the supervision of the trained person. A person who is
7 certified to perform a cremation service in this State must
8 complete, at least once every 5 years after the effective date
9 of this amendatory Act of the 103rd General Assembly, a
10 continuing education cremation course that is at least 2 hours
11 in length and that is offered by a continuing education
12 provider recognized by the Comptroller in order for that
13 person to perform a cremation service in this State. For
14 purposes of this Act, the Comptroller may recognize any
15 training program that provides training in the operation of a
16 cremation device, in the maintenance of a clean facility, and
17 in the proper handling of human remains. The Comptroller may
18 recognize any course that is conducted by a death care trade
19 association in Illinois or the United States or by a
20 manufacturer of a cremation unit that is consistent with the
21 standards provided in this Act or as otherwise determined by
22 rule.

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

24 (410 ILCS 18/35)

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

1 Sec. 35. Cremation procedures.

2 (a) Human remains shall not be cremated within 24 hours
3 after the time of death, as indicated on the Medical
4 Examiner's/Coroner's Certificate of Death. In any death, the
5 human remains shall not be cremated by the crematory authority
6 until a cremation permit has been received from the coroner or
7 medical examiner of the county in which the death occurred and
8 the crematory authority has received a cremation authorization
9 form, executed by an authorizing agent, in accordance with the
10 provisions of Section 15 of this Act. In no instance, however,
11 shall the lapse of time between the death and the cremation be
12 less than 24 hours, unless (i) it is known the deceased has an
13 infectious or dangerous disease and that the time requirement
14 is waived in writing by the medical examiner or coroner where
15 the death occurred or (ii) because of a religious requirement.

16 (b) Except as set forth in subsection (a) of this Section,
17 a crematory authority shall have the right to schedule the
18 actual cremation to be performed at its own convenience, at
19 any time after the human remains have been delivered to the
20 crematory authority, unless the crematory authority has
21 received specific instructions to the contrary on the
22 cremation authorization form.

23 (c) No crematory authority shall cremate human remains
24 when it has actual knowledge that human remains contain a
25 pacemaker or any other material or implant that may be
26 potentially hazardous to the person performing the cremation.

1 (d) No crematory authority shall refuse to accept human
2 remains for cremation because such human remains are not
3 embalmed.

4 (e) Whenever a crematory authority is unable or
5 unauthorized to cremate human remains immediately upon taking
6 custody of the remains, the crematory authority shall place
7 the human remains in a holding facility in accordance with the
8 crematory authority's rules and regulations. The crematory
9 authority must notify the authorizing agent of the reasons for
10 delay in cremation if a properly authorized cremation is not
11 performed within any time period expressly contemplated in the
12 authorization.

13 (f) A crematory authority shall not accept a casket or
14 alternative container from which there is any evidence of the
15 leakage of body fluids.

16 (g) The casket or the alternative container shall be
17 cremated with the human remains or destroyed, unless the
18 crematory authority has notified the authorizing agent to the
19 contrary on the cremation authorization form and obtained the
20 written consent of the authorizing agent.

21 (h) The simultaneous cremation of the human remains of
22 more than one person within the same cremation chamber,
23 without the prior written consent of the authorizing agent, is
24 prohibited except for common cremation pursuant to Section
25 11.4 of the Hospital Licensing Act. Nothing in this
26 subsection, however, shall prevent the simultaneous cremation

1 within the same cremation chamber of body parts delivered to
2 the crematory authority from multiple sources, or the use of
3 cremation equipment that contains more than one cremation
4 chamber.

5 (i) No unauthorized person shall be permitted in the
6 holding facility or cremation room while any human remains are
7 being held there awaiting cremation, being cremated, or being
8 removed from the cremation chamber.

9 (j) A crematory authority shall not remove any dental
10 gold, body parts, organs, or any item of value prior to or
11 subsequent to a cremation without previously having received
12 specific written authorization from the authorizing agent and
13 written instructions for the delivery of these items to the
14 authorizing agent. Under no circumstances shall a crematory
15 authority profit from making or assisting in any removal of
16 valuables.

17 (k) Upon the completion of each cremation, and insofar as
18 is practicable, all of the recoverable residue of the
19 cremation process shall be removed from the cremation chamber.

20 (l) If all of the recovered cremated remains will not fit
21 within the receptacle that has been selected, the remainder of
22 the cremated remains shall be returned to the authorizing
23 agent or the agent's designee in a separate container. The
24 crematory authority shall not return to an authorizing agent
25 or the agent's designee more or less cremated remains than
26 were removed from the cremation chamber.

1 (m) A crematory authority shall not knowingly represent to
2 an authorizing agent or the agent's designee that a temporary
3 container or urn contains the cremated remains of a specific
4 decedent when it does not.

5 (n) Cremated remains shall be shipped only by a method
6 that has an internal tracing system available and that
7 provides a receipt signed, in either paper or electronic
8 format, by the person accepting delivery.

9 (o) A crematory authority shall maintain an identification
10 system that shall ensure that it shall be able to identify the
11 human remains in its possession throughout all phases of the
12 cremation process.

13 (p) A crematory authority must provide or maintain an
14 operable refrigeration unit that:

15 (1) has cleanable, noncorrosive interior and exterior
16 finishes;

17 (2) is capable of maintaining a temperature of less
18 than 40 degrees Fahrenheit; and

19 (3) is capable of containing at least 3 human bodies.

20 (Source: P.A. 102-824, eff. 1-1-23.)

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.