

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Disposition of Veterans' Cremated Remains Act.

6 Section 5. Definitions. The following terms have the
7 meanings indicated, unless the context requires otherwise:

8 "Authorizing agent" means a person who is legally entitled
9 to authorize the cremation and final disposition of the
10 cremated remains of the deceased person in accordance with the
11 Disposition of Remains Act and the Crematory Regulation Act.

12 "Crematory authority" means a legal entity that is licensed
13 by the Comptroller of the State of Illinois to operate a
14 crematory and to perform cremations.

15 "Funeral director" means a person, known by the title of
16 "funeral director" or other similar words or titles, licensed
17 under the Funeral Directors and Embalmers Licensing Code and
18 who practices funeral directing.

19 "Veteran" means an Illinois resident who has served as a
20 member of the United States Armed Services on active duty, a
21 member of the Illinois National Guard, or a member of the
22 United States Reserve Forces, and who has received an honorable
23 discharge.

1 "Veterans organization" means an association or other
2 entity organized for the benefits of veterans that has been
3 recognized or chartered by the United States Congress and
4 includes, but is not limited to, the American Legion, the
5 Legion of Honor, the Patriot Guard, the Missing in America
6 Project, and the Vietnam Veterans of America.

7 Section 10. Funeral director or crematory authority
8 responsibilities.

9 (a) A funeral director or crematory authority must make a
10 reasonable effort to determine whether a deceased person, whose
11 human remains have been submitted to a funeral establishment
12 for final disposition by cremation, is one of the following:

- 13 (1) a veteran;
14 (2) the spouse of a veteran; or
15 (3) the dependent child of a veteran.

16 (b) This determination must be made at, or shortly after,
17 the time an at-need cremation authorization is signed by the
18 authorizing agent. The funeral director or crematory authority
19 must start his or her inquiry with the authorizing agent and
20 notify the authorizing agent of the funeral director's or
21 crematory authority's responsibilities under this Act.
22 However, nothing in this Act shall apply to a pre-need
23 cremation authorization until it becomes an at-need cremation
24 authorization. Nothing in this Act shall delay the cremation of
25 a deceased person's remains as authorized by an at-need

1 cremation authorization.

2 (c) If the funeral director or crematory authority cannot
3 determine with certainty the deceased person's status and no
4 authorizing agent exists, then the funeral director or
5 crematory authority may allow the National Cemetery
6 Administration's National Cemetery Scheduling Office, any
7 veterans organization whose primary purpose is to locate,
8 identify, and inter the unclaimed cremated remains of American
9 veterans, or any federally-chartered veterans service
10 organization to have access to the cremated remains and all
11 information regarding the deceased person in the possession of
12 the funeral director or crematory authority so that it may
13 attempt to determine whether the deceased person qualifies
14 under subsection (a) of this Section.

15 (d) If the funeral director or crematory authority
16 determines that the deceased person is either a veteran, the
17 spouse of a veteran, or the dependent child of a veteran, then
18 the funeral director or crematory authority must immediately
19 notify the authorizing agent of this finding and advise the
20 authorizing agent that the deceased person may be eligible to
21 be interred at an appropriate veterans' cemetery.

22 (e) If the cremated remains of a veteran, the spouse of a
23 veteran, or the dependent child of a veteran are not claimed by
24 an authorizing agent, then the funeral director or crematory
25 authority must hold any cremated remains for at least 60 days,
26 as required by subsection (d) of Section 40 of the Crematory

1 Regulation Act. After 60 days have expired, the funeral
2 director or crematory authority must then send written notice
3 to an authorizing agent requesting disposition instructions.
4 If the funeral director or crematory authority does not receive
5 a written response from an authorizing agent within 30 days
6 after this written notice is sent, then the funeral director or
7 crematory authority must contact any veterans organization
8 whose primary purpose is to locate, identify, and inter or
9 inurn the unclaimed cremated remains of American veterans or
10 any federally-chartered veterans service organization so that
11 arrangements for the disposition of the cremated remains of the
12 veteran, spouse of a veteran, or dependent child of a veteran
13 may be made in a state or national veterans' cemetery.

14 (f) The funeral director or crematory authority may release
15 any relevant information to the U.S. Department of Veterans
16 Affairs or any federally-chartered veterans service
17 organization to affect the timely and accurate identification
18 and interment or inurnment of the cremated remains of a
19 decedent as either a veteran, the spouse of a veteran, or the
20 dependent child of a veteran.

21 Section 15. Immunity. A funeral director or crematory
22 authority complying with this Act is immune from any criminal
23 or civil liability regarding the release of information
24 relating to (i) the determination of the deceased person's
25 status as a veteran, the spouse of a veteran, or the dependant

1 child of a veteran, (ii) the availability of interment or
2 inurnment as a veteran, or (iii) the release of the cremated
3 remains to a veterans' cemetery. A funeral director or
4 crematory authority shall be immune from civil liability for
5 any act or omission under this Act, except for willful or
6 wanton misconduct. A veterans organization or
7 federally-chartered veterans service organization shall be
8 immune from civil liability for any act or omission related to
9 the disposition of cremated remains under this Act, except for
10 willful or wanton misconduct.

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.