

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.