



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB4839

by Rep. Kelly M. Cassidy

#### SYNOPSIS AS INTRODUCED:

|                  |                              |
|------------------|------------------------------|
| 210 ILCS 85/11.4 |                              |
| 410 ILCS 535/20  | from Ch. 111 1/2, par. 73-20 |
| 410 ILCS 535/21  | from Ch. 111 1/2, par. 73-21 |

Amends the Vital Records Act. In provisions regarding fetal death, deletes provisions referencing election in writing to arrange for burial or cremation under the Hospital Licensing Act. Requires a funeral director to file an Authorization for Disposition of Fetal Remains or a certificate of death (rather than only a certificate of death) before obtaining a permit for disposition of remains. Provides that, in the case of a fetal death that occurs after a gestation period of less than 20 weeks or in the case of an abortion, no fetal death certificate shall be required for the disposition of remains. Directs the Department of Public Health to create a form to be used by the funeral director to obtain a permit for burial, entombment, or cremation. Requires the local registrar to seal any form filed under these provisions, and prohibits a funeral director from retaining a copy. Amends the Hospital Licensing Act. In provisions regarding the disposition of a fetus, provides that no fetal death certificate shall be required in accordance with the Vital Records Act. Provides that the funeral director or person acting as such who first assumes custody of fetal remains shall use the Department of Public Health form to obtain a permit for disposition of remains. Makes other conforming changes.

LRB104 20247 BDA 33698 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 Hospital Licensing Act is amended by  
5 changing Section 11.4 as follows:

6 (210 ILCS 85/11.4)

7 Sec. 11.4. Disposition of fetus. A hospital having custody  
8 of a fetus following a spontaneous fetal demise occurring  
9 during or after a gestation period of less than 20 completed  
10 weeks must notify the patient of the right to arrange for the  
11 burial or cremation of the fetus. Notification may also  
12 include other options such as, but not limited to, a ceremony~~7~~  
13 ~~a certificate,~~ or common burial or cremation of fetal tissue.  
14 If, within 24 hours after being notified under this Section,  
15 the patient elects in writing to arrange for the burial or  
16 cremation of the fetus, no fetal death certificate shall be  
17 required in accordance with the Vital Records Act. ~~the~~  
18 ~~disposition of the fetus shall be subject to the same laws and~~  
19 ~~rules that apply in the case of a fetal death that occurs in~~  
20 ~~this State after a gestation period of 20 completed weeks or~~  
21 ~~more.~~ The Department of Public Health shall develop a form  
22 ~~forms~~ to be used for notification ~~notifications~~ and election  
23 ~~elections~~ under this Section and hospitals shall provide the

1 form ~~forms~~ to the patient. The funeral director or person

2 acting as such who first assumes custody of fetal remains

3 shall use this form to obtain a permit for disposition of

4 remains.

5 (Source: P.A. 103-948, eff. 7-1-25.)

6 Section 10. The Vital Records Act is amended by changing

7 Sections 20 and 21 as follows:

8 (410 ILCS 535/20) (from Ch. 111 1/2, par. 73-20)

9 Sec. 20. Fetal death; place of registration.

10 (1) Each fetal death which occurs in this State after a

11 gestation period of 20 completed weeks ~~(or when the patient~~

12 ~~elects in writing to arrange for the burial or cremation of the~~

13 ~~fetus under Section 11.4 of the Hospital Licensing Act)~~ or

14 more shall be registered with the local or subregistrar of the

15 district in which the delivery occurred within 7 days after

16 the delivery and before removal of the fetus from the State,

17 except as provided by regulation in special problem cases.

18 (a) For the purposes of this Section, if the place of

19 fetal death is unknown, a fetal death certificate shall be

20 filed in the registration district in which a dead fetus

21 is found, which shall be considered the place of fetal

22 death.

23 (b) When a fetal death occurs on a moving conveyance,

24 the city, village, township, or road district in which the

1 fetus is first removed from the conveyance shall be  
2 considered the place of delivery and a fetal death  
3 certificate shall be filed in the registration district in  
4 which the place is located.

5 (c) The funeral director or person acting as such who  
6 first assumes custody of a fetus shall file the  
7 certificate. The personal data shall be obtained from the  
8 best qualified person or source available. The name,  
9 relationship, and address of the informant shall be  
10 entered on the certificate. The date, place, and method of  
11 final disposition of the fetus shall be recorded over the  
12 personal signature and address of the funeral director  
13 responsible for the disposition. The certificate shall be  
14 presented to the person responsible for completing the  
15 medical certification of the cause of death.

16 (2) The medical certification shall be completed and  
17 signed within 24 hours after delivery by the certifying health  
18 care professional in attendance at or after delivery, except  
19 when investigation is required under Division 3-3 of Article 3  
20 of the Counties Code and except as provided by regulation in  
21 special problem cases.

22 (3) When a fetal death occurs without medical attendance  
23 upon the mother at or after the delivery, or when  
24 investigation is required under Division 3-3 of Article 3 of  
25 the Counties Code, the coroner shall be responsible for the  
26 completion of the fetal death certificate and shall sign the

1 medical certification within 24 hours after the delivery or  
2 the finding of the fetus, except as provided by regulation in  
3 special problem cases.

4 (Source: P.A. 102-257, eff. 1-1-22; 103-948, eff. 7-1-25.)

5 (410 ILCS 535/21) (from Ch. 111 1/2, par. 73-21)

6 Sec. 21. (1) The funeral director or person acting as such  
7 who first assumes custody of a dead body or fetus shall make a  
8 written report to the registrar of the district in which death  
9 occurred or in which the body or fetus was found within 24  
10 hours after taking custody of the body or fetus on a form  
11 prescribed and furnished by the State Registrar and in  
12 accordance with the rules promulgated by the State Registrar.  
13 Except as specified in paragraph (2) of this Section, the  
14 written report shall serve as a permit to transport, bury, or  
15 entomb the body or fetus within this State, provided that the  
16 funeral director or person acting as such shall certify that  
17 the certifying health care professional who, within 12 months  
18 prior to the date of the patient's death, was treating or  
19 managing treatment of the patient's illness or condition which  
20 resulted in death has been contacted and has affirmatively  
21 stated that he or she will sign the medical certificate of  
22 death or the fetal death certificate. If a funeral director  
23 fails to file written reports under this Section in a timely  
24 manner, the local registrar may suspend the funeral director's  
25 privilege of filing written reports by mail. In a county with a

1 population greater than 3,000,000, if a funeral director or  
2 person acting as such inter or entombs a dead body without  
3 having previously certified that the certifying health care  
4 professional who, within 12 months prior to the date of the  
5 patient's death, was treating or managing treatment of the  
6 patient's illness or condition that resulted in death has been  
7 contacted and has affirmatively stated that he or she will  
8 sign the medical certificate of death, then that funeral  
9 director or person acting as such is responsible for payment  
10 of the specific costs incurred by the county medical examiner  
11 in disinterring and reinterring or reentombing the dead body.

12 (2) The written report as specified in paragraph (1) of  
13 this Section shall not serve as a permit to:

14 (a) Remove body or fetus from this State;

15 (b) Cremate the body or fetus; or

16 (c) Make disposal of any body or fetus in any manner  
17 when death is subject to the coroner's or medical  
18 examiner's investigation.

19 (3) In accordance with the provisions of paragraph (2) of  
20 this Section the funeral director or person acting as such who  
21 first assumes custody of a dead body or fetus shall obtain a  
22 permit for disposition of such dead human body prior to final  
23 disposition or removal from the State of the body or fetus.  
24 Such permit shall be issued by the registrar of the district  
25 where death occurred or the body or fetus was found. No such  
26 permit shall be issued until a properly completed certificate

1 of death or Authorization for Disposition of Fetal Remains has  
2 been filed with the registrar. The registrar shall insure the  
3 issuance of a permit for disposition within an expedited  
4 period of time to accommodate Sunday or holiday burials of  
5 decedents whose time of death and religious tenets or beliefs  
6 necessitate Sunday or holiday burials.

7 (4) A permit which accompanies a dead body or fetus  
8 brought into this State shall be authority for final  
9 disposition of the body or fetus in this State, except in  
10 municipalities where local ordinance requires the issuance of  
11 a local permit prior to disposition.

12 (5) A permit for disposition of a dead human body shall be  
13 required prior to disinterment of a dead body or fetus, and  
14 when the disinterred body is to be shipped by a common carrier.  
15 Such permit shall be issued to a licensed funeral director or  
16 person acting as such, upon proper application, by the local  
17 registrar of the district in which disinterment is to be made.  
18 In the case of disinterment, proper application shall include  
19 a statement providing the name and address of any surviving  
20 spouse of the deceased, or, if none, any surviving children of  
21 the deceased, or if no surviving spouse or children, a parent,  
22 brother, or sister of the deceased. The application shall  
23 indicate whether the applicant is one of these parties and, if  
24 so, whether the applicant is a surviving spouse or a surviving  
25 child. Prior to the issuance of a permit for disinterment, the  
26 local registrar shall, by certified mail, notify the surviving

1 spouse, unless he or she is the applicant, or if there is no  
2 surviving spouse, all surviving children except for the  
3 applicant, of the application for the permit. The person or  
4 persons notified shall have 30 days from the mailing of the  
5 notice to object by obtaining an injunction enjoining the  
6 issuance of the permit. After the 30-day period has expired,  
7 the local registrar shall issue the permit unless he or she has  
8 been enjoined from doing so or there are other statutory  
9 grounds for refusal. The notice to the spouse or surviving  
10 children shall inform the person or persons being notified of  
11 the right to seek an injunction within 30 days.  
12 Notwithstanding any other provision of this subsection (5), a  
13 court may order issuance of a permit for disinterment without  
14 notice or prior to the expiration of the 30-day period where  
15 the petition is made by an agency of any governmental unit and  
16 good cause is shown for disinterment without notice or for the  
17 early order. Nothing in this subsection (5) limits the  
18 authority of the City of Chicago to acquire property or  
19 otherwise exercise its powers under the O'Hare Modernization  
20 Act or requires that City, or any person acting on behalf of  
21 that City, to obtain a permit under this subsection (5) when  
22 exercising powers under the O'Hare Modernization Act. The  
23 Illinois Department of Transportation, and any person acting  
24 on its behalf under a public-private agreement entered into in  
25 accordance with the Public-Private Agreements for the South  
26 Suburban Airport Act, is exempt from this subsection (5),

1 provided that the Illinois Department of Transportation, or  
2 any such person, takes reasonable steps to comply with the  
3 provisions of this subsection (5) so long as compliance does  
4 not interfere with the design, development, operation, or  
5 maintenance of the South Suburban Airport or the exercise of  
6 their powers under the Public-Private Agreements for the South  
7 Suburban Airport Act.

8 (6) In the case of a fetal death that occurs after a  
9 gestation period of less than 20 weeks or in the case of an  
10 abortion, as defined in Section 1-10 of the Reproductive  
11 Health Act, no fetal death certificate shall be required for  
12 the disposition of remains. The Department shall create a form  
13 to be used by the funeral director or person acting as such to  
14 obtain a permit for burial, entombment, or cremation. The form  
15 shall be included as an appendix to the existing rules under  
16 this Act. Any form filed under this Section shall be sealed by  
17 the local registrar, and a copy shall not be retained by the  
18 funeral director.

19 (Source: P.A. 102-257, eff. 1-1-22.)