

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 5 and 40 as follows:

6 (410 ILCS 18/5)

7 (Section scheduled to be repealed on January 1, 2029)

8 Sec. 5. Definitions. As used in this Act:

9 "Address of record" means the designated address recorded
10 by the Comptroller in the applicant's or licensee's
11 application file or license file. It is the duty of the
12 applicant or licensee to inform the Comptroller of any change
13 of address within 14 days, and such changes must be made either
14 through the Comptroller's website or by contacting the
15 Comptroller. The address of record shall be the permanent
16 street address of the crematory.

17 "Alternative container" means a receptacle, other than a
18 casket, in which human remains are transported to the
19 crematory and placed in the cremation chamber for cremation.
20 An alternative container shall be (i) composed of readily
21 combustible or consumable materials suitable for cremation,
22 (ii) able to be closed in order to provide a complete covering
23 for the human remains, (iii) resistant to leakage or spillage,

1 (iv) rigid enough for handling with ease, and (v) able to
2 provide protection for the health, safety, and personal
3 integrity of crematory personnel.

4 "Authorizing agent" means a person legally entitled to
5 order the cremation and final disposition of specific human
6 remains. "Authorizing agent" includes an institution of
7 medical, mortuary, or other sciences as provided in Section 20
8 of the Disposition of Remains of the Indigent Act.

9 "Body parts" means limbs or other portions of the anatomy
10 that are removed from a person or human remains for medical
11 purposes during treatment, surgery, biopsy, autopsy, or
12 medical research; or human bodies or any portion of bodies
13 that have been donated to science for medical research
14 purposes.

15 "Burial transit permit" means a permit for disposition of
16 a dead human body as required by Illinois law.

17 "Casket" means a rigid container that is designed for the
18 encasement of human remains, is usually constructed of wood,
19 metal, or like material and ornamented and lined with fabric,
20 and may or may not be combustible.

21 "Chain of custody record" means a record that establishes
22 the continuous control of the deceased's body, body parts, or
23 human remains.

24 "Comptroller" means the Comptroller of the State of
25 Illinois.

26 "Cremated remains" means all human remains recovered after

1 the completion of the cremation, which may possibly include
2 the residue of any foreign matter including casket material,
3 bridgework, or eyeglasses, that was cremated with the human
4 remains.

5 "Cremation" means the technical process, using heat and
6 flame, or alkaline hydrolysis that reduces human remains to
7 bone fragments. The reduction takes place through heat and
8 evaporation or through hydrolysis. Cremation shall include the
9 processing, and may include the pulverization, of the bone
10 fragments.

11 "Cremation chamber" means the enclosed space within which
12 the cremation takes place.

13 "Cremation interment container" means a rigid outer
14 container that, subject to a cemetery's rules and regulations,
15 is composed of concrete, steel, fiberglass, or some similar
16 material in which an urn is placed prior to being interred in
17 the ground, and which is designed to withstand prolonged
18 exposure to the elements and to support the earth above the
19 urn.

20 "Cremation room" means the room in which the cremation
21 chamber is located.

22 "Crematory" means the building or portion of a building
23 that houses the cremation room and the holding facility.

24 "Crematory authority" means the legal entity which is
25 licensed by the Comptroller to operate a crematory and to
26 perform cremations.

1 "Final disposition" means the burial, cremation, or other
2 disposition of a dead human body or parts of a dead human body.

3 "Funeral director" means a person known by the title of
4 "funeral director", "funeral director and embalmer", or other
5 similar words or titles, licensed by the State to practice
6 funeral directing or funeral directing and embalming.

7 "Funeral establishment" means a building or separate
8 portion of a building having a specific street address and
9 location and devoted to activities relating to the shelter,
10 care, custody, and preparation of a deceased human body and
11 may contain facilities for funeral or wake services.

12 "Holding facility" means an area that (i) is designated
13 for the retention of human remains prior to cremation, (ii)
14 complies with all applicable public health law, (iii)
15 preserves the health and safety of the crematory authority
16 personnel, and (iv) is secure from access by anyone other than
17 authorized persons. A holding facility may be located in a
18 cremation room.

19 "Human remains" means the body of a deceased person,
20 including any form of body prosthesis that has been
21 permanently attached or implanted in the body.

22 "Licensee" means an entity licensed under this Act. An
23 entity that holds itself as a licensee or that is accused of
24 unlicensed practice is considered a licensee for purposes of
25 enforcement, investigation, hearings, and the Illinois
26 Administrative Procedure Act.

1 "Niche" means a compartment or cubicle for the
2 memorialization and permanent placement of an urn containing
3 cremated remains.

4 "Person" means any person, partnership, association,
5 corporation, limited liability company, or other entity, and
6 in the case of any such business organization, its officers,
7 partners, members, or shareholders possessing 25% or more of
8 ownership of the entity.

9 "Processing" means the reduction of identifiable bone
10 fragments after the completion of the cremation process to
11 unidentifiable bone fragments by manual or mechanical means.

12 "Pulverization" means the reduction of identifiable bone
13 fragments after the completion of the cremation process to
14 granulated particles by manual or mechanical means.

15 "Scattering area" means an area which may be designated by
16 a cemetery and located on dedicated cemetery property or
17 property used for outdoor recreation or natural resource
18 conservation owned by the Department of Natural Resources and
19 designated as a scattering area, where cremated remains, which
20 have been removed from their container, can be mixed with, or
21 placed on top of, the soil, ~~or~~ ground cover, or, in limited
22 scenarios that comply with the requirements under subsection
23 (b) of Section 40, water.

24 "Temporary container" means a receptacle for cremated
25 remains, usually composed of cardboard, plastic or similar
26 material, that can be closed in a manner that prevents the

1 leakage or spillage of the cremated remains or the entrance of
2 foreign material, and is a single container of sufficient size
3 to hold the cremated remains until an urn is acquired or the
4 cremated remains are scattered.

5 "Uniquely identified" means providing the deceased with
6 individualized identification.

7 "Urn" means a receptacle designed to encase the cremated
8 remains.

9 (Source: P.A. 103-907, eff. 1-1-25.)

10 (410 ILCS 18/40)

11 (Section scheduled to be repealed on January 1, 2029)

12 Sec. 40. Disposition of cremated remains.

13 (a) The authorizing agent shall be responsible for the
14 final disposition of the cremated remains.

15 (b) Cremated remains may be disposed of by placing them in
16 a grave, crypt, or niche, by scattering them in a scattering
17 area as defined in this Act, or in any manner whatever on the
18 private property of a consenting owner. When a deceased
19 individual is a member of a religion where the tenets of their
20 faith require the scattering of that individual's cremated
21 remains in water, the deceased individual's cremated remains
22 may be scattered in an Illinois river without approval through
23 the Department of Natural Resources' permit process as long as
24 the scattering of the cremated remains is: (1) limited to one
25 deceased individual; (2) spread over an area large enough to

1 avoid leaving an identifiable accumulation of remains; (3) out
2 of sight of any public use areas, including, but not limited
3 to, roads, walkways, trails, picnic areas, campgrounds, and
4 parking lots; and (4) conducted in a manner in which no other
5 objects, including, but not limited to, any cremation
6 identification disc, body prosthesis, or artificial organ,
7 other than pulverized cremated remains, are scattered into a
8 river. Nothing in this subsection (b) grants an individual
9 authority to trespass on private property.

10 (c) Upon the completion of the cremation process, and
11 except as provided for in item (I) of paragraph (1) of
12 subsection (a) of Section 20, if the crematory authority has
13 not been instructed to arrange for the interment, entombment,
14 inurnment, or scattering of the cremated remains, the
15 crematory authority shall deliver the cremated remains to the
16 individual specified on the cremation authorization form, or
17 if no individual is specified then to the authorizing agent.
18 The delivery may be made in person or by registered mail. Upon
19 receipt of the cremated remains, the individual receiving them
20 may transport them in any manner in this State without a
21 permit, and may dispose of them in accordance with this
22 Section. After delivery, the crematory authority shall be
23 discharged from any legal obligation or liability concerning
24 the cremated remains.

25 (d) If, after a period of 60 days from the date of the
26 cremation, the authorizing agent or the agent's designee has

1 not instructed the crematory authority to arrange for the
2 final disposition of the cremated remains or claimed the
3 cremated remains, the crematory authority may dispose of the
4 cremated remains in any manner permitted by this Section. The
5 crematory authority, however, shall keep a permanent record
6 identifying the site of final disposition. The authorizing
7 agent shall be responsible for reimbursing the crematory
8 authority for all reasonable expenses incurred in disposing of
9 the cremated remains. Upon disposing of the cremated remains,
10 the crematory authority shall be discharged from any legal
11 obligation or liability concerning the cremated remains. Any
12 person who was in possession of cremated remains prior to the
13 effective date of this Act may dispose of them in accordance
14 with this Section.

15 (e) Except with the express written permission of the
16 authorizing agent, no person shall:

17 (1) Dispose of cremated remains in a manner or in a
18 location so that the cremated remains are commingled with
19 those of another person. This prohibition shall not apply
20 to the scattering of cremated remains at sea, by air, or in
21 an area located in a dedicated cemetery and used
22 exclusively for those purposes.

23 (2) Place cremated remains of more than one person in
24 the same temporary container or urn.

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