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LRB096 08256 ASK 22364 a

1 AMENDMENT TO HOUSE BILL 516

2 AMENDMENT NO. _____. Amend House Bill 516 by replacing
3 everything after the enacting clause with the following:

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

1 under the Funeral Directors and Embalmers Licensing Code and
2 who practices funeral directing.

3 "Veteran" means an Illinois resident who has served as a
4 member of the United States Armed Services on active duty, a
5 member of the Illinois National Guard, or a member of the
6 United States Reserve Forces, and who has received an honorable
7 discharge.

8 "Veterans organization" means an association or other
9 entity organized for the benefits of veterans that has been
10 recognized or chartered by the United States Congress and
11 includes, but is not limited to, the American Legion, the
12 Legion of Honor, the Patriot Guard, the Missing in America
13 Project, and the Vietnam Veterans of America.

14 Section 10. Funeral director or crematory authority
15 responsibilities.

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

- 20 (1) a veteran;
21 (2) the spouse of a veteran; or
22 (3) the dependent child of a veteran.

23 (b) This determination must be made at, or shortly after,
24 the time an at-need cremation authorization is signed by the
25 authorizing agent. The funeral director or crematory authority

1 must start his or her inquiry with the authorizing agent and
2 notify the authorizing agent of the funeral director's or
3 crematory authority's responsibilities under this Act.
4 However, nothing in this Act shall apply to a pre-need
5 cremation authorization until it becomes an at-need cremation
6 authorization. Nothing in this Act shall delay the cremation of
7 a deceased person's remains as authorized by an at-need
8 cremation authorization.

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

22 (d) If the funeral director or crematory authority
23 determines that the deceased person is either a veteran, the
24 spouse of a veteran, or the dependent child of a veteran, then
25 the funeral director or crematory authority must immediately
26 notify the authorizing agent of this finding and advise the

1 authorizing agent that the deceased person may be eligible to
2 be interred at an appropriate veterans' cemetery.

3 (e) If the cremated remains of a veteran, the spouse of a
4 veteran, or the dependent child of a veteran are not claimed by
5 an authorizing agent, then the funeral director or crematory
6 authority must hold any cremated remains for at least 60 days,
7 as required by subsection (d) of Section 40 of the Crematory
8 Regulation Act. After 60 days have expired, the funeral
9 director or crematory authority must then send written notice
10 to an authorizing agent requesting disposition instructions.
11 If the funeral director or crematory authority does not receive
12 a written response from an authorizing agent within 30 days
13 after this written notice is sent, then the funeral director or
14 crematory authority must contact any veterans organization
15 whose primary purpose is to locate, identify, and inter or
16 inurn the unclaimed cremated remains of American veterans or
17 any federally-chartered veterans service organization so that
18 arrangements for the disposition of the cremated remains of the
19 veteran, spouse of a veteran, or dependent child of a veteran
20 may be made in a state or national veterans' cemetery.

21 (f) The funeral director or crematory authority may release
22 any relevant information to the U.S. Department of Veterans
23 Affairs or any federally-chartered veterans service
24 organization to affect the timely and accurate identification
25 and interment or inurnment of the cremated remains of a
26 decedent as either a veteran, the spouse of a veteran, or the

1 dependent child of a veteran.

2 Section 15. Immunity. A funeral director or crematory
3 authority complying with this Act is immune from any criminal
4 or civil liability regarding the release of information
5 relating to (i) the determination of the deceased person's
6 status as a veteran, the spouse of a veteran, or the dependant
7 child of a veteran, (ii) the availability of interment or
8 inurnment as a veteran, or (iii) the release of the cremated
9 remains to a veterans' cemetery. A funeral director or
10 crematory authority shall be immune from civil liability for
11 any act or omission under this Act, except for willful or
12 wanton misconduct. A veterans organization or
13 federally-chartered veterans service organization shall be
14 immune from civil liability for any act or omission related to
15 the disposition of cremated remains under this Act, except for
16 willful or wanton misconduct.

17 Section 99. Effective date. This Act takes effect upon
18 becoming law."