

AN ACT concerning health.

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

Section 1. Short title. This Act may be cited as the  
Disposition of Remains of the Indigent Act.

Section 5. Purpose. The General Assembly recognizes:

(1) that each individual in the State regardless of his  
or her economic situation is entitled to a dignified  
disposition of his or her remains;

(2) that it is a matter of public concern and interest  
that the preparation, care, and final disposition of a  
deceased human body be attended to with appropriate  
observance and understanding;

(3) that it is a matter of public concern and interest  
that there is a due regard and respect for the reverent  
care of the human body, for those bereaved, and the overall  
spiritual dignity of every person;

(4) that the provision of cadavers and other human  
materials is a much-needed service for the advancement of  
medical, mortuary, and other sciences;

(5) that there is a critical shortage of cadavers  
necessary for the advancement of medical, mortuary, and  
other sciences;

(6) that the State has, in the past, paid for the burial and funeral of indigent individuals;

(7) that payment for such services is not now consistent with the needs or demands of the current State budget;

(8) that the State has had a long-standing policy that government officials who have custody of a body of any deceased person shall transfer such custody to any State medical college, school, or other institution of higher science education or school of mortuary science for advancement of medical, anatomical, biological, or mortuary science; and

(9) that current law provides that any county coroner may donate bodies not claimed by family members or friends.

Section 7. Definitions. As used in this Act:

"Department" means the Department of Public Health.

"Qualified medical science institution" means an institution of medical, mortuary, or other sciences meeting the requirements of Section 25 of this Act.

"State facility" means any facility, hospital, institution, morgue, or other place for bodies of deceased persons owned or operated by the State of Illinois, other than a qualified medical science institution.

Section 10. Indigent funeral and burial.

(a) If private funds are not available to pay funeral and burial costs and a request is made for those costs to an official of State or local government by an appropriate family member, executor, or agent empowered to direct the disposition of the decedent's remains, the official shall inform the appropriate family member, executor, or agent empowered to direct the disposition of the decedent's remains of the option to donate the remains for use in the advancement of medical science subject to any written directive of a will or other written instrument identified in Section 65 of the Crematory Regulation Act or in subsection (a) of Section 40 of the Disposition of Remains Act.

(b) The appropriate family member, executor, or agent empowered to direct the disposition of the decedent's remains is responsible for authorizing the use of such remains in accordance with the process of the specific qualified medical science institution.

(c) If funds are not otherwise available for burial or the cadaver has not been claimed by a family member or other responsible person, the coroner with custody may donate the cadaver for medical science purposes pursuant to Section 3-3034 of the Counties Code.

Section 15. Donation of unclaimed cadavers in the custody of the State.

(a) The director of any State facility in custody of a

cadaver shall make reasonable efforts to contact a family member or other person responsible for the disposition of the remains for the purpose of claiming the remains.

(b) If a family member or other person responsible for the disposition of the remains requests the remains, the person must remove or make arrangements to remove the remains within 72 hours of notice from the facility.

(c) If, after making reasonable efforts to contact a family member or other person responsible for the disposition of the remains, the cadaver is unclaimed or if a person claiming the remains has failed to remove or make arrangements to remove the cadaver within 72 hours of notice from the facility, the State facility director shall contribute the cadaver to a qualified medical science institution for use in the advancement of medical science as designated by the Department under Section 30 of this Act unless it is necessary to preserve the body for law enforcement purposes or the decedent has left written instructions that he or she does not wish to be cremated or donated for medical science.

(d) The State facility director shall as soon as is practicable after the end of the 72-hour notice period:

(1) verify, if known, or make good faith efforts to discover, if not known, identifying information regarding the decedent, including ethnicity, religious affiliation, and former associations;

(2) after such verification or discovery, provide to

the Department all information in its possession relating to the decedent;

(3) preserve all information submitted to the Department along with information on how the State facility obtained or attempted to obtain information regarding the decedent, including persons contacted, time of contact, name of contact, and documents reviewed.

(e) If a cadaver is contributed to a qualified medical science institution under this Section, the State facility director shall provide to the institution the name, address, e-mail address, and telephone number of the family member or other responsible party, if known.

(f) A qualified medical science institution receiving a cadaver pursuant to this Section is responsible for all costs related to the contribution, including transportation of the remains.

Section 20. Institution of medical, mortuary, or other sciences.

(a) A qualified medical science institution receiving a cadaver pursuant to Section 15 of this Act shall:

(1) hold the cadaver at its facility for 30 days after receipt from the State facility; and

(2) ensure during the 30-day period that the cadaver is not used for any purpose other than for embalming.

(b) After use of the remains, the qualified medical science

institution shall cremate them pursuant to Section 19 of the Crematory Regulation Act and deliver them to the appropriate family member, executor, or agent empowered to direct the disposition of the decedent's cremated human remains. If no such person is available or if such person is unwilling to accept the remains, the qualified medical science institution shall inter the cremated human remains at a cemetery licensed under the Cemetery Oversight Act. Upon such interment, the institution shall notify the family member, executor, or agent empowered to direct the disposition of the decedent's remains, if known, by mail of the location of the remains. The institution shall maintain at all times a registry of such interred cremated human remains.

(c) A qualified medical science institution is considered an authorizing agent under the Crematory Regulation Act only for the purpose of ordering the cremation and delivering or interring the remains following cremation as provided in this Section.

(d) If at any time an appropriate family member, executor, or agent empowered to direct the disposition of the decedent's remains makes a written request concerning disposition or return of the remains, the qualified medical science institution shall, at its own expense, return the remains within a reasonable time.

(e) A qualified medical science institution receiving a cadaver under Section 15 of this Act may not transfer a

decedent's remains in a manner not authorized by this Act.

Section 25. Registry of contributed cadavers and institutions of medical, mortuary, or other sciences.

(a) An institution of medical, mortuary, or other sciences is eligible to receive a contributed cadaver under Section 15 of this Act if it meets the qualifications determined to be appropriate by the Department by rule and registers with the Department. Under no circumstances is the harvesting and sale of body parts allowed, including after any medical, mortuary, or other sciences research has concluded. Qualified medical science institutions, at a minimum, must be either:

(1) a medical college or school, or other institution of higher science education or school of mortuary science, public or private;

(2) a hospital; or

(3) a not-for-profit corporation under Section 501(c)(3) of the Internal Revenue Code registered under the Charitable Trust Act.

(b) The Department shall maintain a registry of:

(1) cadavers that have been contributed to qualified medical science institutions of Section 15; and

(2) institutions qualifying as institutions of medical, mortuary, or other sciences eligible to receive donations under this Act.

The Department shall update the registry with any new

information within 24 hours of receiving the information.

(c) Each qualified medical science institution shall submit its request for cadavers in State custody. The Department shall designate the next institution to receive a cadaver when requested by a State facility.

(d) If the number of cadavers is insufficient for the use of the relevant institutions, the Department shall determine which institution shall receive them, taking into account the relative proportion of the numbers of students at each institution.

Section 30. Rules. The Department may adopt rules as necessary to implement this Act.

Section 35. Repealer. This Act is repealed on December 31, 2022.

Section 90. The Crematory Regulation Act is amended by changing Section 5 as follows:

(410 ILCS 18/5)

(Section scheduled to be repealed on January 1, 2021)

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

"Address of record" means the designated address recorded by the Comptroller in the applicant's or licensee's application file or license file. It is the duty of the applicant or



licensee to inform the Comptroller of any change of address within 14 days, and such changes must be made either through the Comptroller's website or by contacting the Comptroller. The address of record shall be the permanent street address of the crematory.

"Alternative container" means a receptacle, other than a casket, in which human remains are transported to the crematory and placed in the cremation chamber for cremation. An alternative container shall be (i) composed of readily combustible or consumable materials suitable for cremation, (ii) able to be closed in order to provide a complete covering for the human remains, (iii) resistant to leakage or spillage, (iv) rigid enough for handling with ease, and (v) able to provide protection for the health, safety, and personal integrity of crematory personnel.

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

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

"Burial transit permit" means a permit for disposition of a

dead human body as required by Illinois law.

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

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

"Cremated remains" means all human remains recovered after the completion of the cremation, which may possibly include the residue of any foreign matter including casket material, bridgework, or eyeglasses, that was cremated with the human remains.

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

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

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

urn.

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

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

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

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

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

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

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

"Human remains" means the body of a deceased person,

including any form of body prosthesis that has been permanently attached or implanted in the body.

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

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

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

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

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

"Scattering area" means an area which may be designated by a cemetery and located on dedicated cemetery property where cremated remains, which have been removed from their container, can be mixed with, or placed on top of, the soil or ground cover.

"Temporary container" means a receptacle for cremated remains, usually composed of cardboard, plastic or similar material, that can be closed in a manner that prevents the leakage or spillage of the cremated remains or the entrance of foreign material, and is a single container of sufficient size to hold the cremated remains until an urn is acquired or the cremated remains are scattered.

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

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

Section 95. The Disposition of Remains Act is amended by changing Section 5 as follows:

(755 ILCS 65/5)

Sec. 5. Right to control disposition; priority. Unless a decedent has left directions in writing for the disposition or designated an agent to direct the disposition of the decedent's remains as provided in Section 65 of the Crematory Regulation Act or in subsection (a) of Section 40 of this Act, the following persons, in the priority listed, have the right to control the disposition, including cremation, of the decedent's remains and are liable for the reasonable costs of the disposition:

(1) the person designated in a written instrument that satisfies the provisions of Sections 10 and 15 of this Act;

(2) any person serving as executor or legal representative of the decedent's estate and acting according to the decedent's written instructions contained in the decedent's will;

(3) the individual who was the spouse of the decedent at the time of the decedent's death;

(4) the sole surviving competent adult child of the decedent, or if there is more than one surviving competent adult child of the decedent, the majority of the surviving competent adult children; however, less than one-half of the surviving adult children shall be vested with the rights and duties of this Section if they have used reasonable efforts to notify all other surviving competent adult children of their instructions and are not aware of any opposition to those instructions on the part of more than one-half of all surviving competent adult children;

(5) the surviving competent parents of the decedent; if one of the surviving competent parents is absent, the remaining competent parent shall be vested with the rights and duties of this Act after reasonable efforts have been unsuccessful in locating the absent surviving competent parent;

(6) the surviving competent adult person or persons respectively in the next degrees of kindred or, if there is more than one surviving competent adult person of the same degree of kindred, the majority of those persons; less than

the majority of surviving competent adult persons of the same degree of kindred shall be vested with the rights and duties of this Act if those persons have used reasonable efforts to notify all other surviving competent adult persons of the same degree of kindred of their instructions and are not aware of any opposition to those instructions on the part of one-half or more of all surviving competent adult persons of the same degree of kindred;

(6.5) any recognized religious, civic, community, or fraternal organization willing to assume legal and financial responsibility;

(7) in the case of indigents or any other individuals whose final disposition is the responsibility of the State or any of its instrumentalities, a public administrator, medical examiner, coroner, State appointed guardian, or any other public official charged with arranging the final disposition of the decedent;

(8) in the case of individuals who have donated their bodies to science, or whose death occurred in a nursing home or other private institution, ~~who have executed cremation authorization forms under Section 65 of the Crematory Regulation Act~~ and the institution is charged with making arrangements for the final disposition of the decedent, a representative of the institution; or

(9) any other person or organization that is willing to assume legal and financial responsibility.

As used in Section, "adult" means any individual who has reached his or her eighteenth birthday.

Notwithstanding provisions to the contrary, in the case of decedents who die while serving as members of the United States Armed Forces, the Illinois National Guard, or the United States Reserve Forces, as defined in Section 1481 of Title 10 of the United States Code, and who have executed the required U.S. Department of Defense Record of Emergency Data Form (DD Form 93), or successor form, the person designated in such form to direct disposition of the decedent's remains shall have the right to control the disposition, including cremation, of the decedent's remains.

(Source: P.A. 97-333, eff. 8-12-11; 98-463, eff. 8-16-13.)