

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Illinois Vital Records Code
- 2) Code Citation: 77 Ill. Adm. Code 500
- 3) Section Number: 500.50 Emergency Action: Amendment
- 4) Statutory Authority: Vital Records Act [410 ILCS 535], Adoption Act [750 ILCS 50], and Jane Doe II v. Lumpkin, United States District Court, Central District of Illinois, Case No. 89-1224.
- 5) Effective Date of Rule:
- 6) If these emergency amendments are to expire before the end of the 150-day period, please specify the date on which they are to expire: This rulemaking will not expire before the end of the 150-day period.
- 7) Date Filed with the Index Department:
- 8) A copy of the emergency rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Reason for Emergency: The Department is adopting these emergency amendments to implement P.A. 99-0262, effective January 1, 2016, which allows for the temporary removal of a dead human body from the State of Illinois for the purpose of organ or tissue donation. The amendments are necessary to aid the donation of life-enabling and sustaining organs and tissues, especially in the southernmost Illinois counties where there are an estimated 500,000 persons registered with the Illinois Organ/Tissue Donation Registry.

Section 5-45 of the Illinois Administrative Procedure Act (IAPA) defines "emergency" as "the existence of any situation that any agency finds reasonably constitutes a threat to the public interest, safety, or welfare." The situation that requires this emergency rulemaking constitutes an "emergency" because without this rulemaking, dead human bodies may not be transported across state lines for the purpose of organ and tissue donations. This rulemaking will improve the outcomes for the donation process and benefit recipients of donated organ or tissue, especially for citizens in the southernmost part of Illinois. Opportunities to maximize the donation of organs and tissues will be greatly increased by this rulemaking. It is the intent of the Department to ensure access to organ and tissue donations necessary to improve and save lives of Illinois citizens.

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- 10) A Complete Description of the Subject and Issues: This rulemaking implements P.A. 99-0262, effective January 1, 2016, which allows for the temporary removal of a dead human body for organ and/or tissue donation purposes.
- 11) Are there any other rulemakings pending on this Part? Yes
- 12) Statement of Statewide Policy Objective: This rulemaking will not create or expand a State mandate.
- 13) Information and questions regarding these emergency amendment shall be directed to:

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The full text of the emergency amendment begins on the next page:

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER e: VITAL RECORDS

PART 500
ILLINOIS VITAL RECORDS CODE

Section

- 500.10 Definitions
- 500.15 Referenced Materials
- 500.20 Access to Vital Records
- 500.25 Gestational Surrogacy Births
- 500.30 Delayed Records of Birth
- 500.40 Amendments, Additions or Corrections to Vital Records
- 500.43 Amendments to Birth Records Following Gender Re-assignment
- 500.45 New Certificates of Birth
- 500.47 Illinois Adoption Registry and Information Exchange
- 500.50 Transportation and Disposition of Dead Human Body
- EMERGENCY**
- 500.60 Court Order to Restore Original Certificate of Birth
- 500.70 Availability of Medical and Health Information
- 500.80 Appointment and Removal of Local Registrars
- 500.90 Social Security Numbers of the Mother and Father of an Infant

500.APPENDIX A Birth Records

- 500.ILLUSTRATION A Certificate of Live Birth
- 500.ILLUSTRATION B Information For Medical and Health Use Only
- 500.ILLUSTRATION C Record of a Foreign Birth
- 500.ILLUSTRATION D Certificate of Birth – Foundling Child
- 500.ILLUSTRATION E Application for Search of Birth Record Files
- 500.ILLUSTRATION F Application for Correction of a Birth Certificate

500.APPENDIX B Delayed Birth Records

- 500.ILLUSTRATION A Instructions for Filing a Delayed Record of Birth for a Child Age One to Seven Years
- 500.ILLUSTRATION B Delayed Record of Birth
- 500.ILLUSTRATION C Filing a Delayed Record of Birth After the Seventh Birthday
- 500.ILLUSTRATION D Application for Delayed Record of Birth
- 500.ILLUSTRATION E Delayed Record of Birth (Registered After Seventh Birthday)

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500.ILLUSTRATION F	Affidavit in Support of an Application for a Delayed Registration of Birth
500.APPENDIX C	Marriage Application and Record
500.APPENDIX D	Certificate of Dissolution, Invalidity of Marriage or Legal Separation
500.APPENDIX E	Adoption Records
500.ILLUSTRATION A	Certificate of Adoption
500.ILLUSTRATION B	Information Concerning Adoptive Parents
500.ILLUSTRATION C	Information Concerning Parents
500.ILLUSTRATION D	Instructions for Adoption Registry Forms
500.ILLUSTRATION E	Birth Parent Registration Identification Form
500.ILLUSTRATION F	Instructions for Adoptee Registration (Repealed)
500.ILLUSTRATION G	Adopted Person Registration Identification Form
500.ILLUSTRATION H	Information Exchange Authorization Form
500.ILLUSTRATION I	Denial of Information Exchange Form
500.ILLUSTRATION J	Instructions for Applying for a New Birth Certificate for a Legitimated Child
500.ILLUSTRATION K	Surrendered Person Registration Identification Form
500.ILLUSTRATION L	Non-surrendered Birth Sibling Registration
500.ILLUSTRATION M	Adoptive Parent Registration Identification Form
500.ILLUSTRATION N	Legal Guardian Registration Identification Form
500.ILLUSTRATION O	Adoption Registry Application Form
500.ILLUSTRATION P	Medical Questionnaire Form
500.APPENDIX F	Death Records
500.ILLUSTRATION A	Certificate of Fetal Death
500.ILLUSTRATION B	Medical Examiner's – Coroner's Certificate of Death
500.ILLUSTRATION C	Medical Certificate of Death
500.ILLUSTRATION D	Application for Search of Death Record Files
500.ILLUSTRATION E	Corrected Cause of Death Certification
500.ILLUSTRATION F	Application for Correction of a Death Certificate
500.APPENDIX G	Death Records
500.ILLUSTRATION A	Report of Death
500.ILLUSTRATION B	Necropsy (NEC)1
500.ILLUSTRATION C	Permit for Disposition of Dead Human Body
500.ILLUSTRATION D	Coroner's or Medical Examiner's Permit to Cremate a Dead Human Body
500.ILLUSTRATION E	Application for Disinterment – Reinterment Permit
500.APPENDIX H	Affidavits
500.ILLUSTRATION A	Affidavit by Mother
500.ILLUSTRATION B	Affidavit by Father
500.ILLUSTRATION C	Affidavit and Certificate of Correction

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500.ILLUSTRATION D Abstract of a Record
500.APPENDIX I Subregistrar's Appointment Blank

AUTHORITY: Implementing and authorized by the Vital Records Act [410 ILCS 535], Adoption Act [750 ILCS 50], and Jane Doe II v. Lumpkin, United States District Court, Central District of Illinois, Case No. 89-1224.

SOURCE: Amended April 7, 1976, effective May 1, 1976; amended at 6 Ill. Reg. 3880, effective March 29, 1982; codified at 8 Ill. Reg. 8917; emergency amendment at 15 Ill. Reg. 3593, effective February 20, 1991, for a maximum of 150 days; emergency expired July 22, 1991; amended at 15 Ill. Reg. 11706, effective August 1, 1991; emergency amendment at 24 Ill. Reg. 3885, effective February 25, 2000, for a maximum of 150 days; emergency expired July 24, 2000; amended at 24 Ill. Reg. 11882, effective July 26, 2000; amended at 35 Ill. Reg. 16682, effective October 3, 2011; amended at 37 Ill. Reg. 12555, effective July 19, 2013; amended at 37 Ill. Reg. 14983, effective August 28, 2013; emergency amendment at 40 Ill. Reg. _____, effective _____, for a maximum of 150 days; amended at 40 Ill. Reg. _____, effective _____.

Section 500.50 Transportation and Disposition of Dead Human Body
EMERGENCY

- a) A local registrar may issue a Permit for Disposition of Dead Human Body to a funeral director authorizing a hospital to incinerate a dead fetus (a product of gestation of 20 or more weeks) or the body of an infant who dies immediately after birth and prior to release from the hospital. This permit may be issued by a local registrar to a funeral director upon the filing of the appropriate death or fetal death certificate. only to a funeral director or person acting as a funeral director and only upon the presentation of a completed Certificate of Death (infant death) or Fetal Death.
- b) A local registrar may issue a Permit for Disposition of Dead Human Body authorizing the parents of a dead fetus or deceased infant to bury the body in a private burial plot, if requested by a funeral director ~~or person acting as a funeral director~~. This permit may be issued only to the funeral director and only upon the presentation of a completed Certificate of Death or Fetal Death.
- c) A Permit for Disposition of a Dead Human Body authorizing disinterment is required prior to the disinterment of a dead human body or fetus. The same permit may also authorize transportation of the body by common carrier, if desired. The permit shall be issued by the local registrar of the Local Registration

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District in which the disinterment is to be made and shall be issued only to a funeral director ~~or person acting as a funeral director~~. The application for disinterment (VR207) shall be signed by the surviving spouse of the decedent or, if none, a surviving adult child of the decedent or, if no surviving spouse or adult children, then a parent or sibling of the decedent. If the surviving spouse, surviving adult child, adult children, or a parent or adult sibling of the decedent does not consent, a court order will be required, next of kin (if known). If the next of kin is unknown, the VR207 permit shall be signed by the party contracting with the funeral director for the disinterment. ~~If the applicant is a surviving adult child and there is no surviving spouse, all other surviving adult children, except for the applicant, must either sign the application for disinterment or be notified by Certified U.S. Mail prior to the issuance of the permit for disinterment.~~

Investigations conducted by the coroner, medical examiner, state's attorney or any other related law enforcement official do not require the signature or approval from the next of kin, and the application for disinterment VR207 should be signed by the coroner, medical examiner, state's attorney or other related law enforcement official, or by order of the Illinois Circuit Court, appropriate official, or by order of a court. If ~~multiple~~ several bodies or an entire cemetery is to be disinterred, the local registrar may issue ~~to a funeral director~~ a single Permit for Disposition of Dead Human Body to a funeral director, to which a complete list, as far insofar as possible, of the identity of all the bodies is to be attached. The Permit for Disposition of Dead Human Body authorizing disinterment shall also show the final disposition of the body or bodies. If the disinterred remains are to be created, the medical examiner or coroner in the county of disinterment shall have the authority to issue a cremation permit.

- 1) Disinterred human remains shall not be transported within the State unless accompanied by a Permit for Disposition of Dead Human Body. The transportation of disinterred remains by common carrier or by private conveyance is subject to the ~~same~~ requirements of listed in subsections (e)(1) through ~~(65)~~ that apply to for any dead human body. ~~The However, the~~ remains of repatriated U.S. war dead may be transported within Illinois on the basis of the burial-transit permit issued at the point of origin. ~~The This~~ permit shall be exchanged for an Illinois Permit for Disposition of Dead Human Body prior to interment or cremation in Illinois (see subsection (d)(6)).
- 2) Disinterred human remains shall not be reinterred within the State except as authorized by a Permit for Disposition of Dead Human Body.

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d) Disposition of Dead Human Body

- 1) A dead human body shall not be interred in a grave, vault or tomb, except as authorized by a Permit for Disposition of Dead Human Body ~~issued by the local registrar of the District in which the death occurred, if the death occurred in Cook County.~~ If the death occurred in the State of Illinois and burial is also in this State, a county other than Cook County, the funeral director may issue the permit. ~~may be issued by the funeral director, except~~ When the body is being shipped out of the State for disposition or when the death was subject to investigation by the coroner, ~~in which case~~ the permit must be signed by the local registrar of the district where the death occurred prior to the disposition of the body. A dead human body shall not be surrendered to a physician, surgeon, medical college or school or other institution or school of mortuary science and later cremated, except as authorized by a Permit for Disposition of Dead Human Body issued by the local registrar of the district in which the death occurred. This permit shall be issued to ~~a an Illinois licensed~~ funeral director ~~or person acting as a funeral director,~~ upon presentation of a completed Certificate of Death or Certificate of Fetal Death.
- 2) A dead human body being shipped out of State for disposition, or whose death was subject to the coroner's or medical examiner's investigation shall not be disposed of ~~in Cook County,~~ except as authorized by ~~a Permit for Disposition of Dead Human Body issued by the local registrar of the district in which the death occurred or, in counties other than Cook,~~ the signing of Part II of the Report of Death (VR205) by the local registrar of the district in which the death occurred. If disposition of any dead human remains is by cremation, the local registrar shall not sign the issue a permit, unless presented with a duly executed Coroner's or Medical Examiner's Permit to Cremate a Dead Human Body.
- 3) No Permit for Disposition of Dead Human Body is required for the disposition of ashes from cremation, unless the ashes are to be buried in a cemetery. In that case, any local registrar or any funeral director may issue the permit.
- 4) No Permit for Disposition of Dead Human Body is required for the disposal of a part of a living human body, such as an amputated arm or leg, except when the part is to be interred in a cemetery. In that case, upon being requested to do so, the local registrar of the registration district

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where the cemetery is located shall issue a Permit for Disposition of Dead Human Body. The permit shall be issued upon receipt of a letter from the institution that performed the amputation or is in custody of the amputated part or parts.

- 5) A dead fetus resulting from a fetal death is considered to be a dead human body, and its transportation and disposition are subject to this Part. However, if the dead fetus was delivered before the 20th week of gestation, a Permit for Disposition of Dead Human Body is not required unless interment of the remains is to be made in a cemetery. In that case, if the fetal death was not subject to a coroner's investigation, any funeral director can issue the permit. If the fetal death was subject to a coroner's investigation, the local registrar of the district where death occurred shall sign the permit.
- 6) A permit for a group burial or group cremation (when the manner of death is "Natural") for fetuses under 20 weeks gestation may be issued without the completion and filing of a fetal death certificate.
 - A) In the case of group burial, when the fetal death is under 20 weeks gestation and not subject to ~~coroner's or medical examiner's~~ ~~coroner's/medical examiner's~~ jurisdiction, a ~~burial or transit~~ ~~burial/transit~~ permit can be issued by any ~~Illinois licensed~~ funeral director ~~or person acting as a funeral director~~ without a fetal death certificate.
 - B) In the case of group cremation, when the fetal death is under 20 weeks gestation and not subject to ~~coroner's or medical examiner's~~ ~~coroner's/medical examiner's~~ jurisdiction, hospital personnel will provide copies of the signed Fetal Death Disposition-Notification Form for each fetus to ~~a an Illinois licensed~~ funeral director ~~or~~ ~~person acting as a funeral director~~, to be presented to the coroner ~~or~~ ~~/~~ medical examiner in the county where the fetal death occurred. The ~~coroner or medical examiner~~ ~~coroner/medical examiner~~ will issue one cremation permit for all fetuses or individual cremation permits for each fetus in the group cremation. Upon receipt of the authorized cremation permit or permits, any ~~Illinois licensed~~ funeral director ~~or person acting as a funeral director~~ will then issue the Permit for Disposition of Dead Human Body (VR-205). The funeral director ~~or person acting as the funeral director~~ will

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provide the VR-205 and the authorized cremation permit to the local registrar in the registration district where the fetal death occurred. The local registrar shall sign the ~~Permit for Disposition of Dead Human Body (VR-205)~~.

C) In any case that the ~~coroner or medical examiner~~ coroner/medical examiner deems necessary to investigate and to certify the cause of death, a Fetal Death Certificate ~~fetal death certificate~~ shall be completed and filed irrespective of the fetus' weeks of gestation.

7) A permit for Disposition of Dead Human Body authorizing the disposition of the remains of the repatriated U.S. war dead shall be issued to the receiving funeral director by the local registrar of the district in which the body is to be interred or cremated. ~~The This~~ Permit for Disposition of Dead Human body shall be issued in exchange for the burial-transit papers accompanying the body.

e) Transportation of Dead Human Body

~~1) No dead human body from Cook County may be transported within the State of Illinois except as authorized by a Permit for Disposition of Dead Human Body issued by the appropriate local or sub-registrar of vital records, to an Illinois licensed funeral director or a person acting in his/her behalf. During the first 72 hours after death, the funeral director may move a dead body that is not subject to the Medical Examiner's investigation from the place of death to a mortuary in this State without first having obtained a Permit for Disposition of Dead Human body.~~

~~1)2) When a death occurs in Illinois, during ~~outside of Cook County, no dead human body may be transported within the State of Illinois until a Report of Death has been filed with the local registrar of the district where the death occurred. During~~ the first 24 hours after notification of the death, the funeral director ~~or person acting as a funeral director~~ may move a dead body that is not subject to a coroner's investigation from the place of death to a mortuary in the State without first having obtained a Permit for Disposition of Dead Human Body. ~~In this case, the Report of Death shall be mailed or otherwise filed within 24 hours after death.~~~~

~~2)3) No dead human body may be transported into the State of Illinois, unless it is accompanied by a burial-transit permit properly issued in accordance~~

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with the laws of the state from which the body was transported, showing that all precautions required by the State of Illinois have been observed. The burial-transit permit is sufficient authority also for interment or cremation of the body in Illinois, provided that the permit specifies the place and type of disposition, except in municipalities where local ordinance requires the issuance of a local permit prior to disposition, and except for repatriated U.S. war dead. ~~(see Section 500.50(d)(6)).~~

~~3)4)~~ No dead human body shall be transported by common carrier in Illinois, unless accompanied by a Permit for Disposition of Dead Human Body issued by a local registrar of this State. In the case of a body shipped from another state, the body shall be accompanied by a transit or burial-transit permit issued in accordance with the laws of the state from which the body is shipped.

~~4)5)~~ No dead human body shall be transported from Illinois to a point outside this State unless the body has been prepared in accordance with the laws and regulations of the states through which and to which transportation is made.

~~5)6)~~ Presumptive records of death prepared upon the order of a court of competent jurisdiction shall show, as the date of death, the date the order was entered by the court, unless otherwise specified in the order.

~~6)~~ No permit for transportation signed by the local registrar is required prior to transporting a dead human body out of the State of Illinois, at the direction of a federally designated organ procurement organization, for the purpose of organ or tissue donation. The dead human body being transported for the purpose of organ or tissue donation shall be accompanied by a self-issued VR206 permit. The VR206 permit shall be completed by an Illinois-licensed funeral director and embalmer or an Illinois-licensed funeral director and shall serve as notification to the county medical examiner or coroner of the jurisdiction or county in which the death occurred that the dead human body is being transported out of Illinois for a period not to exceed 36 hours. This subsection applies only to instances in which the dead human body is to be returned to Illinois prior to disposition. (Section 7 of the Act).

f) Upon the death of a person who had or is suspected of having an infectious or communicable disease or who was known to be a carrier or known to be sub-

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clinically infected with a disease that could be transmitted through contact with the person's body or bodily fluids, the body shall be labeled "Infectious Hazard", or with an equivalent term to inform persons having subsequent contact with the body, including any funeral director or embalmer.

- 1) The label shall be prominently displayed on and affixed to the outer wrapping or covering of the body if the body is wrapped or covered in any manner.
- 2) Responsibility for labeling shall lie with the attending physician or coroner who certifies death or, if the death occurs in a health care facility, with the staff member designated by the administrator of the facility.

(Source: Amended by Emergency rulemaking at 40 Ill. Reg. _____, effective _____ for a maximum of 150 days)