

104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB4695

by Rep. Anthony DeLuca

SYNOPSIS AS INTRODUCED:

See Index

Amends the Crematory Regulation Act. Authorizes the Comptroller to issue citations or fines, or both, to licensees. Requires a cemetery authority to implement (i) a standard operating procedure and provide a copy to all employees; and (ii) a medical waste management plan. Authorizes the Comptroller to impose a fine not to exceed \$10,000 for each violation under the Act. Allows the Comptroller to refuse to issue a license or take disciplinary action if the applicant or licensee has failed to pay delinquent taxes or child support. Requires the Comptroller, upon revocation or suspension of a license, to notify the county coroner or medical examiner who is responsible for the area where the crematory is located to immediately make arrangements to take possession of bodies and cremated remains and arrange for final disposition of any decedents in the possession of the suspended licensee after consulting with the authorized agents for those bodies. Provides that if no authorized agent can be contacted, the county coroner or medical examiner shall take possession of bodies and cremated remains within 72 hours of notification from the Comptroller. Requires a crematory authority to perform a cremation no more than 60 days from the date the human remains have been delivered to it unless the crematory authority has received specific instructions to the contrary on its cremation authorization form. Requires the crematory authority to notify the Comptroller and the coroner or medical examiner in the county in which the death occurred as to why the cremation cannot be performed if it is not done within the 60-day period. Provides that pacemakers do not need to be removed in alkaline hydrolysis cremations. Requires that cremated remains must be stored in a place free from exposure to the elements and be responsibly maintained until disposal. Makes other changes. Amends the Cemetery Care Act. Provides that if a cemetery authority owning or operating a privately owned cemetery has accepted care funds and is considered abandoned or seeks dissolution, it allows, if no receiver is available, a circuit court to order a willing unit of local government to take over the cemetery. Makes other changes.

LRB104 20396 JRC 33857 b

A BILL FOR

1 AN ACT concerning regulation.

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, 7, 10, 11, 11.5, 20, 22, 25, 35, 40, 50,
6 55, 62.10, 65, 91, and 94 as follows:

7 (410 ILCS 18/5)

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

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

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

18 "Alternative container" means a receptacle, other than a
19 casket, in which human remains are placed either at the place
20 of death or immediately after the delivery to the crematory
21 authority. ~~in which human remains are transported to the~~
22 ~~crematory and placed in the cremation chamber for cremation.~~

23 An alternative container shall be (i) composed of readily

1 combustible or consumable materials suitable for cremation or
2 disposal according to health and safety standards, (ii) able
3 to be closed in order to provide a complete covering for the
4 human remains, (iii) resistant to leakage or spillage, ~~(iv)~~
5 ~~rigid enough for handling with ease~~, and (iv) ~~(v)~~ able to
6 provide protection for the health, safety, and personal
7 integrity of crematory personnel.

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

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

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

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

25 "Chain of custody record" means a record that establishes
26 the continuous control of the deceased's body, body parts, or

1 human remains.

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

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

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

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

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

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

26 "Crematory" means the building or portion of a building

1 that houses the cremation room and the holding facility.

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

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

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

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

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

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

26 "Licensee" means an entity licensed under this Act. An

1 entity that holds itself as a licensee or that is accused of
2 unlicensed practice is considered a licensee for purposes of
3 enforcement, investigation, hearings, and the Illinois
4 Administrative Procedure Act.

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

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

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

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

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

1 (b) of Section 40, water.

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

9 "Uniquely identified" means providing the deceased with
10 individualized identification.

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

13 (Source: P.A. 103-907, eff. 1-1-25; 104-124, eff. 1-1-26.)

14 (410 ILCS 18/7)

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

16 Sec. 7. Powers and duties of the Comptroller. Subject to
17 the provisions of this Act, the Comptroller may exercise any
18 of the following powers and duties:

19 (1) Authorize standards to ascertain the
20 qualifications and fitness of applicants for licensing as
21 licensed crematory authorities and pass upon the
22 qualifications of applicants for licensure.

23 (2) Examine, investigate, and audit a licensed
24 crematory authority's records, crematory, or any other
25 aspects of crematory operation as the Comptroller deems

1 appropriate.

2 (3) Investigate any and all unlicensed activity.

3 (4) Conduct hearings on proceedings to refuse to issue
4 licenses or to revoke, suspend, place on probation,
5 reprimand, or otherwise discipline licensees and to refuse
6 to issue licenses or to revoke, suspend, place on
7 probation, reprimand, or otherwise discipline licensees.

8 (5) Formulate rules required for the administration of
9 this Act.

10 (6) Maintain rosters of the names and addresses of all
11 licensees, and all entities whose licenses have been
12 suspended, revoked, or otherwise disciplined. These
13 rosters shall be available upon written request and
14 payment of the required fee.

15 (7) Issue citations or fines, or both, to licensees.

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

17 (410 ILCS 18/10)

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

19 Sec. 10. Establishment of crematory and licensing of
20 crematory authority.

21 (a) Any person doing business in this State, or any
22 cemetery, funeral establishment, corporation, partnership,
23 joint venture, voluntary organization or any other entity, may
24 erect, maintain, and operate a crematory in this State and
25 provide the necessary appliances and facilities for the

1 cremation of human remains in accordance with this Act.

2 (b) A crematory shall be subject to all local, State, and
3 federal health and environmental protection requirements and
4 shall obtain all necessary licenses and permits from the
5 Department of Financial and Professional Regulation, the
6 Department of Public Health, the federal Department of Health
7 and Human Services, and the Illinois and federal Environmental
8 Protection Agencies, or such other appropriate local, State,
9 or federal agencies.

10 (c) A crematory may be constructed on or adjacent to any
11 cemetery, on or adjacent to any funeral establishment, or at
12 any other location consistent with local zoning regulations.

13 (d) An application for licensure as a crematory authority
14 shall be in writing on forms furnished by the Comptroller.
15 Applications shall be accompanied by a fee of \$100 and shall
16 contain all of the following:

17 (1) The full name and address, both residence and
18 business, of the applicant if the applicant is an
19 individual; the full name and address of every member if
20 the applicant is a partnership; the full name and address
21 of every member of the board of directors if the applicant
22 is an association; and the name and address of every
23 officer, director, and shareholder holding 25% or more of
24 ownership of the entity ~~holding more than 25% of the~~
25 ~~corporate stock~~ if the applicant is a corporation.

26 (2) The address and location of the crematory.

1 (3) A description of the type of structure and
2 equipment to be used in the operation of the crematory,
3 including the operating permit number issued to the
4 cremation device by the Illinois Environmental Protection
5 Agency.

6 (4) Any further information that the Comptroller
7 reasonably may require.

8 (e) Each crematory authority shall file an annual report
9 with the Comptroller, accompanied with a \$25 fee, providing
10 (i) an affidavit signed by the owner of the crematory
11 authority that at the time of the report the cremation device
12 was in proper operating condition, (ii) the total number of
13 all cremations performed at the crematory during the past
14 year, (iii) attestation by the licensee that all applicable
15 permits and certifications are valid, (iv) either (A) any
16 changes required in the information provided under subsection
17 (d) or (B) an indication that no changes have occurred, and (v)
18 any other information that the Comptroller may require. The
19 annual report shall be filed by a crematory authority on or
20 before March 15 of each calendar year. If the fiscal year of a
21 crematory authority is other than on a calendar year basis,
22 then the crematory authority shall file the report required by
23 this Section within 75 days after the end of its fiscal year.
24 If a crematory authority fails to submit an annual report to
25 the Comptroller within the time specified in this Section, the
26 Comptroller shall impose upon the crematory authority a

1 penalty of \$5 for each and every day the crematory authority
2 remains delinquent in submitting the annual report. The
3 Comptroller may abate all or part of the \$5 daily penalty for
4 good cause shown. The \$25 annual report fee shall be deposited
5 in the Comptroller's Administrative Fund.

6 (f) All records required to be maintained under this Act,
7 including but not limited to those relating to the license and
8 annual report of the crematory authority required to be filed
9 under this Section, shall be subject to inspection by the
10 Comptroller ~~upon reasonable notice~~.

11 (g) The Comptroller may inspect crematory records at the
12 crematory authority's place of business to review the
13 licensee's compliance with this Act. The Comptroller may
14 charge a \$100 fee for the inspection of the licensee. The
15 inspection must include verification that:

16 (1) the crematory authority has complied with
17 record-keeping requirements of this Act;

18 (2) a crematory device operator's certification of
19 training and the required continuing education
20 certification are conspicuously displayed at the
21 crematory;

22 (3) the cremation device has a current operating
23 permit issued by the Illinois Environmental Protection
24 Agency and the permit is conspicuously displayed in the
25 crematory;

26 (4) the crematory authority is in compliance with

1 local zoning requirements;

2 (5) the crematory authority license issued by the
3 Comptroller is conspicuously displayed at the crematory;
4 and

5 (6) other details as determined by rule.

6 (h) The Comptroller shall issue licenses under this Act to
7 the crematories that are registered with the Comptroller as of
8 on March 1, 2012 without requiring the previously registered
9 crematories to complete license applications.

10 (i) Every license issued under this Act shall be renewed
11 every 5 years for a renewal fee of \$100 to be sent to the
12 Comptroller. The renewal fee shall be deposited into the
13 Comptroller's Administrative Fund. The Comptroller, upon the
14 request of an interested person, or on his or her own motion,
15 may issue new licenses to a licensee whose license or licenses
16 have been revoked, if no factor or condition exists that would
17 have warranted the Comptroller to refuse the issuance of the
18 license.

19 (j) Each crematory authority shall implement a standard
20 operating procedure and provide a copy to all employees.

21 (k) Each crematory authority shall implement a medical
22 waste management plan.

23 (Source: P.A. 103-253, eff. 6-30-23.)

24 (410 ILCS 18/11)

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

1 Sec. 11. Grounds for denial or discipline.

2 (a) In this Section, "applicant" means a person who has
3 applied for a license under this Act including those persons
4 whose names are listed on a license application in Section 10
5 of this Act.

6 (b) The Comptroller may refuse to issue a license, place
7 on probation, reprimand, or take other disciplinary action
8 that the Comptroller may deem appropriate, including imposing
9 fines not to exceed \$10,000 ~~\$5,000~~ for each violation, with
10 regard to any license under this Act, or may suspend or revoke
11 a license issued under this Act, on any of the following
12 grounds:

13 (1) The applicant or licensee has made any
14 misrepresentation or false statement or concealed any
15 material fact in furnishing information to the
16 Comptroller.

17 (2) The applicant or licensee has been engaged in
18 business practices that work a fraud.

19 (3) The applicant or licensee has refused to give
20 information required under this Act to be disclosed to the
21 Comptroller or failing, within 30 days, to provide
22 information in response to a written request made by the
23 Comptroller.

24 (4) Engaging in dishonorable, unethical, or
25 unprofessional conduct of a character likely to deceive,
26 defraud, or harm the public.

1 (5) As to any individual listed in the license
2 application as required under Section 10, that individual
3 has conducted or is about to conduct any cremation
4 business on behalf of the applicant in a fraudulent manner
5 or has been convicted of any felony or misdemeanor an
6 essential element of which is fraud.

7 (6) The applicant or licensee has failed to make the
8 annual report required by this Act or to comply with a
9 final order, decision, or finding of the Comptroller made
10 under this Act.

11 (7) The applicant or licensee, including any member,
12 officer, or director of the applicant or licensee if the
13 applicant or licensee is a firm, partnership, association,
14 or corporation and including any shareholder holding more
15 than 25% of the corporate stock of the applicant or
16 licensee, has violated any provision of this Act or any
17 regulation or order made by the Comptroller under this
18 Act.

19 (8) The Comptroller finds any fact or condition
20 existing that, if it had existed at the time of the
21 original application for a license under this Act, would
22 have warranted the Comptroller in refusing the issuance of
23 the license.

24 (9) Any violation of this Act or of the rules adopted
25 under this Act.

26 (10) Incompetence.

1 (11) Gross malpractice.

2 (12) Discipline by another state, District of
3 Columbia, territory, or foreign nation, if at least one of
4 the grounds for the discipline is the same or
5 substantially equivalent to those set forth in this
6 Section.

7 (13) Directly or indirectly giving to or receiving
8 from any person, firm, corporation, partnership, or
9 association any fee, commission, rebate, or other form of
10 compensation for professional services not actually or
11 personally rendered.

12 (14) A finding by the Comptroller that the licensee,
13 after having its license placed on probationary status,
14 has violated the terms of probation.

15 (15) Willfully making or filing false records or
16 reports, including, but not limited to, false records
17 filed with State agencies or departments.

18 (16) Gross, willful, or continued overcharging for
19 professional services, including filing false statements
20 for collection of fees for which services are not
21 rendered.

22 (17) Practicing under a false or, except as provided
23 by law, an assumed name.

24 (18) Cheating on or attempting to subvert this Act's
25 licensing application process.

26 (19) Failure to pay delinquent taxes and child

1 support.

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

3 (410 ILCS 18/11.5)

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

5 Sec. 11.5. License revocation or suspension; surrender of
6 license.

7 (a) (Blank).

8 (b) Upon the revocation or suspension of a license issued
9 under this Act, the licensee must immediately surrender the
10 license to the Comptroller. If the licensee fails to do so, the
11 Comptroller may seize the license.

12 (c) Upon the revocation or suspension, the Comptroller
13 shall notify the county coroner or medical examiner
14 responsible for the area where the crematory is located to
15 immediately make arrangements to take possession of bodies and
16 cremated remains and arrange for final disposition of any
17 decedents in the suspended licensee's possession after
18 consulting with the authorizing agents for those bodies. If no
19 authorizing agent can be contacted, the county coroner or
20 medical examiner shall take possession of bodies and cremated
21 remains within 72 hours of notification from the Comptroller.

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

23 (410 ILCS 18/20)

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

1 Sec. 20. Authorization to cremate.

2 (a) A crematory authority shall not cremate human remains
3 until it has received all of the following:

4 (1) A cremation authorization form signed, in either
5 paper or electronic format, by an authorizing agent. The
6 cremation authorization form shall be provided by the
7 crematory authority and shall contain, at a minimum, the
8 following information:

9 (A) The identity of the human remains and the time
10 and date of death.

11 (B) The name of the funeral director and funeral
12 establishment, if applicable, that obtained the
13 cremation authorization.

14 (C) Notification as to whether the death occurred
15 from a disease declared by the Department of Health to
16 be infectious, contagious, communicable, or dangerous
17 to the public health.

18 (D) The name of the authorizing agent and the
19 relationship between the authorizing agent and the
20 decedent.

21 (E) A representation that the authorizing agent
22 does in fact have the right to authorize the cremation
23 of the decedent, and that the authorizing agent is not
24 aware of any living person who has a superior priority
25 right to that of the authorizing agent, as set forth in
26 Section 15. In the event there is another living

1 person who has a superior priority right to that of the
2 authorizing agent, the form shall contain a
3 representation that the authorizing agent has made all
4 reasonable efforts to contact that person, has been
5 unable to do so, and has no reason to believe that the
6 person would object to the cremation of the decedent.

7 (F) Authorization for the crematory authority to
8 cremate the human remains.

9 (G) A representation that the human remains do not
10 contain a pacemaker or any other material or implant
11 that may be potentially hazardous or cause damage to
12 the cremation chamber or the person performing the
13 cremation.

14 (H) The name of the person authorized to receive
15 the cremated remains from the crematory authority.

16 (I) The manner in which ~~final~~ disposition of the
17 cremated remains is to take place, if known. If the
18 cremation authorization form does not specify ~~final~~
19 disposition in a grave, crypt, niche, or scattering
20 area, then the form may indicate that the cremated
21 remains will be held by the crematory authority for 30
22 days before they are released, unless they are picked
23 up from the crematory authority prior to that time, in
24 person, by the authorizing agent. At the end of the 30
25 days the crematory authority may return the cremated
26 remains to the authorizing agent if no ~~final~~

1 disposition arrangements are made; or at the end of 60
2 days the crematory authority may dispose of the
3 cremated remains in accordance with subsection (d) of
4 Section 40.

5 (J) A listing of any items of value to be delivered
6 to the crematory authority along with the human
7 remains, and instructions as to how the items should
8 be handled.

9 (K) A specific statement as to whether the
10 authorizing agent has made arrangements for any type
11 of viewing of the decedent before cremation, or for a
12 service with the decedent present before cremation in
13 connection with the cremation, and if so, the date and
14 time of the viewing or service and whether the
15 crematory authority is authorized to proceed with the
16 cremation upon receipt of the human remains.

17 (L) The signature, in either paper or electronic
18 format, of the authorizing agent, attesting to the
19 accuracy of all representations contained on the
20 cremation authorization form, except as set forth in
21 paragraph (M) of this subsection.

22 (M) If a cremation authorization form is being
23 executed on a pre-need basis, the cremation
24 authorization form shall contain the disclosure
25 required by subsection (b) of Section 140.

26 (N) The cremation authorization form, other than

1 pre-need cremation forms, shall also be signed, in
2 either paper or electronic format, by a funeral
3 director or other representative of the funeral
4 establishment that obtained the cremation
5 authorization. That individual shall merely execute
6 the cremation authorization form as a witness and
7 shall not be responsible for any of the
8 representations made by the authorizing agent, unless
9 the individual has actual knowledge to the contrary.
10 The information requested by items (A), (B), (C) and
11 (G) of this subsection, however, shall be considered
12 to be representations of the authorizing agent. In
13 addition, the funeral director or funeral
14 establishment shall warrant to the crematory that the
15 human remains delivered to the crematory authority are
16 the human remains identified on the cremation
17 authorization form.

18 (2) A completed and executed burial transit permit
19 indicating that the human remains are to be cremated.

20 (3) Any other documentation required by this State.

21 (b) If an authorizing agent is not available to execute a
22 cremation authorization form in person, that person may
23 delegate that authority to another person in writing, or by
24 sending the crematory authority a facsimile transmission that
25 contains the name, address, and relationship of the sender to
26 the decedent and the name and address of the individual to whom

1 authority is delegated. Upon receipt of the written document,
2 or facsimile transmission, telegram, or other electronic
3 telecommunications transmission which specifies the individual
4 to whom authority has been delegated, the crematory authority
5 shall allow this individual to serve as the authorizing agent
6 and to execute the cremation authorization form. The crematory
7 authority shall be entitled to rely upon the cremation
8 authorization form without liability.

9 (c) An authorizing agent who signs, in either paper or
10 electronic format, a cremation authorization form shall be
11 deemed to warrant the truthfulness of any facts set forth on
12 the cremation authorization form, including that person's
13 authority to order the cremation; except for the information
14 required by items (C) and (G) of paragraph (1) of subsection
15 (a) of this Section, unless the authorizing agent has actual
16 knowledge to the contrary. An authorizing agent signing, in
17 either paper or electronic format, a cremation authorization
18 form shall be personally and individually liable for all
19 damages occasioned by and resulting from authorizing the
20 cremation.

21 (d) A crematory authority shall have authority to cremate
22 human remains upon the receipt of a cremation authorization
23 form signed, in either paper or electronic format, by an
24 authorizing agent. There shall be no liability for a crematory
25 authority that cremates human remains according to an
26 authorization, or that releases or disposes of the cremated

1 remains according to an authorization, except for a crematory
2 authority's gross negligence, provided that the crematory
3 authority performs its functions in compliance with this Act.

4 (e) After an authorizing agent has executed a cremation
5 authorization form, the authorizing agent may revoke the
6 authorization and instruct the crematory authority to cancel
7 the cremation and to release or deliver the human remains to
8 another crematory authority or funeral establishment. The
9 instructions shall be provided to the crematory authority in
10 writing. A crematory authority shall honor any instructions
11 given to it by an authorizing agent under this Section if it
12 receives the instructions prior to beginning the cremation of
13 the human remains.

14 (Source: P.A. 102-824, eff. 1-1-23.)

15 (410 ILCS 18/25)

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

17 Sec. 25. Recordkeeping.

18 (a) The crematory authority shall furnish to the person
19 who delivers human remains to the crematory authority a
20 receipt signed, in either paper or electronic format, at the
21 time of delivery by both the crematory authority and the
22 person who delivers the human remains, showing the date and
23 time of the delivery, the type of casket or alternative
24 container that was delivered, the name of the person from whom
25 the human remains were received and the name of the funeral

1 establishment or other entity with whom the person is
2 affiliated, the name of the person who received the human
3 remains on behalf of the crematory authority, and the name of
4 the decedent. The crematory shall retain a copy of this
5 receipt in its permanent records.

6 (b) Upon its release of cremated remains, the crematory
7 authority shall furnish to the person who receives the
8 cremated remains from the crematory authority a receipt
9 signed, in either paper or electronic format, by both the
10 crematory authority and the person who receives the cremated
11 remains, showing the date and time of the release, the name of
12 the person to whom the cremated remains were released and the
13 name of the funeral establishment, cemetery, or other entity
14 with whom the person is affiliated, the name of the person who
15 released the cremated remains on behalf of the crematory
16 authority, and the name of the decedent. The crematory shall
17 retain a copy of this receipt in its permanent records.

18 (c) A crematory authority shall maintain at its place of
19 business a permanent record of each cremation that took place
20 at its facility which shall contain the name of the decedent,
21 the date of the cremation, and the ~~final~~ disposition of the
22 cremated remains.

23 (d) The crematory authority shall maintain a record of all
24 cremated remains disposed of by the crematory authority in
25 accordance with subsection (d) of Section 40.

26 (e) Upon completion of the cremation, the crematory

1 authority shall file the burial transit permit as required by
2 the Illinois Vital Records Act and rules adopted under that
3 Act and the Illinois Counties Code, and transmit a photocopy
4 of the burial transit permit along with the cremated remains
5 to whoever receives the cremated remains from the authorizing
6 agent unless the cremated remains are to be interred,
7 entombed, inurned, or placed in a scattering area, in which
8 case the crematory authority shall retain a copy of the burial
9 transit permit and shall send the permit, along with the
10 cremated remains, to the cemetery, which shall file the permit
11 with the designated agency after the interment, entombment,
12 inurnment, or scattering has taken place.

13 (f) All cemeteries shall maintain a record of all cremated
14 remains that are disposed of on their property, provided that
15 the cremated remains were properly transferred to the cemetery
16 and the cemetery issued a receipt acknowledging the transfer
17 of the cremated remains.

18 (Source: P.A. 102-824, eff. 1-1-23.)

19 (410 ILCS 18/35)

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

21 Sec. 35. Cremation procedures.

22 (a) Human remains shall not be cremated within 24 hours
23 after the time of death, as indicated on the Medical
24 Examiner's/Coroner's Certificate of Death. In any death, the
25 human remains shall not be cremated by the crematory authority

1 until a cremation permit has been received from the coroner or
2 medical examiner of the county in which the death occurred and
3 the crematory authority has received a cremation authorization
4 form, executed by an authorizing agent, in accordance with the
5 provisions of Section 15 of this Act. In no instance, however,
6 shall the lapse of time between the death and the cremation be
7 less than 24 hours, unless (i) it is known the deceased has an
8 infectious or dangerous disease and that the time requirement
9 is waived in writing by the medical examiner or coroner where
10 the death occurred or (ii) because of a religious requirement.

11 (b) Except as set forth in subsection (a) of this Section,
12 a crematory authority shall have the right to schedule the
13 actual cremation to be performed at its own convenience, at
14 any time after the human remains have been delivered to the
15 crematory authority, but no more than 60 days from the time the
16 human remains have been delivered to the crematory authority
17 unless the crematory authority has received specific
18 instructions to the contrary on the cremation authorization
19 form. If 60 days have elapsed from the date of delivery, then
20 notice must be provided to the Comptroller's Office and the
21 coroner or medical examiner in the county in which the death
22 occurred as to why the cremation cannot be performed.

23 (c) No crematory authority shall cremate human remains
24 when it has actual knowledge that human remains contain a
25 pacemaker or any other material or implant that may be
26 potentially hazardous to the person performing the cremation.

1 Pacemakers do not need to be removed in alkaline hydrolysis
2 cremations.

3 (d) No crematory authority shall refuse to accept human
4 remains for cremation because such human remains are not
5 embalmed.

6 (e) Whenever a crematory authority is unable or
7 unauthorized to cremate human remains immediately upon taking
8 custody of the remains, the crematory authority shall place
9 the human remains in a holding facility in accordance with the
10 crematory authority's rules and regulations. The crematory
11 authority must notify the authorizing agent of the reasons for
12 delay in cremation if a properly authorized cremation is not
13 performed within any time period expressly contemplated in the
14 authorization.

15 (f) A crematory authority shall not accept a casket or
16 alternative container from which there is any evidence of the
17 leakage of body fluids.

18 (g) The casket or the alternative container shall be
19 cremated with the human remains or destroyed, unless the
20 crematory authority has notified the authorizing agent to the
21 contrary on the cremation authorization form and obtained the
22 written consent of the authorizing agent.

23 (h) The simultaneous cremation of the human remains of
24 more than one person within the same cremation chamber,
25 without the prior written consent of the authorizing agent, is
26 prohibited except for common cremation pursuant to Section

1 11.4 of the Hospital Licensing Act. Nothing in this
2 subsection, however, shall prevent the simultaneous cremation
3 within the same cremation chamber of body parts delivered to
4 the crematory authority from multiple sources, or the use of
5 cremation equipment that contains more than one cremation
6 chamber.

7 (i) No unauthorized person shall be permitted in the
8 holding facility or cremation room while any human remains are
9 being held there awaiting cremation, being cremated, or being
10 removed from the cremation chamber.

11 (j) A crematory authority shall not remove any dental
12 gold, body parts, organs, or any item of value prior to or
13 subsequent to a cremation without previously having received
14 specific written authorization from the authorizing agent and
15 written instructions for the delivery of these items to the
16 authorizing agent. Under no circumstances shall a crematory
17 authority profit from making or assisting in any removal of
18 valuables.

19 (k) Upon the completion of each cremation, and insofar as
20 is practicable, all of the recoverable residue of the
21 cremation process shall be removed from the cremation chamber.

22 (l) If all of the recovered cremated remains will not fit
23 within the receptacle that has been selected, the remainder of
24 the cremated remains shall be returned to the authorizing
25 agent or the agent's designee in a separate container. The
26 crematory authority shall not return to an authorizing agent

1 or the agent's designee more or less cremated remains than
2 were removed from the cremation chamber.

3 (m) A crematory authority shall not knowingly represent to
4 an authorizing agent or the agent's designee that a temporary
5 container or urn contains the cremated remains of a specific
6 decedent when it does not.

7 (n) Cremated remains shall be shipped only by a method
8 that has an internal tracing system available and that
9 provides a receipt signed, in either paper or electronic
10 format, by the person accepting delivery.

11 (o) A crematory authority shall maintain a chain of
12 custody record, which is an identification system that ensures
13 that a crematory authority is able to identify the human
14 remains in its possession throughout all phases of the
15 cremation process.

16 (p) A crematory authority shall not take possession of
17 unembalmed human remains that cannot be cremated within 24
18 hours unless it provides or maintains either of the following
19 capable of maintaining a temperature of less than 40 degrees
20 Fahrenheit: an operable refrigeration unit, with cleanable,
21 noncorrosive interior and exterior finishes, or a suitable
22 cooling room.

23 (q) A crematory authority shall take all reasonable steps
24 to cremate human remains within 60 days upon taking possession
25 of the human remains. If 60 days have elapsed from the date of
26 delivery, then notice must be provided to the Comptroller's

1 Office and the coroner or medical examiner in the county in
2 which the death occurred as to why the cremation cannot be
3 performed.

4 (Source: P.A. 102-824, eff. 1-1-23; 103-253, eff. 6-30-23;
5 103-907, eff. 1-1-25.)

6 (410 ILCS 18/40)

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

8 Sec. 40. Disposition of cremated remains.

9 (a) The authorizing agent shall be responsible for the
10 ~~final~~ disposition of the cremated remains.

11 (b) Cremated remains may be disposed of by placing them in
12 a grave, crypt, or niche, by scattering them in a scattering
13 area as defined in this Act, or in any manner whatever on the
14 private property of a consenting owner. When a deceased
15 individual is a member of a religion where the tenets of their
16 faith require the scattering of that individual's cremated
17 remains in water, the deceased individual's cremated remains
18 may be scattered in an Illinois river without approval through
19 the Department of Natural Resources' permit process as long as
20 the scattering of the cremated remains is: (1) limited to one
21 deceased individual; (2) spread over an area large enough to
22 avoid leaving an identifiable accumulation of remains; (3) out
23 of sight of any public use areas, including, but not limited
24 to, roads, walkways, trails, picnic areas, campgrounds, and
25 parking lots; and (4) conducted in a manner in which no other

1 objects, including, but not limited to, any cremation
2 identification disc, body prosthesis, or artificial organ,
3 other than pulverized cremated remains, are scattered into a
4 river. Nothing in this subsection (b) grants an individual
5 authority to trespass on private property.

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

21 (d) If, after a period of 60 days from the date of the
22 cremation, the authorizing agent or the agent's designee has
23 not instructed the crematory authority to arrange for the
24 ~~final~~ disposition of the cremated remains or claimed the
25 cremated remains, the crematory authority may dispose of the
26 cremated remains in any manner permitted by this Section. The

1 crematory authority, however, shall keep a permanent record
2 identifying the site of ~~final~~ disposition. The authorizing
3 agent shall be responsible for reimbursing the crematory
4 authority for all reasonable expenses incurred in disposing of
5 the cremated remains. Upon disposing of the cremated remains,
6 the crematory authority shall be discharged from any legal
7 obligation or liability concerning the cremated remains. Any
8 person who was in possession of cremated remains prior to the
9 effective date of this Act may dispose of them in accordance
10 with this Section.

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

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

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

21 (f) Cremated remains must be stored in a place free from
22 exposure to the elements and be responsibly maintained until
23 disposal.

24 (Source: P.A. 104-124, eff. 1-1-26.)

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

Sec. 50. Pacemakers and hazardous implants. If an authorizing agent informs the funeral director and the cremation authority on the cremation authorization form of the presence of a pacemaker in the human remains, then the funeral director shall be responsible for ensuring that all necessary steps have been taken to remove the pacemaker before delivering the human remains to the crematory. Should the funeral director who delivers the human remains to the crematory fail to ensure that the pacemaker has been removed from the human remains prior to delivery, and should the human remains be cremated with the pacemaker, then the funeral director who delivered the human remains to the crematory and anyone else covered by this Section shall be liable for all resulting damages. Pacemakers do not need to be removed in alkaline hydrolysis cremations.

(Source: P.A. 87-1187.)

(410 ILCS 18/55)

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

Sec. 55. Penalties. Violations of this Act shall be punishable as follows:

(1) Performing a cremation without receipt of a cremation authorization form signed, in either paper or electronic format, by an authorizing agent shall be a Class 4 felony.

1 (2) Signing, in either paper or electronic format, a
2 cremation authorization form with the actual knowledge
3 that the form contains false or incorrect information
4 shall be a Class 4 felony.

5 (3) A Violation of any cremation procedure set forth
6 in Section 35 shall be a Class 4 felony.

7 (4) Holding oneself out to the public as a crematory
8 authority, or the operation of a building or structure
9 within this State as a crematory, without being licensed
10 under this Act, shall be a Class A misdemeanor.

11 (4.5) Performance of a cremation service by a person
12 who has not completed a training program as defined in
13 Section 22 of this Act shall be a Class A misdemeanor.

14 (4.10) Any person who intentionally violates a
15 provision of this Act or a final order of the Comptroller
16 is liable for a civil penalty not to exceed \$25,000 ~~\$5,000~~
17 per violation.

18 (4.15) Any person who knowingly acts without proper
19 legal authority and who willfully and knowingly destroys
20 or damages the remains of a deceased human being or who
21 desecrates human remains is guilty of a Class 3 felony.

22 (5) A violation of any other provision of this Act
23 shall be a Class B misdemeanor.

24 (Source: P.A. 102-824, eff. 1-1-23.)

25 (410 ILCS 18/62.10)

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

2 Sec. 62.10. Investigations; notice and hearing. The
3 Comptroller may at any time investigate the actions of any
4 applicant or of any person, persons, or entity rendering or
5 offering to render cremation services or any person or entity
6 holding or claiming to hold a license as a licensed crematory.
7 As part of its investigations, if the Comptroller finds any
8 violation or wrongdoing under Section 11 of this Act, the
9 Comptroller may do the following: perform an unannounced audit
10 for any complaints the Comptroller receives of a licensee;
11 issue fines to the licensee, implement a cease and desist
12 order for no more than 14 days with the ability to renew; or
13 place a licensee on probation for no more than 6 months with
14 the ability to renew. The Comptroller shall, before revoking,
15 suspending, ~~placing on probation, reprimanding,~~ or taking any
16 other disciplinary action under Section 11 of this Act, at
17 least 30 days before the date set for the hearing, (i) notify
18 the accused in writing of the charges made and the time and
19 place for the hearing on the charges, (ii) direct the accused
20 applicant or licensee to file a written answer to the charges
21 with the Comptroller under oath within 20 days after the
22 service on him or her of the notice, and (iii) inform the
23 accused that, if he or she fails to answer, default will be
24 taken against him or her or that his or her license may be
25 suspended, revoked, placed on probationary status, or other
26 disciplinary action taken with regard to the license,

1 including limiting the scope, nature, or extent of his or her
2 practice, as the Comptroller may consider proper.

3 At the time and place fixed in the notice, the Comptroller
4 shall proceed to hear the charges and the parties or their
5 counsel shall be accorded ample opportunity to present any
6 pertinent statements, testimony, evidence, and arguments. The
7 Comptroller shall have the authority to appoint an attorney
8 duly licensed to practice law in the State of Illinois to serve
9 as the hearing officer in any disciplinary action with regard
10 to a license. The hearing officer shall have full authority to
11 conduct the hearing. The Comptroller may continue the hearing
12 from time to time. In case the person, after receiving the
13 notice, fails to file an answer, his or her license may, in the
14 discretion of the Comptroller, be suspended, revoked, placed
15 on probationary status, or the Comptroller may take whatever
16 disciplinary action considered proper, including limiting the
17 scope, nature, or extent of the person's practice or the
18 imposition of a fine, without a hearing, if the act or acts
19 charged constitute sufficient grounds for that action under
20 this Act. The written notice may be served by personal
21 delivery or by certified mail to the address specified by the
22 accused in his or her last notification with the Comptroller.

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

24 (410 ILCS 18/65)

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

1 Sec. 65. Pre-need cremation arrangements.

2 (a) Any person, or anyone who has legal authority to act on
3 behalf of a person, on a pre-need basis, may authorize his or
4 her own cremation and the ~~final~~ disposition of his or her
5 cremated remains by executing, as the authorizing agent, a
6 cremation authorization form on a pre-need basis. A copy of
7 this form shall be provided to the person. Any person shall
8 have the right to transfer or cancel this authorization at any
9 time prior to death by destroying the executed cremation
10 authorization form and providing written notice to the
11 crematory authority.

12 (b) Any cremation authorization form that is being
13 executed by an individual as his or her own authorizing agent
14 on a pre-need basis shall contain the following disclosure,
15 which shall be completed by the authorizing agent:

16 "() I do not wish to allow any of my survivors the option
17 of cancelling my cremation and selecting alternative
18 arrangements, regardless of whether my survivors deem
19 a change to be appropriate.

20 () I wish to allow only the survivors whom I have
21 designated below the option of cancelling my cremation
22 and selecting alternative arrangements, if they deem a
23 change to be appropriate:....."

24 (c) Except as provided in subsection (b) of this Section,
25 at the time of the death of a person who has executed, as the
26 authorizing agent, a cremation authorization form on a

1 pre-need basis, any person in possession of an executed form
2 and any person charged with making arrangements for the final
3 disposition of the decedent who has knowledge of the existence
4 of an executed form, shall use their best efforts to ensure
5 that the decedent is cremated and that the ~~final~~ disposition
6 of the cremated remains is in accordance with the instructions
7 contained on the cremation authorization form. If a crematory
8 authority (i) is in possession of a completed cremation
9 authorization form that was executed on a pre-need basis, (ii)
10 is in possession of the designated human remains, and (iii)
11 has received payment for the cremation of the human remains
12 and the ~~final~~ disposition of the cremated remains or is
13 otherwise assured of payment, then the crematory authority
14 shall be required to cremate the human remains and dispose of
15 the cremated remains according to the instructions contained
16 on the cremation authorization form, and may do so without any
17 liability.

18 (d) Any pre-need contract sold by, or pre-need
19 arrangements made with, a cemetery, funeral establishment,
20 crematory authority, or any other party that includes a
21 cremation shall specify the ~~final~~ disposition of the cremated
22 remains, in accordance with Section 40. In the event that no
23 different or inconsistent instructions are provided to the
24 crematory authority by the authorizing agent at the time of
25 death, the crematory authority shall be authorized to release
26 or dispose of the cremated remains as indicated in the

1 pre-need agreement. Upon compliance with the terms of the
2 pre-need agreement, the crematory authority shall be
3 discharged from any legal obligation concerning the cremated
4 remains. The pre-need agreement shall be kept as a permanent
5 record by the crematory authority.

6 (e) This Section shall not apply to any cremation
7 authorization form or pre-need contract executed prior to the
8 effective date of this Act. Any cemetery, funeral
9 establishment, crematory authority, or other party, however,
10 with the written approval of the authorizing agent or person
11 who executed the pre-need contract, may designate that the
12 cremation authorization form or pre-need contract shall be
13 subject to this Act.

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

15 (410 ILCS 18/91)

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

17 Sec. 91. Civil action and civil penalties. In addition to
18 the other penalties and remedies provided in this Act, the
19 Comptroller may bring a civil action in the county of
20 residence of the licensee or any other person to enjoin any
21 violation or threatened violation of this Act. In addition to
22 any other penalty provided by law, any person who violates
23 this Act shall forfeit and pay a civil penalty to the
24 Comptroller in an amount not to exceed \$10,000 ~~\$5,000~~ for each
25 violation as determined by the Comptroller. The civil penalty

1 shall be assessed by the Comptroller in accordance with the
2 provisions of this Act.

3 Any civil penalty shall be paid within 60 days after the
4 effective date of the order imposing the civil penalty. The
5 order shall constitute a judgment and may be filed and
6 execution had thereon in the same manner as any judgment from
7 any court of record. All moneys collected under this Section
8 shall be deposited with the Comptroller.

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

10 (410 ILCS 18/94)

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

12 Sec. 94. Summary suspension of a license. The Comptroller
13 may summarily suspend a license of a licensed crematory
14 without a hearing, simultaneously with the institution of
15 proceedings for a hearing provided for in this Act, if the
16 Comptroller finds that evidence in the Comptroller's
17 possession indicates that the licensee's continued practice
18 would constitute an imminent danger to the public. In the
19 event that the Comptroller summarily suspends the license of a
20 licensed crematory without a hearing, a hearing must be
21 commenced within 30 days after the suspension has occurred and
22 concluded as expeditiously as practical. In the event of a
23 summary suspension, the Comptroller shall notify the county
24 coroner or medical examiner responsible for the area where the
25 crematory is located to immediately make arrangements to take

1 possession of bodies and cremated remains and arrange for
2 final disposition of any decedents in the suspended licensee's
3 possession after consulting with the authorizing agents for
4 those bodies. If no authorizing agent can be contacted, the
5 county coroner or medical examiner shall take possession of
6 bodies and cremated remains within 72 hours of notification
7 from the Comptroller. ~~the county coroner or medical examiner~~
8 ~~responsible for the area where the crematory is located shall~~
9 ~~make arrangements to dispose of any bodies in the suspended~~
10 ~~licensee's possession after consulting with the authorizing~~
11 ~~agents for those bodies.~~

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

13 Section 10. The Cemetery Care Act is amended by changing
14 Sections 8, 9, 14, 15, 15.2, 15a, and 25 as follows:

15 (760 ILCS 100/8) (from Ch. 21, par. 64.8)

16 Sec. 8. Every cemetery authority shall register with the
17 Comptroller upon forms furnished by him or her. Such
18 registration statement shall state whether the cemetery
19 authority claims that the cemetery owned, operated,
20 controlled, or managed by it is a fraternal cemetery,
21 municipal, State, or federal cemetery, or religious cemetery,
22 or a family burying ground, as the case may be, as defined in
23 Section 2 of this Act, and shall state the date of
24 incorporation if a corporation and whether incorporated under

1 general or private act of the legislature. Such registration
2 statement shall be accompanied by a fee of \$5. Such fee shall
3 be paid to the Comptroller and no registration statement shall
4 be accepted by him without the payment of such fee. Every
5 cemetery authority that is not required to file an annual
6 report under this Act shall bear the responsibility of
7 informing the Comptroller whenever a change takes place
8 regarding status of cemetery, name of contact person, and that
9 person's address, email address, and telephone number.

10 Upon receipt of a registration statement, if a claim is
11 made that a cemetery is a fraternal cemetery, municipal
12 cemetery, or religious cemetery, or a family burying ground,
13 as the case may be, as defined in Section 2 of this Act, and
14 the Comptroller shall determine that such cemetery is not a
15 fraternal cemetery, a municipal cemetery, or a religious
16 cemetery, or a family burying ground, as the case may be, as
17 defined in Section 2 of this Act, the Comptroller shall notify
18 the cemetery authority making the claim of such determination;
19 provided, however, that no such claim shall be denied until
20 the cemetery authority making such claim has had at least 10
21 days' notice of a hearing thereon and an opportunity to be
22 heard. When any such claim is denied, the Comptroller shall
23 within 20 days thereafter prepare and keep on file in his
24 office the transcript of the evidence taken and a written
25 order or decision of denial of such claim and shall send by
26 United States mail a copy of such order or decision of denial

1 to the cemetery authority making such claim within 5 days
2 after the filing in his office of such order, finding or
3 decision. A review of any such order, finding or decision may
4 be had as provided in the Administrative Review Law, as now or
5 hereafter amended.

6 Where no claim is made in the application and statement
7 that a cemetery is a fraternal cemetery, municipal cemetery or
8 religious cemetery or family burying ground, as the case may
9 be, as defined in Section 2 of this Act. ~~The , the registration~~
10 ~~statement shall be accompanied by a fidelity bond in the~~
11 ~~amount required by Section 9 of this Act. Upon receipt of such~~
12 ~~application, statement and bond, the Comptroller shall issue a~~
13 license to accept the care funds authorized by the provisions
14 of Section 3 of this Act to each cemetery authority owning,
15 operating, controlling or managing a privately operated
16 cemetery. ~~However, the Comptroller shall issue a license~~
17 ~~without the filing of a bond where the filing of a bond is~~
18 ~~excused by Section 18 of this Act.~~

19 The license issued by the Comptroller shall remain in full
20 force and effect until it is surrendered by the licensee or
21 revoked by the Comptroller as hereinafter provided.

22 (Source: P.A. 88-477.)

23 (760 ILCS 100/9) (from Ch. 21, par. 64.9)

24 Sec. 9. Application for license.

25 (a) Prior to the acceptance of care funds authorized by

1 Section 3 of this Act or the sale or transfer of the
2 controlling interest of a licensed cemetery authority, a
3 cemetery authority owning, operating, controlling, or managing
4 a privately operated cemetery shall make application to the
5 Comptroller for a license to hold the funds.

6 In the case of a sale or transfer of the controlling
7 interest of the cemetery authority, the prior license shall
8 remain in effect until the Comptroller issues a new license to
9 the newly-controlled cemetery authority as provided in Section
10 15b. Upon issuance of the new license, the prior license shall
11 be deemed surrendered if the licensee has agreed to the sale
12 and transfer and has consented to the surrender of the
13 license. A sale or transfer of the controlling interest of a
14 cemetery authority to an immediate family member is not
15 considered a transfer of the controlling interest for purposes
16 of this Section.

17 (b) Applications for license shall be filed with the
18 Comptroller. Applications shall be in writing under oath,
19 signed by the applicant, and in the form furnished by the
20 Comptroller. The form furnished by the Comptroller shall
21 enable a cemetery authority to apply for license of multiple
22 cemetery locations within a single license application. A
23 check or money order in the amount of \$25 per license seeking
24 to be issued under the application, payable to: Comptroller,
25 State of Illinois, shall be included. Each application shall
26 contain the following:

1 (1) the full name and address (both of residence and
2 of place of business) of the applicant, if an individual;
3 of every member, if the applicant is a partnership or
4 association; of every officer or director, if the
5 applicant is a corporation; and of any party owning 10% or
6 more of the cemetery authority, and the full name and
7 address of the parent company, if any;

8 (2) a detailed statement of the applicant's assets and
9 liabilities;

10 (2.1) the name, address, and legal boundaries of each
11 cemetery for which the care funds shall be entrusted and
12 at which books, accounts, and records shall be available
13 for examination by the Comptroller as required by Section
14 13 of this Act;

15 (3) as to the name of each individual person listed
16 under (1) above, a detailed statement of each person's
17 business experience for the 10 years immediately preceding
18 the application; the present and previous connection, if
19 any, of each person with any other cemetery or cemetery
20 authority; whether each person has ever been convicted of
21 any felony or has ever been convicted of any misdemeanor
22 of which an essential element is fraud or has been
23 involved in any civil litigation in which a judgment has
24 been entered against him or her based on fraud; whether
25 each person is currently a defendant in any lawsuit in
26 which the complaint against the person is based upon

1 fraud; whether such person has failed to satisfy any
2 enforceable judgment entered by a court of competent
3 jurisdiction in any civil proceedings against such
4 individual;

5 (4) the total amount in trust and now available from
6 sales of lots, graves, crypts or niches where part of the
7 sale price has been placed in trust; the amount of money
8 placed in the care funds of each applicant; the amount set
9 aside in care funds from the sale of lots, graves, crypts
10 and niches for the general care of the cemetery and the
11 amount available for that purpose; the amount received in
12 trust by special agreement for special care and the amount
13 available for that purpose; the amount of principal
14 applicable to trust funds received by the applicant; and

15 (5) any other information that the Comptroller may
16 reasonably require in order to determine the
17 qualifications of the applicant to be licensed under this
18 Act.

19 Such information shall be furnished whether the care funds
20 are held by the applicant as trustee or by an independent
21 trustee. If the funds are not held by the applicant, the name
22 of the independent trustee holding them is also to be
23 furnished by the applicant.

24 (c) (Blank). ~~Applications for license shall also be~~
25 ~~accompanied by a fidelity bond issued by a bonding company or~~
26 ~~insurance company authorized to do business in this State or~~

1 ~~by an irrevocable, unconditional letter of credit issued by a~~
2 ~~bank or trust company authorized to do business in the State of~~
3 ~~Illinois, as approved by the State Comptroller, where such~~
4 ~~care funds exceed the sum of \$15,000. Such bond or letter of~~
5 ~~credit shall run to the Comptroller and his or her successor~~
6 ~~for the benefit of the care funds held by such cemetery~~
7 ~~authority or by the trustee of the care funds of such cemetery~~
8 ~~authority. Such bonds or letters of credit shall be in an~~
9 ~~amount equal to 1/10 of such care funds. However, such bond or~~
10 ~~letter of credit shall not be in an amount less than \$1,000;~~
11 ~~the first \$15,000 of such care funds shall not be considered in~~
12 ~~computing the amount of such bond or letter of credit. No~~
13 ~~application shall be accepted by the Comptroller unless~~
14 ~~accompanied by such bond or letter of credit.~~

15 Applications for license by newly organized cemetery
16 authorities after January 1, 1960 shall also be accompanied by
17 evidence of a minimum care fund deposit in an amount to be
18 determined as follows: if the number of inhabitants, either in
19 the county in which the cemetery is to be located or in the
20 area included within a 10 mile radius from the cemetery if the
21 number of inhabitants therein is greater, is 25,000 or less
22 the deposit shall be \$7,500; if the number of inhabitants is
23 25,001 to 50,000, the deposit shall be \$10,000; if the number
24 of inhabitants is 50,001 to 125,000, the deposit shall be
25 \$15,000; if the number of inhabitants is over 125,000, the
26 deposit shall be \$25,000.

1 After an amount equal to and in addition to the required
2 minimum care fund deposit has been deposited in trust, the
3 cemetery authority may withhold 50% of all future care funds
4 until it has recovered the amount of the minimum care fund
5 deposit.

6 (d) (Blank).

7 ~~(e) All bonds and bonding deposits made by any cemetery~~
8 ~~authority may be returned to the cemetery authority or~~
9 ~~cancelled as to care funds invested with an investment~~
10 ~~company.~~

11 (Source: P.A. 92-419, eff. 1-1-02.)

12 (760 ILCS 100/14) (from Ch. 21, par. 64.14)

13 Sec. 14. The Comptroller may at any time investigate the
14 cemetery business of every licensee with respect to its care
15 funds. The Comptroller shall examine at least annually every
16 licensee who holds \$500,000 ~~\$250,000~~ or more in its care
17 funds. For that purpose, the Comptroller shall have free
18 access to the office and places of business and to such records
19 of all licensees and of all trustees of the care funds of all
20 licensees as shall relate to the acceptance, use and
21 investment of care funds. The Comptroller may require the
22 attendance of and examine under oath all persons whose
23 testimony he may require relative to such business and in such
24 cases the Comptroller or any qualified representative of the
25 Comptroller whom the Comptroller may designate, may administer

oaths to all such persons called as witnesses, and the Comptroller, or any such qualified representative of the Comptroller, may conduct such examinations. The cost of an initial examination shall be borne by the cemetery authority if it has \$10,000 or more in such fund; otherwise, by the Comptroller. The charge made by the Comptroller for such examination shall be based upon the total amount of care funds held by the cemetery authority as of the end of the calendar or fiscal year for which a report is required by Section 12 of this Act and shall be set by rule. ~~in accordance with the following schedule:~~

less than \$10,000.....	no charge,
— \$10,000 or more but less than	
\$50,000.....	\$10,
— \$50,000 or more but less than	
\$100,000	\$40,
— \$100,000 or more but less than	
\$250,000	\$80,
— \$250,000 or more	\$100.

Any licensee which is not required to be examined annually shall submit an annual report to the Comptroller containing such information as the Comptroller reasonably may request.

The Comptroller may order additional audits or examinations as he or she may deem necessary or advisable to ensure the safety and stability of the trust funds and to ensure compliance with this Act. These additional audits or

1 examinations shall only be made after good cause is
2 established by the Comptroller in the written order. The
3 grounds for ordering these additional audits or examinations
4 may include, but shall not be limited to:

5 (1) material and unverified changes or fluctuations in
6 trust balances;

7 (2) the licensee changing trustees more than twice in
8 any 12-month period;

9 (3) any withdrawals or attempted withdrawals from the
10 trusts in violation of this Act; or

11 (4) failure to maintain or produce documentation
12 required by this Act for deposits into trust accounts or
13 trust investment activities.

14 Prior to ordering an additional audit or examination, the
15 Comptroller shall request the licensee to respond and comment
16 upon the factors identified by the Comptroller as warranting
17 the subsequent examination or audit. The licensee shall have
18 30 days to provide a response to the Comptroller. If the
19 Comptroller decides to proceed with the additional examination
20 or audit, the licensee shall bear the full cost of that
21 examination or audit, up to a maximum of \$7,500. The
22 Comptroller may elect to pay for the examination or audit and
23 receive reimbursement from the licensee. Payment of the costs
24 of the examination or audit by a licensee shall be a condition
25 of receiving or maintaining a license under this Act. All
26 moneys received by the Comptroller for examination or audit

1 fees shall be maintained in a separate account to be known as
2 the Comptroller's Administrative Fund. This Fund, subject to
3 appropriation by the General Assembly, may be utilized by the
4 Comptroller for enforcing this Act and other purposes that may
5 be authorized by law.

6 (Source: P.A. 89-615, eff. 8-9-96.)

7 (760 ILCS 100/15) (from Ch. 21, par. 64.15)

8 Sec. 15. The Comptroller may, upon 10 days' notice to the
9 licensee, by United States mail directed to the licensee at
10 the address set forth in the license, stating the contemplated
11 action and, in general, the grounds therefor, and upon
12 reasonable opportunity to be heard prior to such action,
13 revoke any license issued hereunder if he finds that:

14 (a) The licensee has failed to make the annual report ~~or to~~
15 ~~maintain in effect the required bond~~ or to comply with an
16 order, decision, or finding of the Comptroller made pursuant
17 to this Act; or that

18 (b) The licensee has violated any provision of this Act or
19 any regulation or direction made by the Comptroller under this
20 Act; or that

21 (c) Any fact or condition exists which would constitute
22 grounds for denying an application for a new license.

23 (Source: P.A. 91-7, eff. 6-1-99.)

24 (760 ILCS 100/15.2) (from Ch. 21, par. 64.15-2)

1 Sec. 15.2. A licensee may surrender any license by
2 delivering to the Comptroller written notice that he thereby
3 surrenders such license but such surrender shall not affect
4 such licensee's civil or criminal liability for acts committed
5 prior to such surrender, ~~or affect his bond~~. The Comptroller
6 shall not permit a license to be surrendered by a licensee
7 unless and until such licensee has furnished to the
8 Comptroller satisfactory evidence of his release and discharge
9 from all trust liabilities and obligations and unless and
10 until the care funds of such licensee have been transferred to
11 a successor licensee who shall be licensed by the Comptroller
12 in conformity with the provisions of this Act.

13 However, the Comptroller shall accept the surrender of a
14 license held by a cemetery authority that is a cemetery
15 association or corporation owning, operating or controlling a
16 cemetery not for profit, whose cemetery has been conveyed to
17 and accepted by any city, village, incorporated town, township
18 or county, upon: (a) the licensee submitting to the
19 Comptroller a copy of the act, resolution or ordinance under
20 which the political subdivision accepted or is charged with
21 the responsibility of operating and controlling the cemetery;
22 (b) the making and filing with and approval by the Comptroller
23 of a final account for care funds from the date of last report
24 made by the licensee to the Comptroller to the date of transfer
25 to the successor cemetery authority; (c) the furnishing of a
26 copy of the instrument of appointment or certificate of

1 election of trustees of the public graveyard or managers of
2 the municipal cemetery authorized to hold care funds or trust
3 funds for care, and the receipt of such trustees of the public
4 graveyard or managers of the municipal cemetery for the care
5 funds investments listed in the final account; and (d) the
6 return of the Cemetery Authority License to the Comptroller
7 for cancellation. Upon satisfactory performance of the
8 foregoing by a licensee, the same shall be deemed satisfactory
9 evidence of the licensee's release and discharge from all
10 trust liabilities and obligations and transfer of the
11 licensee's care funds to an authorized successor within the
12 meaning and intent of this Act.

13 (Source: P.A. 78-592.)

14 (760 ILCS 100/15a) (from Ch. 21, par. 64.15a)

15 Sec. 15a. Where any cemetery authority owning, operating,
16 controlling or managing a privately operated cemetery or any
17 trustee for the same has accepted care funds within the
18 meaning of this Act, and is considered abandoned or seeks
19 dissolution ~~dissolution is sought by such cemetery authority~~
20 in any manner, by resolution of such cemetery authority, or
21 the trustees thereof, notice shall be given to the Comptroller
22 of such intention to dissolve, and proper disposition shall be
23 made of the care funds so held for the general benefit of such
24 lot owners by or for the benefit of such cemetery authority, as
25 provided by law, or in accordance with the trust provisions of

1 any gift, grant, contribution, payment, legacy or pursuant to
2 any contract whereby such funds were created. The Comptroller
3 represented by the Attorney General may apply to the circuit
4 court for the appointment of a receiver, trustee, successor in
5 trust, or for directions of such court as to the proper
6 disposition to be made of such care funds, to the end that the
7 uses and purposes for which such trust or care funds were
8 created may be accomplished. Where no such receiver is
9 available, the circuit court may order a willing local
10 municipality, township, or county to take over the cemetery.
11 Any existing deed or care funds may be conveyed or transferred
12 to the unit of local government. If there is no party available
13 to convey the deed or transfer the care funds, then a judicial
14 deed and court order may be obtained in the county in which the
15 cemetery is located, and such deed or other writing, if it
16 relates to land, shall promptly, after its execution by a
17 judge or the sheriff, be recorded in the recorder's office of
18 the county wherein the land is situated. Any cemetery taken
19 over by a local municipality, township, or county shall be
20 considered a municipal cemetery for the purposes of this Act.

21 (Source: P.A. 87-747; 88-477.)

22 (760 ILCS 100/25)

23 Sec. 25. Use of care funds. When any city, village,
24 incorporated town, township, county, other municipal
25 corporation, or a township or multi-township cemetery district

1 takes over a cemetery or cemetery authority, including owning,
2 operating, controlling, maintaining, or managing the cemetery,
3 the care fund income may be used by the local government for
4 the care and maintenance of the cemetery at reasonable
5 intervals. If the care fund income does not cover the
6 reasonable maintenance of the cemetery, then the care fund
7 principal may be used by the local government for the care and
8 maintenance of the cemetery. ~~the care fund and care fund~~
9 ~~expenditures continue to be subject to the provisions of this~~
10 ~~Act, and the township or multi township cemetery district must~~
11 ~~continue to use the care fund exclusively for the care and~~
12 ~~maintenance of the cemetery in accordance with this Act.~~

13 (Source: P.A. 91-181, eff. 1-1-00.)

14 (760 ILCS 100/17 rep.)

15 (760 ILCS 100/18 rep.)

16 Section 15. The Cemetery Care Act is amended by repealing
17 Sections 17 and 18.

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1 760 ILCS 100/18 rep.