

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

7 (410 ILCS 18/7)

8 (Section scheduled to be repealed on January 1, 2029)

9 Sec. 7. Powers and duties of the Comptroller. Subject to
10 the provisions of this Act, the Comptroller may exercise any
11 of the following powers and duties:

12 (1) Authorize standards to ascertain the
13 qualifications and fitness of applicants for licensing as
14 licensed crematory authorities and pass upon the
15 qualifications of applicants for licensure.

16 (2) Examine, investigate, and audit a licensed
17 crematory authority's records, crematory, or any other
18 aspects of crematory operation as the Comptroller deems
19 appropriate.

20 (3) Investigate any and all unlicensed activity.

21 (4) Conduct hearings on proceedings to refuse to issue
22 licenses or to revoke, suspend, place on probation,
23 reprimand, or otherwise discipline licensees and to refuse

1 to issue licenses or to revoke, suspend, place on
2 probation, reprimand, or otherwise discipline licensees.

3 (5) Formulate rules required for the administration of
4 this Act.

5 (6) Maintain rosters of the names and addresses of all
6 licensees, and all entities whose licenses have been
7 suspended, revoked, or otherwise disciplined. These
8 rosters shall be available upon written request and
9 payment of the required fee.

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

11 (410 ILCS 18/10)

12 (Section scheduled to be repealed on January 1, 2029)

13 Sec. 10. Establishment of crematory and licensing of
14 crematory authority.

15 (a) Any person doing business in this State, or any
16 cemetery, funeral establishment, corporation, partnership,
17 joint venture, voluntary organization or any other entity, may
18 erect, maintain, and operate a crematory in this State and
19 provide the necessary appliances and facilities for the
20 cremation of human remains in accordance with this Act.

21 (b) A crematory shall be subject to all local, State, and
22 federal health and environmental protection requirements and
23 shall obtain all necessary licenses and permits from the
24 Department of Financial and Professional Regulation, the
25 Department of Public Health, the federal Department of Health

1 and Human Services, and the Illinois and federal Environmental
2 Protection Agencies, or such other appropriate local, State,
3 or federal agencies.

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

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

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

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

21 (3) A description of the type of structure and
22 equipment to be used in the operation of the crematory,
23 including the operating permit number issued to the
24 cremation device by the Illinois Environmental Protection
25 Agency.

26 (4) Any further information that the Comptroller

1 reasonably may require.

2 (e) Each crematory authority shall file an annual report
3 with the Comptroller, accompanied with a \$25 fee, providing
4 (i) an affidavit signed by the owner of the crematory
5 authority that at the time of the report the cremation device
6 was in proper operating condition, (ii) the total number of
7 all cremations performed at the crematory during the past
8 year, (iii) attestation by the licensee that all applicable
9 permits and certifications are valid, (iv) either (A) any
10 changes required in the information provided under subsection
11 (d) or (B) an indication that no changes have occurred, and (v)
12 any other information that the Comptroller may require. The
13 annual report shall be filed by a crematory authority on or
14 before March 15 of each calendar year. If the fiscal year of a
15 crematory authority is other than on a calendar year basis,
16 then the crematory authority shall file the report required by
17 this Section within 75 days after the end of its fiscal year.
18 If a crematory authority fails to submit an annual report to
19 the Comptroller within the time specified in this Section, the
20 Comptroller shall impose upon the crematory authority a
21 penalty of \$5 for each and every day the crematory authority
22 remains delinquent in submitting the annual report. The
23 Comptroller may abate all or part of the \$5 daily penalty for
24 good cause shown. The \$25 annual report fee shall be deposited
25 in the Comptroller's Administrative Fund.

26 (f) All records required to be maintained under this Act,

1 including but not limited to those relating to the license and
2 annual report of the crematory authority required to be filed
3 under this Section, shall be subject to inspection by the
4 Comptroller ~~upon reasonable notice~~.

5 (g) The Comptroller may inspect crematory records and
6 premises at the crematory authority's place of business to
7 review the licensee's compliance with this Act. The
8 Comptroller may charge a \$100 fee for the inspection of the
9 licensee. The inspection must include verification that:

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

12 (2) a crematory device operator's certification of
13 training and the required continuing education
14 certification are conspicuously displayed at the
15 crematory;

16 (3) the cremation device has a current operating
17 permit issued by the Illinois Environmental Protection
18 Agency and the permit is conspicuously displayed in the
19 crematory;

20 (4) the crematory authority is in compliance with
21 local zoning requirements;

22 (5) the crematory authority license issued by the
23 Comptroller is conspicuously displayed at the crematory;
24 and

25 (6) other details as determined by rule.

26 (h) The Comptroller shall issue licenses under this Act to

1 the crematories that are registered with the Comptroller as of
2 on March 1, 2012 without requiring the previously registered
3 crematories to complete license applications.

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

13 (j) Each crematory authority shall implement a standard
14 operating procedure that is appropriate for the crematory
15 authority and not made uniform through rules and provide a
16 copy to all employees.

17 (k) Each crematory authority shall implement a medical
18 waste management plan that is appropriate for the crematory
19 authority and not made uniform through rules.

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

21 (410 ILCS 18/11)

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

23 Sec. 11. Grounds for denial or discipline.

24 (a) In this Section, "applicant" means a person who has
25 applied for a license under this Act including those persons

1 whose names are listed on a license application in Section 10
2 of this Act.

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

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

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

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

21 (4) Engaging in dishonorable, unethical, or
22 unprofessional conduct of a character likely to deceive,
23 defraud, or harm the public.

24 (5) As to any individual listed in the license
25 application as required under Section 10, that individual
26 has conducted or is about to conduct any cremation

1 business on behalf of the applicant in a fraudulent manner
2 or has been convicted of any felony or misdemeanor an
3 essential element of which is fraud.

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

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

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

21 (9) Any violation of this Act or of the rules adopted
22 under this Act.

23 (10) Incompetence.

24 (11) Gross malpractice.

25 (12) Discipline by another state, District of
26 Columbia, territory, or foreign nation, if at least one of

1 the grounds for the discipline is the same or
2 substantially equivalent to those set forth in this
3 Section.

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

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

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

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

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

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

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

24 (410 ILCS 18/11.5)

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

1 Sec. 11.5. License revocation or suspension; surrender of
2 license.

3 (a) (Blank).

4 (b) Upon the revocation or suspension of a license issued
5 under this Act, the licensee must immediately surrender the
6 license to the Comptroller. If the licensee fails to do so, the
7 Comptroller may seize the license.

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

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

21 (410 ILCS 18/25)

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

23 Sec. 25. Recordkeeping.

24 (a) The crematory authority shall furnish to the person
25 who delivers human remains to the crematory authority a

1 receipt signed, in either paper or electronic format, at the
2 time of delivery by both the crematory authority and the
3 person who delivers the human remains, showing the date and
4 time of the delivery, the type of casket or alternative
5 container that was delivered, the name of the person from whom
6 the human remains were received and the name of the funeral
7 establishment or other entity with whom the person is
8 affiliated, the name of the person who received the human
9 remains on behalf of the crematory authority, and the name of
10 the decedent. The crematory shall retain a copy of this
11 receipt in its permanent records.

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

24 (c) A crematory authority shall maintain at its place of
25 business a permanent record of each cremation that took place
26 at its facility which shall contain the name of the decedent,

1 the date of the cremation, and the final disposition of the
2 cremated remains if known, and if not, the date the cremated
3 remains were returned to the authorizing agent or otherwise
4 disposed in accordance with Section 40.

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

8 (e) Upon completion of the cremation, the crematory
9 authority shall file the burial transit permit as required by
10 the Illinois Vital Records Act and rules adopted under that
11 Act and the Illinois Counties Code, and transmit a photocopy
12 of the burial transit permit along with the cremated remains
13 to whoever receives the cremated remains from the authorizing
14 agent unless the cremated remains are to be interred,
15 entombed, inurned, or placed in a scattering area, in which
16 case the crematory authority shall retain a copy of the burial
17 transit permit and shall send the permit, along with the
18 cremated remains, to the cemetery, which shall file the permit
19 with the designated agency after the interment, entombment,
20 inurnment, or scattering has taken place.

21 (f) All cemeteries shall maintain a record of all cremated
22 remains that are disposed of on their property, provided that
23 the cremated remains were properly transferred to the cemetery
24 and the cemetery issued a receipt acknowledging the transfer
25 of the cremated remains.

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

1 (410 ILCS 18/35)

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

3 Sec. 35. Cremation procedures.

4 (a) Human remains shall not be cremated within 24 hours
5 after the time of death, as indicated on the Medical
6 Examiner's/Coroner's Certificate of Death. In any death, the
7 human remains shall not be cremated by the crematory authority
8 until a cremation permit has been received from the coroner or
9 medical examiner of the county in which the death occurred and
10 the crematory authority has received a cremation authorization
11 form, executed by an authorizing agent, in accordance with the
12 provisions of Section 15 of this Act. In no instance, however,
13 shall the lapse of time between the death and the cremation be
14 less than 24 hours, unless (i) it is known the deceased has an
15 infectious or dangerous disease and that the time requirement
16 is waived in writing by the medical examiner or coroner where
17 the death occurred or (ii) because of a religious requirement.

18 (b) Except as set forth in subsection (a) of this Section,
19 a crematory authority shall have the right to schedule the
20 actual cremation to be performed at its own convenience, at
21 any time after the human remains have been delivered to the
22 crematory authority, unless the crematory authority has
23 received specific instructions to the contrary on the
24 cremation authorization form. If human remains have not been
25 cremated within 30 days after the date of delivery to the

1 crematory, and absent direction from a law enforcement agency
2 to hold the remains, the crematory authority shall provide
3 notice to the Comptroller's office and the coroner or medical
4 examiner in the county in which the death occurred as to why
5 the cremation cannot be performed. This 30-day notice
6 requirement may not be construed as a legal standard of
7 reasonableness for the timeliness of a cremation.

8 (c) No crematory authority shall cremate human remains
9 when it has actual knowledge that human remains contain a
10 pacemaker or any other material or implant that may be
11 potentially hazardous to the person performing the cremation.
12 Pacemakers do not need to be removed in alkaline hydrolysis
13 if: (1) the involved funeral director has received advance
14 written notice from the crematory authority that its alkaline
15 hydrolysis vessel has been certified by the manufacturer to
16 work safely on human remains that contain pacemakers; and (2)
17 the involved funeral director has received advance written
18 confirmation that the aqueous solution that results from the
19 alkaline hydrolysis of a pacemaker satisfies all federal and
20 State hazardous waste rules and meets all publicly owned
21 treatment works pretreatment standards upon being discharged
22 into the sanitary sewer system.

23 (d) No crematory authority shall refuse to accept human
24 remains for cremation because such human remains are not
25 embalmed.

26 (e) Whenever a crematory authority is unable or

1 unauthorized to cremate human remains immediately upon taking
2 custody of the remains, the crematory authority shall place
3 the human remains in a holding facility in accordance with the
4 crematory authority's rules and regulations. The crematory
5 authority must notify the authorizing agent of the reasons for
6 delay in cremation if a properly authorized cremation is not
7 performed within any time period expressly contemplated in the
8 authorization.

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

12 (g) The casket or the alternative container shall be
13 cremated with the human remains or destroyed, unless the
14 crematory authority has notified the authorizing agent to the
15 contrary on the cremation authorization form and obtained the
16 written consent of the authorizing agent.

17 (h) The simultaneous cremation of the human remains of
18 more than one person within the same cremation chamber,
19 without the prior written consent of the authorizing agent, is
20 prohibited except for common cremation pursuant to Section
21 11.4 of the Hospital Licensing Act. Nothing in this
22 subsection, however, shall prevent the simultaneous cremation
23 within the same cremation chamber of body parts delivered to
24 the crematory authority from multiple sources, or the use of
25 cremation equipment that contains more than one cremation
26 chamber.

1 (i) No unauthorized person shall be permitted in the
2 holding facility or cremation room while any human remains are
3 being held there awaiting cremation, being cremated, or being
4 removed from the cremation chamber.

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

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

16 (l) If all of the recovered cremated remains will not fit
17 within the receptacle that has been selected, the remainder of
18 the cremated remains shall be returned to the authorizing
19 agent or the agent's designee in a separate container. The
20 crematory authority shall not return to an authorizing agent
21 or the agent's designee more or less cremated remains than
22 were removed from the cremation chamber.

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

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

5 (o) A crematory authority shall maintain a chain of
6 custody record, which is an identification system that ensures
7 that a crematory authority is able to identify the human
8 remains in its possession throughout all phases of the
9 cremation process.

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

17 (Source: P.A. 102-824, eff. 1-1-23; 103-253, eff. 6-30-23;
18 103-907, eff. 1-1-25.)

19 (410 ILCS 18/40)

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

21 Sec. 40. Disposition of cremated remains.

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

24 (b) Cremated remains may be disposed of by placing them in
25 a grave, crypt, or niche, by scattering them in a scattering

1 area as defined in this Act, or in any manner whatever on the
2 private property of a consenting owner. When a deceased
3 individual is a member of a religion where the tenets of their
4 faith require the scattering of that individual's cremated
5 remains in water, the deceased individual's cremated remains
6 may be scattered in an Illinois river without approval through
7 the Department of Natural Resources' permit process as long as
8 the scattering of the cremated remains is: (1) limited to one
9 deceased individual; (2) spread over an area large enough to
10 avoid leaving an identifiable accumulation of remains; (3) out
11 of sight of any public use areas, including, but not limited
12 to, roads, walkways, trails, picnic areas, campgrounds, and
13 parking lots; and (4) conducted in a manner in which no other
14 objects, including, but not limited to, any cremation
15 identification disc, body prosthesis, or artificial organ,
16 other than pulverized cremated remains, are scattered into a
17 river. Nothing in this subsection (b) grants an individual
18 authority to trespass on private property.

19 (c) Upon the completion of the cremation process, and
20 except as provided for in item (I) of paragraph (1) of
21 subsection (a) of Section 20, if the crematory authority has
22 not been instructed to arrange for the interment, entombment,
23 inurnment, or scattering of the cremated remains, the
24 crematory authority shall deliver the cremated remains to the
25 individual specified on the cremation authorization form, or
26 if no individual is specified then to the authorizing agent.

1 The delivery may be made in person or by registered mail. Upon
2 receipt of the cremated remains, the individual receiving them
3 may transport them in any manner in this State without a
4 permit, and may dispose of them in accordance with this
5 Section. After delivery, the crematory authority shall be
6 discharged from any legal obligation or liability concerning
7 the cremated remains.

8 (d) If, after a period of 60 days from the date of the
9 cremation, the authorizing agent or the agent's designee has
10 not instructed the crematory authority to arrange for the
11 final disposition of the cremated remains or claimed the
12 cremated remains, the crematory authority may dispose of the
13 cremated remains in any manner permitted by this Section. The
14 crematory authority, however, shall keep a permanent record
15 identifying the site of final disposition. The authorizing
16 agent shall be responsible for reimbursing the crematory
17 authority for all reasonable expenses incurred in disposing of
18 the cremated remains. Upon disposing of the cremated remains,
19 the crematory authority shall be discharged from any legal
20 obligation or liability concerning the cremated remains. Any
21 person who was in possession of cremated remains prior to the
22 effective date of this Act may dispose of them in accordance
23 with this Section.

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

26 (1) Dispose of cremated remains in a manner or in a

1 location so that the cremated remains are commingled with
2 those of another person. This prohibition shall not apply
3 to the scattering of cremated remains at sea, by air, or in
4 an area located in a dedicated cemetery and used
5 exclusively for those purposes.

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

8 (f) Cremated remains must be stored in a place free from
9 exposure to the elements and be responsibly maintained until
10 disposal.

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

12 (410 ILCS 18/50)

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

14 Sec. 50. Pacemakers and hazardous implants. If an
15 authorizing agent informs the funeral director and the
16 cremation authority on the cremation authorization form of the
17 presence of a pacemaker in the human remains, then the funeral
18 director shall be responsible for ensuring that all necessary
19 steps have been taken to remove the pacemaker before
20 delivering the human remains to the crematory. Should the
21 funeral director who delivers the human remains to the
22 crematory fail to ensure that the pacemaker has been removed
23 from the human remains prior to delivery, and should the human
24 remains be cremated with the pacemaker, then the funeral
25 director who delivered the human remains to the crematory and

1 anyone else covered by this Section shall be liable for all
2 resulting damages. Pacemakers do not need to be removed in
3 alkaline hydrolysis if: (1) the involved funeral director has
4 received advance written notice from the crematory authority
5 that its alkaline hydrolysis vessel has been certified by the
6 manufacturer to work safely on human remains that contain
7 pacemakers; and (2) the involved funeral director has received
8 advance written confirmation that the aqueous solution that
9 results from the alkaline hydrolysis of a pacemaker satisfies
10 all federal and State hazardous waste rules and meets all
11 publicly owned treatment works pretreatment standards upon
12 being discharged into the sanitary sewer system.

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

14 (410 ILCS 18/55)

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

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

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

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

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

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

7 (4.5) Performance of a cremation service by a person
8 who has not completed a training program as defined in
9 Section 22 of this Act shall be a Class A misdemeanor.

10 (4.10) Any person who intentionally violates a
11 provision of this Act or a final order of the Comptroller
12 is liable for a civil penalty not to exceed \$10,000 ~~\$5,000~~
13 per violation.

14 (4.15) Any person who knowingly acts without proper
15 legal authority and who willfully and knowingly destroys
16 or damages the remains of a deceased human being or who
17 desecrates human remains is guilty of a Class 3 felony.

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

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

21 (410 ILCS 18/65)

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

23 Sec. 65. Pre-need cremation arrangements.

24 (a) Any person, or anyone who has legal authority to act on
25 behalf of a person, on a pre-need basis, may authorize his or

1 her own cremation and the final disposition of his or her
2 cremated remains by executing, as the authorizing agent, a
3 cremation authorization form on a pre-need basis. A copy of
4 this form shall be provided to the person. Any person shall
5 have the right to transfer or cancel this authorization at any
6 time prior to death by destroying the executed cremation
7 authorization form and providing written notice to the
8 crematory authority.

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

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

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

21 (c) Except as provided in subsection (b) of this Section,
22 at the time of the death of a person who has executed, as the
23 authorizing agent, a cremation authorization form on a
24 pre-need basis, any person in possession of an executed form
25 and any person charged with making arrangements for the final
26 disposition of the decedent who has knowledge of the existence

1 of an executed form, shall use their best efforts to ensure
2 that the decedent is cremated and that the final disposition
3 of the cremated remains is in accordance with the instructions
4 contained on the cremation authorization form. If a crematory
5 authority (i) is in possession of a completed cremation
6 authorization form that was executed on a pre-need basis, (ii)
7 is in possession of the designated human remains, and (iii)
8 has received payment for the cremation of the human remains
9 and the final disposition of the cremated remains, if not to be
10 returned to the authorized agent, or is otherwise assured of
11 payment, then the crematory authority shall be required to
12 cremate the human remains and dispose of the cremated remains
13 according to the instructions contained on the cremation
14 authorization form, and may do so without any liability.

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

1 discharged from any legal obligation concerning the cremated
2 remains. The pre-need agreement shall be kept as a permanent
3 record by the crematory authority.

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

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

13 (410 ILCS 18/91)

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

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

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

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

8 (410 ILCS 18/94)

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

10 Sec. 94. Summary suspension of a license. The Comptroller
11 may summarily suspend a license of a licensed crematory
12 without a hearing, within 14 days of ~~simultaneously with~~ the
13 institution of proceedings for a hearing provided for in this
14 Act, if the Comptroller finds that evidence in the
15 Comptroller's possession indicates that the licensee's
16 continued practice would constitute an imminent danger to the
17 public. A summary suspension under this Section is not
18 effective until the licensee is notified in writing of the
19 suspension and of the violations of this Act that necessitated
20 the suspension and informed that a notice of hearing will be
21 issued within 14 days. In the event that the Comptroller
22 summarily suspends the license of a licensed crematory without
23 a hearing, a hearing must be commenced within 30 days after the
24 suspension has occurred and concluded as expeditiously as
25 practical. In the event of a summary suspension, the

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

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