

104TH GENERAL ASSEMBLY**State of Illinois****2025 and 2026****SB2383**

Introduced 2/7/2025, by Sen. Mike Simmons

SYNOPSIS AS INTRODUCED:

New Act

Creates the Natural Organic Reduction Regulation Act. Provides that any person doing business in this State, or any cemetery, crematory, funeral establishment, corporation, partnership, joint venture, voluntary organization, or any other entity, may erect, maintain, and operate a natural organic reduction facility in the State and provide the necessary appliances and facilities for the natural organic reduction of human remains in accordance with the Act. Provides that an individual or a person, cemetery, crematory, funeral establishment, corporation, partnership, joint venture, voluntary organization, or other entity may reduce human remains only in a natural organic reduction facility operated by a disposition authority licensed for this purpose and only under the limitations provided in the Act. Provides for: grounds for denial or discipline; surrender of a license; license, display, transfer; authorizing agent; authorization for natural organic reduction; performance of natural organic reduction services, training; recordkeeping; natural organic reduction procedures; disposition of reduced human remains; limitation of liability; hazardous implants; penalties; failure to file an annual report; injunctive action, cease and desist order; service of notice; investigations, notice and hearing; compelling testimony; administrative review, venue, certification of record, costs; and preneed of natural organic reduction arrangements. Effective January 1, 2027.

LRB104 06219 AAS 16254 b

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 1. Short title. This Act may be cited as the
5 Natural Organic Reduction Regulation Act.

6 Section 5. Legislative intent. The practice of natural
7 organic reduction in the State is declared to be a practice
8 affecting the public health, safety, and welfare and subject
9 to regulation and control in the public interest. It is
10 further declared to be a matter of public interest and concern
11 that the preparation, care, and final disposition of a
12 deceased human body be attended with appropriate observance
13 and understanding, having due regard and respect for the
14 reverent care of the human body and for those bereaved and the
15 overall spiritual dignity of the human. It is further a matter
16 of public interest that the practice of natural organic
17 reduction, as defined in this Act, be done only by qualified
18 persons authorized by this Act. This Act shall be liberally
19 construed to best carry out these subjects and purposes.

20 Section 10. Definitions. As used in this Act:

21 "Address of record" means the designated address recorded
22 by the Comptroller in the applicant's or licensee's

1 application file or license file. The address of record shall
2 be the permanent street address of the natural organic
3 reduction facility.

4 "Alternative container" means a receptacle or
5 biodegradable external wrapping, other than a casket, in which
6 human remains are transported to the natural organic reduction
7 facility. An alternative container shall be: (i) able to be
8 closed in order to provide a complete covering for the human
9 remains; (ii) resistant to leakage or spillage; (iii) rigid
10 enough for handling with ease; and (iv) able to provide
11 protection for the health, safety, and personal integrity of
12 the natural organic reduction facilities personnel.

13 "Authorizing agent" means a person legally entitled to
14 order the natural organic reduction and final disposition of
15 specific human remains.

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

21 "Burial transit permit" means a permit for disposition of
22 a dead human body as required by State law.

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

1 "Comptroller" means the Comptroller of the State.

2 "Disposition authority" means the legal entity which is
3 licensed by the Comptroller to operate a natural organic
4 reduction facility and to perform natural organic reductions.

5 "Final disposition" means the burial, cremation, natural
6 organic reduction, or other disposition of human remains or
7 parts of human remains.

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

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

17 "Holding facility" means an area that: (i) is designated
18 for the retention of human remains prior to natural organic
19 reduction; (ii) complies with all applicable public health
20 law; (iii) preserves the health and safety of the natural
21 organic reduction facilities personnel; and (iv) is secure
22 from access by anyone other than authorized persons. A holding
23 facility may be located in the natural organic reduction room,
24 consistent with the refrigeration requirements of this Act.

25 "Human remains" means the body of a deceased person,
26 including any form of body prosthesis that has been

1 permanently attached or implanted in the body.

2 "Integrate into the soil" means the authorized addition
3 and mixing of reduced human remains with existing soil in a
4 defined area within a dedicated cemetery, conservation area,
5 property where the person who has control over the disposition
6 of the reduced human remains has obtained written permission
7 of the property owner.

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

13 "Natural organic reduction" means the process of
14 transforming a human body into soil using the natural
15 decomposition process, accelerated with the addition of
16 organic materials through the following steps:

17 (1) The body of a deceased person is mixed together
18 with natural materials and air and is periodically turned,
19 eventually resulting in the body's reduction to a soil
20 material.

21 (2) Large tanks, containers, or similar vessels hold
22 human remains together with straw, wood chips, or other
23 natural materials until the process is complete. Any such
24 tank, container, or similar vessel shall be stainless
25 steel, leakproof, promote aerobic reduction, and provide
26 for continuous monitoring of the natural organic reduction

1 process.

2 (3) The processing of the remains after removal from
3 the reduction chamber.

4 "Natural organic reduction authorization" means the
5 natural organic reduction form authorizing a natural organic
6 reduction which is signed by the next of kin or authorizing
7 agent. This natural organic reduction form must be a separate
8 document and cannot be a part of another form or document.

9 "Natural organic reduction facility" means the building or
10 portions of a building that houses the natural organic
11 reduction room and the holding facility. The facility shall
12 have a ventilation system that ventilates from the tank,
13 container, or similar vessel to a biofiltration system.

14 "Natural organic reduction room" means the room in which
15 the reduction chambers are located.

16 "Niche" means a compartment or cubicle for the
17 memorialization and permanent placement of an urn containing
18 reduced remains.

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

24 "Processing" means the removal of foreign objects as well
25 as, but not limited to, grinding, crushing, and pulverizing of
26 the remaining teeth and bones for the reduced human remains to

1 be integrated into the soil.

2 "Pulverization" means the reduction of identifiable bone
3 fragments after the completion of the natural organic
4 reduction process to granulated particles by manual or
5 mechanical means.

6 "Reduction chamber" means the enclosed space within which
7 individual human remains are reduced and any other attached,
8 non-enclosed, mechanical components that are necessary for the
9 safe and proper functioning of the equipment. A reduction
10 chamber shall meet or exceed the requirements set by the
11 federal Centers for Disease Control and Prevention for
12 destruction of human pathogens.

13 "Reduced human remains" means the remains of a human body
14 that have been reduced to soil through a process of reduction.

15 "Reduced human remains" does not include foreign materials,
16 pacemakers, or prostheses.

17 "Reduced remains interment container" means a rigid outer
18 container that is subject to a cemetery's rules and
19 regulations.

20 "Scattering area" means an area which may be designated by
21 a cemetery and located on dedicated cemetery property, or an
22 area designated as a scattering area on private land or a
23 privately owned nature preserve where reduced human remains,
24 which have been removed from the container, can be mixed with,
25 or placed on top of, the soil or ground cover.

26 "Temporary container" means a receptacle for reduced human

1 remains, usually composed of cardboard, plastic, or similar
2 material, that can be closed in a manner that prevents the
3 leakage or spillage of the reduced human remains or the
4 entrance of foreign material and is a single container of
5 sufficient size to hold the reduced human remains until an urn
6 is acquired, or the reduced human remains are scattered.

7 "Urn" means a receptacle designed to encase a portion of
8 the reduced human remains.

9 Section 15. Powers and duties of the Comptroller. Subject
10 to the provisions of this Act, the Comptroller may exercise
11 any of the following powers and duties:

12 (1) authorize standards to ascertain the
13 qualifications and fitness of applicants for licensing as
14 licensed natural organic reduction authorities and pass
15 upon the qualifications of applicants for licensure;

16 (2) examine and audit a licensed disposition
17 authority's record, natural organic reduction facility, or
18 any other aspects of the natural organic reduction
19 operations as the Comptroller deems 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
24 to issue licenses or to revoke, suspend, place on
25 probation, reprimand, or otherwise discipline licensees;

1 (5) formulate rules required for the administration of
2 this Act; and

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

8 Section 20. Establishment of a natural organic reduction
9 facility and licensing of disposition authority.

10 (a) Any person doing business in this State, or any
11 cemetery, crematory, funeral establishment, corporation,
12 partnership, joint venture, voluntary organization, or any
13 other entity, may erect, maintain, and operate a natural
14 organic reduction facility in this State and provide the
15 necessary appliances and facilities for the natural organic
16 reduction of human remains in accordance with this Act.

17 (b) A natural organic reduction facility shall be subject
18 to all local, State, and federal health and environmental
19 protection requirements and shall obtain all necessary
20 licenses and permits from the Department of Financial and
21 Professional Regulation, the Department of Public Health, the
22 federal Department of Health and Human Services, and the State
23 and federal Environmental Protection Agencies, or such other
24 appropriate local, State, or federal agencies.

25 (c) A natural organic reduction facility may be

1 constructed on or adjacent to any cemetery, crematory, on or
2 adjacent to any funeral establishment, or at any other
3 location consistent with local zoning regulations.

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

8 (1) the full name and address, both residence and
9 business, of the applicant if the applicant is an
10 individual; the full name and address of every member if
11 the applicant is a partnership; the full name and address
12 of every member of the board of directors if the applicant
13 is an association; and the name and address of every
14 officer, director, and shareholder holding more than 25%
15 of the corporate stock if the applicant is a corporation;

16 (2) the address and location of the natural organic
17 reduction facility;

18 (3) a description of the type of structure, equipment,
19 and technical process to be used in the operation of the
20 natural organic reduction facility; and

21 (4) any further information that the Comptroller
22 reasonably may require.

23 (e) Each disposition authority shall file an annual report
24 with the Comptroller, accompanied with a \$25 fee plus \$5 for
25 each natural organic reduction performed that calendar year,
26 providing (i) an affidavit signed by the owner of the natural

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

1 (f) All records required to be maintained under this Act,
2 including, but not limited to, those relating to the license
3 and annual report of the disposition authority required to be
4 filed under this Section, shall be subject to inspection by
5 the Comptroller upon reasonable notice.

6 (g) The Comptroller may inspect a natural organic
7 reduction facility record at the disposition authority's place
8 of business to review the licensee's compliance with this Act.
9 The Comptroller may charge a fee for the inspection of \$100 to
10 the licensee. The inspection must include verification that:

11 (1) the disposition authority has complied with
12 recordkeeping requirements of this Act;

13 (2) a natural organic reduction device operator's
14 certification of training and the required continuing
15 education certification is conspicuously displayed at the
16 natural organic reduction facility;

17 (3) the disposition authority is in compliance with
18 local zoning requirements;

19 (4) the disposition authority license issued by the
20 Comptroller is conspicuously displayed at the natural
21 organic reduction facility; and

22 (5) other details as determined by rule.

23 (h) Every license issued hereunder shall be renewed every
24 5 years for a renewal fee of \$100. The renewal fee shall be
25 deposited into the Comptroller's Administrative Fund. The
26 Comptroller, upon the request of an interested person or on

1 his or her own motion, may issue new licenses to a licensee
2 whose license or licenses have been revoked, if no factor or
3 condition then exists which would have warranted the
4 Comptroller to originally refuse the issuance of such license.

5 Section 25. Grounds for denial or discipline.

6 (a) In this Section, "applicant" means a person who has
7 applied for a license under this Act, including those persons
8 whose names are listed on a license application in Section 20
9 of this Act.

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

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

20 (2) The applicant or licensee has been engaged in
21 fraudulent business practices.

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

1 Comptroller.

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

5 (5) As to any individual listed in the license
6 application as required under Section 20, that individual
7 has conducted or is about to conduct any natural organic
8 reduction business on behalf of the applicant in a
9 fraudulent manner or has been convicted of any felony or
10 misdemeanor an essential element of which is fraud.

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

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

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

1 the license.

2 (9) Any violation of this Act or of the rules adopted
3 under this Act.

4 (10) Incompetence.

5 (11) Gross malpractice.

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

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

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

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

22 (16) Gross, willful, or continued overcharging for
23 professional services, including filing false statements
24 for collection of fees for which services are not
25 rendered.

26 (17) Practicing under a false or, except as provided

1 by law, an assumed name.

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

4 Section 30. License revocation or suspension; surrender of
5 license. Upon the revocation or suspension of a license issued
6 under this Act, the licensee must immediately surrender the
7 license to the Comptroller. If the licensee fails to do so, the
8 Comptroller may seize the license.

9 Section 35. Surrender of license; effect on licensee's
10 liability. A licensee may surrender a license issued under
11 this Act by delivering to the Comptroller a written notice
12 stating that the licensee thereby surrenders the license, but
13 such a surrender does not affect the licensee's civil or
14 criminal liability for acts committed before the surrender.

15 Section 40. License; display; transfer; duration.

16 (a) Every license issued under this Act must state the
17 number of the license, the business name and address of the
18 licensee's principal place of business, and the licensee's
19 parent company, if any. The license must be conspicuously
20 posted in the place of business operating under the license.

21 (b) After initial licensure, if any person comes to obtain
22 at least 51% of the ownership over the natural organic
23 reduction facility, then the disposition authority shall apply

1 for a new license in the required time as set out by rule.

2 (c) Every license issued under this Act shall remain in
3 force until it has been surrendered, suspended, or revoked in
4 accordance with this Act. Upon the request of an interested
5 person or on the Comptroller's own motion, the Comptroller may
6 issue a new license to a licensee whose license has been
7 revoked under this Act if no factor or condition then exists
8 which would have warranted the Comptroller in originally
9 refusing the issuance of the license.

10 Section 45. Authorizing agent. The priority of the person
11 or persons who have the right to serve as the authorizing agent
12 for natural organic reduction is in the same priority as
13 provided for in Section 5 of the Disposition of Remains Act.

14 Section 50. Natural organic reduction only in a natural
15 organic reduction facility. An individual or a person,
16 cemetery, crematory, funeral establishment, corporation,
17 partnership, joint venture, voluntary organization, or other
18 entity may reduce human remains only in a natural organic
19 reduction facility operated by a disposition authority
20 licensed for this purpose and only under the limitations
21 provided in this Act.

22 Section 55. Authorization for natural organic reduction.

23 (a) A disposition authority shall not reduce human remains

1 by natural organic reduction until it has received all of the
2 following:

3 (1) a natural organic reduction authorization form
4 signed by the authorizing agent. The natural organic
5 reduction authorization form shall be provided by the
6 disposition authority and shall contain, at a minimum, the
7 following information:

8 (A) the identity of the human remains and the time
9 and date of death;

10 (B) the name of the funeral director and funeral
11 establishment, if applicable, that obtained the
12 natural organic reduction authorization;

13 (C) notification as to whether the death occurred
14 from a disease declared by the Illinois Department of
15 Health to be infectious, contagious, communicable, or
16 dangerous to the public health and as to whether the
17 deceased was treated with nuclear medicine and whether
18 any of the following apply:

19 (i) a prion disease infection, mycobacterium
20 tuberculosis infection, or Ebola virus disease
21 infection;

22 (ii) a contagious disease infection which may
23 be a public health hazard as identified by the
24 local health officer or medical examiner;

25 (iii) a radioactive seed implant within 30
26 days of death until such time that 30 days have

1 elapsed or the organ containing the seed or seeds
2 has been removed;

3 (iv) containing a nuclear pacemaker until such
4 time that the nuclear pacemaker is removed; or

5 (v) perishing as a result of a radiologic
6 incident or accident, unless a written release is
7 provided by the Department of Health Office of
8 Radiation Protection or other state or federal
9 agency in charge of the response to the
10 radiological incident or accident.

11 (D) the name of the authorizing agent and the
12 relationship between the authorizing agent and the
13 decedent;

14 (E) a representation that the authorizing agent
15 does in fact have the right to authorize the natural
16 organic reduction of the decedent, and that the
17 authorizing agent is not aware of any living person
18 who has a superior priority right to that of the
19 authorizing agent, as set forth in Section 45. In the
20 event there is another living person who has a
21 superior priority right to that of the authorizing
22 agent, the form shall contain a representation that
23 the authorizing agent has made all reasonable efforts
24 to contact that person, has been unable to do so, and
25 has no reason to believe that the person would object
26 to the natural organic reduction of the decedent;

1 (F) authorization for the disposition authority to
2 reduce the human remains by natural organic reduction;

3 (G) a representation that the human remains do not
4 contain any other material or implant that may be
5 potentially hazardous or cause damage to the natural
6 organic reduction chamber or the person performing the
7 natural organic reduction;

8 (H) the name of the person authorized to receive
9 the reduced remains from the disposition authority;

10 (I) the manner in which final disposition of the
11 reduced human remains is to take place, if known. If
12 the reduction authorization form does not specify
13 final disposition in a grave, crypt, niche, or
14 scattering area, then the form may indicate that the
15 reduced human remains will be held by the disposition
16 authority for 30 days before they are released, unless
17 they are picked up from the disposition authority
18 prior to that time, in person, by the authorizing
19 agent with prior consent from the authorizing agent.
20 At the end of the 60 days the disposition authority may
21 return the reduced human remains to the authorizing
22 agent if no final disposition arrangements are made;
23 or at the end of 60 days the disposition authority may
24 dispose of the reduced human remains in accordance
25 with this subsection (e) of Section 75;

26 (J) a listing of any items of value to be delivered

1 to the disposition authority along with the human
2 remains, and instructions as to how the items should
3 be handled;

4 (K) a specific statement as to whether the
5 authorizing agent has made arrangements for any type
6 of viewing of the decedent before natural organic
7 reduction or for a service with the decedent present
8 before natural organic reduction in connection with
9 the natural organic reduction, and if so, the date and
10 time of the viewing or service and whether the
11 disposition authority is authorized to proceed with
12 the natural organic reduction upon receipt of the
13 human remains;

14 (L) the signature of the authorizing agent,
15 attesting to the accuracy of all representations
16 contained on the natural organic reduction
17 authorization form, except as set forth in paragraph
18 (M) of this subsection;

19 (M) if a natural organic reduction form is being
20 executed on a preneed basis, the natural organic
21 reduction authorization form shall contain the
22 disclosure required by subsection (b) of Section 125;
23 and

24 (N) the natural organic reduction authorization
25 form, other than preneed natural organic reduction
26 forms, shall also be signed by a funeral director or

1 other representative of the disposition authority that
2 obtained the natural organic reduction authorization.
3 That individual shall merely execute the natural
4 organic reduction authorization form and shall not be
5 responsible for any of the representations made by the
6 authorizing agent, unless the individual has actual
7 knowledge to the contrary. The information requested
8 by subparagraphs (A), (B), (C), and (G) of this
9 subsection, however, shall be considered to be
10 representations of the authorizing agent. The funeral
11 director or funeral establishment shall warrant to the
12 natural organic reduction facility that the human
13 remains delivered to the disposition authority are the
14 human remains identified on the natural organic
15 reduction authorization form.

16 (2) a completed and executed burial transit permit
17 indicating that the human remains are to be reduced; and

18 (3) any other documentation required by this State.

19 (b) If an authorizing agent is not available to execute a
20 natural organic reduction authorization form in person, that
21 person may use an electronic signature. The disposition
22 authority, funeral director, and funeral establishment shall
23 be entitled to rely upon the natural organic reduction
24 authorization form without liability.

25 (c) An authorizing agent who signs a natural organic
26 reduction authorization form shall be deemed to warrant the

1 truthfulness of any facts set forth on the natural organic
2 reduction authorization form, including that person's
3 authority to order the natural organic reduction, except for
4 the information required by subparagraphs (C) and (G) of
5 paragraph (1) of subsection (a) of this Section, unless the
6 authorizing agent has actual knowledge to the contrary. An
7 authorizing agent signing a natural organic reduction
8 authorization form shall be personally and individually liable
9 for all damages occasioned by and resulting from authorizing
10 the natural organic reduction.

11 (d) A disposition authority shall have authority to reduce
12 human remains upon the receipt of a natural organic reduction
13 authorization form signed by an authorizing agent. There shall
14 be no liability for the natural organic reduction disposition
15 authority according to a natural organic reduction
16 authorization, or that releases or disposes of the reduced
17 human remains according to a natural organic reduction
18 authorization, except for a disposition authority's gross
19 negligence, provided that the disposition authority performs
20 its functions in compliance with this Act.

21 (e) After an authorizing agent has executed a natural
22 organic reduction authorization form and before the natural
23 organic reduction process has started, the authorizing agent
24 may revoke the authorization and instruct the disposition
25 authority to cancel the natural organic reduction and to
26 release or deliver the human remains to another disposition

1 authority or funeral establishment. The instructions shall be
2 provided to the disposition authority in writing. A
3 disposition authority shall honor any instructions given to it
4 by an authorizing agent under this Section if it receives the
5 instructions prior to beginning the reduction of the human
6 remains.

7 Section 60. Performance of natural organic reduction
8 services; training. The handling of the human remains upon
9 arrival at disposition authority including placement into the
10 natural organic reduction chamber and until the reduction
11 inside the chamber is complete shall be under the immediate
12 direct supervision of a licensed funeral director or licensed
13 funeral director and embalmer. Natural organic reduction
14 operators who have received training and received
15 certification by a program recognized by the Comptroller may
16 handle remains after completed reduction, including
17 processing, pulverization, and placement of soil into urn. The
18 disposition authority must conspicuously display the
19 certification at the disposition authority's place of
20 business. A continuing education natural organic reduction
21 course of at least 2 hours in length from a recognized provider
22 must be completed every 5 years by each person performing a
23 natural organic reduction service. For the purposes of this
24 Act, the Comptroller may recognize any training program that
25 provides training in the operation of a natural organic

1 reduction device, in the maintenance of a clean facility, and
2 in the proper handling of human remains. The Comptroller may
3 recognize any course that is conducted by a death care trade
4 association in the State or the United States for natural
5 organic reduction or by a manufacturer of a natural organic
6 reduction unit that is consistent with the standards provided
7 in this Act or as otherwise determined by rule.

8 Section 65. Recordkeeping.

9 (a) The disposition authority shall furnish to the funeral
10 director who delivers human remains to the disposition
11 authority a receipt signed at the time of delivery by both the
12 disposition authority and the funeral director who delivers
13 the human remains, showing the date and time of the delivery,
14 the type of alternative container or external wrapping that
15 was delivered, the name of the person from whom the human
16 remains were received and the name of the funeral
17 establishment or other entity with whom the person is
18 affiliated, the name of the person who received the human
19 remains on behalf of the disposition authority, and the name
20 of the decedent. The disposition authority shall retain a copy
21 of this receipt in its permanent records.

22 (b) Upon its release of the reduced human remains, the
23 disposition authority shall furnish to the person who receives
24 the reduced human remains from the disposition authority a
25 receipt signed by both the disposition authority and the

1 person who receives the natural organic reduction remains,
2 showing the date and time of the release, the name of the
3 person to whom the reduced human remains were released and the
4 name of the funeral establishment, cemetery, or other entity
5 with whom the person is affiliated, the name of the person who
6 released the reduced human remains on behalf of the
7 disposition authority, the name of the decedent, and the
8 estimated volume of reduced human remains. The natural organic
9 reduction facility shall retain a copy of this receipt in its
10 permanent records.

11 (c) A disposition authority shall maintain at its place of
12 business a permanent record of each natural organic reduction
13 that took place at its facility which shall contain the name of
14 the decedent, the date of the natural organic reduction, the
15 estimated volume of the reduced human remains, and the final
16 disposition of the reduced human remains.

17 (d) The disposition authority shall maintain a record of
18 all reduced human remains disposed of by the disposition
19 authority in accordance with subsection (d) of Section 75.

20 (e) Upon completion of the natural organic reduction, the
21 disposition authority shall file the burial transit permit as
22 required by the Illinois Vital Records Act and rules adopted
23 under that Act and the Illinois Counties Code, and transmit a
24 photocopy of the burial transit permit along with the reduced
25 human remains to whoever receives the reduced human remains
26 from the authorizing agent unless the reduced human remains

1 are to be interred, entombed, inurned, or placed in a
2 scattering area, in which case the disposition authority shall
3 retain a copy of the burial transit permit and shall send the
4 permit, along with the reduced human remains, to the cemetery,
5 which shall file the permit with the designated agency after
6 the interment, entombment, inurnment, or scattering has taken
7 place.

8 (f) All cemeteries shall maintain a record of all reduced
9 human remains that are disposed of on their property, provided
10 that the reduced human remains were properly transferred to
11 the cemetery and the cemetery issued a receipt acknowledging
12 the transfer of the reduced human remains.

13 Section 70. Natural organic reduction procedures.

14 (a) Human remains shall not be reduced within 24 hours
15 after the time of death, as indicated on the Medical
16 Examiner's or Coroner's Certificate of Death. In any death,
17 the human remains shall not be reduced by the disposition
18 authority until a natural organic reduction permit has been
19 received from the coroner or medical examiner of the county in
20 which the death occurred and the disposition authority has
21 received a natural organic reduction authorization form,
22 executed by an authorizing agent, in accordance with the
23 provisions of Section 60 of this Act. In no instance, however,
24 shall the lapse of time between the death and the natural
25 organic reduction be less than 24 hours, unless because of a

1 religious requirement.

2 (b) Except as set forth in subsection (a), a disposition
3 authority shall have the right to schedule the natural organic
4 reduction to be performed at its own convenience, at any time
5 after the human remains have been delivered to the disposition
6 authority, unless the disposition authority has received
7 specific instructions to the contrary on the natural organic
8 reduction authorization form.

9 (c) No disposition authority shall reduce human remains
10 when it has actual knowledge that human remains contain
11 material or implant that may be potentially hazardous to the
12 person performing the natural organic reduction.

13 (d) No disposition authority shall accept embalmed remains
14 or remains that were treated with nuclear medicine for natural
15 organic reduction. No disposition authority should reduce
16 human remains if the human remains are confirmed to have or
17 suspected of having one or more of the following conditions:

18 (1) a prion disease infection, mycobacterium
19 tuberculosis infection, or Ebola virus disease infection;

20 (2) a contagious disease infection which may be a
21 public health hazard as identified by the Illinois
22 Department of Health, local health officer, or medical
23 examiner;

24 (3) a radioactive seed implant within 30 days of death
25 until such time that 30 days have elapsed or the organ
26 containing the seed or seeds have been removed;

1 (4) containing a nuclear pacemaker until such time
2 that the nuclear pacemaker is removed;

3 (5) perishing as a result of a radiologic incident or
4 accident, unless a written release is provided by the
5 Department of Health Office of Radiation Protection or
6 other state or federal agency in charge of the response to
7 the radiological incident or accident; or

8 (6) embalmed.

9 (e) Whenever a disposition authority is unable or
10 unauthorized to reduce human remains immediately upon taking
11 custody of the remains, the disposition authority shall place
12 the human remains in an operable refrigeration unit with
13 cleanable, noncorrosive interior and exterior finishes. The
14 unit must be capable of maintaining a temperature of less than
15 40 degrees Fahrenheit or below and of holding at least 3
16 bodies. For purposes of this Section, "immediately upon taking
17 custody" means within 24 hours of taking custody. The
18 disposition authority must notify the authorizing agent of the
19 reasons for delay in the natural organic reduction if a
20 properly authorized natural organic reduction is not performed
21 within any time period expressly contemplated in the
22 authorization.

23 (f) A disposition authority shall not accept an
24 alternative container or external wrapping from which there is
25 any evidence of the leakage of body fluids.

26 (g) A disposition authority shall not reduce the remains

1 of more than one person at the same time and in the same
2 reduction chamber or introduce the remains of a second person
3 into the reduction chamber until the reduction of preceding
4 remains has been terminated and reasonable efforts have been
5 employed to remove all fragments of preceding remains. The
6 fact that there is residue in the reduction chamber or other
7 equipment or a container used in a prior reduction does not
8 violate this Section.

9 (h) No unauthorized person shall be permitted in the
10 holding facility or natural organic reduction room while any
11 human remains are being held there awaiting natural organic
12 reduction, being reduced, or being removed from the reduction
13 chamber.

14 (i) A disposition authority shall not remove any dental
15 gold, body parts, organs, or any item of value prior to or
16 subsequent to a natural organic reduction without previously
17 having received specific written authorization from the
18 authorizing agent and written instructions for the delivery of
19 these items to the authorizing agent. Under no circumstances
20 shall a disposition authority profit from making or assisting
21 in any removal of valuables.

22 (j) In instances when the remains of deceased human beings
23 are to be delivered to a natural organic reduction facility in
24 a casket that is not to be organically reduced with the
25 deceased, timely disclosure thereof must be made by the person
26 making the funeral arrangements to the natural organic

1 reduction facility that prior to the natural organic reduction
2 the remains of the deceased human being shall be transferred
3 to an alternative container. Such signed acknowledgment of the
4 authorizing person, that the timely disclosure has been made,
5 shall be retained by the natural organic reduction facility in
6 its permanent records.

7 (k) A disposition authority shall:

8 (1) ensure that the material in the natural organic
9 reduction chamber naturally reaches and maintains a
10 minimum temperature of 131 degrees Fahrenheit for a
11 minimum of 72 consecutive hours during the process of
12 natural organic reduction;

13 (2) analyze each instance of the reduced human remains
14 for physical contaminants, including, but not limited to,
15 intact bone, dental fillings, and medical implants, and
16 ensure reduced human remains have less than 0.01 mg/kg dry
17 weight of any physical contaminants;

18 (3) collect material samples for analysis that are
19 representative of each instance of natural organic
20 reduction, using a sampling method such as those described
21 in the U.S. Composting Council 2002 Test Methods for the
22 Examination of Composting and Compost, method 02.01-A
23 through E;

24 (4) develop and use a natural organic reduction
25 process in which the reduced human remains from the
26 process do not exceed the following limits:

	Metals and other testing parameters	Limit (mg/kg dry weight), unless otherwise specified
1		
2		
3		
4	Fecal coliform	Less than 1,000 most probable
5		number per gram of total solids
6		(dry weight)
7	Salmonella	Less than 3 most probable
8		number per 4 grams of total
9		solids (dry weight)
10	Arsenic	Less than or equal to 11 ppm
11	Cadmium	Less than or equal to 7.1 ppm
12	Lead	Less than or equal to 150 ppm
13	Mercury	Less than or equal to 5 ppm
14	Selenium	Less than or equal to 18 ppm;

13 (5) analyze, using a third-party laboratory accredited
14 by the Illinois Environmental Laboratory Accreditation
15 Program or the Illinois Department of Public Health, or an
16 STA Compost-Certified Laboratory, the natural organic
17 reduction facility's material samples of reduced human
18 remains according to the following schedule:

19 (A) the natural organic reduction facility must
20 analyze each of the first 20 instances of reduced
21 human remains for the parameters in paragraph (4) of
22 this subsection (k);

1 (B) if any of the first 20 instances of reduced
2 human remains yield results exceeding the limits in
3 paragraph (4) of this subsection (k), the natural
4 organic reduction facility must conduct appropriate
5 processes to correct the levels of the substances in
6 paragraph (4) and have the resultant remains tested to
7 ensure they fall within the identified limits;

8 (C) if any of the first 20 instances of reduced
9 human remains yield results exceeding the limits in
10 paragraph (4) of this subsection (k), the natural
11 organic reduction facility must analyze each
12 additional instance of reduced human remains for the
13 parameters in paragraph (4) until a total of 20
14 samples, not including those from remains that were
15 reprocessed as required in subparagraph (B) of this
16 paragraph (5) have yielded results within the limits
17 in paragraph (4) on initial testing;

18 (D) after 20 material samples of reduced human
19 remains have met the limits in paragraph (4) of this
20 subsection (k), the natural organic reduction facility
21 must analyze at least 25% of the natural organic
22 reduction facility's monthly instances of reduced
23 human remains for the parameters in paragraph (4)
24 until 80 total material samples of reduced remains are
25 found to meet the limits in paragraph (4), not
26 including any samples that required reprocessing to

1 meet those limits; and

2 (E) after 80 material samples of reduced human
3 remains are found to meet the limits in paragraph (4)
4 of this subsection (k), the natural organic reduction
5 facility must analyze at least one randomly chosen
6 instance of reduced human remains each month for the
7 parameters in paragraph (4). If fecal coliform or
8 salmonella in the tested reduced human remains exceeds
9 the limit for that substance in paragraph (4), the
10 natural organic reduction facility must analyze each
11 subsequent instance of reduced human remains for fecal
12 coliform and salmonella until 10 total material
13 samples are found to meet the limits for those
14 substances in paragraph (4) on initial testing,
15 demonstrating the natural organic reduction process
16 was effectively corrected;

17 (6) comply with any testing requirements established
18 by the Comptroller, Department of Public Health, or local
19 health department for content parameters in addition to
20 those specified in paragraph (4) of this subsection (k);

21 (7) not release any reduced human remains that exceed
22 the limits in paragraph (4) of this subsection (k); and

23 (8) prepare, maintain, and provide to the Comptroller
24 a report for each calendar year detailing the natural
25 organic reduction facility's activities during the
26 previous calendar year. The report must include the

1 following information:

2 (A) the name and address of the natural organic
3 reduction facility;

4 (B) the calendar year covered by the report;

5 (C) the annual quantity of reduced human remains;

6 (D) the results of any laboratory analyses of
7 reduced human remains, including an affirmation that
8 the analysis was prepared in accordance with this
9 subsection (k); and

10 (E) any additional information required by the
11 Comptroller, Department of Public Health, or local
12 health department.

13 (9) The Department of Public Health shall conduct an
14 annual audit of the results of the laboratory analyses of
15 reduced human remains prepared in accordance with
16 paragraph (4) of this subsection (k).

17 (l) Upon the completion of each natural organic reduction,
18 all of the recoverable residue of the reduction process shall
19 be removed from the reduction chamber.

20 (m) If all of the recovered reduced human remains will not
21 fit within the receptacle that has been selected, the
22 remainder of the reduced human remains shall be disposed of in
23 accordance with subsection (i) of Section 55.

24 (n) A disposition authority shall not knowingly represent
25 to an authorizing agent or the agent's designee that a
26 temporary container or urn contains the reduced remains of a

1 specific decedent when it does not.

2 (o) Reduced human remains shall be shipped only by a
3 method that has an internal tracing system available and that
4 provides a receipt signed by the person accepting delivery.

5 (p) A disposition authority shall maintain an
6 identification system that shall ensure that it shall be able
7 to identify the human remains in its possession throughout all
8 phases of the natural organic reduction process.

9 (q) A disposition authority shall not reduce via natural
10 organic reduction the remains required to be labeled as an
11 infection hazard under 77 Ill. Adm. Code 690.1200(k).

12 (r) In the case of an event where the health of the public
13 may be at risk or there are signs at a facility of a potential
14 health hazard, the Illinois Department of Public Health may be
15 consulted to assess the natural organic reduction facility's
16 compliance with this Act.

17 Section 75. Disposition of reduced human remains.

18 (a) The authorizing agent shall be responsible for the
19 final disposition of the reduced human remains delivered to
20 the authorizing agent. The reduced human remains delivered to
21 the authorizing agent may be disposed of by placing them in a
22 grave, crypt, or niche or by scattering them in a scattering
23 area as defined in this Act.

24 (b) Reduced human remains delivered to the authorizing
25 agent may be integrated into the soil in an area where no local

1 prohibition exists, provided that the reduced human remains
2 are not distinguishable to the public, are not in a container,
3 and that the person who has control over disposition of the
4 reduced human remains has obtained written permission of the
5 property owner or governing agency to integrate into soil on
6 the property.

7 (c) A State or local agency may adopt an ordinance,
8 regulation, or policy, as appropriate, authorizing or
9 specifically prohibiting the integration of reduced human
10 remains into the soil on lands under the agency's
11 jurisdiction. The integration into the soil of the reduced
12 human remains of more than one person in one location pursuant
13 to this Section does not create a cemetery.

14 (d) Upon the completion of the natural organic reduction
15 process, and except as provided for in subparagraph (I) of
16 paragraph (1) of subsection (a) of Section 55, if the
17 disposition authority has not been instructed to arrange for
18 the interment, entombment, inurnment, or scattering of the
19 reduced human remains, the disposition authority shall deliver
20 the reduced human remains to the individual specified on the
21 natural organic reduction authorization form or, if no
22 individual is specified, then to the authorizing agent. Upon
23 receipt of the reduced human remains, the individual receiving
24 them may transport them in any manner in this State without a
25 permit and may dispose of them in accordance with this
26 Section. After delivery, the disposition authority shall be

1 discharged from any legal obligation or liability concerning
2 the reduced human remains.

3 (e) If, after a period of 60 days from the date the natural
4 organic reduction process is complete, the authorizing agent
5 or the agent's designee has not instructed the disposition
6 authority to arrange for the final disposition of the reduced
7 human remains, claimed the reduced human remains, or claimed
8 only a portion of the reduced human remains, the disposition
9 authority may dispose of the reduced human remains in a
10 cemetery or on conservation land, which is land that is
11 protected and cannot be built on and that is only used for the
12 conservation of nature. The disposition authority, however,
13 shall keep a permanent record identifying the site of final
14 disposition and the estimated volume of human remains. The
15 authorizing agent shall be responsible for reimbursing the
16 disposition authority for all reasonable expenses incurred in
17 disposing of the reduced human remains. Upon disposing of the
18 reduced human remains, the disposition authority shall be
19 discharged from any legal obligation or liability concerning
20 the reduced remains. Any person who was in possession of
21 reduced remains prior to the effective date of this Act may
22 dispose of them in accordance with this Section.

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

25 (1) dispose of reduced human remains in a manner or in
26 a location so that the reduced human remains are

1 commingled with those of another person; this prohibition
2 shall not apply to the scattering of reduced remains in an
3 area located in a dedicated cemetery or conservation land,
4 which is land that is protected, cannot be built on, and is
5 only used for the conservation of nature; or

6 (2) place reduced human remains of more than one
7 person in the same temporary container or urn.

8 (g) No person shall sell the soil resulting from reduced
9 human remains for commercial purposes.

10 (h) No person shall use the soil resulting from reduced
11 human remains to grow food for human or livestock consumption.

12 Section 80. Limitation of liability.

13 (a) A disposition authority that has received an executed
14 natural organic reduction authorization form that complies
15 with paragraph (1) of subsection (a) of Section 55 and has
16 received any additional documentation required by Section 55
17 shall not be liable for reducing the human remains designated
18 by the natural organic reduction authorization form if the
19 natural organic reduction is performed in accordance with this
20 Act.

21 (b) A disposition authority shall not be liable for
22 refusing to accept human remains or to perform a natural
23 organic reduction until it receives a court order or other
24 suitable confirmation that a dispute has been settled, if:

25 (1) it is aware of any dispute concerning the natural

1 organic reduction of the human remains;

2 (2) it has a reasonable basis for questioning any of
3 the representations made by the authorizing agent; or

4 (3) it refuses to accept the human remains for any
5 other lawful reason. This provision shall not be construed
6 as placing any affirmative obligation, not otherwise
7 required by law, on any disposition authority to accept
8 any human remains for natural organic reduction.

9 (c) No cemetery shall be liable for any reduced human
10 remains that are dumped, scattered, or otherwise deposited on
11 the cemetery in violation of this Act, if that action is taken
12 without the cemetery's consent.

13 (d) If a disposition authority is aware of any dispute
14 concerning the release or disposition of the reduced human
15 remains, the disposition authority may refuse to release the
16 reduced human remains until the dispute has been resolved or
17 the disposition authority has been provided with a court order
18 directing the release or disposition of the reduced remains. A
19 disposition authority shall not be liable for refusing to
20 release or dispose of reduced human remains in accordance with
21 this Section.

22 (e) A disposition authority shall not be responsible or
23 liable for any valuables delivered to the disposition
24 authority with human remains, unless the disposition authority
25 has received written instructions in accordance with paragraph
26 (J) of paragraph (1) of subsection (a) of Section 55.

1 Section 85. Hazardous implants. If an authorizing agent
2 informs the funeral director and the disposition authority on
3 the natural organic reduction authorization form of the
4 presence of hazardous implants in the human remains, then the
5 funeral director shall be responsible for ensuring that all
6 necessary steps have been taken to remove the hazardous
7 implants before delivering the human remains to the natural
8 organic reduction facility for natural organic reduction. The
9 funeral director who delivers the human remains to the natural
10 organic reduction facility fails to ensure that the hazardous
11 implants have been removed from the human remains prior to
12 delivery, and should the human remains be reduced, then the
13 funeral director who delivered the human remains to the
14 natural organic reduction facility and anyone else covered by
15 this Section shall be liable for all resulting damages. The
16 funeral director shall bear no liability for any hazardous
17 implants or materials present in the human remains that were
18 not disclosed by the authorizing agent on the natural organic
19 reduction authorization form.

20 Section 90. Penalties. Violations of this Act shall be
21 punishable as follows:

22 (1) Performing a natural organic reduction without
23 receipt of a natural organic reduction authorization form
24 signed, in either paper or electronic format, by an

1 authorizing agent shall be a Class 4 felony.

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

6 (3) A violation of any natural organic reduction
7 procedure set forth in Section 70 shall be a Class 4
8 felony.

9 (4) Holding oneself out to the public as a disposition
10 authority, or the operation of a building or structure
11 within this State as a natural organic reduction facility,
12 without being licensed under this Act, shall be a Class A
13 misdemeanor.

14 (5) Performance of natural organic reduction service
15 by a person who has not completed a training program as
16 defined in Section 60 of this Act shall be a Class A
17 misdemeanor.

18 (6) Any person who intentionally violates a provision
19 of this Act or a final order of the Comptroller is liable
20 for a civil penalty not to exceed \$5,000 per violation.

21 (7) Any person who knowingly acts without proper legal
22 authority and who willfully and knowingly destroys or
23 damages the remains of a deceased human being or who
24 desecrates human remains is guilty of a Class 3 felony.

25 (8) A violation of any other provision of this Act
26 shall be a Class B misdemeanor.

1 Section 95. Failure to file annual report. Whenever a
2 disposition authority refuses or neglects to file its annual
3 report in violation of Section 20 of this Act or fails to
4 otherwise comply with the requirements of this Act, the
5 Comptroller shall impose a penalty as provided for by rule for
6 each and every day the licensee remains delinquent in
7 submitting the annual report. Such report shall be made under
8 oath and shall be in a form determined by the Comptroller.

9 Section 100. Injunctive action; cease and desist order.

10 (a) If any person violates the provisions of this Act, the
11 Comptroller or the Department of Public Health, in the name of
12 the People of the State, through the Attorney General or the
13 State's Attorney of the county in which the violation is
14 alleged to have occurred, may petition for an order enjoining
15 the violation or for an order enforcing compliance with this
16 Act. Upon the filing of a verified petition, the court with
17 appropriate jurisdiction may issue a temporary restraining
18 order, without notice or bond, and may preliminarily and
19 permanently enjoin the violation. If it is established that
20 the person has violated or is violating the injunction, the
21 court may punish the offender for contempt of court.
22 Proceedings under this Section are in addition to, and not in
23 lieu of, all other remedies and penalties provided by this
24 Act.

1 (b) Whenever, in the opinion of the Comptroller or the
2 Department of Public Health, a person violates any provision
3 of this Act, the Comptroller or the Department of Public
4 Health may issue a rule to show cause why an order to cease and
5 desist should not be entered against that person. The rule
6 shall clearly set forth the grounds relied upon by the
7 Comptroller or the Department of Public Health and shall allow
8 at least 7 days from the date of the rule to file an answer
9 satisfactory to the Comptroller or the Department of Public
10 Health, respectively. Failure to answer to the satisfaction of
11 the Comptroller or the Department of Public Health,
12 respectively, shall cause an order to cease and desist to be
13 issued.

14 Section 105. Service of notice. Service by the Comptroller
15 or the Department of Public Health of any notice requiring a
16 person to file a statement or report under this Act shall be
17 made: (1) personally by delivery of a duly executed copy of the
18 notice to the person to be served or, if that person is not a
19 natural person, in the manner provided in the Civil Practice
20 Law when a complaint is filed; or (2) by mailing by certified
21 mail a duly executed copy of the notice to the person at his or
22 her address of record.

23 Section 110. Investigations; notice and hearing. The
24 Comptroller or the Department of Public Health may at any time

1 investigate the actions of any applicant or of any person,
2 persons, or entity rendering or offering natural organic
3 reduction services or any person or entity holding or claiming
4 to hold a license as a licensed natural organic reduction
5 facility. The Comptroller or the Department of Public Health
6 shall, before revoking, suspending, placing on probation,
7 reprimanding, or taking any other disciplinary action under
8 Section 11 of this Act, at least 30 days before the date set
9 for the hearing: (i) notify the accused in writing of the
10 charges made and the time and place for the hearing on the
11 charges; (ii) direct the accused applicant or licensee to file
12 a written answer to the charges with the Comptroller or the
13 Department of Public Health under oath within 20 days after
14 the service on the accused of the notice; and (iii) inform the
15 accused that, if the accused fails to answer, default will be
16 taken against the accused or that the accused's license may be
17 suspended, revoked, placed on probationary status, or other
18 disciplinary action taken with regard to the license,
19 including limiting the scope, nature, or extent of the
20 accused's practice, as the Comptroller or the Department of
21 Public Health may consider proper.

22 At the time and place fixed in the notice, the Comptroller
23 or the Department of Public Health shall proceed to hear the
24 charges and the parties, or their counsel shall be accorded
25 ample opportunity to present any pertinent statements,
26 testimony, evidence, and arguments. The Comptroller or the

1 Department of Public Health shall have the authority to
2 appoint an attorney duly licensed to practice law in the State
3 to serve as the hearing officer in any disciplinary action
4 with regard to a license. The hearing officer shall have full
5 authority to conduct the hearing. The Comptroller or the
6 Department of Public Health may continue the hearing from time
7 to time. In case the person, after receiving the notice, fails
8 to file an answer, the person's license may, in the discretion
9 of the Comptroller or the Department of Public Health, be
10 suspended, revoked, placed on probationary status, or the
11 Comptroller or the Department of Public Health may take
12 whatever disciplinary action considered proper, including
13 limiting the scope, nature, or extent of the person's practice
14 or the imposition of a fine, without a hearing, if the act or
15 acts charged constitute sufficient grounds for that action
16 under this Act. The written notice may be served by personal
17 delivery or by certified mail to the address specified by the
18 accused in the accused's last notification with the
19 Comptroller or the Department of Public Health.

20 Section 115. Compelling testimony. Any circuit court, upon
21 application of the Comptroller or the Department of Public
22 Health or designated hearing officer, may enter an order
23 requiring the attendance of witnesses and their testimony, and
24 the production of documents, papers, files, books, and records
25 in connection with any hearing or investigation. The court may

1 compel obedience to its order by proceedings for contempt.

2 Section 120. Administrative review; venue; certification
3 of record; costs.

4 (a) All final administrative decisions of the Comptroller
5 or the Department of Public Health are subject to judicial
6 review under the Administrative Review Law and its rules. The
7 term "administrative decision" is defined as in Section 3-101
8 of the Code of Civil Procedure.

9 (b) Proceedings for judicial review shall be commenced in
10 the circuit court of the county in which the party applying for
11 review resides, but if the party is not a resident of Illinois,
12 the venue shall be in Sangamon County.

13 (c) The Comptroller or the Department of Public Health
14 shall not be required to certify any record of the court, file
15 an answer in court, or to otherwise appear in any court in a
16 judicial review proceeding unless and until the Comptroller or
17 the Department of Public Health has received from the
18 plaintiff payment of the costs of furnishing and certifying
19 the record, which costs shall be determined by the Comptroller
20 or the Department of Public Health. Failure on the part of the
21 plaintiff to make such payment to the Comptroller or the
22 Department of Public Health is grounds for dismissal of the
23 action.

24 Section 125. Preneed of natural organic reduction

1 arrangements.

2 (a) Any person, or anyone who has legal authority to act on
3 behalf of a person, on a preneed basis, may authorize the
4 person's own natural organic reduction and the final
5 disposition of the person's reduced remains by executing, as
6 the authorizing agent, a natural organic reduction
7 authorization form on a preneed basis. A copy of this form
8 shall be provided to the person. Any person shall have the
9 right to transfer or cancel this authorization at any time
10 prior to death by destroying the executed natural organic
11 reduction authorization form and providing written notice to
12 the disposition authority named in the preneed form.

13 (b) Any natural organic authorization form that is being
14 executed by an individual as the individual's own authorizing
15 agent on a preneed basis shall contain the following
16 disclosure, which shall be completed by the authorizing agent:

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

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

25 (c) Except as provided in subsection (b) of this Section,
26 at the time of the death of a person who has executed, as the

1 authorizing agent, a natural organic reduction authorization
2 form on a preneed basis, any person in possession of an
3 executed form and any person charged with making arrangements
4 for the final disposition of the decedent who has knowledge of
5 the existence of an executed form, shall use the person's best
6 efforts to ensure that the decedent is reduced and that the
7 final disposition of the reduced human remains is in
8 accordance with the instructions contained on the natural
9 organic reduction authorization form. If a disposition
10 authority (i) is in possession of a completed natural organic
11 reduction authorization form that was executed on a preneed
12 basis, (ii) is in possession of the designated human remains,
13 and (iii) has received payment for the natural organic
14 reduction of the human remains and the final disposition of
15 the reduced human remains or is otherwise assured of payment,
16 then the disposition authority shall be required to reduced
17 the human remains and dispose of the reduced human remains
18 according to the instructions contained on the natural organic
19 reduction authorization form and may do so without any
20 liability.

21 (d) Any preneed contract sold by, or preneed arrangements
22 made with, a cemetery, funeral establishment, disposition
23 authority, or any other party that includes a natural organic
24 reduction shall specify the final disposition of the reduced
25 human remains, in accordance with Section 75. If no different
26 or inconsistent instructions are provided to the disposition

1 authority by the authorizing agent at the time of death, the
2 disposition authority shall be authorized to release or
3 dispose of the reduced human remains as indicated in the
4 preneed agreement. Upon compliance with the terms of the
5 preneed agreement, the disposition authority shall be
6 discharged from any legal obligation concerning the reduced
7 human remains. The preneed agreement shall be kept as a
8 permanent record by the disposition authority.

9 (e) This Section shall not apply to any natural organic
10 reduction authorization form or preneed contract executed
11 prior to the effective date of this Act. Any cemetery, funeral
12 establishment, disposition authority, or other party, however,
13 with the written approval of the authorizing agent or person
14 who executed the preneed contract, may designate that the
15 natural organic reduction authorization form or preneed
16 contract shall be subject to this Act.

17 Section 130. Employment of funeral director by a
18 disposition authority. A disposition authority shall employ or
19 enter into a contract with a funeral director for the purpose
20 of arranging natural organic reduction on an at-need basis
21 with the general public, transporting human remains to the
22 natural organic reduction facility, and processing all
23 necessary paperwork.

24 Section 135. Scope of Act. This Act shall be construed and

1 interpreted as a comprehensive natural organic reduction
2 statute, and the provisions of this Act shall take precedence
3 over any existing laws containing provisions applicable to
4 natural organic reduction, but that do not specifically or
5 comprehensively address natural organic reduction.

6 Section 140. Record of proceedings; transcript. The
7 Comptroller or Department of Public Health, at its expense,
8 shall preserve a record of all proceedings at the formal
9 hearing of any case. Any notice of hearing, complaint, all
10 other documents in the nature of pleadings, written motions
11 filed in the proceedings, the transcripts of testimony, the
12 report of the hearing officer, and orders of the Comptroller
13 or Department of Public Health shall be in the record of the
14 proceeding. The Comptroller or Department of Public Health
15 shall furnish a transcript of such record to any person
16 interested in such hearing upon payment of a reasonable fee.

17 Section 145. Subpoenas; depositions; oaths. The
18 Comptroller or Department of Public Health has the power to
19 subpoena documents, books, records, or other materials and to
20 bring before it any person and to take testimony either orally
21 or by deposition, or both, with the same fees and mileage and
22 in the same manner as prescribed in civil cases in the courts
23 of this State. The Comptroller or Department of Public Health,
24 the designated hearing officer, or any qualified person the

1 Comptroller or Department of Public Health may designate has
2 the power to administer oaths to witnesses at any hearing that
3 the Comptroller or Department of Public Health is authorized
4 to conduct, and any other oaths authorized in any Act
5 administered by the Comptroller or Department of Public
6 Health. Every person having taken an oath or affirmation in
7 any proceeding or matter wherein an oath is required by this
8 Act, who shall swear willfully, corruptly and falsely in a
9 matter material to the issue or point in question, or shall
10 suborn any other person to swear as aforesaid, shall be guilty
11 of perjury or subornation of perjury, as the case may be and
12 shall be punished as provided by State law relative to perjury
13 and subornation of perjury.

14 Section 150. Findings and recommendations. At the
15 conclusion of the hearing, the hearing officer shall present
16 to the Comptroller or Department of Public Health a written
17 report of its findings of fact, conclusions of law, and
18 recommendations. The report shall contain a finding whether or
19 not the accused person violated this Act or its rules or failed
20 to comply with the conditions required in this Act or its
21 rules. The hearing officer shall specify the nature of any
22 violations or failure to comply and shall make recommendations
23 to the Comptroller or Department of Public Health. In making
24 recommendations for any disciplinary actions, the hearing
25 officer may take into consideration all facts and

1 circumstances bearing upon the reasonableness of the conduct
2 of the accused and the potential for future harm to the public,
3 including, but not limited to, previous discipline of the
4 accused by the Comptroller or Department of Public Health,
5 intent, degree of harm to the public and likelihood of harm in
6 the future, any restitution made by the accused, and whether
7 the incident or incidents contained in the complaint appear to
8 be isolated or represent a continuing pattern of conduct. In
9 making its recommendations for discipline, the hearing officer
10 shall endeavor to ensure that the severity of the discipline
11 recommended is reasonably related to the severity of the
12 violation. The report of findings of fact, conclusions of law,
13 and recommendation of the hearing officer shall be the basis
14 for the Comptroller's or Department of Public Health's order
15 refusing to issue, restore, place on probation, fine, suspend,
16 revoke a license, or otherwise discipline a licensee. If the
17 Comptroller or Department of Public Health disagrees with the
18 recommendations of the hearing officer, the Comptroller or
19 Department of Public Health may issue an order in
20 contravention of the hearing officer's recommendations. The
21 finding is not admissible in evidence against the person in a
22 criminal prosecution brought for a violation of this Act, but
23 the hearing and finding are not a bar to a criminal prosecution
24 brought for a violation of this Act.

25 Section 155. Rehearing. At the conclusion of the hearing,

1 a copy of the hearing officer's report shall be served upon the
2 applicant or licensee by the Comptroller or Department of
3 Public Health, either personally or as provided in this Act.
4 Within 20 days after service, the applicant or licensee may
5 present to the Comptroller or Department of Public Health,
6 respectively, a motion in writing for a rehearing, which shall
7 specify the particular grounds for rehearing. The Comptroller
8 or Department of Public Health may respond to the motion for
9 rehearing within 20 days after its service on the Comptroller
10 or Department of Public Health. If no motion for rehearing is
11 filed, then upon the expiration of the time specified for
12 filing such a motion, or if a motion for rehearing is denied,
13 then upon denial, the Comptroller or Department of Public
14 Health may enter an order in accordance with recommendations
15 of the hearing officer except as provided in Section 160 of
16 this Act.

17 If the applicant or licensee orders from the reporting
18 service and pays for a transcript of the record within the time
19 for filing a motion for rehearing, the 20-day period within
20 which a motion may be filed shall commence upon the delivery of
21 the transcript to the applicant or licensee.

22 Section 160. Comptroller; Department of Public Health.
23 Whenever the Comptroller or Department of Public Health
24 believes that substantial justice has not been done in the
25 revocation, suspension, or refusal to issue or restore a

1 license or other discipline of an applicant or licensee, he or
2 she may order a rehearing by the same or other hearing
3 officers.

4 Section 165. Order or certified copy; prima facie proof.
5 An order or certified copy thereof, over the seal of the
6 Comptroller or Director of Public Health and purporting to be
7 signed by the Comptroller or Director of Public Health, is
8 prima facie proof that:

9 (1) the signature is the genuine signature of the
10 Comptroller or Director of Public Health;

11 (2) the Comptroller or Director of Public Health is
12 duly appointed and qualified; and

13 (3) the hearing officer is qualified to act.

14 Section 170. Civil action and civil penalties. In addition
15 to the other penalties and remedies provided in this Act, the
16 Comptroller or Department of Public Health may bring a civil
17 action in the county of residence of the licensee or any other
18 person to enjoin any violation or threatened violation of this
19 Act. In addition to any other penalty provided by law, any
20 person who violates this Act shall forfeit and pay a civil
21 penalty to the Comptroller or Department of Public Health in
22 an amount not to exceed \$5,000 for each violation as
23 determined by the Comptroller or Department of Public Health.
24 The civil penalty shall be assessed by the Comptroller or

1 Department of Public Health in accordance with the provisions
2 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 or Department of
9 Public Health.

10 Section 175. Consent order. At any point in any
11 investigation or disciplinary proceedings as provided in this
12 Act, both parties may agree to a negotiated consent order. The
13 consent order shall be final upon signature of the Comptroller
14 or Director of Public Health.

15 Section 180. Illinois Administrative Procedure Act;
16 application. The Illinois Administrative Procedure Act is
17 expressly adopted and incorporated in this Act as if all of the
18 provisions of that Act were included in this Act, except that
19 the provision of paragraph (d) of Section 10-65 of the
20 Illinois Administrative Procedure Act, which provides that at
21 hearings the licensee has the right to show compliance with
22 all lawful requirements for retention or continuation of the
23 license, is specifically excluded. For the purpose of this
24 Act, the notice required under Section 10-25 of the Illinois

1 Administrative Procedure Act is considered sufficient when
2 mailed to the address of record.

3 Section 185. Summary suspension of a license. The
4 Comptroller or Department of Public Health may summarily
5 suspend a license of a licensed natural organic reduction
6 facility without a hearing, simultaneously with the
7 institution of proceedings for a hearing provided for in this
8 Act, if the Comptroller or Department of Public Health finds
9 that evidence in the Comptroller's or Department of Public
10 Health's possession indicates that the licensee's continued
11 practice would constitute an imminent danger to the public. If
12 the Comptroller or Department of Public Health summarily
13 suspends the license of a licensed natural organic reduction
14 facility without a hearing, a hearing must be commenced within
15 30 days after the suspension has occurred and concluded as
16 expeditiously as practical. In the event of a summary
17 suspension, the county coroner or medical examiner responsible
18 for the area where the natural organic reduction facility is
19 located shall make arrangements to dispose of any bodies in
20 the suspended licensee's possession after consulting with the
21 authorizing agents for those bodies.

22 Section 999. Effective date. This Act takes effect January
23 1, 2027.