



Sen. Mike Simmons

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1 AMENDMENT TO SENATE BILL 2383

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2383 by replacing  
3 everything after the enacting clause with the following:

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

1 reduction, as defined in this Act, be done only by qualified  
2 persons authorized by this Act. This Act shall be liberally  
3 construed to best carry out these subjects and purposes.

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

5 "Address of record" means the designated address recorded  
6 by the Comptroller in the applicant's or licensee's  
7 application file or license file. The address of record shall  
8 be the permanent street address of the natural organic  
9 reduction facility.

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

19 "Authorizing agent" means a person legally entitled to  
20 order the natural organic reduction and final disposition of  
21 specific human remains.

22 "Body parts" means limbs or other portions of the anatomy  
23 that are removed from a person or human remains for medical  
24 purposes during treatment, surgery, biopsy, autopsy, or  
25 medical research or human bodies or any portion of bodies that

1 have been donated to science for medical research purposes.

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

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

8 "Comptroller" means the Comptroller of the State.

9 "Disposition authority" means the legal entity which is  
10 licensed by the Comptroller to operate a natural organic  
11 reduction facility and to perform natural organic reductions.

12 "Final disposition" means the burial, cremation, natural  
13 organic reduction, or other disposition of human remains or  
14 parts of human remains.

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

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

24 "Holding facility" means an area that: (i) is designated  
25 for the retention of human remains prior to natural organic  
26 reduction; (ii) complies with all applicable public health

1 law; (iii) preserves the health and safety of the natural  
2 organic reduction facilities personnel; and (iv) is secure  
3 from access by anyone other than authorized persons. A holding  
4 facility may be located in the natural organic reduction room,  
5 consistent with the refrigeration requirements of this Act.

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

9 "Integrate into the soil" means the authorized addition  
10 and mixing of reduced human remains with existing soil in a  
11 defined area within a dedicated cemetery, conservation area,  
12 property where the person who has control over the disposition  
13 of the reduced human remains has obtained written permission  
14 of the property owner.

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

20 "Natural organic reduction" means the process of  
21 transforming a human body into soil using the natural  
22 decomposition process, accelerated with the addition of  
23 organic materials through the following steps:

- 24 (1) The body of a deceased person is mixed together  
25 with natural materials and air, eventually resulting in  
26 the body's reduction to a soil material.

1           (2) Large tanks, containers, or similar vessels hold  
2 human remains together with straw, wood chips, or other  
3 natural materials until the process is complete. Any such  
4 tank, container, or similar vessel shall be stainless  
5 steel, leakproof, promote aerobic reduction, and provide  
6 for continuous monitoring of the natural organic reduction  
7 process.

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

10          "Natural organic reduction authorization" means the  
11 natural organic reduction form authorizing a natural organic  
12 reduction which is signed by the next of kin or authorizing  
13 agent. This natural organic reduction form must be a separate  
14 document and cannot be a part of another form or document.

15          "Natural organic reduction facility" means the building or  
16 portions of a building that houses the natural organic  
17 reduction room and the holding facility. The facility shall  
18 have a ventilation system that ventilates from the tank,  
19 container, or similar vessel to a biofiltration system.

20          "Natural organic reduction room" means the room in which  
21 the reduction chambers are located.

22          "Niche" means a compartment or cubicle for the  
23 memorialization and permanent placement of an urn containing  
24 reduced remains.

25          "Person" means any person, partnership, association,  
26 corporation, limited liability company, or other entity, and

1 in the case of any such business organization, its officers,  
2 partners, members, or shareholders possessing 25% or more of  
3 ownership of the entity.

4 "Processing" means the removal of foreign objects as well  
5 as, but not limited to, grinding, crushing, and pulverizing of  
6 the remaining teeth and bones for the reduced human remains to  
7 be integrated into the soil.

8 "Pulverization" means the reduction of identifiable bone  
9 fragments after the completion of the natural organic  
10 reduction process to granulated particles by manual or  
11 mechanical means.

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

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

21 "Reduced human remains" does not include foreign materials,  
22 pacemakers, or prostheses.

23 "Reduced remains interment container" means a rigid outer  
24 container that is subject to a cemetery's rules and  
25 regulations.

26 "Scattering area" means an area which may be designated by

1 a cemetery and located on dedicated cemetery property, or an  
2 area designated as a scattering area on private land or a  
3 privately owned nature preserve where reduced human remains,  
4 which have been removed from the container, can be mixed with,  
5 or placed on top of, the soil or ground cover.

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

13 "Urn" means a receptacle designed to encase a portion of  
14 the reduced human remains.

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

18 (1) authorize standards to ascertain the  
19 qualifications and fitness of applicants for licensing as  
20 licensed natural organic reduction authorities and pass  
21 upon the qualifications of applicants for licensure;

22 (2) examine and audit a licensed disposition  
23 authority's record, natural organic reduction facility, or  
24 any other aspects of the natural organic reduction  
25 operations as the Comptroller deems appropriate;

1 (3) investigate any and all unlicensed activity;

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

7 (5) formulate rules required for the administration of  
8 this Act; and

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

14 Section 20. Establishment of a natural organic reduction  
15 facility and licensing of disposition authority.

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

23 (b) A natural organic reduction facility shall be subject  
24 to all local, State, and federal health and environmental  
25 protection requirements and shall obtain all necessary

1 licenses and permits from the Department of Financial and  
2 Professional Regulation, the Department of Public Health, the  
3 federal Department of Health and Human Services, and the State  
4 and federal Environmental Protection Agencies, or such other  
5 appropriate local, State, or federal agencies.

6 (c) A natural organic reduction facility may be  
7 constructed on or adjacent to any cemetery, crematory, on or  
8 adjacent to any funeral establishment, or at any other  
9 location consistent with local zoning regulations.

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

14 (1) the full name and address, both residence and  
15 business, of the applicant if the applicant is an  
16 individual; the full name and address of every member if  
17 the applicant is a partnership; the full name and address  
18 of every member of the board of directors if the applicant  
19 is an association; and the name and address of every  
20 officer, director, and shareholder holding more than 25%  
21 of the corporate stock if the applicant is a corporation;

22 (2) the address and location of the natural organic  
23 reduction facility;

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

1           (4) any further information that the Comptroller  
2           reasonably may require.

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

1 remains delinquent in submitting the annual report. The  
2 Comptroller may abate all or part of the \$5 daily penalty for  
3 good cause shown. The \$25 annual report fee shall be deposited  
4 into the Comptroller's Administrative Fund. The \$5 fee for  
5 each natural organic reduction performed shall be deposited  
6 into the Cemetery Consumer Protection Fund.

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

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

17 (1) the disposition authority has complied with  
18 recordkeeping requirements of this Act;

19 (2) a natural organic reduction device operator's  
20 certification of training and the required continuing  
21 education certification is conspicuously displayed at the  
22 natural organic reduction facility;

23 (3) the disposition authority is in compliance with  
24 local zoning requirements;

25 (4) the disposition authority license issued by the  
26 Comptroller is conspicuously displayed at the natural

1 organic reduction facility; and

2 (5) other details as determined by rule.

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

11 Section 25. Grounds for denial or discipline.

12 (a) In this Section, "applicant" means a person who has  
13 applied for a license under this Act, including those persons  
14 whose names are listed on a license application in Section 20  
15 of this Act.

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

22 (1) The applicant or licensee has made any  
23 misrepresentation or false statement or concealed any  
24 material fact in furnishing information to the  
25 Comptroller.

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

3           (3) The applicant or licensee has refused to give  
4 information required under this Act to be disclosed to the  
5 Comptroller or failing, within 30 days, to provide  
6 information in response to a written request made by the  
7 Comptroller.

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

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

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

21           (7) The applicant or licensee, including any member,  
22 officer, or director of the applicant or licensee if the  
23 applicant or licensee is a firm, partnership, association,  
24 or corporation and including any shareholder holding more  
25 than 25% of the corporate stock of the applicant or  
26 licensee, has violated any provision of this Act or any

1 regulation or order made by the Comptroller under this  
2 Act.

3 (8) The Comptroller finds any fact or condition  
4 existing that, if it had existed at the time of the  
5 original application for a license under this Act, would  
6 have warranted the Comptroller in refusing the issuance of  
7 the license.

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

10 (10) Incompetence.

11 (11) Gross malpractice.

12 (12) Discipline by another state, District of  
13 Columbia, territory, or foreign nation, if at least one of  
14 the grounds for the discipline is the same or  
15 substantially equivalent to those set forth in this  
16 Section.

17 (13) Directly or indirectly giving to or receiving  
18 from any person, firm, corporation, partnership, or  
19 association any fee, commission, rebate, or other form of  
20 compensation for professional services not actually or  
21 personally rendered.

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

25 (15) Willfully making or filing false records or  
26 reports, including, but not limited to, false records

1 filed with State agencies or departments.

2 (16) Gross, willful, or continued overcharging for  
3 professional services, including filing false statements  
4 for collection of fees for which services are not  
5 rendered.

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

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

10 Section 30. License revocation or suspension; surrender of  
11 license. Upon the revocation or suspension of a license issued  
12 under this Act, the licensee must immediately surrender the  
13 license to the Comptroller. If the licensee fails to do so, the  
14 Comptroller may seize the license.

15 Section 35. Surrender of license; effect on licensee's  
16 liability. A licensee may surrender a license issued under  
17 this Act by delivering to the Comptroller a written notice  
18 stating that the licensee thereby surrenders the license, but  
19 such a surrender does not affect the licensee's civil or  
20 criminal liability for acts committed before the surrender.

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

22 (a) Every license issued under this Act must state the  
23 number of the license, the business name and address of the

1 licensee's principal place of business, and the licensee's  
2 parent company, if any. The license must be conspicuously  
3 posted in the place of business operating under the license.

4 (b) After initial licensure, if any person comes to obtain  
5 at least 51% of the ownership over the natural organic  
6 reduction facility, then the disposition authority shall apply  
7 for a new license in the required time as set out by rule.

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

16 Section 45. Authorizing agent. The priority of the person  
17 or persons who have the right to serve as the authorizing agent  
18 for natural organic reduction is in the same priority as  
19 provided for in Section 5 of the Disposition of Remains Act.

20 Section 50. Natural organic reduction only in a natural  
21 organic reduction facility. An individual or a person,  
22 cemetery, crematory, funeral establishment, corporation,  
23 partnership, joint venture, voluntary organization, or other  
24 entity may reduce human remains only in a natural organic

1 reduction facility operated by a disposition authority  
2 licensed for this purpose and only under the limitations  
3 provided in this Act.

4 Section 55. Authorization for natural organic reduction.

5 (a) A disposition authority shall not reduce human remains  
6 by natural organic reduction until it has received all of the  
7 following:

8 (1) a natural organic reduction authorization form  
9 signed by the authorizing agent. The natural organic  
10 reduction authorization form shall be provided by the  
11 disposition authority and shall contain, at a minimum, the  
12 following information:

13 (A) the identity of the human remains and the time  
14 and date of death;

15 (B) the name of the funeral director and funeral  
16 establishment, if applicable, that obtained the  
17 natural organic reduction authorization;

18 (C) notification as to whether the death occurred  
19 from a disease declared by the Department of Public  
20 Health to be infectious, contagious, communicable, or  
21 dangerous to the public health and as to whether the  
22 deceased was treated with nuclear medicine and whether  
23 any of the following apply:

24 (i) a prion disease infection, mycobacterium  
25 tuberculosis infection, or Ebola virus disease

1 infection;

2 (ii) a contagious disease infection which may  
3 be a public health hazard as identified by the  
4 local health officer or medical examiner;

5 (iii) a radioactive seed implant within 30  
6 days of death until such time that 30 days have  
7 elapsed or the organ containing the seed or seeds  
8 has been removed;

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

11 (v) perishing as a result of a radiologic  
12 incident or accident, unless a written release is  
13 provided by the Department of Public Health or  
14 other state or federal agency in charge of the  
15 response to the radiological incident or accident.

16 (D) the name of the authorizing agent and the  
17 relationship between the authorizing agent and the  
18 decedent;

19 (E) a representation that the authorizing agent  
20 does in fact have the right to authorize the natural  
21 organic reduction of the decedent, and that the  
22 authorizing agent is not aware of any living person  
23 who has a superior priority right to that of the  
24 authorizing agent, as set forth in Section 45. In the  
25 event there is another living person who has a  
26 superior priority right to that of the authorizing

1 agent, the form shall contain a representation that  
2 the authorizing agent has made all reasonable efforts  
3 to contact that person, has been unable to do so, and  
4 has no reason to believe that the person would object  
5 to the natural organic reduction of the decedent;

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

8 (G) a representation that the human remains do not  
9 contain any other material or implant that may be  
10 potentially hazardous or cause damage to the natural  
11 organic reduction chamber or the person performing the  
12 natural organic reduction;

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

15 (I) the manner in which final disposition of the  
16 reduced human remains is to take place, if known. If  
17 the reduction authorization form does not specify  
18 final disposition in a grave, crypt, niche, or  
19 scattering area, then the form may indicate that the  
20 reduced human remains will be held by the disposition  
21 authority for 30 days before they are released, unless  
22 they are picked up from the disposition authority  
23 prior to that time, in person, by the authorizing  
24 agent with prior consent from the authorizing agent.  
25 At the end of the 60 days the disposition authority may  
26 return the reduced human remains to the authorizing

1 agent if no final disposition arrangements are made;  
2 or at the end of 60 days the disposition authority may  
3 dispose of the reduced human remains in accordance  
4 with this subsection (e) of Section 75;

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

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

19 (L) the signature of the authorizing agent,  
20 attesting to the accuracy of all representations  
21 contained on the natural organic reduction  
22 authorization form, except as set forth in paragraph  
23 (M) of this subsection;

24 (M) if a natural organic reduction form is being  
25 executed on a preneed basis, the natural organic  
26 reduction authorization form shall contain the

1 disclosure required by subsection (b) of Section 125;  
2 and

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

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

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

24 (b) If an authorizing agent is not available to execute a  
25 natural organic reduction authorization form in person, that  
26 person may use an electronic signature. The disposition

1 authority, funeral director, and funeral establishment shall  
2 be entitled to rely upon the natural organic reduction  
3 authorization form without liability.

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

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

26 (e) After an authorizing agent has executed a natural

1 organic reduction authorization form and before the natural  
2 organic reduction process has started, the authorizing agent  
3 may revoke the authorization and instruct the disposition  
4 authority to cancel the natural organic reduction and to  
5 release or deliver the human remains to another disposition  
6 authority or funeral establishment. The instructions shall be  
7 provided to the disposition authority in writing. A  
8 disposition authority shall honor any instructions given to it  
9 by an authorizing agent under this Section if it receives the  
10 instructions prior to beginning the reduction of the human  
11 remains.

12 Section 60. Performance of natural organic reduction  
13 services; training. The handling of the human remains upon  
14 arrival at disposition authority including placement into the  
15 natural organic reduction chamber and until the reduction  
16 inside the chamber is complete shall be under the immediate  
17 direct supervision of a licensed funeral director or licensed  
18 funeral director and embalmer. Natural organic reduction  
19 operators who have received training and received  
20 certification by a program recognized by the Comptroller may  
21 handle remains after completed reduction, including  
22 processing, pulverization, and placement of soil into urn. The  
23 disposition authority must conspicuously display the  
24 certification at the disposition authority's place of  
25 business. A continuing education natural organic reduction

1 course of at least 2 hours in length from a recognized provider  
2 must be completed every 5 years by each person performing a  
3 natural organic reduction service. For the purposes of this  
4 Act, the Comptroller may recognize any training program that  
5 provides training in the operation of a natural organic  
6 reduction device, in the maintenance of a clean facility, and  
7 in the proper handling of human remains. The Comptroller may  
8 recognize any course that is conducted by a death care trade  
9 association in the State or the United States for natural  
10 organic reduction or by a manufacturer of a natural organic  
11 reduction unit that is consistent with the standards provided  
12 in this Act or as otherwise determined by rule.

13 Section 65. Recordkeeping.

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

1 of this receipt in its permanent records.

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

16 (c) A disposition authority shall maintain at its place of  
17 business a permanent record of each natural organic reduction  
18 that took place at its facility which shall contain the name of  
19 the decedent, the date of the natural organic reduction, the  
20 estimated volume of the reduced human remains, and the final  
21 disposition of the reduced human remains.

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

25 (e) Upon completion of the natural organic reduction, the  
26 disposition authority shall file the burial transit permit as

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

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

18 Section 70. Natural organic reduction procedures.

19 (a) Human remains shall not be reduced within 24 hours  
20 after the time of death, as indicated on the Medical  
21 Examiner's or Coroner's Certificate of Death. In any death,  
22 the human remains shall not be reduced by the disposition  
23 authority until a natural organic reduction permit has been  
24 received from the coroner or medical examiner of the county in  
25 which the death occurred and the disposition authority has

1 received a natural organic reduction authorization form,  
2 executed by an authorizing agent, in accordance with the  
3 provisions of Section 60 of this Act. In no instance, however,  
4 shall the lapse of time between the death and the natural  
5 organic reduction be less than 24 hours, unless because of a  
6 religious requirement.

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

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

18 (d) No disposition authority shall accept embalmed remains  
19 or remains that were treated with nuclear medicine for natural  
20 organic reduction. No disposition authority should reduce  
21 human remains if the human remains are confirmed to have or  
22 suspected of having one or more of the following conditions:

23 (1) a prion disease infection, mycobacterium  
24 tuberculosis infection, or Ebola virus disease infection;

25 (2) a contagious disease infection which may be a  
26 public health hazard as identified by the Department of

1 Public Health, local health officer, or medical examiner;

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

5 (4) containing a nuclear pacemaker until such time  
6 that the nuclear pacemaker is removed;

7 (5) perishing as a result of a radiologic incident or  
8 accident, unless a written release is provided by the  
9 Department of Public Health or other state or federal  
10 agency in charge of the response to the radiological  
11 incident or accident; or

12 (6) embalmed.

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

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

4 (g) A disposition authority shall not reduce the remains  
5 of more than one person at the same time and in the same  
6 reduction chamber or introduce the remains of a second person  
7 into the reduction chamber until the reduction of preceding  
8 remains has been terminated and reasonable efforts have been  
9 employed to remove all fragments of preceding remains. The  
10 fact that there is residue in the reduction chamber or other  
11 equipment or a container used in a prior reduction does not  
12 violate this Section.

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

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

26 (j) In instances when the remains of deceased human beings

1 are to be delivered to a natural organic reduction facility in  
2 a casket that is not to be organically reduced with the  
3 deceased, timely disclosure thereof must be made by the person  
4 making the funeral arrangements to the natural organic  
5 reduction facility that prior to the natural organic reduction  
6 the remains of the deceased human being shall be transferred  
7 to an alternative container. Such signed acknowledgment of the  
8 authorizing person, that the timely disclosure has been made,  
9 shall be retained by the natural organic reduction facility in  
10 its permanent records.

11 (k) A disposition authority shall:

12 (1) ensure that the material in the natural organic  
13 reduction chamber naturally reaches and maintains a  
14 minimum temperature of 131 degrees Fahrenheit for a  
15 minimum of 72 consecutive hours during the process of  
16 natural organic reduction;

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

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

1 through E;

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

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

18 (5) analyze, using a third-party laboratory accredited  
19 by the Illinois Environmental Laboratory Accreditation  
20 Program or the Department of Public Health, or a United  
21 States Composting Council's Seal of Testing Assurance  
22 Compost-Certified Laboratory, the natural organic  
23 reduction facility's material samples of reduced human  
24 remains according to the following schedule:

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

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

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

22           (D) after 20 material samples of reduced human  
23 remains have met the limits in paragraph (4) of this  
24 subsection (k), the natural organic reduction facility  
25 must analyze at least 25% of the natural organic  
26 reduction facility's monthly instances of reduced

1 human remains for the parameters in paragraph (4)  
2 until 80 total material samples of reduced remains are  
3 found to meet the limits in paragraph (4), not  
4 including any samples that required reprocessing to  
5 meet those limits; and

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

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

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

1           (8) prepare, maintain, and provide to the Comptroller  
2 a report for each calendar year detailing the natural  
3 organic reduction facility's activities during the  
4 previous calendar year. The report must include the  
5 following information:

6           (A) the name and address of the natural organic  
7 reduction facility;

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

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

10           (D) the results of any laboratory analyses of  
11 reduced human remains, including an affirmation that  
12 the analysis was prepared in accordance with this  
13 subsection (k); and

14           (E) any additional information required by the  
15 Comptroller, Department of Public Health, or local  
16 health department.

17           (9) The Department of Public Health may conduct an  
18 annual audit of the results of the laboratory analyses of  
19 reduced human remains prepared in accordance with  
20 paragraph (4) of this subsection (k).

21           (1) Upon the completion of each natural organic reduction,  
22 all of the recoverable residue of the reduction process shall  
23 be removed from the reduction chamber.

24           (m) If all of the recovered reduced human remains will not  
25 fit within the receptacle that has been selected, the  
26 remainder of the reduced human remains shall be disposed of in

1 accordance with subsection (i) of Section 55.

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

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

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

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

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

21 Section 75. Disposition of reduced human remains.

22 (a) The authorizing agent shall be responsible for the  
23 final disposition of the reduced human remains delivered to  
24 the authorizing agent. The reduced human remains delivered to  
25 the authorizing agent may be disposed of by placing them in a

1 grave, crypt, or niche or by scattering them in a scattering  
2 area as defined in this Act.

3 (b) Reduced human remains delivered to the authorizing  
4 agent may be integrated into the soil in an area where no local  
5 prohibition exists, provided that the reduced human remains  
6 are not distinguishable to the public, are not in a container,  
7 and that the person who has control over disposition of the  
8 reduced human remains has obtained written permission of the  
9 property owner or governing agency to integrate into soil on  
10 the property.

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

18 (d) Upon the completion of the natural organic reduction  
19 process, and except as provided for in subparagraph (I) of  
20 paragraph (1) of subsection (a) of Section 55, if the  
21 disposition authority has not been instructed to arrange for  
22 the interment, entombment, inurnment, or scattering of the  
23 reduced human remains, the disposition authority shall deliver  
24 the reduced human remains to the individual specified on the  
25 natural organic reduction authorization form or, if no  
26 individual is specified, then to the authorizing agent. Upon

1 receipt of the reduced human remains, the individual receiving  
2 them may transport them in any manner in this State without a  
3 permit and may dispose of them in accordance with this  
4 Section. After delivery, the disposition authority shall be  
5 discharged from any legal obligation or liability concerning  
6 the reduced human remains.

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

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

3 (1) dispose of reduced human remains in a manner or in  
4 a location so that the reduced human remains are  
5 commingled with those of another person; this prohibition  
6 shall not apply to the scattering of reduced remains in an  
7 area located in a dedicated cemetery or conservation land,  
8 which is land that is protected, cannot be built on, and is  
9 only used for the conservation of nature; or

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

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

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

16 Section 80. Limitation of liability.

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

25 (b) A disposition authority shall not be liable for

1 refusing to accept human remains or to perform a natural  
2 organic reduction until it receives a court order or other  
3 suitable confirmation that a dispute has been settled, if:

4 (1) it is aware of any dispute concerning the natural  
5 organic reduction of the human remains;

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

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

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

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

26 (e) A disposition authority shall not be responsible or

1 liable for any valuables delivered to the disposition  
2 authority with human remains, unless the disposition authority  
3 has received written instructions in accordance with paragraph  
4 (J) of paragraph (1) of subsection (a) of Section 55.

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

24 Section 90. Penalties. Violations of this Act shall be

1 punishable as follows:

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

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

10 (3) A violation of any natural organic reduction  
11 procedure set forth in Section 70 shall be a Class 4  
12 felony.

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

18 (5) Performance of natural organic reduction service  
19 by a person who has not completed a training program as  
20 defined in Section 60 of this Act shall be a Class A  
21 misdemeanor.

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

25 (7) Any person who knowingly acts without proper legal  
26 authority and who willfully and knowingly destroys or

1 damages the remains of a deceased human being or who  
2 desecrates human remains is guilty of a Class 3 felony.

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

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

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

14 (a) If any person violates the provisions of this Act, the  
15 Comptroller, in the name of the People of the State, through  
16 the Attorney General or the State's Attorney of the county in  
17 which the violation is alleged to have occurred, may petition  
18 for an order enjoining the violation or for an order enforcing  
19 compliance with this Act. Upon the filing of a verified  
20 petition, the court with appropriate jurisdiction may issue a  
21 temporary restraining order, without notice or bond, and may  
22 preliminarily and permanently enjoin the violation. If it is  
23 established that the person has violated or is violating the  
24 injunction, the court may punish the offender for contempt of

1 court. Proceedings under this Section are in addition to, and  
2 not in lieu of, all other remedies and penalties provided by  
3 this Act.

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

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

21 Section 110. Investigations; notice and hearing. The  
22 Comptroller may at any time investigate the actions of any  
23 applicant or of any person, persons, or entity rendering or  
24 offering natural organic reduction services or any person or

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

18 At the time and place fixed in the notice, the Comptroller  
19 shall proceed to hear the charges and the parties, or their  
20 counsel shall be accorded ample opportunity to present any  
21 pertinent statements, testimony, evidence, and arguments. The  
22 Comptroller shall have the authority to appoint an attorney  
23 duly licensed to practice law in the State to serve as the  
24 hearing officer in any disciplinary action with regard to a  
25 license. The hearing officer shall have full authority to  
26 conduct the hearing. The Comptroller may continue the hearing

1 from time to time. In case the person, after receiving the  
2 notice, fails to file an answer, the person's license may, in  
3 the discretion of the Comptroller, be suspended, revoked,  
4 placed on probationary status, or the Comptroller may take  
5 whatever disciplinary action considered proper, including  
6 limiting the scope, nature, or extent of the person's practice  
7 or the imposition of a fine, without a hearing, if the act or  
8 acts charged constitute sufficient grounds for that action  
9 under this Act. The written notice may be served by personal  
10 delivery or by certified mail to the address specified by the  
11 accused in the accused's last notification with the  
12 Comptroller.

13 Section 115. Compelling testimony. Any circuit court, upon  
14 application of the Comptroller or the designated hearing  
15 officer, may enter an order requiring the attendance of  
16 witnesses and their testimony, and the production of  
17 documents, papers, files, books, and records in connection  
18 with any hearing or investigation. The court may compel  
19 obedience to its order by proceedings for contempt.

20 Section 120. Administrative review; venue; certification  
21 of record; costs.

22 (a) All final administrative decisions of the Comptroller  
23 are subject to judicial review under the Administrative Review  
24 Law and its rules. The term "administrative decision" is

1 defined as in Section 3-101 of the Code of Civil Procedure.

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

6 (c) The Comptroller shall not be required to certify any  
7 record of the court, file an answer in court, or to otherwise  
8 appear in any court in a judicial review proceeding unless and  
9 until the Comptroller has received from the plaintiff payment  
10 of the costs of furnishing and certifying the record, which  
11 costs shall be determined by the Comptroller. Failure on the  
12 part of the plaintiff to make such payment to the Comptroller  
13 is grounds for dismissal of the action.

14 Section 125. Preneed of natural organic reduction  
15 arrangements.

16 (a) Any person, or anyone who has legal authority to act on  
17 behalf of a person, on a preneed basis, may authorize the  
18 person's own natural organic reduction and the final  
19 disposition of the person's reduced remains by executing, as  
20 the authorizing agent, a natural organic reduction  
21 authorization form on a preneed basis. A copy of this form  
22 shall be provided to the person. Any person shall have the  
23 right to transfer or cancel this authorization at any time  
24 prior to death by destroying the executed natural organic  
25 reduction authorization form and providing written notice to

1 the disposition authority named in the preneed form.

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

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

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

14 (c) Except as provided in subsection (b) of this Section,  
15 at the time of the death of a person who has executed, as the  
16 authorizing agent, a natural organic reduction authorization  
17 form on a preneed basis, any person in possession of an  
18 executed form and any person charged with making arrangements  
19 for the final disposition of the decedent who has knowledge of  
20 the existence of an executed form, shall use the person's best  
21 efforts to ensure that the decedent is reduced and that the  
22 final disposition of the reduced human remains is in  
23 accordance with the instructions contained on the natural  
24 organic reduction authorization form. If a disposition  
25 authority (i) is in possession of a completed natural organic  
26 reduction authorization form that was executed on a preneed

1 basis, (ii) is in possession of the designated human remains,  
2 and (iii) has received payment for the natural organic  
3 reduction of the human remains and the final disposition of  
4 the reduced human remains or is otherwise assured of payment,  
5 then the disposition authority shall be required to reduced  
6 the human remains and dispose of the reduced human remains  
7 according to the instructions contained on the natural organic  
8 reduction authorization form and may do so without any  
9 liability.

10 (d) Any preneed contract sold by, or preneed arrangements  
11 made with, a cemetery, funeral establishment, disposition  
12 authority, or any other party that includes a natural organic  
13 reduction shall specify the final disposition of the reduced  
14 human remains, in accordance with Section 75. If no different  
15 or inconsistent instructions are provided to the disposition  
16 authority by the authorizing agent at the time of death, the  
17 disposition authority shall be authorized to release or  
18 dispose of the reduced human remains as indicated in the  
19 preneed agreement. Upon compliance with the terms of the  
20 preneed agreement, the disposition authority shall be  
21 discharged from any legal obligation concerning the reduced  
22 human remains. The preneed agreement shall be kept as a  
23 permanent record by the disposition authority.

24 (e) This Section shall not apply to any natural organic  
25 reduction authorization form or preneed contract executed  
26 prior to the effective date of this Act. Any cemetery, funeral

1 establishment, disposition authority, or other party, however,  
2 with the written approval of the authorizing agent or person  
3 who executed the preneed contract, may designate that the  
4 natural organic reduction authorization form or preneed  
5 contract shall be subject to this Act.

6 Section 130. Employment of funeral director by a  
7 disposition authority. A disposition authority shall employ or  
8 enter into a contract with a funeral director for the purpose  
9 of arranging natural organic reduction on an at-need basis  
10 with the general public, transporting human remains to the  
11 natural organic reduction facility, and processing all  
12 necessary paperwork.

13 Section 135. Scope of Act. This Act shall be construed and  
14 interpreted as a comprehensive natural organic reduction  
15 statute, and the provisions of this Act shall take precedence  
16 over any existing laws containing provisions applicable to  
17 natural organic reduction, but that do not specifically or  
18 comprehensively address natural organic reduction.

19 Section 140. Record of proceedings; transcript. The  
20 Comptroller, at its expense, shall preserve a record of all  
21 proceedings at the formal hearing of any case. Any notice of  
22 hearing, complaint, all other documents in the nature of  
23 pleadings, written motions filed in the proceedings, the

1 transcripts of testimony, the report of the hearing officer,  
2 and orders of the Comptroller shall be in the record of the  
3 proceeding. The Comptroller shall furnish a transcript of such  
4 record to any person interested in such hearing upon payment  
5 of a reasonable fee.

6 Section 145. Subpoenas; depositions; oaths. The  
7 Comptroller has the power to subpoena documents, books,  
8 records, or other materials and to bring before it any person  
9 and to take testimony either orally or by deposition, or both,  
10 with the same fees and mileage and in the same manner as  
11 prescribed in civil cases in the courts of this State. The  
12 Comptroller, the designated hearing officer, or any qualified  
13 person the Comptroller may designate has the power to  
14 administer oaths to witnesses at any hearing that the  
15 Comptroller is authorized to conduct, and any other oaths  
16 authorized in any Act administered by the Comptroller. Every  
17 person having taken an oath or affirmation in any proceeding  
18 or matter wherein an oath is required by this Act, who shall  
19 swear willfully, corruptly and falsely in a matter material to  
20 the issue or point in question, or shall suborn any other  
21 person to swear as aforesaid, shall be guilty of perjury or  
22 subornation of perjury, as the case may be and shall be  
23 punished as provided by State law relative to perjury and  
24 subornation of perjury.

1           Section 150. Findings and recommendations. At the  
2 conclusion of the hearing, the hearing officer shall present  
3 to the Comptroller a written report of its findings of fact,  
4 conclusions of law, and recommendations. The report shall  
5 contain a finding whether or not the accused person violated  
6 this Act or its rules or failed to comply with the conditions  
7 required in this Act or its rules. The hearing officer shall  
8 specify the nature of any violations or failure to comply and  
9 shall make recommendations to the Comptroller. In making  
10 recommendations for any disciplinary actions, the hearing  
11 officer may take into consideration all facts and  
12 circumstances bearing upon the reasonableness of the conduct  
13 of the accused and the potential for future harm to the public,  
14 including, but not limited to, previous discipline of the  
15 accused by the Comptroller, intent, degree of harm to the  
16 public and likelihood of harm in the future, any restitution  
17 made by the accused, and whether the incident or incidents  
18 contained in the complaint appear to be isolated or represent  
19 a continuing pattern of conduct. In making its recommendations  
20 for discipline, the hearing officer shall endeavor to ensure  
21 that the severity of the discipline recommended is reasonably  
22 related to the severity of the violation. The report of  
23 findings of fact, conclusions of law, and recommendation of  
24 the hearing officer shall be the basis for the Comptroller's  
25 order refusing to issue, restore, place on probation, fine,  
26 suspend, revoke a license, or otherwise discipline a licensee.

1 If the Comptroller disagrees with the recommendations of the  
2 hearing officer, the Comptroller may issue an order in  
3 contravention of the hearing officer's recommendations. The  
4 finding is not admissible in evidence against the person in a  
5 criminal prosecution brought for a violation of this Act, but  
6 the hearing and finding are not a bar to a criminal prosecution  
7 brought for a violation of this Act.

8 Section 155. Rehearing. At the conclusion of the hearing,  
9 a copy of the hearing officer's report shall be served upon the  
10 applicant or licensee by the Comptroller, either personally or  
11 as provided in this Act. Within 20 days after service, the  
12 applicant or licensee may present to the Comptroller a motion  
13 in writing for a rehearing, which shall specify the particular  
14 grounds for rehearing. The Comptroller may respond to the  
15 motion for rehearing within 20 days after its service on the  
16 Comptroller. If no motion for rehearing is filed, then upon  
17 the expiration of the time specified for filing such a motion,  
18 or if a motion for rehearing is denied, then upon denial, the  
19 Comptroller may enter an order in accordance with  
20 recommendations of the hearing officer except as provided in  
21 Section 160 of this Act.

22 If the applicant or licensee orders from the reporting  
23 service and pays for a transcript of the record within the time  
24 for filing a motion for rehearing, the 20-day period within  
25 which a motion may be filed shall commence upon the delivery of

1 the transcript to the applicant or licensee.

2 Section 160. Comptroller. Whenever the Comptroller  
3 believes that substantial justice has not been done in the  
4 revocation, suspension, or refusal to issue or restore a  
5 license or other discipline of an applicant or licensee, he or  
6 she may order a rehearing by the same or other hearing  
7 officers.

8 Section 165. Order or certified copy; prima facie proof.  
9 An order or certified copy thereof, over the seal of the  
10 Comptroller and purporting to be signed by the Comptroller, is  
11 prima facie proof that:

12 (1) the signature is the genuine signature of the  
13 Comptroller;

14 (2) the Comptroller is duly appointed and qualified;  
15 and

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

17 Section 170. Civil action and civil penalties. In addition  
18 to the other penalties and remedies provided in this Act, the  
19 Comptroller may bring a civil action in the county of  
20 residence of the licensee or any other person to enjoin any  
21 violation or threatened violation of this Act. In addition to  
22 any other penalty provided by law, any person who violates  
23 this Act shall forfeit and pay a civil penalty to the

1 Comptroller in an amount not to exceed \$5,000 for each  
2 violation as determined by the Comptroller. The civil penalty  
3 shall be assessed by the Comptroller in accordance with the  
4 provisions of this Act.

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

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

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

1 Act, the notice required under Section 10-25 of the Illinois  
2 Administrative Procedure Act is considered sufficient when  
3 mailed to the address of record.

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

21 Section 999. Effective date. This Act takes effect June 1,  
22 2026."