

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. This Act may be referred to as the Michael Bauer  
5 Memorial Act.

6 Section 5. The Cemetery Oversight Act is amended by  
7 changing Sections 10-23 and 20-5 as follows:

8 (225 ILCS 411/10-23)

9 (Section scheduled to be repealed on January 1, 2027)

10 Sec. 10-23. Code of Professional Conduct and Ethics.  
11 Licensed cemetery authorities and their licensed cemetery  
12 managers and customer service employees, and cemetery  
13 authorities maintaining a partial exemption and their cemetery  
14 managers and customer service employees shall:

15 (a) refrain from committing any action that may  
16 violate Section 25-10 of this Act;

17 (b) be aware of applicable federal and State laws and  
18 regulations, adhere to those laws and regulations, and be  
19 able to explain them to families in an understandable  
20 manner;

21 (c) treat all human remains with proper care and  
22 dignity, honoring known religious, ethnic, and personal

1 beliefs;

2 (d) protect all confidential information;

3 (e) carry out all aspects of service in a competent  
4 and respectful manner;

5 (f) fulfill all written and verbal agreements and  
6 contracts;

7 (g) provide honest, factual, and complete information  
8 regarding all aspects of the services offered and  
9 provided;

10 (h) not engage in advertising that is false,  
11 misleading, or otherwise prohibited by law;

12 (i) not discriminate against any person because of  
13 race, creed, marital status, sex, national origin, sexual  
14 orientation, or color, except a religious cemetery may  
15 restrict its services to those of the same religious faith  
16 or creed. A cemetery authority operating any cemetery may  
17 designate parts of cemeteries or burial grounds for the  
18 specific use of persons whose religious code requires  
19 isolation;

20 (j) to have clear and specific cemetery rules and  
21 regulations, subject to other applicable law, including  
22 this Act, and to apply them equally to all consumers and  
23 individuals ~~families~~ served;

24 (k) report all violations of this Act and this Section  
25 to the Department.

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

1 (225 ILCS 411/20-5)

2 (Section scheduled to be repealed on January 1, 2027)

3 Sec. 20-5. Maintenance and records.

4 (a) A cemetery authority shall provide reasonable  
5 maintenance of the cemetery property and of all lots, graves,  
6 crypts, and columbariums in the cemetery based on the type and  
7 size of the cemetery, topographic limitations, and contractual  
8 commitments with consumers. Subject to the provisions of this  
9 subsection (a), reasonable maintenance includes:

10 (1) the laying of seed, sod, or other suitable ground  
11 cover as soon as practical following an interment given  
12 the weather conditions, climate, and season and the  
13 interment's proximity to ongoing burial activity;

14 (2) the cutting of lawn throughout the cemetery at  
15 reasonable intervals to prevent an overgrowth of grass and  
16 weeds given the weather conditions, climate, and season;

17 (3) the trimming of shrubs to prevent excessive  
18 overgrowth;

19 (4) the trimming of trees to remove dead limbs;

20 (5) maintaining, repairing, or removing, if necessary,  
21 drains, water lines, roads, buildings, fences, and other  
22 structures; and

23 (6) keeping the cemetery premises free of trash and  
24 debris.

25 In determining whether a cemetery authority provides

1 reasonable maintenance of the cemetery property, the  
2 Department shall consider:

3 (1) the cemetery authority's contractual obligations  
4 for care and maintenance;

5 (2) the size of the cemetery;

6 (3) the extent and use of the cemetery authority's  
7 financial resources;

8 (4) the standard of maintenance of one or more  
9 similarly situated cemeteries; in determining whether a  
10 cemetery is similarly situated, the Department shall  
11 consider the cemetery's size, location, topography, and  
12 financial resources, and whether the cemetery is a  
13 fraternal cemetery, a religious cemetery, a public  
14 cemetery, a cemetery owned and operated by a cemetery  
15 association, or a licensed cemetery.

16 Reasonable maintenance by the cemetery authority shall not  
17 preclude the exercise of lawful rights by the owner of an  
18 interment, inurnment, or entombment right, or by the  
19 decedent's immediate family or other heirs, in accordance with  
20 reasonable rules and regulations of the cemetery or other  
21 agreement of the cemetery authority.

22 In the case of a cemetery dedicated as a nature preserve  
23 under the Illinois Natural Areas Preservation Act, reasonable  
24 maintenance by the cemetery authority shall be in accordance  
25 with the rules and master plan governing the dedicated nature  
26 preserve.

1           A cemetery authority accused of violating the reasonable  
2 maintenance standard set forth in this Section shall have a  
3 reasonable opportunity to cure the violation. The cemetery  
4 authority shall have 10 business days after receipt of notice  
5 to cure the violation. If a cemetery authority cannot cure the  
6 violation within 10 business days, then the cemetery authority  
7 may request a time extension in order to cure the violation.  
8 The request for an extension shall be made in writing to the  
9 Department and must be postmarked within 10 business days  
10 after receipt of the notice of the alleged violation. The  
11 request shall outline all reasons for the extension and an  
12 estimated date by which the cure will be accomplished.  
13 Acceptable reasons include, without limitation, delays caused  
14 by weather conditions, season or climate, equipment failures,  
15 or acquisitions of materials or supplies being addressed by  
16 the authority in a timely manner, and unexpected temporary  
17 absences of personnel. The Department may approve or deny the  
18 extension. If the extension is denied, then the cemetery  
19 authority must cure the violation within 10 business days  
20 after the date of receipt of the Department's extension  
21 denial. If the extension is granted, then the cemetery  
22 authority must cure the violation within the extended period  
23 of time. A cemetery authority that does not cure the violation  
24 within the appropriate period of time shall be subject to  
25 discipline in accordance with Article 25 of this Act.

26           (b) A cemetery authority, before commencing cemetery

1 operations or within 6 months after the effective date of this  
2 Act, shall cause an overall map of its cemetery property,  
3 delineating all lots or plots, blocks, sections, avenues,  
4 walks, alleys, and paths and their respective designations, to  
5 be filed at its on-site office, or if it does not maintain an  
6 on-site office, at its principal place of business. The  
7 cemetery authority shall update its map and index described in  
8 subsection (b-5) within a reasonable time after any expansion  
9 or alteration of the cemetery property. A cemetery manager's  
10 certificate acknowledging, accepting, and adopting the map  
11 shall also be included with the map. The Department may order  
12 that the cemetery authority obtain a cemetery plat and that it  
13 be filed at its on-site office, or if it does not maintain an  
14 on-site office, at its principal place of business if (1) a  
15 human body that should have been interred, entombed, or  
16 inurned at the cemetery after the effective date of this  
17 amendatory Act of the 97th General Assembly is missing,  
18 displaced, or dismembered and (2) the cemetery map contains  
19 serious discrepancies.

20 In exercising this discretion, the Department shall  
21 consider whether the cemetery authority would experience an  
22 undue hardship as a result of obtaining the plat. The cemetery  
23 plat, as with all plats prepared under this Act, shall comply  
24 with the Illinois Professional Land Surveyor Act of 1989 and  
25 shall delineate, describe, and set forth all lots or plots,  
26 blocks, sections, avenues, walks, alleys, and paths and their

1       respective designations. A cemetery manager's certificate  
2       acknowledging, accepting, and adopting the plat shall also be  
3       included with the plat.

4       (b-5) A cemetery authority shall maintain an index that  
5       associates the identity of deceased persons interred,  
6       entombed, or inurned after the effective date of this Act with  
7       their respective place of interment, entombment, or inurnment.

8       (c) The cemetery authority shall open the cemetery map or  
9       plat to public inspection. The cemetery authority shall make  
10      available a copy of the overall cemetery map or plat upon  
11      written request and shall, if practical, provide a copy of a  
12      segment of the cemetery plat where interment rights are  
13      located upon the payment of reasonable photocopy fees. Any  
14      unsold lots, plots, or parts thereof, in which there are not  
15      human remains, may be resurveyed and altered in shape or size  
16      and properly designated on the cemetery map or plat. However,  
17      sold lots, plots, or parts thereof in which there are human  
18      remains may not be renumbered or renamed. Nothing contained in  
19      this subsection, however, shall prevent the cemetery authority  
20      from enlarging an interment right by selling to its owner the  
21      excess space next to the interment right and permitting  
22      interments therein, provided reasonable access to the  
23      interment right and to adjoining interment rights is not  
24      thereby eliminated.

25      (d) A cemetery authority shall keep a record of every  
26      interment, entombment, and inurnment completed after the

1 effective date of this Act. The record shall include the  
2 deceased's name, age, date of burial, and the specific  
3 location of the interred, entombed, or inurned human remains.  
4 The specific location shall correspond to the map or plat  
5 maintained in accordance with subsection (b) of this Section.

6 (e) (Blank).

7 (f) A cemetery authority shall make publicly available ~~for~~  
8 ~~inspection and, upon reasonable request and the payment of a~~  
9 ~~reasonable copying fee, provide~~ a copy of its bylaws, rules  
10 and regulations through continuous publication on an Internet  
11 website or social media page, with a reference to and notice of  
12 the bylaws, rules, and regulations set forth in every contract  
13 or legal agreement with any person for services in relation to  
14 the cemetery. If the cemetery authority does not operate or  
15 maintain any website or social media page, then it shall  
16 provide a copy of its bylaws, rules, and regulations to each  
17 person either prior to or contemporaneous with the cemetery  
18 authority's representative's presentment of any contract or  
19 legal agreement for services in relation to the cemetery or  
20 within 5 days of such a person's request. A cemetery authority  
21 may charge a reasonable copying fee in exchange for a paper  
22 copy of the cemetery authority's bylaws, rules, and  
23 regulations. A cemetery authority shall make available for  
24 viewing and provide a copy of its current prices of interment,  
25 disinterment, inurnment, or entombment rights.

26 (g) A cemetery authority shall provide access to the



1 cemetery under the cemetery authority's reasonable rules and  
2 regulations.

3 (h) A cemetery authority shall be responsible for the  
4 proper opening and closing of all graves, crypts, or niches  
5 for human remains in any cemetery property it owns.

6 (i) A licensed cemetery authority shall keep in this State  
7 and use in its business such records as will enable the  
8 Department to determine whether such licensee or trustee is  
9 complying with the provisions of this Act and with the rules,  
10 regulations, and directions made by the Department under this  
11 Act. The licensed cemetery authority shall keep the records in  
12 electronic or written format at the location identified in the  
13 license issued by the Department or as otherwise agreed by the  
14 Department in writing. The books, accounts, and records shall  
15 be accessible for review upon demand of the Department.

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

17 Section 10. The Vital Records Act is amended by changing  
18 Section 21 as follows:

19 (410 ILCS 535/21) (from Ch. 111 1/2, par. 73-21)

20 Sec. 21. (1) The funeral director or person acting as such  
21 who first assumes custody of a dead body or fetus shall make a  
22 written report to the registrar of the district in which death  
23 occurred or in which the body or fetus was found within 24  
24 hours after taking custody of the body or fetus on a form

1 prescribed and furnished by the State Registrar and in  
2 accordance with the rules promulgated by the State Registrar.  
3 Except as specified in paragraph (2) of this Section, the  
4 written report shall serve as a permit to transport, bury, or  
5 entomb the body or fetus within this State, provided that the  
6 funeral director or person acting as such shall certify that  
7 the certifying health care professional who, within 12 months  
8 prior to the date of the patient's death, was treating or  
9 managing treatment of the patient's illness or condition which  
10 resulted in death has been contacted and has affirmatively  
11 stated that he or she will sign the medical certificate of  
12 death or the fetal death certificate. If a funeral director  
13 fails to file written reports under this Section in a timely  
14 manner, the local registrar may suspend the funeral director's  
15 privilege of filing written reports by mail. In a county with a  
16 population greater than 3,000,000, if a funeral director or  
17 person acting as such interrs or entombs a dead body without  
18 having previously certified that the certifying health care  
19 professional who, within 12 months prior to the date of the  
20 patient's death, was treating or managing treatment of the  
21 patient's illness or condition that resulted in death has been  
22 contacted and has affirmatively stated that he or she will  
23 sign the medical certificate of death, then that funeral  
24 director or person acting as such is responsible for payment  
25 of the specific costs incurred by the county medical examiner  
26 in disinterring and reintering or reentombing the dead body.

1           (2) The written report as specified in paragraph (1) of  
2 this Section shall not serve as a permit to:

3                 (a) Remove body or fetus from this State;

4                 (b) Cremate the body or fetus; or

5                 (c) Make disposal of any body or fetus in any manner  
6 when death is subject to the coroner's or medical  
7 examiner's investigation.

8           (3) In accordance with the provisions of paragraph (2) of  
9 this Section the funeral director or person acting as such who  
10 first assumes custody of a dead body or fetus shall obtain a  
11 permit for disposition of such dead human body prior to final  
12 disposition or removal from the State of the body or fetus.  
13 Such permit shall be issued by the registrar of the district  
14 where death occurred or the body or fetus was found. No such  
15 permit shall be issued until a properly completed certificate  
16 of death has been filed with the registrar. The registrar  
17 shall insure the issuance of a permit for disposition within  
18 an expedited period of time to accommodate Sunday or holiday  
19 burials of decedents whose time of death and religious tenets  
20 or beliefs necessitate Sunday or holiday burials.

21           (4) A permit which accompanies a dead body or fetus  
22 brought into this State shall be authority for final  
23 disposition of the body or fetus in this State, except in  
24 municipalities where local ordinance requires the issuance of  
25 a local permit prior to disposition.

26           (5) A permit for disposition of a dead human body shall be

1 required prior to disinterment of a dead body or fetus, and  
2 when the disinterred body is to be shipped by a common carrier.  
3 Such permit shall be issued to a licensed funeral director or  
4 person acting as such, upon proper application, by the local  
5 registrar of the district in which disinterment is to be made.  
6 In the case of disinterment, proper application shall include  
7 a statement providing the name and address of any surviving  
8 spouse of the deceased, or, if none, any surviving children of  
9 the deceased, or if no surviving spouse or children, a parent,  
10 brother, or sister of the deceased. The application shall  
11 indicate whether the applicant is one of these parties and, if  
12 so, whether the applicant is a surviving spouse or a surviving  
13 child. Prior to the issuance of a permit for disinterment, the  
14 local registrar shall, by certified mail, notify the surviving  
15 spouse, unless he or she is the applicant, or if there is no  
16 surviving spouse, all surviving children except for the  
17 applicant, of the application for the permit. The person or  
18 persons notified shall have 30 days from the mailing of the  
19 notice to object by obtaining an injunction enjoining the  
20 issuance of the permit. After the 30-day period has expired,  
21 the local registrar shall issue the permit unless he or she has  
22 been enjoined from doing so or there are other statutory  
23 grounds for refusal. The notice to the spouse or surviving  
24 children shall inform the person or persons being notified of  
25 the right to seek an injunction within 30 days. If a court  
26 finds that a party to a disinterment dispute has acted in bad

1 faith, the court may, in its sole discretion, award costs,  
2 including reasonable attorney's fees, against the person it  
3 finds has acted in bad faith.

4 Notwithstanding any other provision of this subsection  
5 (5), a court may order issuance of a permit for disinterment  
6 without notice or prior to the expiration of the 30-day period  
7 where the petition is made by an agency of any governmental  
8 unit and good cause is shown for disinterment without notice  
9 or for the early order. Nothing in this subsection (5) limits  
10 the authority of the City of Chicago to acquire property or  
11 otherwise exercise its powers under the O'Hare Modernization  
12 Act or requires that City, or any person acting on behalf of  
13 that City, to obtain a permit under this subsection (5) when  
14 exercising powers under the O'Hare Modernization Act. The  
15 Illinois Department of Transportation, and any person acting  
16 on its behalf under a public-private agreement entered into in  
17 accordance with the Public-Private Agreements for the South  
18 Suburban Airport Act, is exempt from this subsection (5),  
19 provided that the Illinois Department of Transportation, or  
20 any such person, takes reasonable steps to comply with the  
21 provisions of this subsection (5) so long as compliance does  
22 not interfere with the design, development, operation, or  
23 maintenance of the South Suburban Airport or the exercise of  
24 their powers under the Public-Private Agreements for the South  
25 Suburban Airport Act.

26 (Source: P.A. 102-257, eff. 1-1-22.)

1           Section 15. The Disposition of Remains Act is amended by  
2 changing Section 50 as follows:

3           (755 ILCS 65/50)

4           Sec. 50. Disputes.

5           (a) Any dispute among any of the persons listed in Section  
6 concerning their right to control the disposition, including  
7 cremation, of a decedent's remains shall be resolved by a  
8 court of competent jurisdiction within 30 days of the dispute  
9 being filed with the court. A cemetery organization or funeral  
10 establishment shall not be liable for refusing to accept the  
11 decedent's remains, or to inter or otherwise dispose of the  
12 decedent's remains, until it receives a court order or other  
13 suitable confirmation that the dispute has been resolved or  
14 settled.

15           (b) Any dispute over a disinterment shall be resolved by a  
16 circuit court with all reasonable promptness by the court. If  
17 the court finds that a party to a disinterment dispute has  
18 acted in bad faith, the court may, in its sole discretion,  
19 award costs, including reasonable attorney's fees, against the  
20 person it finds has acted in bad faith.

21           (Source: P.A. 101-381, eff. 1-1-20.)

22           Section 20. The Cemetery Protection Act is amended by  
23 changing Section 2 as follows:

1 (765 ILCS 835/2) (from Ch. 21, par. 16)

2 Sec. 2. The cemetery authority is hereby authorized to  
3 make by-laws or rules and regulations for the government  
4 thereof, and to make rules regarding the driving of cars,  
5 motorcycles, carriages, processions, teams, and the speed  
6 thereof, the use of avenues, lots, walks, ponds, water  
7 courses, vaults, buildings, or other places within such  
8 cemetery, the operations and good management in such cemetery,  
9 the protection of visitors, the protection of employees, and  
10 for the maintenance of good order and quiet in such cemetery,  
11 all such rules to be subject to the rights of interment,  
12 entombment, ~~or~~ inurnment, and disinterment right owners, or  
13 others, owning any interest in such cemetery; and all persons  
14 found guilty of a violation of such rules shall be guilty of a  
15 petty offense and shall be punished by a fine of not less than  
16 \$100, nor more than \$500 for each offense. No judge shall be  
17 disqualified from hearing any cause that may be brought before  
18 him under the provisions of this Act, nor shall any person be  
19 disqualified from acting as a juror in such cause, by reason of  
20 any interest or ownership they or either of them may have in  
21 the interment, entombment, or inurnment rights of such  
22 cemetery. The bylaws, rules, and regulations shall be made  
23 publicly available through continuous publication on an  
24 Internet website or social media page, with a reference to and  
25 notice of the bylaws, rules, and regulations set forth in

1 every contract or legal agreement with any person for services  
2 in relation to the cemetery. If the cemetery authority does  
3 not operate or maintain any website or social media page, then  
4 it shall provide a copy of the bylaws, rules, and regulations  
5 to each person either prior to or contemporaneous with the  
6 cemetery authority's representative's presentment of any  
7 contract or legal agreement for services in relation to the  
8 cemetery or within 5 days of such a person's request. A  
9 cemetery authority may charge a reasonable copying fee in  
10 exchange for a paper copy of the cemetery authority's bylaws,  
11 rules, and regulations.

12 (Source: P.A. 94-44, eff. 6-17-05.)