



Rep. Kelly M. Cassidy

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10300HB1571ham001

LRB103 27276 AWJ 59633 a

1 AMENDMENT TO HOUSE BILL 1571

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1571 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. This Act may be referred to as the Michael  
5 Bauer 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9 (Section scheduled to be repealed on January 1, 2027)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

1 violate Section 25-10 of this Act;

2 (b) be aware of applicable federal and State laws and  
3 regulations, adhere to those laws and regulations, and be  
4 able to explain them to families in an understandable  
5 manner;

6 (c) treat all human remains with proper care and  
7 dignity, honoring known religious, ethnic, and personal  
8 beliefs;

9 (d) protect all confidential information;

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

12 (f) fulfill all written and verbal agreements and  
13 contracts;

14 (g) provide honest, factual, and complete information  
15 regarding all aspects of the services offered and  
16 provided;

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

19 (i) not discriminate against any person because of  
20 race, creed, marital status, sex, national origin, sexual  
21 orientation, or color, except a religious cemetery may  
22 restrict its services to those of the same religious faith  
23 or creed. A cemetery authority operating any cemetery may  
24 designate parts of cemeteries or burial grounds for the  
25 specific use of persons whose religious code requires  
26 isolation;

1 (j) to have clear and specific cemetery rules and  
2 regulations, subject to other applicable law, including  
3 this Act, and to apply them equally to all consumers and  
4 individuals ~~families~~ served;

5 (k) report all violations of this Act and this Section  
6 to the Department.

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

8 (225 ILCS 411/20-5)

9 (Section scheduled to be repealed on January 1, 2027)

10 Sec. 20-5. Maintenance and records.

11 (a) A cemetery authority shall provide reasonable  
12 maintenance of the cemetery property and of all lots, graves,  
13 crypts, and columbariums in the cemetery based on the type and  
14 size of the cemetery, topographic limitations, and contractual  
15 commitments with consumers. Subject to the provisions of this  
16 subsection (a), reasonable maintenance includes:

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

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

24 (3) the trimming of shrubs to prevent excessive  
25 overgrowth;

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

2 (5) maintaining, repairing, or removing, if necessary,  
3 drains, water lines, roads, buildings, fences, and other  
4 structures; and

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

7 In determining whether a cemetery authority provides  
8 reasonable maintenance of the cemetery property, the  
9 Department shall consider:

10 (1) the cemetery authority's contractual obligations  
11 for care and maintenance;

12 (2) the size of the cemetery;

13 (3) the extent and use of the cemetery authority's  
14 financial resources;

15 (4) the standard of maintenance of one or more  
16 similarly situated cemeteries; in determining whether a  
17 cemetery is similarly situated, the Department shall  
18 consider the cemetery's size, location, topography, and  
19 financial resources, and whether the cemetery is a  
20 fraternal cemetery, a religious cemetery, a public  
21 cemetery, a cemetery owned and operated by a cemetery  
22 association, or a licensed cemetery.

23 Reasonable maintenance by the cemetery authority shall not  
24 preclude the exercise of lawful rights by the owner of an  
25 interment, inurnment, or entombment right, or by the  
26 decedent's immediate family or other heirs, in accordance with

1 reasonable rules and regulations of the cemetery or other  
2 agreement of the cemetery authority.

3 In the case of a cemetery dedicated as a nature preserve  
4 under the Illinois Natural Areas Preservation Act, reasonable  
5 maintenance by the cemetery authority shall be in accordance  
6 with the rules and master plan governing the dedicated nature  
7 preserve.

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

1 after the date of receipt of the Department's extension  
2 denial. If the extension is granted, then the cemetery  
3 authority must cure the violation within the extended period  
4 of time. A cemetery authority that does not cure the violation  
5 within the appropriate period of time shall be subject to  
6 discipline in accordance with Article 25 of this Act.

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

1           In exercising this discretion, the Department shall  
2 consider whether the cemetery authority would experience an  
3 undue hardship as a result of obtaining the plat. The cemetery  
4 plat, as with all plats prepared under this Act, shall comply  
5 with the Illinois Professional Land Surveyor Act of 1989 and  
6 shall delineate, describe, and set forth all lots or plots,  
7 blocks, sections, avenues, walks, alleys, and paths and their  
8 respective designations. A cemetery manager's certificate  
9 acknowledging, accepting, and adopting the plat shall also be  
10 included with the plat.

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

15           (c) The cemetery authority shall open the cemetery map or  
16 plat to public inspection. The cemetery authority shall make  
17 available a copy of the overall cemetery map or plat upon  
18 written request and shall, if practical, provide a copy of a  
19 segment of the cemetery plat where interment rights are  
20 located upon the payment of reasonable photocopy fees. Any  
21 unsold lots, plots, or parts thereof, in which there are not  
22 human remains, may be resurveyed and altered in shape or size  
23 and properly designated on the cemetery map or plat. However,  
24 sold lots, plots, or parts thereof in which there are human  
25 remains may not be renumbered or renamed. Nothing contained in  
26 this subsection, however, shall prevent the cemetery authority

1 from enlarging an interment right by selling to its owner the  
2 excess space next to the interment right and permitting  
3 interments therein, provided reasonable access to the  
4 interment right and to adjoining interment rights is not  
5 thereby eliminated.

6 (d) A cemetery authority shall keep a record of every  
7 interment, entombment, and inurnment completed after the  
8 effective date of this Act. The record shall include the  
9 deceased's name, age, date of burial, and the specific  
10 location of the interred, entombed, or inurned human remains.  
11 The specific location shall correspond to the map or plat  
12 maintained in accordance with subsection (b) of this Section.

13 (e) (Blank).

14 (f) A cemetery authority shall make publicly available ~~for~~  
15 ~~inspection and, upon reasonable request and the payment of a~~  
16 ~~reasonable copying fee, provide~~ a copy of its bylaws, rules  
17 and regulations through continuous publication on an Internet  
18 website or social media page, with a reference to and notice of  
19 the bylaws, rules, and regulations set forth in every contract  
20 or legal agreement with any person for services in relation to  
21 the cemetery. If the cemetery authority does not operate or  
22 maintain any website or social media page, then it shall  
23 provide a copy of its bylaws, rules, and regulations to each  
24 person either prior to or contemporaneous with the cemetery  
25 authority's representative's presentment of any contract or  
26 legal agreement for services in relation to the cemetery or



1 within 5 days of such a person's request. A cemetery authority  
2 may charge a reasonable copying fee in exchange for a paper  
3 copy of the cemetery authority's bylaws, rules, and  
4 regulations. A cemetery authority shall make available for  
5 viewing and provide a copy of its current prices of interment,  
6 disinterment, inurnment, or entombment rights.

7 (g) A cemetery authority shall provide access to the  
8 cemetery under the cemetery authority's reasonable rules and  
9 regulations.

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

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

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

24 Section 10. The Vital Records Act is amended by changing  
25 Section 21 as follows:

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

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

1 patient's death, was treating or managing treatment of the  
2 patient's illness or condition that resulted in death has been  
3 contacted and has affirmatively stated that he or she will  
4 sign the medical certificate of death, then that funeral  
5 director or person acting as such is responsible for payment  
6 of the specific costs incurred by the county medical examiner  
7 in disinterring and reintering or reentombing the dead body.

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

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

11 (b) Cremate the body or fetus; or

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

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

1 or beliefs necessitate Sunday or holiday burials.

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

7 (5) A permit for disposition of a dead human body shall be  
8 required prior to disinterment of a dead body or fetus, and  
9 when the disinterred body is to be shipped by a common carrier.  
10 Such permit shall be issued to a licensed funeral director or  
11 person acting as such, upon proper application, by the local  
12 registrar of the district in which disinterment is to be made.  
13 In the case of disinterment, proper application shall include  
14 a statement providing the name and address of any surviving  
15 spouse of the deceased, or, if none, any surviving children of  
16 the deceased, or if no surviving spouse or children, a parent,  
17 brother, or sister of the deceased. The application shall  
18 indicate whether the applicant is one of these parties and, if  
19 so, whether the applicant is a surviving spouse or a surviving  
20 child. Prior to the issuance of a permit for disinterment, the  
21 local registrar shall, by certified mail, notify the surviving  
22 spouse, unless he or she is the applicant, or if there is no  
23 surviving spouse, all surviving children except for the  
24 applicant, of the application for the permit. The person or  
25 persons notified shall have 30 days from the mailing of the  
26 notice to object by obtaining an injunction enjoining the

1 issuance of the permit. After the 30-day period has expired,  
2 the local registrar shall issue the permit unless he or she has  
3 been enjoined from doing so or there are other statutory  
4 grounds for refusal. The notice to the spouse or surviving  
5 children shall inform the person or persons being notified of  
6 the right to seek an injunction within 30 days. If a court  
7 finds that a party to a disinterment dispute has acted in bad  
8 faith, the court may, in its sole discretion, award costs,  
9 including reasonable attorney's fees, against the person it  
10 finds has acted in bad faith.

11 Notwithstanding any other provision of this subsection  
12 (5), a court may order issuance of a permit for disinterment  
13 without notice or prior to the expiration of the 30-day period  
14 where the petition is made by an agency of any governmental  
15 unit and good cause is shown for disinterment without notice  
16 or for the early order. Nothing in this subsection (5) limits  
17 the authority of the City of Chicago to acquire property or  
18 otherwise exercise its powers under the O'Hare Modernization  
19 Act or requires that City, or any person acting on behalf of  
20 that City, to obtain a permit under this subsection (5) when  
21 exercising powers under the O'Hare Modernization Act. The  
22 Illinois Department of Transportation, and any person acting  
23 on its behalf under a public-private agreement entered into in  
24 accordance with the Public-Private Agreements for the South  
25 Suburban Airport Act, is exempt from this subsection (5),  
26 provided that the Illinois Department of Transportation, or

1 any such person, takes reasonable steps to comply with the  
2 provisions of this subsection (5) so long as compliance does  
3 not interfere with the design, development, operation, or  
4 maintenance of the South Suburban Airport or the exercise of  
5 their powers under the Public-Private Agreements for the South  
6 Suburban Airport Act.

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

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

10 (755 ILCS 65/50)

11 Sec. 50. Disputes.

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

22 (b) Any dispute over a disinterment shall be resolved by a  
23 circuit court with all reasonable promptness by the court. If  
24 the court finds that a party to a disinterment dispute has

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

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

5 Section 20. The Cemetery Protection Act is amended by  
6 changing Section 2 as follows:

7 (765 ILCS 835/2) (from Ch. 21, par. 16)

8 Sec. 2. The cemetery authority is hereby authorized to  
9 make by-laws or rules and regulations for the government  
10 thereof, and to make rules regarding the driving of cars,  
11 motorcycles, carriages, processions, teams, and the speed  
12 thereof, the use of avenues, lots, walks, ponds, water  
13 courses, vaults, buildings, or other places within such  
14 cemetery, the operations and good management in such cemetery,  
15 the protection of visitors, the protection of employees, and  
16 for the maintenance of good order and quiet in such cemetery,  
17 all such rules to be subject to the rights of interment,  
18 entombment, ~~or~~ inurnment, and disinterment right owners, or  
19 others, owning any interest in such cemetery; and all persons  
20 found guilty of a violation of such rules shall be guilty of a  
21 petty offense and shall be punished by a fine of not less than  
22 \$100, nor more than \$500 for each offense. No judge shall be  
23 disqualified from hearing any cause that may be brought before  
24 him under the provisions of this Act, nor shall any person be

1 disqualified from acting as a juror in such cause, by reason of  
2 any interest or ownership they or either of them may have in  
3 the interment, entombment, or inurnment rights of such  
4 cemetery. The bylaws, rules, and regulations shall be made  
5 publicly available through continuous publication on an  
6 Internet website or social media page, with a reference to and  
7 notice of the bylaws, rules, and regulations set forth in  
8 every contract or legal agreement with any person for services  
9 in relation to the cemetery. If the cemetery authority does  
10 not operate or maintain any website or social media page, then  
11 it shall provide a copy of the bylaws, rules, and regulations  
12 to each person either prior to or contemporaneous with the  
13 cemetery authority's representative's presentment of any  
14 contract or legal agreement for services in relation to the  
15 cemetery or within 5 days of such a person's request. A  
16 cemetery authority may charge a reasonable copying fee in  
17 exchange for a paper copy of the cemetery authority's bylaws,  
18 rules, and regulations.

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