



Rep. Wayne A Rosenthal

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LRB103 38973 RLC 72149 a

1 AMENDMENT TO HOUSE BILL 4967

2 AMENDMENT NO. _____. Amend House Bill 4967 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Funeral Directors and Embalmers Licensing
5 Code is amended by changing Sections 1-10, 10-25, 15-15, and
6 15-75 and by adding Section 15-56 as follows:

7 (225 ILCS 41/1-10)

8 (Section scheduled to be repealed on January 1, 2028)

9 Sec. 1-10. Definitions. As used in this Code:

10 "Address of record" means the designated address recorded
11 by the Department in the applicant's or licensee's application
12 file or license file.

13 "Applicant" means any person making application for a
14 license. Any applicants or people who hold themselves out as
15 applicants are considered licensees for purposes of
16 enforcement, investigation, hearings, and the Illinois

1 Administrative Procedure Act.

2 "Board" means the Funeral Directors and Embalmers
3 Licensing and Disciplinary Board.

4 "Certificate of Death" means a certificate of death as
5 referenced in the Illinois Vital Records Act.

6 "Chain of custody record" means a record that establishes
7 the continuous control of a uniquely identified body, body
8 parts, or human remains.

9 "Department" means the Department of Financial and
10 Professional Regulation.

11 "Email address of record" means the designated email
12 address recorded by the Department in the applicant's
13 application file or the licensee's license file as maintained
14 by the Department's licensure maintenance unit.

15 "Funeral director and embalmer" means a person who is
16 licensed and qualified to practice funeral directing and to
17 prepare, disinfect and preserve dead human bodies by the
18 injection or external application of antiseptics,
19 disinfectants or preservative fluids and materials and to use
20 derma surgery or plastic art for the restoring of mutilated
21 features. It further means a person who restores the remains
22 of a person for the purpose of funeralization whose organs or
23 bone or tissue has been donated for anatomical purposes.

24 "Funeral director and embalmer intern" means a person
25 licensed by the Department who is qualified to render
26 assistance to a funeral director and embalmer in carrying out

1 the practice of funeral directing and embalming under the
2 supervision of the funeral director and embalmer.

3 "Embalming" means the process of sanitizing and chemically
4 treating a deceased human body in order to reduce the presence
5 and growth of microorganisms, to retard organic decomposition,
6 to render the remains safe to handle while retaining
7 naturalness of tissue, and to restore an acceptable physical
8 appearance for funeral viewing purposes.

9 "Funeral director" means a person, known by the title of
10 "funeral director" or other similar words or titles, licensed
11 by the Department who practices funeral directing.

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

18 "Licensee" means a person licensed under this Code as a
19 funeral director, funeral director and embalmer, or funeral
20 director and embalmer intern. Anyone who holds himself or
21 herself out as a licensee or who is accused of unlicensed
22 practice is considered a licensee for purposes of enforcement,
23 investigation, hearings, and the Illinois Administrative
24 Procedure Act.

25 "Owner" means the individual, partnership, corporation,
26 limited liability company, association, trust, estate, or

1 agent thereof, or other person or combination of persons who
2 owns a funeral establishment or funeral business.

3 "Person" means any individual, partnership, association,
4 firm, corporation, limited liability company, trust or estate,
5 or other entity. "Person" includes both natural persons and
6 legal entities.

7 "Secretary" means the Secretary of Financial and
8 Professional Regulation.

9 "Uniquely identified" means providing the deceased with
10 individualized identification.

11 (Source: P.A. 102-881, eff. 1-1-23.)

12 (225 ILCS 41/10-25)

13 (Section scheduled to be repealed on January 1, 2028)

14 Sec. 10-25. Examinations. The Department shall authorize
15 and hold examinations of applicants for licenses as licensed
16 funeral directors and embalmers. The examination may include
17 both practical demonstrations and written and oral tests and
18 shall embrace the subjects of anatomy, sanitary science,
19 health regulations in relation to the handling of deceased
20 human bodies, identification rules and regulation in relation
21 to the handling and storing of human bodies, measures used by
22 funeral directors and embalmers for the prevention of the
23 spread of diseases, the care, preservation, embalming,
24 transportation, and burial of dead human bodies, and other
25 subjects relating to the care and handling of deceased human

1 bodies as set forth in this Article and as the Department by
2 rule may prescribe.

3 Whenever the Secretary is not satisfied that substantial
4 justice has been done in an examination, the Secretary may
5 order a reexamination.

6 If an applicant neglects, fails without an approved excuse
7 or refuses to take the next available examination offered for
8 licensure under this Code, the fee paid by the applicant shall
9 be forfeited to the Department and the application denied. If
10 an applicant fails to pass an examination for licensure under
11 this Code within 3 years after filing an application, the
12 application shall be denied. However, the applicant may
13 thereafter make a new application for examination which shall
14 be accompanied by the required fee.

15 (Source: P.A. 96-1463, eff. 1-1-11.)

16 (225 ILCS 41/15-15)

17 (Section scheduled to be repealed on January 1, 2028)

18 Sec. 15-15. Complaints; investigations; hearings. The
19 Department may investigate the actions of any applicant or of
20 any person or persons rendering or offering to render services
21 or any person holding or claiming to hold a license under this
22 Code. When the Department receives a complaint against a
23 licensee regarding violations of this Act, the Department
24 shall inspect the premises of the licensee. When the
25 Department receives a complaint against a licensee relating to

1 the mishandling of human remains or the misidentification of
2 human remains, the Department shall inspect the premises named
3 in the complaint within 10 calendar days after receipt of the
4 complaint.

5 The Department shall, before refusing to issue or renew a
6 license or seeking to discipline a licensee under Section
7 15-75, at least 30 days before the date set for the hearing,
8 (i) notify the accused in writing of the charges made and the
9 time and place for the hearing on the charges, (ii) direct him
10 or her to file a written answer to the charges under oath
11 within 20 days after service, and (iii) inform the applicant
12 or licensee that failure to answer shall result in a default
13 being entered against the applicant or licensee.

14 At the time and place fixed in the notice, the Board or the
15 hearing officer appointed by the Secretary shall proceed to
16 hear the charges and the parties or their counsel shall be
17 accorded ample opportunity to present any pertinent
18 statements, testimony, evidence, and arguments. The Board or
19 hearing officer may continue the hearing from time to time. In
20 case the person, after receiving the notice, fails to file an
21 answer, his or her license may, in the discretion of the
22 Secretary be suspended, revoked, or placed on probationary
23 status, or be subject to whatever disciplinary action the
24 Secretary considers proper, including limiting the scope,
25 nature, or extent of the person's practice or the imposition
26 of a fine, without a hearing, if the act or acts charged

1 constitute sufficient grounds for that action under this Code.
2 The written notice and any notice in the subsequent proceeding
3 may be served by regular mail or email to the licensee's
4 address of record.

5 (Source: P.A. 102-881, eff. 1-1-23.)

6 (225 ILCS 41/15-56 new)

7 Sec. 15-56. Chain of custody record. The Department shall
8 require a funeral establishment to maintain an identification
9 system that ensures that a funeral establishment is able to
10 identify the human remains in its possession through final
11 disposition.

12 (225 ILCS 41/15-75)

13 (Section scheduled to be repealed on January 1, 2028)

14 Sec. 15-75. Grounds for discipline; penalties.

15 (a) (Blank).

16 (a-5) Violations of this Code shall be punishable as
17 follows:

18 (1) Intentionally or knowingly making a false
19 statement on a Certificate of Death is a Class 4 felony.

20 (2) Intentionally or knowingly making or filing false
21 records or reports in the practice of funeral directing
22 and embalming, including, but not limited to, false
23 records filed with State agencies or departments is a
24 Class 4 felony.

1 (3) Intentionally or knowingly violating the chain of
2 custody record requirements set forth in Section 15-56 is
3 a Class 4 felony.

4 (4) Intentionally or knowingly violating the
5 preparation rooms procedures and rules outlined in Section
6 15-55 is a Class 4 felony.

7 (5) Engaging in funeral directing or embalming without
8 a license is a Class 3 felony.

9 (b) The Department may refuse to issue or renew, revoke,
10 suspend, place on probation or administrative supervision,
11 reprimand, or take other disciplinary or non-disciplinary
12 action as the Department may deem appropriate, including fines
13 not to exceed \$10,000 for each violation, with regard to any
14 license under this ~~the~~ Code for any one or combination of the
15 following:

16 (1) Fraud or any misrepresentation in applying for or
17 procuring a license under this Code or in connection with
18 applying for renewal of a license under this Code.

19 (2) For licenses, conviction by plea of guilty or nolo
20 contendere, finding of guilt, jury verdict, or entry of
21 judgment or by sentencing of any crime, including, but not
22 limited to, convictions, preceding sentences of
23 supervision, conditional discharge, or first offender
24 probation, under the laws of any jurisdiction of the
25 United States: (i) that is a felony or (ii) that is a
26 misdemeanor, an essential element of which is dishonesty,

1 or that is directly related to the practice of the
2 profession and, for initial applicants, convictions set
3 forth in Section 15-72 of this Code Act.

4 (3) (Blank). ~~Violation of the laws of this State~~
5 ~~relating to the funeral, burial or disposition of deceased~~
6 ~~human bodies or of the rules and regulations of the~~
7 ~~Department, or the Department of Public Health.~~

8 (4) Directly or indirectly paying or causing to be
9 paid any sum of money or other valuable consideration for
10 the securing of business or for obtaining authority to
11 dispose of any deceased human body.

12 (5) Professional incompetence, gross negligence,
13 malpractice, or untrustworthiness in the practice of
14 funeral directing and embalming or funeral directing.

15 (6) (Blank).

16 (7) Engaging in, promoting, selling, or issuing burial
17 contracts, burial certificates, or burial insurance
18 policies in connection with the profession as a funeral
19 director and embalmer, funeral director, or funeral
20 director and embalmer intern in violation of any laws of
21 the State of Illinois.

22 (8) Refusing, without cause, to surrender the custody
23 of a deceased human body upon the proper request of the
24 person or persons lawfully entitled to the custody of the
25 body.

26 (9) Taking undue advantage of a client or clients as

1 to amount to the perpetration of fraud.

2 (10) (Blank). ~~Engaging in funeral directing and~~
3 ~~embalming or funeral directing without a license.~~

4 (11) Encouraging, requesting, or suggesting by a
5 licensee or some person working on his behalf and with his
6 consent for compensation that a person utilize the
7 services of a certain funeral director and embalmer,
8 funeral director, or funeral establishment unless that
9 information has been expressly requested by the person.
10 This does not prohibit general advertising or pre-need
11 solicitation.

12 (12) Making or causing to be made any false or
13 misleading statements about the laws concerning the
14 disposition of human remains, including, but not limited
15 to, the need to embalm, the need for a casket for cremation
16 or the need for an outer burial container.

17 (13) (Blank).

18 (14) Embalming or attempting to embalm a deceased
19 human body without express prior authorization of the
20 person responsible for making the funeral arrangements for
21 the body. This does not apply to cases where embalming is
22 directed by local authorities who have jurisdiction or
23 when embalming is required by State or local law. A
24 licensee may embalm without express prior authorization if
25 a good faith effort has been made to contact family
26 members and has been unsuccessful and the licensee has no

1 reason to believe the family opposes embalming.

2 (15) (Blank). ~~Making a false statement on a~~
3 ~~Certificate of Death where the person making the statement~~
4 ~~knew or should have known that the statement was false.~~

5 (16) Soliciting human bodies after death or while
6 death is imminent.

7 (17) Performing any act or practice that is a
8 violation of this Code, the rules for the administration
9 of this Code, or any federal, State or local laws, rules,
10 or regulations governing the practice of funeral directing
11 or embalming.

12 (18) Performing any act or practice that is a
13 violation of Section 2 of the Consumer Fraud and Deceptive
14 Business Practices Act.

15 (19) Engaging in dishonorable, unethical, or
16 unprofessional conduct of a character likely to deceive,
17 defraud or harm the public.

18 (20) Taking possession of a dead human body without
19 having first obtained express permission from the person
20 holding the right to control the disposition in accordance
21 with Section 5 of the Disposition of Remains Act or a
22 public agency legally authorized to direct, control or
23 permit the removal of deceased human bodies.

24 (21) Advertising in a false or misleading manner or
25 advertising using the name of an unlicensed person in
26 connection with any service being rendered in the practice

1 of funeral directing or funeral directing and embalming.
2 The use of any name of an unlicensed or unregistered
3 person in an advertisement so as to imply that the person
4 will perform services is considered misleading
5 advertising. Nothing in this paragraph shall prevent
6 including the name of any owner, officer or corporate
7 director of a funeral home, who is not a licensee, in any
8 advertisement used by a funeral home with which the
9 individual is affiliated, if the advertisement specifies
10 the individual's affiliation with the funeral home.

11 (22) Charging for professional services not rendered,
12 including filing false statements for the collection of
13 fees for which services are not rendered.

14 (23) Failing to account for or remit any monies,
15 documents, or personal property that belongs to others
16 that comes into a licensee's possession.

17 (24) Treating any person differently to his detriment
18 because of race, color, creed, gender, religion, or
19 national origin.

20 (25) Knowingly making any false statements, oral or
21 otherwise, of a character likely to influence, persuade or
22 induce others in the course of performing professional
23 services or activities.

24 (26) (Blank). ~~Willfully making or filing false records~~
25 ~~or reports in the practice of funeral directing and~~
26 ~~embalming, including, but not limited to, false records~~

1 ~~filed with State agencies or departments.~~

2 (27) Failing to acquire continuing education required
3 under this Code.

4 (28) (Blank).

5 (29) Aiding or assisting another person in violating
6 any provision of this Code or rules adopted pursuant to
7 this Code.

8 (30) Failing within 10 days, to provide information in
9 response to a written request made by the Department.

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

15 (32) (Blank).

16 (33) Mental illness or disability which results in the
17 inability to practice the profession with reasonable
18 judgment, skill, or safety.

19 (34) Gross, willful, or continued overcharging for
20 professional services, including filing false statements
21 for collection of fees for which services are not
22 rendered.

23 (35) Physical illness, including, but not limited to,
24 deterioration through the aging process or loss of motor
25 skill which results in a licensee's inability to practice
26 under this Code with reasonable judgment, skill, or

1 safety.

2 (36) Failing to comply with any of the following
3 required activities:

4 (A) When reasonably possible, a funeral director
5 licensee or funeral director and embalmer licensee or
6 anyone acting on his or her behalf shall obtain the
7 express authorization of the person or persons
8 responsible for making the funeral arrangements for a
9 deceased human body prior to removing a body from the
10 place of death or any place it may be or embalming or
11 attempting to embalm a deceased human body, unless
12 required by State or local law. This requirement is
13 waived whenever removal or embalming is directed by
14 local authorities who have jurisdiction. If the
15 responsibility for the handling of the remains
16 lawfully falls under the jurisdiction of a public
17 agency, then the regulations of the public agency
18 shall prevail.

19 (B) A licensee shall clearly mark the price of any
20 casket offered for sale or the price of any service
21 using the casket on or in the casket if the casket is
22 displayed at the funeral establishment. If the casket
23 is displayed at any other location, regardless of
24 whether the licensee is in control of that location,
25 the casket shall be clearly marked and the registrant
26 shall use books, catalogues, brochures, or other

1 printed display aids to show the price of each casket
2 or service.

3 (C) At the time funeral arrangements are made and
4 prior to rendering the funeral services, a licensee
5 shall furnish a written statement of services to be
6 retained by the person or persons making the funeral
7 arrangements, signed by both parties, that shall
8 contain: (i) the name, address and telephone number of
9 the funeral establishment and the date on which the
10 arrangements were made; (ii) the price of the service
11 selected and the services and merchandise included for
12 that price; (iii) a clear disclosure that the person
13 or persons making the arrangement may decline and
14 receive credit for any service or merchandise not
15 desired and not required by law or the funeral
16 director or the funeral director and embalmer; (iv)
17 the supplemental items of service and merchandise
18 requested and the price of each item; (v) the terms or
19 method of payment agreed upon; and (vi) a statement as
20 to any monetary advances made by the registrant on
21 behalf of the family. The licensee shall maintain a
22 copy of the written statement of services in its
23 permanent records. All written statements of services
24 are subject to inspection by the Department.

25 (D) In all instances where the place of final
26 disposition of a deceased human body or the cremated

1 remains of a deceased human body is a cemetery, the
2 licensed funeral director and embalmer, or licensed
3 funeral director, who has been engaged to provide
4 funeral or embalming services shall remain at the
5 cemetery and personally witness the placement of the
6 human remains in their designated grave or the sealing
7 of the above ground depository, crypt, or urn. The
8 licensed funeral director or licensed funeral director
9 and embalmer may designate a licensed funeral director
10 and embalmer intern or representative of the funeral
11 home to be his or her witness to the placement of the
12 remains. If the cemetery authority, cemetery manager,
13 or any other agent of the cemetery takes any action
14 that prevents compliance with this paragraph (D), then
15 the funeral director and embalmer or funeral director
16 shall provide written notice to the Department within
17 5 business days after failing to comply. If the
18 Department receives this notice, then the Department
19 shall not take any disciplinary action against the
20 funeral director and embalmer or funeral director for
21 a violation of this paragraph (D) unless the
22 Department finds that the cemetery authority, manager,
23 or any other agent of the cemetery did not prevent the
24 funeral director and embalmer or funeral director from
25 complying with this paragraph (D) as claimed in the
26 written notice.

1 (E) A funeral director or funeral director and
2 embalmer shall fully complete the portion of the
3 Certificate of Death under the responsibility of the
4 funeral director or funeral director and embalmer and
5 provide all required information. In the event that
6 any reported information subsequently changes or
7 proves incorrect, a funeral director or funeral
8 director and embalmer shall immediately upon learning
9 the correct information correct the Certificate of
10 Death.

11 (37) A finding by the Department that the licensee,
12 after having his or her license placed on probationary
13 status or subjected to conditions or restrictions,
14 violated the terms of the probation or failed to comply
15 with such terms or conditions.

16 (38) (Blank).

17 (39) Being named as a perpetrator in an indicated
18 report by the Department of Children and Family Services
19 pursuant to the Abused and Neglected Child Reporting Act
20 and, upon proof by clear and convincing evidence, being
21 found to have caused a child to be an abused child or
22 neglected child as defined in the Abused and Neglected
23 Child Reporting Act.

24 (40) Habitual or excessive use or abuse of drugs
25 defined in law as controlled substances, alcohol, or any
26 other substance which results in the inability to practice

1 with reasonable judgment, skill, or safety.

2 (41) Practicing under a false or, except as provided
3 by law, an assumed name.

4 (42) Cheating on or attempting to subvert the
5 licensing examination administered under this Code.

6 (c) The Department may refuse to issue or renew or may
7 suspend without a hearing, as provided for in the Department
8 of Professional Regulation Law of the Civil Administrative
9 Code of Illinois, the license of any person who fails to file a
10 return, to pay the tax, penalty or interest shown in a filed
11 return, or to pay any final assessment of tax, penalty or
12 interest as required by any tax Act administered by the
13 Illinois Department of Revenue, until the time as the
14 requirements of the tax Act are satisfied in accordance with
15 subsection (g) of Section 2105-15 of the Department of
16 Professional Regulation Law of the Civil Administrative Code
17 of Illinois.

18 (d) No action may be taken under this Code against a person
19 licensed under this Code unless the action is commenced within
20 5 years after the occurrence of the alleged violations. A
21 continuing violation shall be deemed to have occurred on the
22 date when the circumstances last existed that give rise to the
23 alleged violation.

24 (e) Nothing in this Section shall be construed or enforced
25 to give a funeral director and embalmer, or his or her
26 designees, authority over the operation of a cemetery or over

1 cemetery employees. Nothing in this Section shall be construed
2 or enforced to impose duties or penalties on cemeteries with
3 respect to the timing of the placement of human remains in
4 their designated grave or the sealing of the above ground
5 depository, crypt, or urn due to patron safety, the allocation
6 of cemetery staffing, liability insurance, a collective
7 bargaining agreement, or other such reasons.

8 (f) All fines imposed under this Section shall be paid 60
9 days after the effective date of the order imposing the fine.

10 (g) (Blank).

11 (h) In cases where the Department of Healthcare and Family
12 Services has previously determined a licensee or a potential
13 licensee is more than 30 days delinquent in the payment of
14 child support and has subsequently certified the delinquency
15 to the Department, the Department may refuse to issue or renew
16 or may revoke or suspend that person's license or may take
17 other disciplinary action against that person based solely
18 upon the certification of delinquency made by the Department
19 of Healthcare and Family Services in accordance with item (5)
20 of subsection (a) of Section 2105-15 of the Department of
21 Professional Regulation Law of the Civil Administrative Code
22 of Illinois.

23 (i) A person not licensed under this Code who is an owner
24 of a funeral establishment or funeral business shall not aid,
25 abet, assist, procure, advise, employ, or contract with any
26 unlicensed person to offer funeral services or aid, abet,

1 assist, or direct any licensed person contrary to or in
2 violation of any rules or provisions of this Code. A person
3 violating this subsection shall be treated as a licensee for
4 the purposes of disciplinary action under this Section and
5 shall be subject to cease and desist orders as provided in this
6 Code, the imposition of a fine up to \$10,000 for each violation
7 and any other penalty provided by law.

8 (j) The determination by a circuit court that a licensee
9 is subject to involuntary admission or judicial admission as
10 provided in the Mental Health and Developmental Disabilities
11 Code, as amended, operates as an automatic suspension. The
12 suspension may end only upon a finding by a court that the
13 licensee is no longer subject to the involuntary admission or
14 judicial admission and issues an order so finding and
15 discharging the licensee, and upon the recommendation of the
16 Board to the Secretary that the licensee be allowed to resume
17 his or her practice.

18 (k) In enforcing this Code, the Department, upon a showing
19 of a possible violation, may compel an individual licensed to
20 practice under this Code, or who has applied for licensure
21 under this Code, to submit to a mental or physical
22 examination, or both, as required by and at the expense of the
23 Department. The Department may order the examining physician
24 to present testimony concerning the mental or physical
25 examination of the licensee or applicant. No information shall
26 be excluded by reason of any common law or statutory privilege

1 relating to communications between the licensee or applicant
2 and the examining physician. The examining physician shall be
3 specifically designated by the Department. The individual to
4 be examined may have, at his or her own expense, another
5 physician of his or her choice present during all aspects of
6 this examination. The examination shall be performed by a
7 physician licensed to practice medicine in all its branches.
8 Failure of an individual to submit to a mental or physical
9 examination, when directed, shall result in an automatic
10 suspension without hearing.

11 A person holding a license under this Code or who has
12 applied for a license under this Code who, because of a
13 physical or mental illness or disability, including, but not
14 limited to, deterioration through the aging process or loss of
15 motor skill, is unable to practice the profession with
16 reasonable judgment, skill, or safety, may be required by the
17 Department to submit to care, counseling, or treatment by
18 physicians approved or designated by the Department as a
19 condition, term, or restriction for continued, reinstated, or
20 renewed licensure to practice. Submission to care, counseling,
21 or treatment as required by the Department shall not be
22 considered discipline of a license. If the licensee refuses to
23 enter into a care, counseling, or treatment agreement or fails
24 to abide by the terms of the agreement, the Department may file
25 a complaint to revoke, suspend, or otherwise discipline the
26 license of the individual. The Secretary may order the license

1 suspended immediately, pending a hearing by the Department.
2 Fines shall not be assessed in disciplinary actions involving
3 physical or mental illness or impairment.

4 In instances in which the Secretary immediately suspends a
5 person's license under this Section, a hearing on that
6 person's license must be convened by the Department within 15
7 days after the suspension and completed without appreciable
8 delay. The Department shall have the authority to review the
9 subject individual's record of treatment and counseling
10 regarding the impairment to the extent permitted by applicable
11 federal statutes and regulations safeguarding the
12 confidentiality of medical records.

13 An individual licensed under this Code and affected under
14 this Section shall be afforded an opportunity to demonstrate
15 to the Department that he or she can resume practice in
16 compliance with acceptable and prevailing standards under the
17 provisions of his or her license.

18 (Source: P.A. 102-881, eff. 1-1-23.)

19 Section 10. The Crematory Regulation Act is amended by
20 changing Sections 5 and 35 as follows:

21 (410 ILCS 18/5)

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

23 Sec. 5. Definitions. As used in this Act:

24 "Address of record" means the designated address recorded

1 by the Comptroller in the applicant's or licensee's
2 application file or license file. It is the duty of the
3 applicant or licensee to inform the Comptroller of any change
4 of address within 14 days, and such changes must be made either
5 through the Comptroller's website or by contacting the
6 Comptroller. The address of record shall be the permanent
7 street address of the crematory.

8 "Alternative container" means a receptacle, other than a
9 casket, in which human remains are transported to the
10 crematory and placed in the cremation chamber for cremation.
11 An alternative container shall be (i) composed of readily
12 combustible or consumable materials suitable for cremation,
13 (ii) able to be closed in order to provide a complete covering
14 for the human remains, (iii) resistant to leakage or spillage,
15 (iv) rigid enough for handling with ease, and (v) able to
16 provide protection for the health, safety, and personal
17 integrity of crematory personnel.

18 "Authorizing agent" means a person legally entitled to
19 order the cremation and final disposition of specific human
20 remains. "Authorizing agent" includes an institution of
21 medical, mortuary, or other sciences as provided in Section 20
22 of the Disposition of Remains of the Indigent Act.

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

1 that have been donated to science for medical research
2 purposes.

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

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

9 "Chain of custody record" means a record that establishes
10 the continuous control of the deceased's body, body parts, or
11 human remains.

12 "Comptroller" means the Comptroller of the State of
13 Illinois.

14 "Cremated remains" means all human remains recovered after
15 the completion of the cremation, which may possibly include
16 the residue of any foreign matter including casket material,
17 bridgework, or eyeglasses, that was cremated with the human
18 remains.

19 "Cremation" means the technical process, using heat and
20 flame, or alkaline hydrolysis that reduces human remains to
21 bone fragments. The reduction takes place through heat and
22 evaporation or through hydrolysis. Cremation shall include the
23 processing, and may include the pulverization, of the bone
24 fragments.

25 "Cremation chamber" means the enclosed space within which
26 the cremation takes place.

1 "Cremation interment container" means a rigid outer
2 container that, subject to a cemetery's rules and regulations,
3 is composed of concrete, steel, fiberglass, or some similar
4 material in which an urn is placed prior to being interred in
5 the ground, and which is designed to withstand prolonged
6 exposure to the elements and to support the earth above the
7 urn.

8 "Cremation room" means the room in which the cremation
9 chamber is located.

10 "Crematory" means the building or portion of a building
11 that houses the cremation room and the holding facility.

12 "Crematory authority" means the legal entity which is
13 licensed by the Comptroller to operate a crematory and to
14 perform cremations.

15 "Final disposition" means the burial, cremation, or other
16 disposition of a dead human body or parts of a dead human body.

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

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

26 "Holding facility" means an area that (i) is designated

1 for the retention of human remains prior to cremation, (ii)
2 complies with all applicable public health law, (iii)
3 preserves the health and safety of the crematory authority
4 personnel, and (iv) is secure from access by anyone other than
5 authorized persons. A holding facility may be located in a
6 cremation room.

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

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

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

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

23 "Processing" means the reduction of identifiable bone
24 fragments after the completion of the cremation process to
25 unidentifiable bone fragments by manual or mechanical means.

26 "Pulverization" means the reduction of identifiable bone

1 fragments after the completion of the cremation process to
2 granulated particles by manual or mechanical means.

3 "Scattering area" means an area which may be designated by
4 a cemetery and located on dedicated cemetery property or
5 property used for outdoor recreation or natural resource
6 conservation owned by the Department of Natural Resources and
7 designated as a scattering area, where cremated remains, which
8 have been removed from their container, can be mixed with, or
9 placed on top of, the soil or ground cover.

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

17 "Uniquely identified" means providing the deceased with
18 individualized identification.

19 "Urn" means a receptacle designed to encase the cremated
20 remains.

21 (Source: P.A. 100-97, eff. 1-1-18; 100-526, eff. 6-1-18;
22 100-863, eff. 8-14-18.)

23 (410 ILCS 18/35)

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

25 Sec. 35. Cremation procedures.

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

15 (b) Except as set forth in subsection (a) of this Section,
16 a crematory authority shall have the right to schedule the
17 actual cremation to be performed at its own convenience, at
18 any time after the human remains have been delivered to the
19 crematory authority, unless the crematory authority has
20 received specific instructions to the contrary on the
21 cremation authorization form.

22 (c) No crematory authority shall cremate human remains
23 when it has actual knowledge that human remains contain a
24 pacemaker or any other material or implant that may be
25 potentially hazardous to the person performing the cremation.

26 (d) No crematory authority shall refuse to accept human

1 remains for cremation because such human remains are not
2 embalmed.

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

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

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

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

1 the crematory authority from multiple sources, or the use of
2 cremation equipment that contains more than one cremation
3 chamber.

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

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

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

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

26 (m) A crematory authority shall not knowingly represent to

1 an authorizing agent or the agent's designee that a temporary
2 container or urn contains the cremated remains of a specific
3 decedent when it does not.

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

8 (o) A crematory authority shall maintain a chain of
9 custody record, which is an identification system that ensures
10 ~~shall ensure~~ that a crematory authority is ~~it shall be~~ able to
11 identify the human remains in its possession throughout all
12 phases of the cremation process.

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

20 (Source: P.A. 102-824, eff. 1-1-23; 103-253, eff. 6-30-23.)".