



Sen. Meg Loughran Cappel

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10300SB2146sam001

LRB103 28651 SPS 57442 a

1 AMENDMENT TO SENATE BILL 2146

2 AMENDMENT NO. _____. Amend Senate Bill 2146 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Regulatory Sunset Act is amended by
5 changing Sections 4.34 and 4.39 as follows:

6 (5 ILCS 80/4.34)

7 Sec. 4.34. Acts and Section repealed on January 1, 2024.
8 The following Acts and Section of an Act are repealed on
9 January 1, 2024:

10 ~~The Crematory Regulation Act.~~

11 The Electrologist Licensing Act.

12 The Illinois Certified Shorthand Reporters Act of
13 1984.

14 The Illinois Occupational Therapy Practice Act.

15 The Illinois Public Accounting Act.

16 The Private Detective, Private Alarm, Private

1 Security, Fingerprint Vendor, and Locksmith Act of 2004.

2 The Registered Surgical Assistant and Registered
3 Surgical Technologist Title Protection Act.

4 Section 2.5 of the Illinois Plumbing License Law.

5 The Veterinary Medicine and Surgery Practice Act of
6 2004.

7 (Source: P.A. 102-291, eff. 8-6-21.)

8 (5 ILCS 80/4.39)

9 Sec. 4.39. Acts repealed on January 1, 2029 and December
10 31, 2029.

11 (a) The following Acts are ~~Act is~~ repealed on January 1,
12 2029:

13 The Environmental Health Practitioner Licensing Act.

14 The Crematory Regulation Act.

15 (b) The following Act is repealed on December 31, 2029:

16 The Structural Pest Control Act.

17 (Source: P.A. 100-716, eff. 8-3-18; 100-796, eff. 8-10-18;
18 101-81, eff. 7-12-19.)

19 Section 10. The Crematory Regulation Act is amended by
20 changing Sections 10, 20, 22, and 35 as follows:

21 (410 ILCS 18/10)

22 (Section scheduled to be repealed on January 1, 2024)

23 Sec. 10. Establishment of crematory and licensing of

1 crematory authority.

2 (a) Any person doing business in this State, or any
3 cemetery, funeral establishment, corporation, partnership,
4 joint venture, voluntary organization or any other entity, may
5 erect, maintain, and operate a crematory in this State and
6 provide the necessary appliances and facilities for the
7 cremation of human remains in accordance with this Act.

8 (b) A crematory shall be subject to all local, State, and
9 federal health and environmental protection requirements and
10 shall obtain all necessary licenses and permits from the
11 Department of Financial and Professional Regulation, the
12 Department of Public Health, the federal Department of Health
13 and Human Services, and the Illinois and federal Environmental
14 Protection Agencies, or such other appropriate local, State,
15 or federal agencies.

16 (c) A crematory may be constructed on or adjacent to any
17 cemetery, on or adjacent to any funeral establishment, or at
18 any other location consistent with local zoning regulations.

19 (d) An application for licensure as a crematory authority
20 shall be in writing on forms furnished by the Comptroller.
21 Applications shall be accompanied by a fee of \$100 ~~\$50~~ and
22 shall contain all of the following:

23 (1) The full name and address, both residence and
24 business, of the applicant if the applicant is an
25 individual; the full name and address of every member if
26 the applicant is a partnership; the full name and address

1 of every member of the board of directors if the applicant
2 is an association; and the name and address of every
3 officer, director, and shareholder holding more than 25%
4 of the corporate stock if the applicant is a corporation.

5 (2) The address and location of the crematory.

6 (3) A description of the type of structure and
7 equipment to be used in the operation of the crematory,
8 including the operating permit number issued to the
9 cremation device by the Illinois Environmental Protection
10 Agency.

11 (4) Any further information that the Comptroller
12 reasonably may require.

13 (e) Each crematory authority shall file an annual report
14 with the Comptroller, accompanied with a \$25 fee plus a \$5 fee
15 for each cremation performed that calendar year, providing (i)
16 an affidavit signed by the owner of the crematory authority
17 that at the time of the report the cremation device was in
18 proper operating condition, (ii) the total number of all
19 cremations performed at the crematory during the past year,
20 (iii) attestation by the licensee that all applicable permits
21 and certifications are valid, (iv) either (A) any changes
22 required in the information provided under subsection (d) or
23 (B) an indication that no changes have occurred, and (v) any
24 other information that the Comptroller may require. The annual
25 report shall be filed by a crematory authority on or before
26 March 15 of each calendar year. If the fiscal year of a

1 crematory authority is other than on a calendar year basis,
2 then the crematory authority shall file the report required by
3 this Section within 75 days after the end of its fiscal year.
4 If a crematory authority fails to submit an annual report to
5 the Comptroller within the time specified in this Section, the
6 Comptroller shall impose upon the crematory authority a
7 penalty of \$5 for each and every day the crematory authority
8 remains delinquent in submitting the annual report. The
9 Comptroller may abate all or part of the \$5 daily penalty for
10 good cause shown. The \$25 annual report fee shall be deposited
11 in the Comptroller's Administrative Fund. The \$5 fee for each
12 cremation performed that calendar year shall be deposited into
13 the Cemetery Consumer Protection Fund.

14 (f) All records required to be maintained under this Act,
15 including but not limited to those relating to the license and
16 annual report of the crematory authority required to be filed
17 under this Section, shall be subject to inspection by the
18 Comptroller upon reasonable notice.

19 (g) The Comptroller may inspect crematory records at the
20 crematory authority's place of business to review the
21 licensee's compliance with this Act. The Comptroller may
22 charge a \$100 fee for the inspection of the licensee. The
23 inspection must include verification that:

24 (1) the crematory authority has complied with
25 record-keeping requirements of this Act;

26 (2) a crematory device operator's certification of

1 training and the required continuing education
2 certification are ~~is~~ conspicuously displayed at the
3 crematory;

4 (3) the cremation device has a current operating
5 permit issued by the Illinois Environmental Protection
6 Agency and the permit is conspicuously displayed in the
7 crematory;

8 (4) the crematory authority is in compliance with
9 local zoning requirements;

10 (5) the crematory authority license issued by the
11 Comptroller is conspicuously displayed at the crematory;
12 and

13 (6) other details as determined by rule.

14 (h) The Comptroller shall issue licenses under this Act to
15 the crematories that are registered with the Comptroller as of
16 on March 1, 2012 without requiring the previously registered
17 crematories to complete license applications.

18 (i) Every license issued under this Act shall be renewed
19 every 5 years for a renewal fee of \$100 to be sent to the
20 Comptroller. The renewal fee shall be deposited into the
21 Comptroller's Administrative Fund. The Comptroller, upon the
22 request of an interested person, or on his or her own motion,
23 may issue new licenses to a licensee whose license or licenses
24 have been revoked, if no factor or condition exists that would
25 have warranted the Comptroller to refuse the issuance of the
26 license.

1 (Source: P.A. 97-679, eff. 2-6-12; 97-813, eff. 7-13-12;
2 98-463, eff. 8-16-13.)

3 (410 ILCS 18/22)

4 (Section scheduled to be repealed on January 1, 2024)

5 Sec. 22. Performance of cremation service; training. A
6 person may not perform a cremation service in this State
7 unless he or she has completed training in performing
8 cremation services and received certification by a program
9 recognized by the Comptroller. The crematory authority must
10 conspicuously display the certification at the crematory
11 authority's place of business. Any new employee shall have a
12 reasonable time period, not to exceed one year, to attend a
13 recognized training program. In the interim, the new employee
14 may perform a cremation service if he or she has received
15 training from another person who has received certification by
16 a program recognized by the Comptroller and is under the
17 supervision of the trained person. Each person performing a
18 cremation service shall complete a continuing education
19 cremation course at least 2 hours in length from a provider
20 recognized by the Comptroller every 5 years. For purposes of
21 this Act, the Comptroller may recognize any training program
22 that provides training in the operation of a cremation device,
23 in the maintenance of a clean facility, and in the proper
24 handling of human remains. The Comptroller may recognize any
25 course that is conducted by a death care trade association in

1 Illinois or the United States or by a manufacturer of a
2 cremation unit that is consistent with the standards provided
3 in this Act or as otherwise determined by rule.

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

5 (410 ILCS 18/35)

6 (Section scheduled to be repealed on January 1, 2024)

7 Sec. 35. Cremation procedures.

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

22 (b) Except as set forth in subsection (a) of this Section,
23 a crematory authority shall have the right to schedule the
24 actual cremation to be performed at its own convenience, at
25 any time after the human remains have been delivered to the

1 crematory authority, unless the crematory authority has
2 received specific instructions to the contrary on the
3 cremation authorization form.

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

8 (d) No crematory authority shall refuse to accept human
9 remains for cremation because such human remains are not
10 embalmed.

11 (e) Whenever a crematory authority is unable or
12 unauthorized to cremate human remains immediately upon taking
13 custody of the remains, the crematory authority shall place
14 the human remains in a holding facility in accordance with the
15 crematory authority's rules and regulations. The crematory
16 authority must notify the authorizing agent of the reasons for
17 delay in cremation if a properly authorized cremation is not
18 performed within any time period expressly contemplated in the
19 authorization.

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

23 (g) The casket or the alternative container shall be
24 cremated with the human remains or destroyed, unless the
25 crematory authority has notified the authorizing agent to the
26 contrary on the cremation authorization form and obtained the

1 written consent of the authorizing agent.

2 (h) The simultaneous cremation of the human remains of
3 more than one person within the same cremation chamber,
4 without the prior written consent of the authorizing agent, is
5 prohibited except for common cremation pursuant to Section
6 11.4 of the Hospital Licensing Act. Nothing in this
7 subsection, however, shall prevent the simultaneous cremation
8 within the same cremation chamber of body parts delivered to
9 the crematory authority from multiple sources, or the use of
10 cremation equipment that contains more than one cremation
11 chamber.

12 (i) No unauthorized person shall be permitted in the
13 holding facility or cremation room while any human remains are
14 being held there awaiting cremation, being cremated, or being
15 removed from the cremation chamber.

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

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

1 (l) If all of the recovered cremated remains will not fit
2 within the receptacle that has been selected, the remainder of
3 the cremated remains shall be returned to the authorizing
4 agent or the agent's designee in a separate container. The
5 crematory authority shall not return to an authorizing agent
6 or the agent's designee more or less cremated remains than
7 were removed from the cremation chamber.

8 (m) A crematory authority shall not knowingly represent to
9 an authorizing agent or the agent's designee that a temporary
10 container or urn contains the cremated remains of a specific
11 decedent when it does not.

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

16 (o) A crematory authority shall maintain an identification
17 system that shall ensure that it shall be able to identify the
18 human remains in its possession throughout all phases of the
19 cremation process.

20 (p) A crematory authority that is unable to cremate
21 unembalmed human remains within 24 hours of taking custody of
22 the human remains must provide or maintain an operable
23 refrigeration unit with cleanable, noncorrosive interior and
24 exterior finishes. The unit must be capable of maintaining a
25 temperature of less than 40 degrees Fahrenheit and of holding
26 at least 3 bodies.

1 (Source: P.A. 102-824, eff. 1-1-23.)

2 Section 15. The Illinois Pre-Need Cemetery Sales Act is
3 amended by changing Section 22 as follows:

4 (815 ILCS 390/22) (from Ch. 21, par. 222)

5 Sec. 22. Cemetery Consumer Protection Fund.

6 (a) Every seller engaging in pre-need sales shall pay to
7 the Comptroller \$5 for each said contract entered into, to be
8 paid into a special income earning fund hereby created in the
9 State Treasury, known as the Cemetery Consumer Protection
10 Fund. The above said fees shall be remitted to the Comptroller
11 semi-annually within 30 days after the end of June and
12 December for all contracts that have been entered in such 6
13 month period.

14 (b) All monies paid into the fund together with all
15 accumulated undistributed income thereon shall be held as a
16 special fund in the State Treasury. The fund shall be used
17 solely for the purpose of providing restitution to consumers
18 who have suffered pecuniary loss arising out of pre-need
19 sales, to help pay expenses of cemeteries or mausoleums in
20 court-ordered receivership, ~~or~~ to satisfy Receiver's fees, or
21 to administer the Comptroller's program for the purpose of
22 cleaning up abandoned or neglected cemeteries located in
23 Illinois.

24 (c) Restitution or reimbursement for pre-need merchandise

1 or services shall not exceed the reasonable average regional
2 cost of the contracted merchandise at current prices.

3 (d) Whenever restitution is paid by the fund, the fund
4 shall be subrogated to the amount of such restitution, and the
5 Comptroller shall request the Attorney General to engage in
6 all reasonable post judgment collection steps to collect said
7 restitution from the judgment debtor and reimburse the fund.

8 (e) (Blank).

9 (f) The fund may not be allocated for any purpose other
10 than that specified in this Act.

11 (g) Notwithstanding any other provision of this Section,
12 the payment of restitution from the fund shall be a matter of
13 grace and not of right and no purchaser shall have any vested
14 rights in the fund as a beneficiary or otherwise. Prior to
15 seeking restitution from the fund, a purchaser or beneficiary
16 seeking payment of restitution shall apply for restitution on
17 a form provided by the Comptroller. The form shall include any
18 information the Comptroller may reasonably require in order
19 for the Comptroller to determine that restitution or
20 reimbursement for cemetery merchandise or services is
21 appropriate.

22 (h) Annually, the status of the fund shall be reviewed by
23 the Comptroller, and if she or he determines that the fund
24 together with all accumulated income earned thereon, equals or
25 exceeds \$10,000,000 and that the total number of outstanding
26 claims filed against the fund is less than 10% of the fund's

1 current balance, then payments to the fund pursuant to
2 subsection (a) of this Section shall be suspended until such
3 time as the fund's balance drops below \$10,000,000 or the
4 total number of outstanding claims filed against the fund is
5 more than 10% of the fund's current balance, but on such
6 suspension, the fund shall not be considered inactive.
7 (Source: P.A. 101-34, eff. 6-28-19.)

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.".