

1 AN ACT concerning health.

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

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8 (Section scheduled to be repealed on January 1, 2028)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  
17 Administrative Procedure Act.

18 "Board" means the Funeral Directors and Embalmers  
19 Licensing and Disciplinary Board.

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

22 "Chain of custody record" means a record that establishes  
23 the continuous control of a uniquely identified body, body

1 parts, or human remains.

2 "Department" means the Department of Financial and  
3 Professional Regulation.

4 "Email address of record" means the designated email  
5 address recorded by the Department in the applicant's  
6 application file or the licensee's license file as maintained  
7 by the Department's licensure maintenance unit.

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

17 "Funeral director and embalmer intern" means a person  
18 licensed by the Department who is qualified to render  
19 assistance to a funeral director and embalmer in carrying out  
20 the practice of funeral directing and embalming under the  
21 supervision of the funeral director and embalmer.

22 "Embalming" means the process of sanitizing and chemically  
23 treating a deceased human body in order to reduce the presence  
24 and growth of microorganisms, to retard organic decomposition,  
25 to render the remains safe to handle while retaining  
26 naturalness of tissue, and to restore an acceptable physical

1 appearance for funeral viewing purposes.

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

5 "Funeral establishment", "funeral chapel", "funeral home",  
6 or "mortuary" means a building or separate portion of a  
7 building having a specific street address or location and  
8 devoted to activities relating to the shelter, care, custody  
9 and preparation of a deceased human body and which may contain  
10 facilities for funeral or wake services.

11 "Licensee" means a person licensed under this Code as a  
12 funeral director, funeral director and embalmer, or funeral  
13 director and embalmer intern. Anyone who holds himself or  
14 herself out as a licensee or who is accused of unlicensed  
15 practice is considered a licensee for purposes of enforcement,  
16 investigation, hearings, and the Illinois Administrative  
17 Procedure Act.

18 "Owner" means the individual, partnership, corporation,  
19 limited liability company, association, trust, estate, or  
20 agent thereof, or other person or combination of persons who  
21 owns a funeral establishment or funeral business.

22 "Person" means any individual, partnership, association,  
23 firm, corporation, limited liability company, trust or estate,  
24 or other entity. "Person" includes both natural persons and  
25 legal entities.

26 "Secretary" means the Secretary of Financial and

1 Professional Regulation.

2 "Uniquely identified" means providing the deceased with  
3 individualized identification.

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

5 (225 ILCS 41/10-25)

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

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

21 Whenever the Secretary is not satisfied that substantial  
22 justice has been done in an examination, the Secretary may  
23 order a reexamination.

24 If an applicant neglects, fails without an approved excuse  
25 or refuses to take the next available examination offered for

1 licensure under this Code, the fee paid by the applicant shall  
2 be forfeited to the Department and the application denied. If  
3 an applicant fails to pass an examination for licensure under  
4 this Code within 3 years after filing an application, the  
5 application shall be denied. However, the applicant may  
6 thereafter make a new application for examination which shall  
7 be accompanied by the required fee.

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

9 (225 ILCS 41/15-15)

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

11 Sec. 15-15. Complaints; investigations; hearings. The  
12 Department may investigate the actions of any applicant or of  
13 any person or persons rendering or offering to render services  
14 or any person holding or claiming to hold a license under this  
15 Code. When the Department receives a complaint against a  
16 licensee regarding violations of this Act, the Department  
17 shall inspect the premises of the licensee. When the  
18 Department receives a complaint against a licensee relating to  
19 the mishandling of human remains or the misidentification of  
20 human remains, the Department shall inspect the premises named  
21 in the complaint within 10 business days after receipt of the  
22 complaint.

23 The Department shall, before refusing to issue or renew a  
24 license or seeking to discipline a licensee under Section  
25 15-75, at least 30 days before the date set for the hearing,

1 (i) notify the accused in writing of the charges made and the  
2 time and place for the hearing on the charges, (ii) direct him  
3 or her to file a written answer to the charges under oath  
4 within 20 days after service, and (iii) inform the applicant  
5 or licensee that failure to answer shall result in a default  
6 being entered against the applicant or licensee.

7 At the time and place fixed in the notice, the Board or the  
8 hearing officer appointed by the Secretary shall proceed to  
9 hear the charges and the parties or their counsel shall be  
10 accorded ample opportunity to present any pertinent  
11 statements, testimony, evidence, and arguments. The Board or  
12 hearing officer may continue the hearing from time to time. In  
13 case the person, after receiving the notice, fails to file an  
14 answer, his or her license may, in the discretion of the  
15 Secretary be suspended, revoked, or placed on probationary  
16 status, or be subject to whatever disciplinary action the  
17 Secretary considers proper, including limiting the scope,  
18 nature, or extent of the person's practice or the imposition  
19 of a fine, without a hearing, if the act or acts charged  
20 constitute sufficient grounds for that action under this Code.  
21 The written notice and any notice in the subsequent proceeding  
22 may be served by regular mail or email to the licensee's  
23 address of record.

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

25 (225 ILCS 41/15-56 new)

1       Sec. 15-56. Chain of custody record. The Department shall  
2       require a funeral establishment to maintain an identification  
3       system that ensures that a funeral establishment is able to  
4       identify the human remains in its possession through final  
5       disposition.

6           (225 ILCS 41/15-75)

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

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

9           (a) (Blank).

10       (a-5) Violations of this Code shall be punishable as  
11       follows:

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

14           (2) Intentionally or knowingly making or filing false  
15       records or reports in the practice of funeral directing  
16       and embalming, including, but not limited to, false  
17       records filed with State agencies or departments is a  
18       Class 4 felony.

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

22           (4) Intentionally or knowingly violating the  
23       preparation rooms procedures and rules outlined in Section  
24       15-55 is a Class 4 felony.

25           (5) Engaging in funeral directing or embalming without

1 a license is a Class A misdemeanor.

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

9 (1) Fraud or any misrepresentation in applying for or  
10 procuring a license under this Code or in connection with  
11 applying for renewal of a license under this Code.

12 (2) For licenses, conviction by plea of guilty or nolo  
13 contendere, finding of guilt, jury verdict, or entry of  
14 judgment or by sentencing of any crime, including, but not  
15 limited to, convictions, preceding sentences of  
16 supervision, conditional discharge, or first offender  
17 probation, under the laws of any jurisdiction of the  
18 United States: (i) that is a felony or (ii) that is a  
19 misdemeanor, an essential element of which is dishonesty,  
20 or that is directly related to the practice of the  
21 profession and, for initial applicants, convictions set  
22 forth in Section 15-72 of this Code Act.

23 (3) (Blank). ~~Violation of the laws of this State~~  
24 ~~relating to the funeral, burial or disposition of deceased~~  
25 ~~human bodies or of the rules and regulations of the~~  
26 ~~Department, or the Department of Public Health.~~



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

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

8 (6) (Blank).

9 (7) Engaging in, promoting, selling, or issuing burial  
10 contracts, burial certificates, or burial insurance  
11 policies in connection with the profession as a funeral  
12 director and embalmer, funeral director, or funeral  
13 director and embalmer intern in violation of any laws of  
14 the State of Illinois.

15 (8) Refusing, without cause, to surrender the custody  
16 of a deceased human body upon the proper request of the  
17 person or persons lawfully entitled to the custody of the  
18 body.

19 (9) Taking undue advantage of a client or clients as  
20 to amount to the perpetration of fraud.

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

23 (11) Encouraging, requesting, or suggesting by a  
24 licensee or some person working on his behalf and with his  
25 consent for compensation that a person utilize the  
26 services of a certain funeral director and embalmer,

1 funeral director, or funeral establishment unless that  
2 information has been expressly requested by the person.  
3 This does not prohibit general advertising or pre-need  
4 solicitation.

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

10 (13) (Blank).

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

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

24 (16) Soliciting human bodies after death or while  
25 death is imminent.

26 (17) Performing any act or practice that is a

1 violation of this Code, the rules for the administration  
2 of this Code, or any federal, State or local laws, rules,  
3 or regulations governing the practice of funeral directing  
4 or embalming.

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

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

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

17 (21) Advertising in a false or misleading manner or  
18 advertising using the name of an unlicensed person in  
19 connection with any service being rendered in the practice  
20 of funeral directing or funeral directing and embalming.  
21 The use of any name of an unlicensed or unregistered  
22 person in an advertisement so as to imply that the person  
23 will perform services is considered misleading  
24 advertising. Nothing in this paragraph shall prevent  
25 including the name of any owner, officer or corporate  
26 director of a funeral home, who is not a licensee, in any

1 advertisement used by a funeral home with which the  
2 individual is affiliated, if the advertisement specifies  
3 the individual's affiliation with the funeral home.

4 (22) Charging for professional services not rendered,  
5 including filing false statements for the collection of  
6 fees for which services are not rendered.

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

10 (24) Treating any person differently to his detriment  
11 because of race, color, creed, gender, religion, or  
12 national origin.

13 (25) Knowingly making any false statements, oral or  
14 otherwise, of a character likely to influence, persuade or  
15 induce others in the course of performing professional  
16 services or activities.

17 (26) (Blank). ~~Willfully making or filing false records~~  
18 ~~or reports in the practice of funeral directing and~~  
19 ~~embalming, including, but not limited to, false records~~  
20 ~~filed with State agencies or departments.~~

21 (27) Failing to acquire continuing education required  
22 under this Code.

23 (28) (Blank).

24 (29) Aiding or assisting another person in violating  
25 any provision of this Code or rules adopted pursuant to  
26 this Code.

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

3           (31) Discipline by another state, District of  
4 Columbia, territory, foreign nation, or governmental  
5 agency, if at least one of the grounds for the discipline  
6 is the same or substantially equivalent to those set forth  
7 in this Section.

8           (32) (Blank).

9           (33) Mental illness or disability which results in the  
10 inability to practice the profession with reasonable  
11 judgment, skill, or safety.

12           (34) Gross, willful, or continued overcharging for  
13 professional services, including filing false statements  
14 for collection of fees for which services are not  
15 rendered.

16           (35) Physical illness, including, but not limited to,  
17 deterioration through the aging process or loss of motor  
18 skill which results in a licensee's inability to practice  
19 under this Code with reasonable judgment, skill, or  
20 safety.

21           (36) Failing to comply with any of the following  
22 required activities:

23           (A) When reasonably possible, a funeral director  
24 licensee or funeral director and embalmer licensee or  
25 anyone acting on his or her behalf shall obtain the  
26 express authorization of the person or persons

1 responsible for making the funeral arrangements for a  
2 deceased human body prior to removing a body from the  
3 place of death or any place it may be or embalming or  
4 attempting to embalm a deceased human body, unless  
5 required by State or local law. This requirement is  
6 waived whenever removal or embalming is directed by  
7 local authorities who have jurisdiction. If the  
8 responsibility for the handling of the remains  
9 lawfully falls under the jurisdiction of a public  
10 agency, then the regulations of the public agency  
11 shall prevail.

12 (B) A licensee shall clearly mark the price of any  
13 casket offered for sale or the price of any service  
14 using the casket on or in the casket if the casket is  
15 displayed at the funeral establishment. If the casket  
16 is displayed at any other location, regardless of  
17 whether the licensee is in control of that location,  
18 the casket shall be clearly marked and the registrant  
19 shall use books, catalogues, brochures, or other  
20 printed display aids to show the price of each casket  
21 or service.

22 (C) At the time funeral arrangements are made and  
23 prior to rendering the funeral services, a licensee  
24 shall furnish a written statement of services to be  
25 retained by the person or persons making the funeral  
26 arrangements, signed by both parties, that shall

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

18 (D) In all instances where the place of final  
19 disposition of a deceased human body or the cremated  
20 remains of a deceased human body is a cemetery, the  
21 licensed funeral director and embalmer, or licensed  
22 funeral director, who has been engaged to provide  
23 funeral or embalming services shall remain at the  
24 cemetery and personally witness the placement of the  
25 human remains in their designated grave or the sealing  
26 of the above ground depository, crypt, or urn. The

1 licensed funeral director or licensed funeral director  
2 and embalmer may designate a licensed funeral director  
3 and embalmer intern or representative of the funeral  
4 home to be his or her witness to the placement of the  
5 remains. If the cemetery authority, cemetery manager,  
6 or any other agent of the cemetery takes any action  
7 that prevents compliance with this paragraph (D), then  
8 the funeral director and embalmer or funeral director  
9 shall provide written notice to the Department within  
10 5 business days after failing to comply. If the  
11 Department receives this notice, then the Department  
12 shall not take any disciplinary action against the  
13 funeral director and embalmer or funeral director for  
14 a violation of this paragraph (D) unless the  
15 Department finds that the cemetery authority, manager,  
16 or any other agent of the cemetery did not prevent the  
17 funeral director and embalmer or funeral director from  
18 complying with this paragraph (D) as claimed in the  
19 written notice.

20 (E) A funeral director or funeral director and  
21 embalmer shall fully complete the portion of the  
22 Certificate of Death under the responsibility of the  
23 funeral director or funeral director and embalmer and  
24 provide all required information. In the event that  
25 any reported information subsequently changes or  
26 proves incorrect, a funeral director or funeral



1 director and embalmer shall immediately upon learning  
2 the correct information correct the Certificate of  
3 Death.

4 (37) A finding by the Department that the licensee,  
5 after having his or her license placed on probationary  
6 status or subjected to conditions or restrictions,  
7 violated the terms of the probation or failed to comply  
8 with such terms or conditions.

9 (38) (Blank).

10 (39) Being named as a perpetrator in an indicated  
11 report by the Department of Children and Family Services  
12 pursuant to the Abused and Neglected Child Reporting Act  
13 and, upon proof by clear and convincing evidence, being  
14 found to have caused a child to be an abused child or  
15 neglected child as defined in the Abused and Neglected  
16 Child Reporting Act.

17 (40) Habitual or excessive use or abuse of drugs  
18 defined in law as controlled substances, alcohol, or any  
19 other substance which results in the inability to practice  
20 with reasonable judgment, skill, or safety.

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

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

25 (c) The Department may refuse to issue or renew or may  
26 suspend without a hearing, as provided for in the Department

1 of Professional Regulation Law of the Civil Administrative  
2 Code of Illinois, the license of any person who fails to file a  
3 return, to pay the tax, penalty or interest shown in a filed  
4 return, or to pay any final assessment of tax, penalty or  
5 interest as required by any tax Act administered by the  
6 Illinois Department of Revenue, until the time as the  
7 requirements of the tax Act are satisfied in accordance with  
8 subsection (g) of Section 2105-15 of the Department of  
9 Professional Regulation Law of the Civil Administrative Code  
10 of Illinois.

11 (d) No action may be taken under this Code against a person  
12 licensed under this Code unless the action is commenced within  
13 5 years after the occurrence of the alleged violations. A  
14 continuing violation shall be deemed to have occurred on the  
15 date when the circumstances last existed that give rise to the  
16 alleged violation.

17 (e) Nothing in this Section shall be construed or enforced  
18 to give a funeral director and embalmer, or his or her  
19 designees, authority over the operation of a cemetery or over  
20 cemetery employees. Nothing in this Section shall be construed  
21 or enforced to impose duties or penalties on cemeteries with  
22 respect to the timing of the placement of human remains in  
23 their designated grave or the sealing of the above ground  
24 depository, crypt, or urn due to patron safety, the allocation  
25 of cemetery staffing, liability insurance, a collective  
26 bargaining agreement, or other such reasons.

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

3 (g) (Blank).

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

16 (i) A person not licensed under this Code who is an owner  
17 of a funeral establishment or funeral business shall not aid,  
18 abet, assist, procure, advise, employ, or contract with any  
19 unlicensed person to offer funeral services or aid, abet,  
20 assist, or direct any licensed person contrary to or in  
21 violation of any rules or provisions of this Code. A person  
22 violating this subsection shall be treated as a licensee for  
23 the purposes of disciplinary action under this Section and  
24 shall be subject to cease and desist orders as provided in this  
25 Code, the imposition of a fine up to \$10,000 for each violation  
26 and any other penalty provided by law.

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

11           (k) In enforcing this Code, the Department, upon a showing  
12 of a possible violation, may compel an individual licensed to  
13 practice under this Code, or who has applied for licensure  
14 under this Code, to submit to a mental or physical  
15 examination, or both, as required by and at the expense of the  
16 Department. The Department may order the examining physician  
17 to present testimony concerning the mental or physical  
18 examination of the licensee or applicant. No information shall  
19 be excluded by reason of any common law or statutory privilege  
20 relating to communications between the licensee or applicant  
21 and the examining physician. The examining physician shall be  
22 specifically designated by the Department. The individual to  
23 be examined may have, at his or her own expense, another  
24 physician of his or her choice present during all aspects of  
25 this examination. The examination shall be performed by a  
26 physician licensed to practice medicine in all its branches.

1 Failure of an individual to submit to a mental or physical  
2 examination, when directed, shall result in an automatic  
3 suspension without hearing.

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

23 In instances in which the Secretary immediately suspends a  
24 person's license under this Section, a hearing on that  
25 person's license must be convened by the Department within 15  
26 days after the suspension and completed without appreciable

1 delay. The Department shall have the authority to review the  
2 subject individual's record of treatment and counseling  
3 regarding the impairment to the extent permitted by applicable  
4 federal statutes and regulations safeguarding the  
5 confidentiality of medical records.

6 An individual licensed under this Code and affected under  
7 this Section shall be afforded an opportunity to demonstrate  
8 to the Department that he or she can resume practice in  
9 compliance with acceptable and prevailing standards under the  
10 provisions of his or her license.

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

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

14 (410 ILCS 18/5)

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

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

17 "Address of record" means the designated address recorded  
18 by the Comptroller in the applicant's or licensee's  
19 application file or license file. It is the duty of the  
20 applicant or licensee to inform the Comptroller of any change  
21 of address within 14 days, and such changes must be made either  
22 through the Comptroller's website or by contacting the  
23 Comptroller. The address of record shall be the permanent  
24 street address of the crematory.

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

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

16 "Body parts" means limbs or other portions of the anatomy  
17 that are removed from a person or human remains for medical  
18 purposes during treatment, surgery, biopsy, autopsy, or  
19 medical research; or human bodies or any portion of bodies  
20 that have been donated to science for medical research  
21 purposes.

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

24 "Casket" means a rigid container that is designed for the  
25 encasement of human remains, is usually constructed of wood,  
26 metal, or like material and ornamented and lined with fabric,

1 and may or may not be combustible.

2 "Chain of custody record" means a record that establishes  
3 the continuous control of the deceased's body, body parts, or  
4 human remains.

5 "Comptroller" means the Comptroller of the State of  
6 Illinois.

7 "Cremated remains" means all human remains recovered after  
8 the completion of the cremation, which may possibly include  
9 the residue of any foreign matter including casket material,  
10 bridgework, or eyeglasses, that was cremated with the human  
11 remains.

12 "Cremation" means the technical process, using heat and  
13 flame, or alkaline hydrolysis that reduces human remains to  
14 bone fragments. The reduction takes place through heat and  
15 evaporation or through hydrolysis. Cremation shall include the  
16 processing, and may include the pulverization, of the bone  
17 fragments.

18 "Cremation chamber" means the enclosed space within which  
19 the cremation takes place.

20 "Cremation interment container" means a rigid outer  
21 container that, subject to a cemetery's rules and regulations,  
22 is composed of concrete, steel, fiberglass, or some similar  
23 material in which an urn is placed prior to being interred in  
24 the ground, and which is designed to withstand prolonged  
25 exposure to the elements and to support the earth above the  
26 urn.



1 "Cremation room" means the room in which the cremation  
2 chamber is located.

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

5 "Crematory authority" means the legal entity which is  
6 licensed by the Comptroller to operate a crematory and to  
7 perform cremations.

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

10 "Funeral director" means a person known by the title of  
11 "funeral director", "funeral director and embalmer", or other  
12 similar words or titles, licensed by the State to practice  
13 funeral directing or funeral directing and embalming.

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

19 "Holding facility" means an area that (i) is designated  
20 for the retention of human remains prior to cremation, (ii)  
21 complies with all applicable public health law, (iii)  
22 preserves the health and safety of the crematory authority  
23 personnel, and (iv) is secure from access by anyone other than  
24 authorized persons. A holding facility may be located in a  
25 cremation room.

26 "Human remains" means the body of a deceased person,

1 including any form of body prosthesis that has been  
2 permanently attached or implanted in the body.

3 "Licensee" means an entity licensed under this Act. An  
4 entity that holds itself as a licensee or that is accused of  
5 unlicensed practice is considered a licensee for purposes of  
6 enforcement, investigation, hearings, and the Illinois  
7 Administrative Procedure Act.

8 "Niche" means a compartment or cubicle for the  
9 memorialization and permanent placement of an urn containing  
10 cremated remains.

11 "Person" means any person, partnership, association,  
12 corporation, limited liability company, or other entity, and  
13 in the case of any such business organization, its officers,  
14 partners, members, or shareholders possessing 25% or more of  
15 ownership of the entity.

16 "Processing" means the reduction of identifiable bone  
17 fragments after the completion of the cremation process to  
18 unidentifiable bone fragments by manual or mechanical means.

19 "Pulverization" means the reduction of identifiable bone  
20 fragments after the completion of the cremation process to  
21 granulated particles by manual or mechanical means.

22 "Scattering area" means an area which may be designated by  
23 a cemetery and located on dedicated cemetery property or  
24 property used for outdoor recreation or natural resource  
25 conservation owned by the Department of Natural Resources and  
26 designated as a scattering area, where cremated remains, which

1 have been removed from their container, can be mixed with, or  
2 placed on top of, the soil or ground cover.

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

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

12 "Urn" means a receptacle designed to encase the cremated  
13 remains.

14 (Source: P.A. 100-97, eff. 1-1-18; 100-526, eff. 6-1-18;  
15 100-863, eff. 8-14-18.)

16 (410 ILCS 18/35)

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

18 Sec. 35. Cremation procedures.

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

1 form, executed by an authorizing agent, in accordance with the  
2 provisions of Section 15 of this Act. In no instance, however,  
3 shall the lapse of time between the death and the cremation be  
4 less than 24 hours, unless (i) it is known the deceased has an  
5 infectious or dangerous disease and that the time requirement  
6 is waived in writing by the medical examiner or coroner where  
7 the death occurred or (ii) because of a religious requirement.

8 (b) Except as set forth in subsection (a) of this Section,  
9 a crematory authority shall have the right to schedule the  
10 actual cremation to be performed at its own convenience, at  
11 any time after the human remains have been delivered to the  
12 crematory authority, unless the crematory authority has  
13 received specific instructions to the contrary on the  
14 cremation authorization form.

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

19 (d) No crematory authority shall refuse to accept human  
20 remains for cremation because such human remains are not  
21 embalmed.

22 (e) Whenever a crematory authority is unable or  
23 unauthorized to cremate human remains immediately upon taking  
24 custody of the remains, the crematory authority shall place  
25 the human remains in a holding facility in accordance with the  
26 crematory authority's rules and regulations. The crematory

1 authority must notify the authorizing agent of the reasons for  
2 delay in cremation if a properly authorized cremation is not  
3 performed within any time period expressly contemplated in the  
4 authorization.

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

8 (g) The casket or the alternative container shall be  
9 cremated with the human remains or destroyed, unless the  
10 crematory authority has notified the authorizing agent to the  
11 contrary on the cremation authorization form and obtained the  
12 written consent of the authorizing agent.

13 (h) The simultaneous cremation of the human remains of  
14 more than one person within the same cremation chamber,  
15 without the prior written consent of the authorizing agent, is  
16 prohibited except for common cremation pursuant to Section  
17 11.4 of the Hospital Licensing Act. Nothing in this  
18 subsection, however, shall prevent the simultaneous cremation  
19 within the same cremation chamber of body parts delivered to  
20 the crematory authority from multiple sources, or the use of  
21 cremation equipment that contains more than one cremation  
22 chamber.

23 (i) No unauthorized person shall be permitted in the  
24 holding facility or cremation room while any human remains are  
25 being held there awaiting cremation, being cremated, or being  
26 removed from the cremation chamber.

1           (j) A crematory authority shall not remove any dental  
2 gold, body parts, organs, or any item of value prior to or  
3 subsequent to a cremation without previously having received  
4 specific written authorization from the authorizing agent and  
5 written instructions for the delivery of these items to the  
6 authorizing agent. Under no circumstances shall a crematory  
7 authority profit from making or assisting in any removal of  
8 valuables.

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

12           (l) If all of the recovered cremated remains will not fit  
13 within the receptacle that has been selected, the remainder of  
14 the cremated remains shall be returned to the authorizing  
15 agent or the agent's designee in a separate container. The  
16 crematory authority shall not return to an authorizing agent  
17 or the agent's designee more or less cremated remains than  
18 were removed from the cremation chamber.

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

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

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

6           (p) A crematory authority shall not take possession of  
7 unembalmed human remains that cannot be cremated within 24  
8 hours unless it provides or maintains either of the following  
9 capable of maintaining a temperature of less than 40 degrees  
10 Fahrenheit: an operable refrigeration unit, with cleanable,  
11 noncorrosive interior and exterior finishes, or a suitable  
12 cooling room.

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