

1 AN ACT concerning professional regulation.

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, 1-15, 1-20, 5-10,  
6 5-15, 5-25, 10-5, 10-10, 10-15, 10-30, 10-35, 15-5, 15-45,  
7 15-55, 15-75, and 15-80 as follows:

8 (225 ILCS 41/1-10)

9 (Section scheduled to be repealed on January 1, 2013)

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

11 "Applicant" means any person making application for a  
12 license or certificate of registration.

13 "Board" means the Funeral Directors and Embalmers  
14 Licensing and disciplinary Board.

15 "Department" means the Department of Professional  
16 Regulation.

17 "Director" means the Director of Professional Regulation.

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

27 "Funeral director and embalmer intern trainee" means a  
28 person licensed by the State who is qualified to render  
29 assistance to a funeral director and embalmer in carrying out  
30 the practice of funeral directing and embalming under the  
31 supervision of the funeral director and embalmer.

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

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

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

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

20 "Person" means any individual, partnership, association,  
 21 firm, corporation, trust or estate, or other entity.

22 (Source: P.A. 87-966.)

23 (225 ILCS 41/1-15)

24 (Section scheduled to be repealed on January 1, 2013)

25 Sec. 1-15. Funeral directing; definition. Conducting or  
 26 engaging in or representing or holding out oneself as  
 27 conducting or engaged in any one or any combination of the  
 28 following practices constitutes the practice of funeral  
 29 directing:

- 30 (a) The practice of preparing, otherwise than by
- 31 embalming, for the burial, cremation, or disposal and
- 32 directing and supervising the burial or disposal of
- 33 deceased human remains or performing any act or service

1 in connection with the preparing of dead human bodies.  
2 Preparation, direction, and supervision shall not be  
3 construed to mean those functions normally performed by  
4 cemetery and crematory personnel.

5 (b) The practice of operating a place for preparing  
6 for the disposition of deceased human bodies or for  
7 caring for deceased human bodies before their  
8 disposition. Nothing in this Code shall prohibit the  
9 ownership and management of such a place by an unlicensed  
10 owner if the place is operated in accordance with this  
11 Code and the unlicensed owner does not engage in any form  
12 of funeral directing.

13 (c) The removal of a deceased human body from its  
14 place of death, institution or other location. The  
15 licensed funeral director may engage others who are not  
16 licensed funeral directors to assist in the removal if  
17 the funeral director directs and instructs them in  
18 handling and precautionary procedures and accompanies  
19 them on all calls. The transportation of deceased human  
20 remains to a cemetery, crematory or other place of final  
21 disposition shall be under the immediate direct  
22 supervision of a licensee unless otherwise permitted by  
23 this Section. The transportation of deceased human  
24 remains that are embalmed or otherwise prepared and  
25 enclosed in an appropriate container to some other place  
26 that is not the place of final disposition, such as  
27 another funeral home or common carrier, or to a facility  
28 that shares common ownership with the transporting  
29 funeral home may be performed under the general  
30 supervision of a licensee, but the supervision need not  
31 be immediate or direct.

32 (d) The administering and conducting of, or  
33 assuming responsibility for administering and conducting  
34 of, at need funeral arrangements.

1           (e) The assuming custody of, transportation,  
 2           providing shelter, protection and care and disposition of  
 3           deceased human remains and the furnishing of necessary  
 4           funeral services, facilities and equipment.

5           (f) Using in connection with a name or practice the  
 6           word "funeral director," "undertaker," "mortician,"  
 7           "funeral home," "funeral parlor," "funeral chapel," or  
 8           any other title implying that the person is engaged in  
 9           the practice of funeral directing.

10          The practice of funeral directing shall not include the  
 11          phoning in of obituary notices, ordering of flowers for the  
 12          funeral, or reporting of prices on the firm's general price  
 13          list as required by the Federal Trade Commission Funeral Rule  
 14          rule by nonlicensed persons, or like clerical tasks  
 15          incidental to the act of making funeral arrangements.

16          The making of funeral arrangements, at need, shall be  
 17          done only by licensed funeral directors or licensed funeral  
 18          directors and embalmers.

19          (Source: P.A. 87-966.)

20          (225 ILCS 41/1-20)

21          (Section scheduled to be repealed on January 1, 2013)

22          Sec. 1-20. Funeral directing and embalming; definition.  
 23          "The practice of funeral directing and embalming" means:

24               (a) The practice of preparing, otherwise than by  
 25               embalming, for the burial, cremation, or disposal and  
 26               directing and supervising the burial or disposal of  
 27               deceased human remains or performing any act or service  
 28               in connection with the preparing of dead human bodies.  
 29               Preparation, direction, and supervision shall not be  
 30               construed to mean those functions normally performed by  
 31               cemetery and crematory personnel.

32               (b) The practice of operating a place for preparing  
 33               for the disposition of deceased human bodies or for

1 caring for deceased human bodies before their  
2 disposition. Nothing in this Code shall prohibit the  
3 ownership and management of such a place by an unlicensed  
4 owner if the place is operated in accordance with this  
5 Code and the unlicensed owner does not engage in any form  
6 of funeral directing and embalming.

7 (c) The removal of a deceased human body from its  
8 place of death, institution or other location. A licensed  
9 funeral director and embalmer intern trainee may remove a  
10 deceased human body from its place of death, institution,  
11 or other location without another licensee being present.  
12 The licensed funeral director and embalmer may engage  
13 others who are not licensed funeral directors and  
14 embalmers or funeral director and embalmer interns  
15 trainees to assist in the removal if the funeral director  
16 and embalmer directs and instructs them in handling and  
17 precautionary procedures and accompanies them on all  
18 calls. The transportation of deceased human remains to a  
19 cemetery, crematory or other place of final disposition  
20 shall be under the immediate, direct supervision of a  
21 licensee unless otherwise permitted by this Section. The  
22 transportation of deceased human remains that are  
23 embalmed or otherwise prepared and enclosed in an  
24 appropriate container to some other place that is not the  
25 place of final disposition, such as another funeral home  
26 or common carrier, or to a facility that shares common  
27 ownership with the transporting funeral home may be  
28 performed under the general supervision of a licensee,  
29 but the supervision need not be immediate or direct.

30 (d) The administering and conducting of, or  
31 assuming responsibility for administering and conducting  
32 of, at need funeral arrangements.

33 (e) The assuming custody of, transportation,  
34 providing shelter, protection and care and disposition of

1           deceased human remains and the furnishing of necessary  
2           funeral services, facilities and equipment.

3           (f) Using in connection with a name or practice the  
4           word "funeral director and embalmer", "embalmer",  
5           "funeral director", "undertaker", "mortician", "funeral  
6           home", "funeral parlor", "funeral chapel", or any other  
7           title implying that the person is engaged in the practice  
8           of funeral directing and embalming.

9           (g) The embalming or representing or holding out  
10          oneself as engaged in the practice of embalming of  
11          deceased human bodies or the transportation of human  
12          bodies deceased of a contagious or infectious disease.

13          The practice of funeral directing and embalming shall not  
14          include the phoning in of obituary notices, ordering of  
15          flowers for the funeral, or reporting of prices on the firm's  
16          general price list as required by the Federal Trade  
17          Commission Funeral Rule ~~rule~~ by nonlicensed persons, or like  
18          clerical tasks incidental to the act of making funeral  
19          arrangements.

20          The making of funeral arrangements, at need, shall be  
21          done only by licensed funeral directors or licensed funeral  
22          directors and embalmers. Licensed funeral director and  
23          embalmer interns ~~trainees~~ may, however, assist or participate  
24          in the arrangements.

25          (Source: P.A. 87-966.)

26               (225 ILCS 41/5-10)

27               (Section scheduled to be repealed on January 1, 2013)

28               Sec. 5-10. Funeral director license; display.

29          Every holder of a license as a funeral director shall  
30          display it in a conspicuous place in the licensee's ~~holder's~~  
31          place of practice or in the place of practice in which the  
32          licensee ~~holder~~ is employed or, in case the licensee ~~holder~~  
33          is engaged in funeral directing at more than one place of

1 practice, then in the licensee's holder's principal place of  
2 practice or the principal place of practice of the licensee's  
3 holder's employer.

4 (Source: P.A. 87-966.)

5 (225 ILCS 41/5-15)

6 (Section scheduled to be repealed on January 1, 2013)

7 Sec. 5-15. Expiration and renewal; inactive status;  
8 continuing education. The expiration date and renewal period  
9 for each license issued under this Article shall be set by  
10 rule. The holder of a license as a licensed funeral director  
11 may renew the license during the month preceding the  
12 expiration date of the license by paying the required fee. A  
13 licensed funeral director whose license has expired may have  
14 the license reinstated within 5 years from the date of  
15 expiration upon payment of the required reinstatement fee.  
16 The reinstatement shall be effective as of the date of  
17 reissuance of the license.

18 Any licensed funeral director whose license has been  
19 expired for more than 5 years may have the license restored  
20 only by fulfilling the requirements of the Department's rules  
21 and by paying the required restoration fee. However, any  
22 licensed funeral director whose license has expired while he  
23 or she has been engaged (1) in federal service on active duty  
24 with the Army of the United States, the United States Navy,  
25 the Marine Corps, the Air Force, the Coast Guard, or the  
26 State Militia called into the service or training of the  
27 United States of America or (2) in training or education  
28 under the supervision of the United States preliminary to  
29 induction into the military service may have his or her  
30 license restored without paying any lapsed renewal fees or  
31 restoration fee or without passing any examination if, within  
32 2 years after termination of the service, training or  
33 education other than by dishonorable discharge, he or she

1 furnishes the Department with an affidavit to the effect that  
2 he or she has been so engaged and that his or her service,  
3 training or education has been so terminated.

4 In addition to any other requirement for renewal of a  
5 license or reinstatement of an expired license, ~~beginning~~  
6 ~~with-licenses-renewed-or-reinstated-in-1993,~~ as a condition  
7 for the renewal or reinstatement of a license as a licensed  
8 funeral director, each licensee shall provide evidence to the  
9 Department of completion of at least 12 hours of continuing  
10 education during the 24 months preceding the expiration date  
11 of the license, or in the case of reinstatement, during the  
12 24 months preceding application for reinstatement. The  
13 continuing education sponsors shall be approved by the Board.  
14 In addition, any qualified continuing education course for  
15 funeral directors offered by a college, university, the  
16 Illinois Funeral Directors Association, Funeral Directors  
17 Services Association of Greater Chicago, Cook County  
18 Association of Funeral Home Owners, Inc., Illinois Selected  
19 Morticians Association, Inc., Illinois Cemetery and Funeral  
20 Home Association, National Funeral Directors Association,  
21 Selected Independent Funeral Homes National--Foundation--of  
22 Funeral---Service,--National--Selected--Morticians, National  
23 Funeral Directors and Morticians Association, Inc.,  
24 International Order of the Golden Rule, or an Illinois school  
25 of mortuary science shall be accepted toward satisfaction of  
26 the continuing education requirements.

27 The Department shall establish by rule a means for  
28 verification of completion of the continuing education  
29 required by this Section. This verification may be  
30 accomplished through audits of records maintained by  
31 licensees, by requiring the filing of continued education  
32 certificates with the Department or a qualified organization  
33 selected by the Department to maintain these records, or by  
34 other means established by the Department.



1           A person who is licensed as a funeral director under this  
 2 Act and who has engaged in the practice of funeral directing  
 3 for at least 40 years shall be exempt from the continuing  
 4 education requirements of this Section. In addition, the  
 5 Department shall establish by rule an exemption or exception  
 6 for funeral directors who, by reason of advanced age, health  
 7 or other extreme condition should reasonably be excused from  
 8 the continuing education requirement upon explanation to the  
 9 Board, the approval of the Director, or both. Those persons,  
 10 identified above, who cannot attend on-site classes, shall  
 11 have the opportunity to comply by completing home study  
 12 courses designed for them by sponsors.

13           Any funeral director who notifies the Department in  
 14 writing on forms prescribed by the Department may elect to  
 15 place his or her license on an inactive status and shall be  
 16 excused from completion of continuing education requirements  
 17 until he or she notifies the Department in writing of an  
 18 intent to restore the license to active status. Any  
 19 licensee requesting restoration from inactive status shall  
 20 notify the Department as provided by rule of the Department  
 21 and pay the fee required by the Department for restoration of  
 22 the license. Any licensee whose license is on inactive  
 23 status shall not practice in the State of Illinois.

24           Practice on a license that has lapsed or been placed in  
 25 inactive status is practicing without a license and a  
 26 violation of this Code Act.

27 (Source: P.A. 92-641, eff. 7-11-02.)

28 (225 ILCS 41/5-25)

29 (Section scheduled to be repealed on January 1, 2013)

30           Sec. 5-25. Prohibition of new licenses. The Department  
 31 shall not issue any new licenses as funeral directors or  
 32 funeral director trainees. Any person issued a license as a  
 33 funeral director before June 1, 1991 may renew the license

1 after that date under the provisions of this Article and that  
 2 person may continue to renew or restore the license during  
 3 his or her lifetime, subject only to the renewal or  
 4 restoration requirements for the license under this Code.  
 5 ~~Any person issued a license as a funeral director trainee~~  
 6 ~~before June 17, 1991 may not renew or restore that license.~~

7 ~~Notwithstanding any other provision of this Code or any~~  
 8 ~~predecessor Act, the Department shall issue a license as a~~  
 9 ~~funeral director to every person:~~

10 (1) ~~who has graduated from a program of mortuary~~  
 11 ~~science;~~

12 (2) ~~who passed the examination for licensing as a~~  
 13 ~~funeral director under the Funeral Directors and~~  
 14 ~~Embalmers Licensing Act of 1935 on or after June 17, 1988~~  
 15 ~~but before June 27, 1991;~~

16 (3) ~~who has completed one calendar year of training~~  
 17 ~~as a licensed funeral director and embalmer trainee under~~  
 18 ~~the supervision of a licensed funeral director and~~  
 19 ~~embalmer; and~~

20 (4) ~~who has on file or files an application for a~~  
 21 ~~license as a funeral director within 30 days after the~~  
 22 ~~effective date of this amendatory Act of 1994.~~

23 (Source: P.A. 87-966; 88-659.)

24 (225 ILCS 41/10-5)

25 (Section scheduled to be repealed on January 1, 2013)

26 Sec. 10-5. License requirement. It is unlawful for any  
 27 person to practice or attempt to practice funeral directing  
 28 and embalming without being licensed by the Department.

29 No person shall practice funeral directing and embalming  
 30 who does not have a fixed place of practice or establishment  
 31 in Illinois devoted to the care and preparation for burial or  
 32 for transportation of deceased human bodies, or who is not  
 33 regularly employed in a fixed place of practice or

1 establishment.

2 No person shall practice funeral directing and embalming  
3 independently at the fixed place of practice or establishment  
4 of another licensee unless his or her name shall be published  
5 and displayed at all times in connection therewith.

6 No licensed intern trainee shall independently practice  
7 funeral directing and embalming; however, a licensed funeral  
8 director and embalmer intern trainee may under the immediate  
9 personal supervision of a licensed funeral director and  
10 embalmer assist a licensed funeral director and embalmer in  
11 the practice of funeral directing and embalming.

12 No person shall practice as a funeral director and  
13 embalmer intern trainee unless he or she possesses a valid  
14 license in good standing to do so in the State of Illinois.

15 (Source: P.A. 87-966.)

16 (225 ILCS 41/10-10)

17 (Section scheduled to be repealed on January 1, 2013)

18 Sec. 10-10. License qualifications. A person who meets  
19 all of the following requirements is qualified to receive a  
20 license as a funeral director and embalmer:

21 (a) Is at least 18 years of age.

22 (b) Has successfully completed one academic year in a  
23 college or university and has successfully completed a course  
24 of instruction of at least one year duration in a  
25 professional school or college teaching the practice of  
26 funeral directing and embalming that is recognized and  
27 approved by the Department.

28 (c) Has studied funeral directing and embalming in this  
29 State under a funeral director and embalmer, licensed under  
30 this Code or any prior Act, for at least one year.  
31 Nevertheless, no credit shall be given for the study of  
32 funeral directing and embalming in this State as an intern a  
33 trainee unless the applicant during the period of study was a

1 licensed funeral director and embalmer intern trainee.

2 (d) Is satisfactorily versed in approved measures used  
3 by the practice for the prevention and against the spread of  
4 disease and has the skills reasonably involved, and is  
5 adequately and properly protected against communicable  
6 diseases by means usually adopted and approved by medical  
7 science.

8 (e) Has passed an examination developed or acquired by  
9 the Department and conducted by the Department or its  
10 designee to determine the fitness of an applicant to receive  
11 a license as a licensed funeral director and embalmer.

12 (Source: P.A. 89-387, eff. 8-20-95.)

13 (225 ILCS 41/10-15)

14 (Section scheduled to be repealed on January 1, 2013)

15 Sec. 10-15. Intern Trainee license qualifications. A  
16 person who meets all of the following requirements is  
17 qualified to receive a license as a licensed funeral director  
18 and embalmer intern trainee:

19 (a) Is at least 18 years of age.

20 (b) Has successfully completed one academic year in a  
21 college or university and has successfully completed a course  
22 of instruction of at least one year duration in a  
23 professional school or college teaching the practice of  
24 funeral directing and embalming that is recognized and  
25 approved by the Department.

26 (c) Has been accepted for internship training in funeral  
27 directing and embalming by an Illinois licensed funeral  
28 director and embalmer.

29 (d) Is satisfactorily versed in approved measures used  
30 by the profession for the prevention and against the spread  
31 of disease and has the skills reasonably involved, and is  
32 adequately protected against communicable diseases by means  
33 usually adopted by medical science.

1 (Source: P.A. 89-387, eff. 8-20-95.)

2 (225 ILCS 41/10-30)

3 (Section scheduled to be repealed on January 1, 2013)

4 Sec. 10-30. Issuance, display of license. Whenever an  
5 applicant has met the requirements of this Code, the  
6 Department shall issue to the applicant a license as a  
7 licensed funeral director and embalmer or licensed funeral  
8 director and embalmer intern trainee, as the case may be.

9 Every holder of a license shall display it in a  
10 conspicuous place in the licensee's place of practice or in  
11 the place of practice in which the licensee is employed. In  
12 case the licensee is engaged in funeral directing and  
13 embalming at more than one place of practice, then the  
14 license shall be displayed in the licensee's principal place  
15 of practice or the principal place of practice of the  
16 licensee's employer.

17 (Source: P.A. 87-966.)

18 (225 ILCS 41/10-35)

19 (Section scheduled to be repealed on January 1, 2013)

20 Sec. 10-35. Renewal; reinstatement; restoration;  
21 continuing education. The expiration date and renewal period  
22 for each license issued under this Article shall be set by  
23 rule. The holder of a license as a licensed funeral director  
24 and embalmer or funeral director and embalmer intern trainee  
25 may renew the license during the month preceding the  
26 expiration date of the license by paying the required fee. A  
27 licensed funeral director and embalmer or licensed funeral  
28 director and embalmer trainee whose license has expired may  
29 have the license reinstated within 5 years from the date of  
30 expiration upon payment of the required reinstatement fee and  
31 fulfilling the requirements of the Department's rules. The  
32 reinstatement of the license is effective as of the date of

1 the reissuance of the license.

2 Any licensed funeral director and embalmer whose license  
3 has been expired for more than 5 years may have the license  
4 restored only by fulfilling the requirements set forth in the  
5 Department's rules and by paying the required restoration  
6 fee. However, any licensed funeral director and embalmer or  
7 licensed funeral director and embalmer intern trainee whose  
8 license has expired while he or she has been engaged (1) in  
9 federal service on active duty with the Army of the United  
10 States, the United States Navy, the Marine Corps, the Air  
11 Force, the Coast Guard, or the State Militia called into the  
12 service or training of the United States of America or (2) in  
13 training or education under the supervision of the United  
14 States preliminary to induction into the military service,  
15 may have his or her the license restored without paying any  
16 lapsed renewal fees or restoration fee or without passing any  
17 examination if, within 2 years after termination of the  
18 service, training or education other than by dishonorable  
19 discharge, he or she the licensee furnishes the Department  
20 with an affidavit to the effect that he or she has been so  
21 engaged and that his or her service, training or education  
22 has been so terminated.

23 No license of a funeral director and embalmer intern  
24 trainee shall be renewed more than twice.

25 In addition to any other requirement for renewal of a  
26 license or reinstatement of an expired license, ~~beginning~~  
27 ~~with--licenses--renewed-or-reinstated-in-1993-and-thereafter,~~  
28 as a condition for the renewal or reinstatement of a license  
29 as a licensed funeral director and embalmer, each licensee  
30 shall provide evidence to the Department of completion of at  
31 least 24 hours of continuing education during the 24 months  
32 preceding the expiration date of the license, or in the case  
33 of reinstatement, within the 24 months preceding the  
34 application for reinstatement. The continuing education

1 sponsors shall be approved by the Board. In addition, any  
 2 qualified continuing education course for funeral directors  
 3 and embalmers offered by a college, university, the Illinois  
 4 Funeral Directors Association, Funeral Directors Services  
 5 Association of Greater Chicago, Cook County Association of  
 6 Funeral Home Owners, Inc., Illinois Selected Morticians  
 7 Associations, Inc., Illinois Cemetery and Funeral Home  
 8 Association, National Funeral Directors Association, Selected  
 9 Independent Funeral Homes National--Foundation--of--Funeral  
 10 Service,---National--Selected--Morticians, National Funeral  
 11 Directors and Morticians Association, Inc., International  
 12 Order of the Golden Rule, or an Illinois school of mortuary  
 13 science shall be accepted toward satisfaction of the  
 14 continuing education requirements.

15 The Department shall establish by rule a means for  
 16 verification of completion of the continuing education  
 17 required by this Section. This verification may be  
 18 accomplished through audits of records maintained by  
 19 licensees, by requiring the filing of continued education  
 20 certificates with the Department or a qualified organization  
 21 selected by the Department to maintain the records, or by  
 22 other means established by the Department.

23 A person who is licensed as a funeral director and  
 24 embalmer under this Act and who has engaged in the practice  
 25 of funeral directing and embalming for at least 40 years  
 26 shall be exempt from the continuing education requirements of  
 27 this Section. In addition, the Department shall establish by  
 28 rule an exemption or exception for funeral directors and  
 29 embalmers who, by reason of advanced age, health or other  
 30 extreme condition, should reasonably be excused from the  
 31 continuing education requirement upon explanation to the  
 32 Board, the approval of the Director, or both. Those persons,  
 33 identified above, who cannot attend on-site classes, shall  
 34 have the opportunity to comply by completing home study

1 courses designed for them by sponsors.

2 Any funeral director and embalmer who notifies the  
3 Department in writing on forms prescribed by the Department,  
4 may elect to place his or her license on an inactive status  
5 and shall be excused from completion of continuing education  
6 requirements until he or she notifies the Department in  
7 writing of an intent to restore the license to active status.  
8 While on inactive status, the licensee shall only be required  
9 to pay a single fee, established by the Department, to have  
10 the license placed on inactive status. Any licensee  
11 requesting restoration from inactive status shall notify the  
12 Department as provided by rule of the Department and pay the  
13 fee required by the Department for restoration of the  
14 license. Any licensee whose license is on inactive status  
15 shall not practice in the State of Illinois.

16 Practice on a license that has lapsed or been placed in  
17 inactive status is practicing without a license and a  
18 violation of this Code.

19 (Source: P.A. 90-50, eff. 1-1-98.)

20 (225 ILCS 41/15-5) (from Ch. 111, par. 2825)

21 (Section scheduled to be repealed on January 1, 2013)

22 Sec. 15-5. Funeral Directors and Embalmers Licensing and  
23 Disciplinary Board. A Funeral Directors and Embalmers  
24 Licensing and Disciplinary Board is created and shall consist  
25 of 7 persons, 6 of whom are licensed to practice funeral  
26 directing and embalming in this State, and one who is a  
27 knowledgeable public member. Each member shall be appointed  
28 by the Director of the Department. The persons so appointed  
29 shall hold their offices for 4 years and until a qualified  
30 successor is appointed. All vacancies occurring shall be  
31 filled by the Director for the unexpired portion of the term  
32 rendered vacant. No member shall be eligible to serve for  
33 more than 2 full consecutive terms. Any appointee may be



1 removed by the Director when in his or her discretion he or  
 2 she finds removal to be in the public interest. The cause for  
 3 removal must be set forth in writing. The Board shall  
 4 annually select a chairman from its membership. The members  
 5 of the Board shall be reimbursed for all legitimate and  
 6 necessary expenses incurred in attending meetings of the  
 7 Board. The Board may meet as often as necessary to perform  
 8 its duties under this Code, and shall meet at least once a  
 9 year in Springfield, Illinois.

10 ~~The members of the Board appointed and serving under the~~  
 11 ~~Funeral Directors and Embalmers Licensing Act of 1935 shall~~  
 12 ~~continue to serve under the Funeral Directors and Embalmers~~  
 13 ~~Licensing Code and until the expiration of their appointed~~  
 14 ~~terms. These members may be reappointed if eligible under~~  
 15 ~~this Section.~~

16 The Department may seek the advice and recommendations of  
 17 the Board on any matter relating to the administration and  
 18 enforcement of this Code.

19 The Department shall seek the advice and recommendations  
 20 of the Board in connection with any rulemaking or  
 21 disciplinary actions, including applications for restoration  
 22 of revoked licenses. The Board shall have 60 days to respond  
 23 to a Department request for advice and recommendations. If  
 24 the Department fails to adopt, in whole or in part, a Board  
 25 recommendation in connection with any rulemaking or  
 26 disciplinary action, it shall provide a written explanation  
 27 of its specific reasons for not adopting the Board  
 28 recommendation. The written explanations shall be made  
 29 available for public inspection.

30 The Department shall adopt all necessary and reasonable  
 31 rules and regulations for the effective administration of  
 32 this Code, and without limiting the foregoing, the Department  
 33 shall adopt rules and regulations:

- 34 (1) prescribing a method of examination of

1 candidates;

2 (2) defining what shall constitute a school,  
3 college, university, department of a university or other  
4 institution to determine the reputability and good  
5 standing of these institutions by reference to a  
6 compliance with the rules and regulations; however, no  
7 school, college, university, department of a university  
8 or other institution that refuses admittance to  
9 applicants, solely on account of race, color, creed, sex  
10 or national origin shall be considered reputable and in  
11 good standing;

12 (3) establishing expiration dates and renewal  
13 periods for all licenses;

14 (4) prescribing a method of handling complaints and  
15 conducting hearings on proceedings to take disciplinary  
16 action under this Code; and

17 (5) providing for licensure by reciprocity.

18 (Source: P.A. 91-827, eff. 6-13-00.)

19 (225 ILCS 41/15-45)

20 (Section scheduled to be repealed on January 1, 2013)

21 Sec. 15-45. Practice without license; injunction; cease  
22 and desist order; civil penalties.

23 (a) The practice of funeral directing and embalming or  
24 funeral directing by any person who has not been issued a  
25 license by the Department, whose license has been suspended  
26 or revoked, or whose license has not been renewed is hereby  
27 declared to be inimical to the public welfare and to  
28 constitute a public nuisance. The Director of Professional  
29 Regulation may, in the name of the People of the State of  
30 Illinois through the Attorney General of the State of  
31 Illinois, or the State's Attorney of any county in the State  
32 of Illinois, apply for an injunction in the circuit court to  
33 enjoin any person who has not been issued a license or whose

1 license has been suspended or revoked, or whose license has  
2 not been renewed, from practicing funeral directing and  
3 embalming or funeral directing. Upon the filing of a verified  
4 complaint in court, the court, if satisfied by affidavit or  
5 otherwise that the person is or has been practicing funeral  
6 directing and embalming or funeral directing without having  
7 been issued a license or after his or her license has been  
8 suspended, revoked, or not renewed, may issue a temporary  
9 restraining order or preliminary injunction, without notice  
10 or bond, enjoining the defendant from further practicing  
11 funeral directing and embalming or funeral directing. A copy  
12 of the verified complaint shall be served upon the defendant  
13 and the proceedings shall thereafter be conducted as in other  
14 civil cases. If it is established that the defendant has been  
15 or is practicing funeral directing and embalming or funeral  
16 directing without having been issued a license or has been or  
17 is practicing funeral directing and embalming or funeral  
18 directing after his or her license has been suspended,  
19 revoked, or not renewed, the court may enter a judgment  
20 perpetually enjoining the defendant from further practicing  
21 funeral directing and embalming or funeral directing. In case  
22 of violation of any injunction entered under this Section,  
23 the court may summarily try and punish the offender for  
24 contempt of court. Any injunction proceeding shall be in  
25 addition to, and not in lieu of, all penalties and other  
26 remedies in this Code.

27 (b) Whenever, in the opinion of the Department, any  
28 person or other entity violates any provision of this Act,  
29 the Department may issue a notice to show cause why an order  
30 to cease and desist should not be entered against that person  
31 or other entity. The rule shall clearly set forth the grounds  
32 relied upon by the Department and shall provide a period of 7  
33 days from the date of the rule to file an answer to the  
34 satisfaction of the Department. Failure to answer to the

1 satisfaction of the Department shall cause an order to cease  
2 and desist to be issued immediately.

3 (c) (1) In addition to any other penalty provided by  
4 law, any person, sole proprietorship, professional  
5 service corporation, limited liability company,  
6 partnership, or other entity that violates Section 1-15  
7 or 1-20 of this Act shall forfeit and pay to the General  
8 Professions Dedicated Fund a civil penalty in an amount  
9 determined by the Department of not more than \$10,000 for  
10 each offense. The penalty shall be assessed in  
11 proceedings as provided in Sections 15-10 through 15-40  
12 of this Act.

13 (2) Unless the amount of the penalty is paid within  
14 60 days after the order becomes final, the order shall  
15 constitute a judgement and shall be filed and execution  
16 issued thereon in the same manner as the judgement of a  
17 court of record.

18 (Source: P.A. 87-966.)

19 (225 ILCS 41/15-55)

20 (Section scheduled to be repealed on January 1, 2013)

21 Sec. 15-55. Preparation room. The Department shall  
22 require that each fixed place of practice or establishment  
23 devoted to the care and preparation for burial or for  
24 transportation of deceased human bodies maintain a  
25 preparation room properly equipped with necessary drainage  
26 and ventilation facilities and containing instruments and  
27 supplies necessary for the preparation and embalming of  
28 deceased human bodies for burial or transportation. Branch  
29 operations of main funeral businesses having a preparation  
30 room and located in the State of Illinois are exempt from the  
31 requirements of this Section.

32 (Source: P.A. 87-966.)

1 (225 ILCS 41/15-75)

2 (Section scheduled to be repealed on January 1, 2013)

3 Sec. 15-75. Violations; grounds for discipline;  
4 penalties.

5 (a) Each of the following acts is a Class A misdemeanor  
6 for the first offense, and a Class 4 felony for each  
7 subsequent offense. These penalties shall also apply to  
8 unlicensed owners of funeral homes.

9 (1) Practicing the profession of funeral directing  
10 and embalming or funeral directing, or attempting to  
11 practice the profession of funeral directing and  
12 embalming or funeral directing without a license as a  
13 licensed funeral director and embalmer or funeral  
14 director.

15 (2) Serving as an intern a-~~trainee~~ under a licensed  
16 funeral director and embalmer or attempting to serve as a  
17 intern ~~trainee~~ under a licensed funeral director and  
18 embalmer without a license as a licensed funeral director  
19 and embalmer intern ~~trainee~~.

20 (3) Obtaining or attempting to obtain a license,  
21 practice or business, or any other thing of value, by  
22 fraud or misrepresentation.

23 (4) Permitting any person in one's employ, under  
24 one's control or in or under one's service to serve as a  
25 funeral director and embalmer, funeral director, or  
26 funeral director and embalmer intern ~~trainee~~ when the  
27 person does not have the appropriate license.

28 (5) Failing to display a license as required by  
29 this Code.

30 (6) Giving false information or making a false oath  
31 or affidavit required by this Code.

32 (b) Each of the following acts or actions is a violation  
33 of this Code for which the Department may refuse to issue or  
34 renew, or may suspend or revoke any license or may take any

1 disciplinary action as the Department may deem proper  
2 including fines not to exceed \$1,000 for each violation.

3 (1) Obtaining or attempting to obtain a license by  
4 fraud or misrepresentation.

5 (2) Conviction in this State or another state of  
6 any crime that is a felony or misdemeanor under the laws  
7 of this State or conviction of a felony or misdemeanor in  
8 a federal court.

9 (3) Violation of the laws of this State relating to  
10 the funeral, burial or disposal of deceased human bodies  
11 or of the rules and regulations of the Department, or the  
12 Department of Public Health.

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

17 (5) Incompetence or untrustworthiness in the  
18 practice of funeral directing and embalming or funeral  
19 directing.

20 (6) False or misleading advertising as a funeral  
21 director and embalmer or funeral director, or advertising  
22 or using the name of a person other than the holder of a  
23 license in connection with any service being rendered in  
24 the practice of funeral directing and embalming or  
25 funeral directing. Nothing in this paragraph shall  
26 prevent including the name of any owner, officer or  
27 corporate director of a funeral business home who is not  
28 a licensee in any advertisement used by a funeral home  
29 with which the individual is affiliated if the  
30 advertisement specifies the individual's affiliation with  
31 the funeral home.

32 (7) Engaging in, promoting, selling, or issuing  
33 burial contracts, burial certificates, or burial  
34 insurance policies in connection with the profession as a

1 funeral director and embalmer, funeral director, or  
2 funeral director and embalmer intern trainee in violation  
3 of any laws of the State of Illinois.

4 (8) Refusing, without cause, to surrender the  
5 custody of a deceased human body upon the proper request  
6 of the person or persons lawfully entitled to the custody  
7 of the body.

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

10 (10) Engaging in funeral directing and embalming or  
11 funeral directing without a license.

12 (11) Encouraging, requesting, or suggesting by a  
13 licensee or some person working on his behalf and with  
14 his consent for compensation that a person utilize the  
15 services of a certain funeral director and embalmer,  
16 funeral director, or funeral establishment unless that  
17 information has been expressly requested by the person.  
18 This does not prohibit general advertising or pre-need  
19 solicitation.

20 (12) Making or causing to be made any false or  
21 misleading statements about the laws concerning the  
22 disposal of human remains, including, but not limited to,  
23 the need to embalm, the need for a casket for cremation  
24 or the need for an outer burial container.

25 (13) Continued practice by a person having an  
26 infectious or contagious disease.

27 (14) Embalming or attempting to embalm a deceased  
28 human body without express prior authorization of the  
29 person responsible for making the funeral arrangements  
30 for the body. This does not apply to cases where  
31 embalming is directed by local authorities who have  
32 jurisdiction or when embalming is required by State or  
33 local law.

34 (15) Making a false statement on a Certificate of

1 Death where the person making the statement knew or  
2 should have known that the statement was false.

3 (16) Soliciting human bodies after death or while  
4 death is imminent.

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

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

13 (19) Engaging in unethical or unprofessional  
14 conduct of a character likely to deceive, defraud or harm  
15 the public ~~in--the--course--of--providing--professional~~  
16 ~~services-or-activities~~.

17 (20) Taking possession of a dead human body without  
18 having first obtained express permission from next of kin  
19 or a public agency legally authorized to direct, control  
20 or permit the removal of deceased human bodies.

21 (21) Advertising in a false or misleading manner or  
22 advertising using the name of an unlicensed person in  
23 connection with any service being rendered in the  
24 practice of funeral directing or funeral directing and  
25 embalming. The use of any name of an unlicensed or  
26 unregistered person in an advertisement so as to imply  
27 that the person will perform services is considered  
28 misleading advertising. Nothing in this paragraph shall  
29 prevent including the name of any owner, officer or  
30 corporate director of a funeral home, who is not a  
31 licensee, in any advertisement used by a funeral home  
32 with which the individual is affiliated, if the  
33 advertisement specifies the individual's affiliation with  
34 the funeral home.



1 (22) Directly or indirectly receiving compensation  
2 for any professional services not actually performed.

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

6 (24) Treating any person differently to his  
7 detriment because of race, color, creed, gender sex,  
8 religion, or national origin.

9 (25) Knowingly making any false statements, oral or  
10 otherwise, of a character likely to influence, persuade  
11 or induce others in the course of performing professional  
12 services or activities.

13 (26) Knowingly making or filing false records or  
14 reports in the practice of funeral directing and  
15 embalming.

16 (27) Failing to acquire continuing education  
17 required under this Code.

18 (28) Failing to comply with any of the following  
19 required activities:

20 (A) When reasonably possible, a licensee or  
21 anyone acting on his or her behalf shall obtain the  
22 express authorization of the person or persons  
23 responsible for making the funeral arrangements for  
24 a deceased human body prior to removing a body from  
25 the place of death or any place it may be or  
26 embalming or attempting to embalm a deceased human  
27 body, unless required by State or local law. This  
28 requirement is waived whenever removal or embalming  
29 is directed by local authorities who have  
30 jurisdiction. If the responsibility for the handling  
31 of the remains lawfully falls under the jurisdiction  
32 of a public agency, then the regulations of the  
33 public agency shall prevail.

34 (B) A licensee shall clearly mark the price of

1 any casket offered for sale or the price of any  
2 service using the casket on or in the casket if the  
3 casket is displayed at the funeral establishment.  
4 If the casket is displayed at any other location,  
5 regardless of whether the licensee is in control of  
6 that location, the casket shall be clearly marked  
7 and the registrant shall use books, catalogues,  
8 brochures, or other printed display aids to show the  
9 price of each casket or service.

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

29 (29) A finding by the Department that the licensee,  
30 after having his or her license placed on probationary  
31 status or subjected to conditions or restrictions,  
32 violated the terms of the probation or failed to comply  
33 with such terms or conditions.

34 (30) Violation of any final administrative action

1 of the Director.

2 (31) Being named as a perpetrator in an indicated  
3 report by the Department of Children and Family Services  
4 pursuant to the Abused and Neglected Child Reporting Act  
5 and, upon proof by clear and convincing evidence, being  
6 found to have caused a child to be an abused child or  
7 neglected child as defined in the Abused and Neglected  
8 Child Reporting Act.

9 (c) The Department may refuse to issue or renew, or may  
10 suspend, the license of any person who fails to file a  
11 return, to pay the tax, penalty or interest shown in a filed  
12 return, or to pay any final assessment of tax, penalty or  
13 interest as required by any tax Act administered by the  
14 Illinois Department of Revenue, until the time as the  
15 requirements of the tax Act are satisfied.

16 (Source: P.A. 87-966.)

17 (225 ILCS 41/15-80)

18 (Section scheduled to be repealed on January 1, 2013)

19 Sec. 15-80. Statement of place of practice; roster. Each  
20 applicant for a funeral director and embalmer's license shall  
21 with his or her application submit a statement of the place  
22 of practice, ownership, names and license numbers of all  
23 funeral directors and embalmers and funeral directors  
24 associated with the applicant. The Department shall keep a  
25 record, which shall be open to public inspection at all  
26 reasonable times, of its proceedings relating to the  
27 issuance, refusal, renewal, suspension and revocation of  
28 licenses. This record shall also contain the name, known  
29 place of practice and residence, and the date and number of  
30 the license of every licensed funeral director and embalmer,  
31 licensed funeral director, and licensed funeral director and  
32 embalmer intern trainee in this State.

33 The Department shall publish an annual list of the names

1 and addresses of all licensees registered by it under the  
2 provisions of this Code, and of all persons whose licenses  
3 have been suspended or revoked within the past year, together  
4 with other information relative to the enforcement of the  
5 provisions of this Code as it may deem of interest to the  
6 public. One list shall be mailed to each local registrar of  
7 vital statistics upon request by the registrar. Lists shall  
8 also be mailed by the Department to any person in the State  
9 upon request.

10 (Source: P.A. 87-966.)

11 (225 ILCS 41/15-90 rep.)

12 (225 ILCS 41/20-10 rep.)

13 Section 10. The Funeral Directors and Embalmers  
14 Licensing Code is amended by repealing Sections 15-90 and  
15 20-10.

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