



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5527

Introduced 2/15/2012, by Rep. Dan Brady

SYNOPSIS AS INTRODUCED:

See Index

Amends the Cemetery Oversight Act. Creates provisions concerning a cemetery manager and customer service employee; display of license; grace periods; stacking; burial of an unknown individual; burial of multiple persons; and Comptroller reports. Makes changes to various provisions, including, but not limited to, provisions concerning definitions; exemptions; powers of the Department; persons not licensed; application for license or exemption; the Code of Professional Conduct and Ethics; examinations; continuing education; expired licenses; preservation of licenses; dissolution; fees; records; the Cemetery Oversight Database; contracts; disciplinary actions; mandatory reports; investigations; the Cemetery Relief Fund; violations; civil penalties; whistleblowers; the Cemetery Oversight Board; and burial permits. Repeals provisions concerning persons licensed under the Cemetery Care Act or Cemetery Association Act; worker's statements; contract information; annual reports; and independent contractors. Repeals Articles concerning trust funds and cemetery associations. Reinstates the Cemetery Care Act and the Cemetery Association Act. Amends the Crematory Regulation Act. Creates a provision concerning the jurisdiction of oversight and enforcement. Makes changes in various provisions, including, but not limited to, provisions concerning definitions; powers of the Department; licensing; grounds for refusal of a license; display of cremation permits; authorization to cremate; cremation services; disposition of cremated remains; penalties; unlawful practices; notice; hearings; court orders; judicial review; cremation arrangements; subpoenas; oaths; findings and recommendations; rehearings; civil penalties; and the suspension of a license. Makes corresponding changes in various other Acts. Effective immediately.

LRB097 19498 CEL 64752 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

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

4 Section 5. The Human Skeletal Remains Protection Act is
5 amended by changing Section 1 as follows:

6 (20 ILCS 3440/1) (from Ch. 127, par. 2661)

7 Sec. 1. Definitions. For the purposes of this Act:

8 (a) "Human skeletal remains" include the bones and
9 decomposed fleshy parts of a deceased human body.

10 (b) "Unregistered graves" are any graves or locations where
11 a human body has been buried or deposited; is over 100 years
12 old; and is not in a cemetery registered with or licensed by
13 the State Comptroller under the Cemetery Care Act or under the
14 authority of the Illinois Department of Financial and
15 Professional Regulation pursuant to the Cemetery Oversight
16 Act, whichever is applicable.

17 (c) "Grave artifacts" are any item of human manufacture or
18 use that is associated with the human skeletal remains in an
19 unregistered grave.

20 (d) "Grave markers" are any tomb, monument, stone,
21 ornament, mound, or other item of human manufacture that is
22 associated with an unregistered grave.

23 (e) "Person" means any natural individual, firm, trust,

1 estate, partnership, association, joint stock company, joint
2 venture, corporation or a receiver, trustee, guardian or other
3 representatives appointed by order of any court, the Federal
4 and State governments, including State Universities created by
5 statute or any city, town, county or other political
6 subdivision of this State.

7 (f) "Disturb" includes excavating, removing, exposing,
8 defacing, mutilating, destroying, molesting, or desecrating in
9 any way human skeletal remains, unregistered graves, and grave
10 markers.

11 (Source: P.A. 96-863, eff. 3-1-10.)

12 Section 10. The Missing Persons Identification Act is
13 amended by adding Section 25 as follows:

14 (50 ILCS 722/25 new)

15 Sec. 25. Unidentified persons. The coroner or medical
16 examiner shall obtain a DNA sample from any individual whose
17 remains are not identifiable. The DNA sample shall be forwarded
18 to the Department of State Police for inclusion in the State
19 and National DNA Databases.

20 Prior to the burial or interment of any unknown
21 individual's remains or any unknown individual's body part, the
22 medical examiner or coroner in possession of the remains or
23 body part must assign a DNA log number to the unknown
24 individual or body part. The medical examiner or coroner shall

1 place a tag that is stamped or inscribed with the DNA log
2 number on the individual or body part. The DNA log number shall
3 be stamped on the unidentified individual's toe tag, if
4 possible.

5 Section 15. The Counties Code is amended by changing
6 Section 3-3034 as follows:

7 (55 ILCS 5/3-3034) (from Ch. 34, par. 3-3034)

8 Sec. 3-3034. Disposition of body. After the inquest the
9 coroner may deliver the body or human remains of the deceased
10 to the family of the deceased or, if there are no family
11 members to accept the body or the remains, then to friends of
12 the deceased, if there be any, but if not, the coroner shall
13 cause the body or the remains to be decently buried, cremated,
14 or donated for medical science purposes, the expenses to be
15 paid from the property of the deceased, if there is sufficient,
16 if not, by the county. The coroner may not approve the
17 cremation or donation of the body if it is necessary to
18 preserve the body for law enforcement purposes. If the State
19 Treasurer, pursuant to the Uniform Disposition of Unclaimed
20 Property Act, delivers human remains to the coroner, the
21 coroner shall cause the human remains to be disposed of as
22 provided in this Section. If the police department of any
23 municipality or county investigates abandoned cremated
24 remains, determines that they are human remains, and cannot

1 locate the owner of the remains, then the police shall deliver
2 the remains to the coroner, and the coroner shall cause the
3 remains to be disposed of as provided in this Section.

4 (Source: P.A. 96-1339, eff. 7-27-10.)

5 Section 25. The Cemetery Oversight Act is amended by
6 changing Sections 5-15, 5-20, 5-25, 10-5, 10-15, 10-20, 10-21,
7 10-23, 10-25, 10-30, 10-40, 10-45, 10-50, 10-55, 20-5, 20-6,
8 20-10, 25-10, 25-14, 25-25, 25-70, 25-75, 25-105, 25-110,
9 25-120, 25-125, 75-50, and 75-55 and by adding Sections 10-39,
10 20-35, 20-40, and 25-14.5 as follows:

11 (225 ILCS 411/5-15)

12 (Section scheduled to be repealed on January 1, 2021)

13 Sec. 5-15. Definitions. In this Act:

14 "Address of record" means the designated address recorded
15 by the Department in the applicant's or licensee's application
16 file or license file. It is the duty of the applicant or
17 licensee to inform the Department of any change of address
18 within 14 days either through the Department's website or by
19 contacting the Department's licensure maintenance unit. The
20 address of record for a cemetery authority shall be the
21 permanent street address of the cemetery.

22 "Applicant" means a person applying for licensure under
23 this Act as a cemetery authority, cemetery manager, or customer
24 service employee. Any applicant or any person who holds himself

1 or herself out as an applicant is considered a licensee for
2 purposes of enforcement, investigation, hearings, and the
3 Illinois Administrative Procedure Act.

4 "Burial permit" means a permit provided by a licensed
5 funeral director for the disposition of a dead human body ~~that~~
6 ~~is filed with the Illinois Department of Public Health.~~

7 "Care" means the maintenance of a cemetery and of the lots,
8 graves, crypts, niches, family mausoleums, memorials, and
9 markers therein, including: (i) the cutting and trimming of
10 lawn, shrubs, and trees at reasonable intervals; (ii) keeping
11 in repair the drains, water lines, roads, buildings, fences,
12 and other structures, in keeping with a well-maintained
13 cemetery as provided for in Section 20-5 of this Act and
14 otherwise as required by rule; (iii) maintenance of machinery,
15 tools, and equipment for such care; (iv) compensation of
16 cemetery workers, any discretionary payment of insurance
17 premiums, and any reasonable payments for workers' pension and
18 other benefits plans; and (v) the payment of expenses necessary
19 for such purposes and for maintaining necessary records of lot
20 ownership, transfers, and burials.

21 ~~"Care funds", as distinguished from receipts from annual~~
22 ~~charges or gifts for current or annual care, means any realty~~
23 ~~or personalty impressed with a trust by the terms of any gift,~~
24 ~~grant, contribution, payment, legacy, or pursuant to contract,~~
25 ~~accepted by any cemetery authority or by any trustee, licensee,~~
26 ~~agent, or custodian for the same, under Article 15 of this Act,~~

1 ~~and any income accumulated therefrom, where legally so directed~~
2 ~~by the terms of the transaction by which the principal was~~
3 ~~established.~~

4 "Cemetery" means any land or structure in this State
5 dedicated to and used, or intended to be used, for the
6 interment, inurnment, or entombment of human remains.

7 ~~"Cemetery association" means an association of 6 or more~~
8 ~~persons, and their successors in trust, who have received~~
9 ~~articles of organization from the Secretary of State to operate~~
10 ~~a cemetery; the articles of organization shall be in perpetuity~~
11 ~~and in trust for the use and benefit of all persons who may~~
12 ~~acquire burial lots in a cemetery.~~

13 "Cemetery authority" means any individual or legal entity
14 that owns or controls cemetery lands or property.

15 "Cemetery manager" means an individual directly
16 responsible or holding himself or herself directly responsible
17 for the operation, maintenance, development, or improvement of
18 a cemetery that is or shall be licensed under this Act,
19 irrespective of whether the individual is paid by the licensed
20 cemetery authority or a third party. This definition does not
21 include a volunteer who receives no compensation, either
22 directly or indirectly, for his or her work as a cemetery
23 manager. ~~who is engaged in, or responsible for, or holding~~
24 ~~himself or herself out as engaged in, those activities involved~~
25 ~~in or incidental to supervising the following: the maintenance,~~
26 ~~operation, development, or improvement of a cemetery licensed~~

1 ~~under this Act; the interment of human remains; or the care,~~
2 ~~preservation, and embellishment of cemetery property. This~~
3 ~~definition includes, without limitation, an employee, an~~
4 ~~individual that is an independent contractor, an individual~~
5 ~~employed or contracted by an independent contractor, a~~
6 ~~third party vendor, or an individual employed or contracted by~~
7 ~~a third party vendor who is engaged in, or holding himself or~~
8 ~~herself out as engaged in, those activities involved in or~~
9 ~~incidental to supervising the following: the maintenance,~~
10 ~~operation, development, or improvement of a cemetery licensed~~
11 ~~under this Act; the interment of human remains; or the care,~~
12 ~~preservation, and embellishment of cemetery property.~~

13 "Cemetery merchandise" means items of personal property
14 normally sold by a cemetery authority not covered under the
15 Illinois Funeral or Burial Funds Act, including, but not
16 limited to: (1) memorials, (2) markers, (3) monuments, (4)
17 foundations and installations, and (5) outer burial
18 containers.

19 "Cemetery operation" means to engage in any or all of the
20 following, whether on behalf of, or in the absence of, a
21 cemetery authority: (i) the interment, entombment, or
22 inurnment of human remains, (ii) the sale of interment,
23 entombment, or inurnment rights, cemetery merchandise, or
24 cemetery services, (iii) the maintenance of interment rights
25 ownership records, (iv) the maintenance of or reporting of
26 interment, entombment, or inurnment records, (v) the

1 maintenance of cemetery property, (vi) the development or
2 improvement of cemetery grounds, or (vii) the maintenance and
3 execution of business documents, including State and federal
4 government reporting and the payment of taxes, for a cemetery
5 business entity. ~~or attempt to engage in the interment,~~
6 ~~inurnment, or entombment of human remains or to engage in or~~
7 ~~attempt to engage in the care of a cemetery.~~

8 "Cemetery Oversight Database" means a database certified
9 by the Department as effective in tracking the interment,
10 entombment, or inurnment of human remains.

11 "Cemetery services" means those services customarily
12 performed by cemetery personnel in connection with the
13 interment, entombment, or inurnment of a dead human body.

14 ~~"Cemetery worker" means an individual, including an~~
15 ~~independent contractor or third party vendor, who performs any~~
16 ~~work at the cemetery that is customarily performed by one or~~
17 ~~more cemetery employees, including openings and closings of~~
18 ~~vaults and graves, stone settings, inurnments, interments,~~
19 ~~entombments, administrative work, handling of any official~~
20 ~~burial records, the preparation of foundations for memorials,~~
21 ~~and routine cemetery maintenance. This definition does not~~
22 ~~include uncompensated, volunteer workers.~~

23 "Certificate of organization" means the document received
24 by a cemetery association from the Secretary of State that
25 indicates that the cemetery association shall be deemed fully
26 organized as a body corporate under the name adopted and in its

1 corporate name may sue and be sued.

2 "Comptroller" means the Comptroller of the State of
3 Illinois.

4 "Confidential information" means unique identifiers,
5 including a person's Social Security number, home address, home
6 phone number, personal phone number, personal email address,
7 personal financial information, and any other information
8 protected by law.

9 "Consumer" means an individual who purchases or who is
10 considering purchasing cemetery, burial, or cremation products
11 or services from a cemetery authority, whether for themselves
12 or for another person. ~~a person, or the persons given priority~~
13 ~~for the disposition of an individual's remains under the~~
14 ~~Disposition of Remains Act, who purchases or is considering~~
15 ~~purchasing cemetery, burial, or cremation products or services~~
16 ~~from a cemetery authority or crematory authority, whether for~~
17 ~~themselves or for another person.~~

18 "Customer service employee" means an individual who has
19 direct contact with consumers to explain cemetery merchandise,
20 services, and interment rights and to execute the sale of those
21 items to consumers, whether at the cemetery or an off-site
22 location, irrespective of whether compensation is paid by the
23 cemetery authority or a third party. This definition does not
24 include a volunteer who receives no compensation, either
25 directly or indirectly, for his or her work as a customer
26 service employee. ~~and explains cemetery merchandise or~~

1 ~~services or negotiates, develops, or finalizes contracts with~~
2 ~~consumers. This definition includes, without limitation, an~~
3 ~~employee, an individual that is an independent contractor, an~~
4 ~~individual that is employed or contracted by an independent~~
5 ~~contractor, a third party vendor, or an individual that is~~
6 ~~employed or contracted by a third party vendor, who has direct~~
7 ~~contact with consumers and explains cemetery merchandise or~~
8 ~~services or negotiates, develops, or finalizes contracts with~~
9 ~~consumers. This definition does not include an employee, an~~
10 ~~individual that is an independent contractor or an individual~~
11 ~~that is employed or contracted by an independent contractor, a~~
12 ~~third party vendor, or an individual that is employed or~~
13 ~~contracted by a third party vendor, who merely provides a~~
14 ~~printed cemetery list to a consumer, processes payment from a~~
15 ~~consumer, or performs sales functions related solely to~~
16 ~~incidental merchandise like flowers, souvenirs, or other~~
17 ~~similar items.~~

18 "Department" means the Department of Financial and
19 Professional Regulation.

20 "Employee" means an individual who works for a cemetery
21 authority where the cemetery authority has the right to control
22 what work is performed and the details of how the work is
23 performed regardless of whether federal or State payroll taxes
24 are withheld.

25 "Entombment right" means the right to place individual
26 human remains or individual cremated human remains in a

1 specific mausoleum crypt or lawn crypt selected by a consumer
2 for use as a final resting place.

3 "Family burying ground" means a cemetery in which no lots,
4 crypts, or niches are sold to the public and in which
5 interments, inurnments, and entombments are restricted to the
6 immediate family or a group of individuals related to each
7 other by blood or marriage.

8 "Full exemption" means an exemption granted to a cemetery
9 authority pursuant to subsection (a) of Section 5-20.

10 "Funeral director" means a funeral director as defined by
11 the Funeral Directors and Embalmers Licensing Code.

12 "Grave" means a space of ground in a cemetery used or
13 intended to be used for burial.

14 "Green burial or cremation disposition" means burial or
15 cremation practices that reduce the greenhouse gas emissions,
16 waste, and toxic chemicals ordinarily created in burial or
17 cremation or, in the case of greenhouse gas emissions, mitigate
18 or offset emissions. Such practices include any standards or
19 method for burial or cremation ~~certified by the Green Burial~~
20 ~~Council or any other organization or method~~ that the Department
21 may name by rule.

22 "Immediate family" means the designated agent of a person
23 or the persons given priority for the disposition of a person's
24 remains under the Disposition of Remains Act and shall include
25 a person's spouse, parents, grandparents, children,
26 grandchildren and siblings.

1 ~~"Imputed value" means the retail price of comparable rights~~
2 ~~within the same or similar area of the cemetery.~~

3 ~~"Independent contractor" means a person who performs work~~
4 ~~for a cemetery authority where the cemetery authority has the~~
5 ~~right to control or direct only the result of the work and not~~
6 ~~the means and methods of accomplishing the result.~~

7 "Individual" means a natural person.

8 "Interment right" means the right to place individual human
9 remains or cremated human remains in a specific underground
10 location selected by a consumer for use as a final resting
11 place.

12 "Inurnment right" means the right to place individual
13 cremated human remains in a specific niche selected by the
14 consumer for use as a final resting place.

15 ~~"Investment Company Act of 1940" means Title 15 of the~~
16 ~~United States Code, Sections 80a-1 to 80a-64, inclusive, as~~
17 ~~amended.~~

18 ~~"Investment company" means any issuer (a) whose securities~~
19 ~~are purchasable only with care funds or trust funds, or both;~~
20 ~~(b) that is an open and diversified management company as~~
21 ~~defined in and registered under the Investment Company Act of~~
22 ~~1940; and (c) that has entered into an agreement with the~~
23 ~~Department containing such provisions as the Department by~~
24 ~~regulation requires for the proper administration of this Act.~~

25 "Lawn crypt" means a permanent underground crypt installed
26 in multiple units for the entombment ~~interment~~ of human

1 remains.

2 "Licensee" means a person licensed under this Act as a
3 cemetery authority, cemetery manager, or customer service
4 employee. Anyone who holds himself or herself out as a licensee
5 or who is accused of unlicensed practice is considered a
6 licensee for purposes of enforcement, investigation, hearings,
7 and the Illinois Administrative Procedure Act. ~~This definition
8 does not include a cemetery worker.~~

9 "Mausoleum crypt" means a grouping of spaces constructed of
10 reinforced concrete or similar material constructed or
11 assembled above the ground for entombing remains ~~space in a~~
12 ~~mausoleum used or intended to be used, above or underground, to~~
13 ~~entomb human remains.~~

14 "Niche" means a space in a columbarium or mausoleum used,
15 or intended to be used, for inurnment of cremated human
16 remains.

17 "Partial exemption" means an exemption granted to a
18 cemetery authority pursuant to subsection (b) of Section 5-20.

19 "Parcel identification number" means a unique number
20 assigned by the Cemetery Oversight Database to a grave, plot,
21 crypt, or niche that enables the Department to ascertain the
22 precise location of a decedent's remains interred, entombed, or
23 inurned after the effective date of this Act.

24 "Person" means any individual, firm, partnership,
25 association, corporation, limited liability company, trustee,
26 government or political subdivision, or other entity.

1 "Public cemetery" means a cemetery owned, operated,
2 controlled, or managed by the federal government, by any state,
3 county, city, village, incorporated town, township,
4 multi-township, public cemetery district, or other municipal
5 corporation, political subdivision, or instrumentality thereof
6 authorized by law to own, operate, or manage a cemetery.

7 "Religious burying ground" means a cemetery in which no
8 lots, crypts, or niches are sold and in which interments,
9 inurnments, and entombments are restricted to a group of
10 individuals all belonging to a religious order or granted
11 burial rights by special consideration of the religious order.

12 "Religious cemetery" means a cemetery owned, operated,
13 controlled, and ~~or~~ managed by any recognized church, religious
14 society, association, or denomination, or by any cemetery
15 authority or any corporation administering, or through which is
16 administered, the temporalities of any recognized church,
17 religious society, association, or denomination.

18 "Secretary" means the Secretary of Financial and
19 Professional Regulation.

20 "Term burial" means a right of interment sold to a consumer
21 in which the cemetery authority retains the right to disinter
22 and relocate the remains, subject to the provisions of
23 subsection (d) of Section 35-15 of this Act.

24 "Trustee" means any person authorized to hold funds under
25 this Act.

26 "Unique personal identifier" means the parcel

1 identification number in addition to the term of burial in
2 years; the numbered level or depth in the grave, plot, crypt,
3 or niche; and the year of death for human remains interred,
4 entombed, or inurned after the effective date of this Act. The
5 unique personal identifier is assigned by the Cemetery
6 Oversight Database.

7 (Source: P.A. 96-863, eff. 3-1-10.)

8 (225 ILCS 411/5-20)

9 (Section scheduled to be repealed on January 1, 2021)

10 Sec. 5-20. Exemptions.

11 (a) Full exemption. Except as provided in this subsection,
12 ~~Notwithstanding any provision of law to the contrary,~~ this Act
13 does not apply to (1) any cemetery authority operating as a
14 family burying ground or religious burying ground, (2) any
15 cemetery authority that has not engaged in an interment,
16 inurnment, or entombment of human remains within the last 10
17 years ~~and does not accept or maintain care funds~~, or (3) any
18 cemetery authority that is less than 3 acres ~~2 acres and does~~
19 ~~not accept or maintain care funds~~. For purposes of determining
20 the applicability of this subsection, the number of interments,
21 inurnments, and entombments shall be aggregated for each
22 calendar year. A cemetery authority claiming a full exemption
23 shall apply for exempt status as provided for in Section 10-20
24 ~~Article 10~~ of this Act. A cemetery authority claiming a full
25 exemption shall be subject to Sections 10-40, 10-55, and 10-60

1 of this Act. A cemetery authority that performs activities that
2 would disqualify it from a full exemption is required to apply
3 for licensure within one year following the date on which its
4 activities would disqualify it for a full exemption. A cemetery
5 authority that previously qualified for and maintained a full
6 exemption that fails to timely apply for licensure shall be
7 deemed to have engaged in unlicensed practice and shall be
8 subject to discipline in accordance with Article 25 of this
9 Act.

10 (b) Partial exemption. If a cemetery authority does not
11 qualify for a full exemption and (1) engages in 25 or fewer
12 interments, inurnments, or entombments of human remains for
13 each of the preceding 2 calendar years, (2) operates as a
14 public cemetery, or (3) operates as a religious cemetery, then
15 the cemetery authority is partially exempt from this Act but
16 shall be required to comply with Sections 10-23, 10-40, 10-55,
17 10-60, subsections (a), (b), (b-5), (c), (d), and (h) of
18 Section 20-5, Sections 20-6, 20-8, 20-10, 20-12, 20-30, 20-35,
19 20-40, 25-3, and 25-120, and Article 35 of this Act.

20 ~~Notwithstanding any provision of law to the contrary, a~~
21 ~~cemetery authority that does not qualify for a full exemption~~
22 ~~that is operating as a cemetery authority (i) that engages in~~
23 ~~25 or fewer interments, inurnments, or entombments of human~~
24 ~~remains for each of the preceding 2 calendar years and does not~~
25 ~~accept or maintain care funds, (ii) that is operating as a~~
26 ~~public cemetery, or (iii) that is operating as a religious~~

1 ~~cemetery is exempt from this Act, but is required to comply~~
2 ~~with Sections 20-5(a), 20-5(b), 20-5(b-5), 20-5(c), 20-5(d),~~
3 ~~20-6, 20-8, 20-10, 20-11, 20-12, 20-30, 25-3, and 25-120 and~~
4 ~~Article 35 of this Act.~~ Cemetery authorities claiming a partial
5 exemption shall apply for the partial exemption as provided in
6 Section 10-20 ~~Article 10~~ of this Act. A cemetery authority that
7 changes to a status that would disqualify it from a partial
8 exemption is required to apply for licensure within one year
9 following the date on which it changes its status. A cemetery
10 authority that maintains a partial exemption that fails to
11 timely apply for licensure shall be deemed to have engaged in
12 unlicensed practice and shall be subject to discipline in
13 accordance with Article 25 of this Act.

14 (c) Nothing in this Act applies to the City of Chicago in
15 its exercise of its powers under the O'Hare Modernization Act
16 or limits the authority of the City of Chicago to acquire
17 property or otherwise exercise its powers under the O'Hare
18 Modernization Act, or requires the City of Chicago, or any
19 person acting on behalf of the City of Chicago, to comply with
20 the licensing, regulation, investigation, or mediation
21 requirements of this Act in exercising its powers under the
22 O'Hare Modernization Act.

23 (Source: P.A. 96-863, eff. 3-1-10.)

24 (225 ILCS 411/5-25)

25 (Section scheduled to be repealed on January 1, 2021)

1 Sec. 5-25. Powers of the Department. Subject to the
2 provisions of this Act, the Department may exercise the
3 following powers:

4 (1) Authorize certification programs ~~written~~
5 ~~examinations~~ to ascertain the qualifications and fitness
6 of applicants for licensing as a licensed cemetery manager
7 or as a customer service employee to ascertain whether they
8 possess the requisite level of knowledge for such position.

9 (2) Examine ~~and audit~~ a licensed cemetery authority's
10 ~~care funds,~~ records from any year, ~~and records of care~~
11 ~~funds from any year,~~ or any other aspects of cemetery
12 operation as the Department deems appropriate.

13 (3) Investigate any and all cemetery operations
14 ~~cemetery-related activity.~~

15 (4) Conduct hearings on proceedings to refuse to issue
16 or renew licenses or to revoke, suspend, place on
17 probation, reprimand, or otherwise discipline a license
18 under this Act or take other non-disciplinary action.

19 (5) Adopt reasonable rules required for the
20 administration of this Act.

21 (6) Prescribe forms to be issued for the administration
22 and enforcement of this Act.

23 (7) Maintain rosters of the names and addresses of all
24 licensees and all persons whose licenses have been
25 suspended, revoked, denied renewal, or otherwise
26 disciplined within the previous calendar year. These

1 rosters shall be available upon written request and payment
2 of the required fee as established by rule.

3 (8) Work with the Office of the Comptroller and the
4 Department of Public Health, Division of Vital Records to
5 exchange information and request additional information
6 relating to a licensed cemetery authority;

7 (9) Investigate cemetery contracts, grounds, or
8 employee records.

9 If the Department exercises its authority to conduct
10 investigations under this Section, the Department shall
11 provide the cemetery authority with information sufficient to
12 challenge the allegation. If the complainant consents, then the
13 Department shall provide the cemetery authority with the
14 identity of and contact information for the complainant so as
15 to allow the cemetery authority and the complainant to resolve
16 the complaint directly. Except as otherwise provided in this
17 Act, any complaint received by the Department and any
18 information collected to investigate the complaint shall be
19 maintained by the Department for the confidential use of the
20 Department and shall not be disclosed. The Department may not
21 disclose the information to anyone other than law enforcement
22 officials or other regulatory agencies or persons that have an
23 appropriate regulatory interest, as determined by the
24 Secretary, or to a party presenting a lawful subpoena to the
25 Department. Information and documents disclosed to a federal,
26 state, county, or local law enforcement agency shall not be

1 disclosed by the agency for any purpose to any other agency or
2 person. A formal complaint filed against a licensee by the
3 Department or any order issued by the Department against a
4 licensee or applicant shall be a public record, except as
5 otherwise prohibited by law.

6 (Source: P.A. 96-863, eff. 3-1-10.)

7 (225 ILCS 411/10-5)

8 (Section scheduled to be repealed on January 1, 2021)

9 Sec. 10-5. Restrictions and limitations. No person shall,
10 without a valid license issued by the Department, (i) hold
11 himself or herself out in any manner to the public as a
12 licensed cemetery authority, licensed cemetery manager, or
13 customer service employee ~~or~~ (ii) attach the title "licensed
14 cemetery authority", "licensed cemetery manager", or "licensed
15 customer service employee" to his or her name. No person shall,
16 without a valid license or exemption from licensure from the
17 Department, ~~(iii) render or offer to render services~~
18 ~~constituting the practice of cemetery operation; or (iv) accept~~
19 ~~care funds within the meaning of this Act or otherwise hold~~
20 ~~funds for care and maintenance unless such person is holding~~
21 ~~and managing funds on behalf of a cemetery authority and is~~
22 ~~authorized to conduct a trust business under the Corporate~~
23 ~~Fiduciary Act or the federal National Bank Act.~~

24 (Source: P.A. 96-863, eff. 3-1-10.)

1 (225 ILCS 411/10-15)

2 (Section scheduled to be repealed on January 1, 2021)

3 Sec. 10-15. Licenses for cemetery authorities, cemetery
4 managers, and customer service employees. ~~Persons not licensed~~
5 ~~under the Cemetery Care Act or the Cemetery Association Act. A~~
6 ~~cemetery manager, a customer service employee, or a person~~
7 ~~acting as a cemetery authority who was not required to obtain~~
8 ~~licensure prior to the effective date of this Act need not~~
9 ~~comply with the licensure requirement in this Article until the~~
10 ~~Department takes action on the person's application for a~~
11 ~~license.~~ The application for a cemetery authority license must
12 be submitted to the Department within 6 months after the
13 Department adopts rules under this Act ~~the effective date of~~
14 ~~this Act.~~ For cemetery managers already working for a cemetery
15 authority at the time of cemetery authority application for
16 licensure, the application for a cemetery manager license must
17 be submitted at the same time as the original application for
18 licensure as a cemetery authority ~~pursuant to this Section or~~
19 ~~Section 10-10, whichever the case may be.~~ Any applicant for
20 licensure as a cemetery manager of a cemetery authority that is
21 already licensed under this Act or that has a pending
22 application for licensure under this Act must submit his or her
23 application to the Department on or before his or her first day
24 of work. The application for a customer service employee
25 license must be submitted to the Department within 10 days
26 after the cemetery authority for which he or she works becomes

1 licensed under this Act or on or before his or her first day of
2 work for a cemetery authority that is already licensed under
3 this Act, whichever the case may be. If the person fails to
4 submit the application within the required period, the person
5 shall be considered to be engaged in unlicensed practice and
6 shall be subject to discipline in accordance with Article 25 of
7 this Act.

8 (Source: P.A. 96-863, eff. 3-1-10.)

9 (225 ILCS 411/10-20)

10 (Section scheduled to be repealed on January 1, 2021)

11 Sec. 10-20. Application for original license or exemption.

12 (a) Applications for original licensure as a cemetery
13 authority, cemetery manager, or customer service employee
14 authorized by this Act, or application for exemption from
15 licensure as a cemetery authority, shall be made to the
16 Department on forms prescribed by the Department, which shall
17 include the applicant's Social Security number or FEIN number,
18 or both, and shall be accompanied by the required fee as set by
19 Section 10-55 of this Act and further refined by rule.

20 Applications for partial or full exemption from licensure as a
21 cemetery authority shall be submitted to the Department within
22 6 months ~~12 months~~ after the Department adopts rules under this
23 Act. If the person fails to submit the application for partial
24 or full exemption within this period, the person shall be
25 subject to discipline in accordance with Article 25 of this

1 Act. The process for renewing a full or partial exemption shall
2 be set by rule. If a cemetery authority seeks to practice at
3 more than one location, it shall meet all licensure
4 requirements at each location as required by this Act and by
5 rule, including submission of an application and fee. ~~A person~~
6 ~~licensed as a cemetery manager or customer service employee~~
7 ~~need not submit a Worker's Statement in accordance with Section~~
8 ~~10-22 of this Act.~~

9 (b) (Blank). ~~If the application for licensure as a cemetery~~
10 ~~authority does not claim a full exemption or partial exemption,~~
11 ~~then the cemetery authority license application shall be~~
12 ~~accompanied by a fidelity bond, proof of self-insurance, or~~
13 ~~letter of credit in the amount required by rule. Such bond,~~
14 ~~self-insurance, or letter of credit shall run to the Department~~
15 ~~for the benefit of the care funds held by such cemetery~~
16 ~~authority or by the trustee of the care funds of such cemetery~~
17 ~~authority. If care funds of a cemetery authority are held by~~
18 ~~any entity authorized to do a trust business under the~~
19 ~~Corporate Fiduciary Act or held by an investment company, then~~
20 ~~the Department shall waive the requirement of a bond,~~
21 ~~self-insurance, or letter of credit as established by rule. If~~
22 ~~the Department finds at any time that the bond, self-insurance~~
23 ~~or letter of credit is insecure or exhausted or otherwise~~
24 ~~doubtful, then an additional bond, form of self-insurance, or~~
25 ~~letter of credit in like amount to be approved by the~~
26 ~~Department shall be filed by the cemetery authority applicant~~

1 ~~or licensee within 30 days after written demand is served upon~~
2 ~~the applicant or licensee by the Department. In addition, if~~
3 ~~the cemetery authority application does not claim a full~~
4 ~~exemption or partial exemption, then the license application~~
5 ~~shall be accompanied by proof of liability insurance, proof of~~
6 ~~self insurance, or a letter of credit in the amount required by~~
7 ~~rule. The procedure by which claims on the liability insurance,~~
8 ~~self insurance, or letter of credit are made and paid shall be~~
9 ~~determined by rule. Any bond obtained pursuant to this~~
10 ~~subsection shall be issued by a bonding company authorized to~~
11 ~~do business in this State. Any letter of credit obtained~~
12 ~~pursuant to this subsection shall be issued by a financial~~
13 ~~institution authorized to do business in this State.~~
14 ~~Maintaining the bonds, self insurance, or letters of credit~~
15 ~~required under this subsection is a continuing obligation for~~
16 ~~licensure. A bonding company may terminate a bond, a financial~~
17 ~~institution may terminate a letter of credit, or an insurance~~
18 ~~company may terminate liability insurance and avoid further~~
19 ~~liability by filing a 60 day notice of termination with the~~
20 ~~Department and at the same time sending the same notice to the~~
21 ~~cemetery authority.~~

22 (c) After initial licensure, if any person comes to obtain
23 at least 51% of the ownership over the licensed cemetery
24 authority, then the cemetery authority shall have to apply for
25 a new license and receive licensure in the required time as set
26 by rule. The current license remains in effect until the

1 Department takes action on the application for a new license.

2 (d) All applications shall contain the information that, in
3 the judgment of the Department, will enable the Department to
4 pass on the qualifications of the applicant for an exemption
5 from licensure or for a license to practice as a cemetery
6 authority, cemetery manager, or customer service employee as
7 set by rule.

8 (Source: P.A. 96-863, eff. 3-1-10.)

9 (225 ILCS 411/10-21)

10 (Section scheduled to be repealed on January 1, 2021)

11 Sec. 10-21. Qualifications for licensure.

12 (a) A cemetery authority shall apply for licensure on forms
13 prescribed by the Department and pay the required fee. An
14 applicant is qualified for licensure as a cemetery authority if
15 the applicant meets all of the following qualifications:

16 (1) The applicant ~~is of good moral character and~~ has
17 not committed any act or offense in any jurisdiction that
18 would constitute the basis for discipline under this Act.
19 When considering such license ~~In determining good moral~~
20 ~~character,~~ the Department shall take into consideration
21 the following:

22 (A) the applicant's record of compliance with the
23 Code of Professional Conduct and Ethics, and whether
24 the applicant has been found to have engaged in any
25 unethical or dishonest practices in the cemetery

1 business;

2 (B) whether the applicant has been adjudicated,
3 civilly or criminally, to have committed fraud or to
4 have violated any law of any state involving unfair
5 trade or business practices, has been convicted of a
6 misdemeanor of which fraud is an essential element or
7 which involves any aspect of the cemetery business, or
8 has been convicted of any felony;

9 (C) whether the applicant has willfully violated
10 any provision of this Act or a predecessor law or any
11 regulations relating thereto;

12 (D) whether the applicant has been permanently or
13 temporarily suspended, enjoined, or barred by any
14 court of competent jurisdiction in any state from
15 engaging in or continuing any conduct or practice
16 involving any aspect of the cemetery or funeral
17 business; and

18 (E) whether the applicant has ever had any license
19 to practice any profession or occupation suspended,
20 denied, fined, or otherwise acted against or
21 disciplined by the applicable licensing authority.

22 If the applicant is a corporation, limited liability
23 company, partnership, or other entity permitted by law,
24 then the Department shall determine whether each
25 principal, owner, member, officer, and shareholder holding
26 25% or more of corporate stock has met the requirements of

1 ~~this item (1) of subsection (a) of this Section is to be of~~
2 ~~good moral character. Good moral character is a continuing~~
3 ~~requirement of licensure.~~

4 (2) The applicant must provide a statement of its
5 assets and liabilities to the Department. ~~The applicant~~
6 ~~provides evidence satisfactory to the Department that the~~
7 ~~applicant has financial resources sufficient to comply~~
8 ~~with the maintenance and record keeping provisions in~~
9 ~~Section 20 5 of this Act. Maintaining sufficient financial~~
10 ~~resources is a continuing requirement for licensure.~~

11 (3) The applicant has not, within the preceding 10
12 years, been convicted of or entered a plea of guilty or
13 nolo contendere to (i) a Class X felony or (ii) a felony,
14 an essential element of which was fraud or dishonesty under
15 the laws of this State, another state, the United States,
16 or a foreign jurisdiction. If the applicant is a
17 corporation, limited liability company, partnership, or
18 other entity permitted by law, then each principal, owner,
19 member, officer, and shareholder holding 25% or more of
20 corporate stock has not, within the preceding 10 years,
21 been convicted of or entered a plea of guilty or nolo
22 contendere to (i) a Class X felony or (ii) a felony, an
23 essential element of which was fraud or dishonesty under
24 the laws of this State, another state, the United States,
25 or a foreign jurisdiction.

26 (4) The applicant shall authorize the Department to

1 conduct a criminal background check that does not involve
2 fingerprinting. ~~The applicant submits his or her~~
3 ~~fingerprints in accordance with subsection (c) of this~~
4 ~~Section.~~

5 (5) In the case of a person or entity applying for
6 renewal of his, her, or its license, the ~~The~~ applicant has
7 complied with all other requirements of this Act and the
8 rules adopted for the implementation of this Act.

9 (b) The cemetery manager and customer service employees of
10 a licensed cemetery authority shall apply for licensure as a
11 cemetery manager or customer service employee on forms
12 prescribed by the Department and pay the required fee. A person
13 is qualified for licensure as a cemetery manager or customer
14 service employee if he or she meets all of the following
15 requirements:

16 (1) Is at least 18 years of age.

17 (2) Has acted in an ethical manner as set forth in
18 Section 10-23 of this Act ~~is of good moral character. Good~~
19 ~~moral character is a continuing requirement of licensure.~~
20 In determining qualifications of licensure ~~good moral~~
21 ~~character~~, the Department shall take into consideration
22 the factors outlined in item (1) of subsection (a) of this
23 Section.

24 (3) Submits proof of successful completion of a high
25 school education or its equivalent as established by rule.

26 (4) The applicant shall authorize the Department to

1 conduct a criminal background check that does not involve
2 fingerprinting ~~Submits his or her fingerprints in~~
3 ~~accordance with subsection (c) of this Section.~~

4 (5) Has not committed a violation of this Act or any
5 rules adopted under this Act that, in the opinion of the
6 Department, renders the applicant unqualified to be a
7 cemetery manager.

8 (6) Submits proof of successful completion of a
9 certification course recognized by the Department for a
10 cemetery manager or customer service employee, whichever
11 the case may be ~~Successfully passes the examination~~
12 ~~authorized by the Department for cemetery manager or~~
13 ~~customer service employee, whichever is applicable.~~

14 (7) Has not, within the preceding 10 years, been
15 convicted of or entered a plea of guilty or nolo contendere
16 to (i) a Class X felony or (ii) a felony, an essential
17 element of which was fraud or dishonesty under the laws of
18 this State, another state, the United States, or a foreign
19 jurisdiction.

20 (8) (Blank). ~~Can be reasonably expected to treat~~
21 ~~consumers professionally, fairly, and ethically.~~

22 (9) In the case of a person applying for renewal of his
23 or her license, has ~~Has~~ complied with all other
24 requirements of this Act and the rules adopted for
25 implementation of this Act.

26 (c) Each applicant for a cemetery authority, cemetery

1 manager, or customer service employee license shall authorize
2 the Department to conduct a criminal background check that does
3 not involve fingerprinting. The Department must, in turn,
4 conduct the criminal background check on each applicant. The
5 Department shall adopt rules to implement this subsection (c),
6 but in no event shall the Department impose a fee upon the
7 applicant for the background check. Each applicant for a
8 ~~cemetery authority, cemetery manager, or customer service~~
9 ~~employee license shall have his or her fingerprints submitted~~
10 ~~to the Department of State Police in an electronic format that~~
11 ~~complies with the form and manner for requesting and furnishing~~
12 ~~criminal history record information that is prescribed by the~~
13 ~~Department of State Police. These fingerprints shall be checked~~
14 ~~against the Department of State Police and Federal Bureau of~~
15 ~~Investigation criminal history record databases. The~~
16 ~~Department of State Police shall charge applicants a fee for~~
17 ~~conducting the criminal history records check, which shall be~~
18 ~~deposited in the State Police Services Fund and shall not~~
19 ~~exceed the actual cost of the records check. The Department of~~
20 ~~State Police shall furnish, pursuant to positive~~
21 ~~identification, records of Illinois convictions to the~~
22 ~~Department. The Department may require applicants to pay a~~
23 ~~separate fingerprinting fee, either to the Department or~~
24 ~~directly to a designated fingerprint vendor. The Department, in~~
25 ~~its discretion, may allow an applicant who does not have~~
26 ~~reasonable access to a designated fingerprint vendor to provide~~

~~his or her fingerprints in an alternative manner. The Department, in its discretion, may also use other procedures in performing or obtaining criminal background checks of applicants. Instead of submitting his or her fingerprints, an individual may submit proof that is satisfactory to the Department that an equivalent security clearance has been conducted. If the applicant for a cemetery authority license is a corporation, limited liability company, partnership, or other entity permitted by law, then each principal, owner, member, officer, and shareholder holding 25% or more of corporate stock shall have his or her fingerprints submitted in accordance with this subsection (c).~~

(Source: P.A. 96-863, eff. 3-1-10.)

(225 ILCS 411/10-23)

(Section scheduled to be repealed on January 1, 2021)

Sec. 10-23. Code of Professional Conduct and Ethics.
Licensed cemetery authorities and their licensed cemetery managers and customer service employees, and cemetery authorities maintaining a partial exemption and their cemetery managers and customer service employees shall:

(a) Refrain from committing any action that may violate Section 25-10 of this Act;

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

1 (c) Treat all human remains with proper care and dignity,
2 honoring known religious, ethnic, and personal beliefs;

3 (d) Protect all confidential information;

4 (e) Carry out all aspects of service in a competent and
5 respectful manner;

6 (f) Fulfill all written and verbal agreements and
7 contracts;

8 (g) Provide honest, factual, and complete information
9 regarding all aspects of the services offered and provided;

10 (h) Not engage in advertising that is false, misleading, or
11 otherwise prohibited by law;

12 (i) Not discriminate against any person because of race,
13 creed, marital status, sex, national origin, sexual
14 orientation, or color, except a religious cemetery may restrict
15 its services to those of the same religious faith or creed. A
16 cemetery authority operating any cemetery may designate parts
17 of cemeteries or burial grounds for the specific use of persons
18 whose religious code requires isolation;

19 (j) To have clear and specific cemetery rules and
20 regulations, subject to other applicable law, including this
21 Act, and to apply them equally to all families served;

22 (k) Report all violations of this Act and this Section to
23 the Department. The Department shall adopt a Code of
24 Professional Conduct and Ethics by rule. Cemetery authorities,
25 cemetery managers, and customer service employees shall abide
26 by the Code of Professional Conduct and Ethics.

1 (Source: P.A. 96-863, eff. 3-1-10.)

2 (225 ILCS 411/10-25)

3 (Section scheduled to be repealed on January 1, 2021)

4 Sec. 10-25. Certification ~~Examination; failure or refusal~~
5 ~~to take the examination.~~

6 (a) The Department shall authorize certification programs
7 for ~~examinations of~~ cemetery manager and customer service
8 employee applicants ~~at such times and places as it may~~
9 ~~determine.~~ The certification programs must consist of
10 education and training in cemetery ethics, cemetery law, and
11 cemetery practices. Cemetery ethics shall include, without
12 limitation, the Code of Professional Conduct and Ethics as set
13 forth in Section 10-23 of this Act. Cemetery law shall include,
14 without limitation, the Cemetery Oversight Act, the Cemetery
15 Care Act, the Disposition of Remains Act, and the Cemetery
16 Protection Act. Cemetery practices shall include, without
17 limitation, treating the dead and their family members with
18 dignity and respect. The certification program shall include an
19 examination administered by the entity providing the
20 certification. ~~The examinations shall fairly test an~~
21 ~~applicant's qualifications to practice as cemetery manager or~~
22 ~~customer service employee, whatever the case may be, and~~
23 ~~knowledge of the theory and practice of cemetery operation and~~
24 ~~management or cemetery customer service, whichever is~~
25 ~~applicable. The examination shall further test the extent to~~

1 ~~which the applicant understands and appreciates that the final~~
2 ~~disposal of a deceased human body should be attended with~~
3 ~~appropriate observance and understanding, having due regard~~
4 ~~and respect for the reverent care of the human body and for~~
5 ~~those bereaved and for the overall spiritual dignity of an~~
6 ~~individual.~~

7 (a-5) An entity seeking to offer a certification program to
8 cemetery manager applicants and customer service employee
9 applicants must receive approval of its program from the
10 Department in a manner and form prescribed by the Department by
11 rule. As part of this process, the entity must submit to the
12 Department the examination it offers or intends to offer as
13 part of its certification program ~~The examinations for cemetery~~
14 ~~manager and customer service employee shall be appropriate for~~
15 ~~cemetery professionals and shall not cover mortuary science.~~

16 (a-10) A cemetery manager applicant or customer service
17 employee applicant may choose any entity that has been approved
18 by the Department from which to obtain certification ~~The~~
19 ~~examinations for cemetery manager and customer service~~
20 ~~employee applicants shall be tiered, as determined by rule, to~~
21 ~~account for the different amount of knowledge needed by such~~
22 ~~applicants depending on their job duties and the number of~~
23 ~~interments, inurnments, and entombments per year at the~~
24 ~~cemetery at which they work.~~

25 (b) Cemetery manager applicants and customer service
26 employee applicants shall pay the fee for the certification

1 ~~program directly to the entity offering the program. Applicants~~
2 ~~for examinations shall pay, either to the Department or to the~~
3 ~~designated testing service, a fee covering the cost of~~
4 ~~providing the examination. Failure to appear for the~~
5 ~~examination on the scheduled date at the time and place~~
6 ~~specified after the application for examination has been~~
7 ~~received and acknowledged by the Department or the designated~~
8 ~~testing service shall result in forfeiture of the examination~~
9 ~~fee.~~

10 (c) If the cemetery manager applicant or customer service
11 employee applicant neglects, fails, or refuses to become
12 certified ~~take an examination or fails to pass an examination~~
13 ~~for a license under this Act~~ within one year after filing an
14 application, then the application shall be denied. However, the
15 applicant may thereafter submit a new application accompanied
16 by the required fee. The applicant shall meet the requirements
17 in force at the time of making the new application.

18 (d) A cemetery manager applicant or customer service
19 employee applicant who has completed a certification program
20 offered by an entity that has not received the Department's
21 approval as required by this Section has not met the
22 qualifications for licensure as set forth in Section 10-21 of
23 this Act ~~The Department may employ consultants for the purpose~~
24 ~~of preparing and conducting examinations.~~

25 (e) The Department shall recognize any certification
26 program that is conducted by a death care trade association in

1 Illinois that has been in existence for more than 5 years that,
2 in the determination of the Department, provides adequate
3 education and training in cemetery law, cemetery ethics, and
4 cemetery practices and administers an examination covering the
5 same ~~The Department shall have the authority to adopt or~~
6 ~~recognize, in part or in whole, examinations prepared,~~
7 ~~administered, or graded by other organizations in the cemetery~~
8 ~~industry that are determined appropriate to measure the~~
9 ~~qualifications of an applicant for licensure.~~

10 (Source: P.A. 96-863, eff. 3-1-10.)

11 (225 ILCS 411/10-30)

12 (Section scheduled to be repealed on January 1, 2021)

13 Sec. 10-30. Continuing education. The Department shall
14 adopt rules for continuing education of cemetery managers and
15 customer service employees. The continuing education programs
16 may consist of education and training in cemetery ethics,
17 cemetery law, and cemetery practices as defined in Section
18 10-25 of this Act. An entity seeking to offer a continuing
19 education program to cemetery managers and customer service
20 employees must receive approval of its program from the
21 Department in a manner and form prescribed by the Department by
22 rule. Cemetery managers shall be required to complete 6 hours
23 of continuing education during each renewal cycle. Customer
24 service employees shall be required to complete 3 hours of
25 continuing education during each renewal cycle. ~~The continuing~~

1 ~~education requirements for cemetery managers and customer~~
2 ~~service employees shall be tiered, as determined by rule, to~~
3 ~~account for the different amount of knowledge needed by such~~
4 ~~applicants depending on their job duties and the number of~~
5 ~~interments, inurnments, and entombments per year at the~~
6 ~~cemetery at which they work. The Department shall strive to~~
7 ~~keep the costs of any continuing education program imposed on a~~
8 ~~cemetery authority minimal. The requirements of this Section~~
9 ~~apply to any person seeking renewal or restoration under~~
10 ~~Section 10-40 of this Act.~~

11 (Source: P.A. 96-863, eff. 3-1-10.)

12 (225 ILCS 411/10-39 new)

13 Sec. 10-39. Cemetery manager and customer service
14 employee; display of certification and license; grace periods.
15 The cemetery manager and customer service employee must
16 conspicuously display the certification and the license after
17 it is received at the cemetery authority's place of business.
18 Any person applying for original licensure as a cemetery
19 manager without the required certification from a program
20 approved by the Department shall have a reasonable period of
21 time, not to exceed one year from the date of his or her
22 original application, but not any second or subsequent
23 application, to complete the program. In the interim, the
24 cemetery manager without certification may manage the cemetery
25 if he or she (1) has submitted an application for licensure and

1 (2) has received training from another person, as verified by
2 an appropriate form approved by the Department, who has
3 received the required certification from a program recognized
4 by the Department. Any person applying for original licensure
5 as a customer service employee without the required
6 certification from a program approved by the Department shall
7 have a reasonable period of time, not to exceed one year from
8 the date of his or her original application, but not any second
9 or subsequent application, to complete the program. In the
10 interim, the customer service employee without certification
11 may engage in the work of a customer service employee if he or
12 she (1) has submitted an application for licensure and (2) has
13 received training from another person, as verified by an
14 appropriate form approved by the Department, who has received
15 certification from a program recognized by the Department.

16 (225 ILCS 411/10-40)

17 (Section scheduled to be repealed on January 1, 2021)

18 Sec. 10-40. Expiration and renewal of license. Every
19 cemetery authority, cemetery manager, and customer service
20 employee license shall expire every 2 years. Every registration
21 as a fully exempt cemetery authority or partially exempt
22 cemetery authority shall expire every 4 years. The expiration
23 date, renewal period, and other requirements for each license
24 and registration shall be further refined ~~set~~ by rule.

25 (Source: P.A. 96-863, eff. 3-1-10.)

1 (225 ILCS 411/10-45)

2 (Section scheduled to be repealed on January 1, 2021)

3 Sec. 10-45. Transfer or sale, preservation of license,
4 ~~liability for shortage.~~

5 (a) (Blank). ~~In the case of a sale of any cemetery or any~~
6 ~~part thereof or of any related personal property by a cemetery~~
7 ~~authority to a purchaser or pursuant to foreclosure~~
8 ~~proceedings, except the sale of burial rights, services, or~~
9 ~~merchandise to a person for his or her personal or family~~
10 ~~burial or interment, the purchaser is liable for any shortages~~
11 ~~existing before or after the sale in the care funds required to~~
12 ~~be maintained in a trust pursuant to this Act and shall honor~~
13 ~~all instruments issued under Article 15 of this Act for that~~
14 ~~cemetery. Any shortages existing in the care funds constitute a~~
15 ~~prior lien in favor of the trust for the total value of the~~
16 ~~shortages and notice of such lien shall be provided in all~~
17 ~~sales instruments.~~

18 (b) In the event of a sale or transfer of all or
19 substantially all of the assets of the cemetery authority, the
20 sale or transfer of the controlling interest of the corporate
21 stock of the cemetery authority, if the cemetery authority is a
22 corporation, or the sale or transfer of the controlling
23 interest of the partnership, if the cemetery authority is a
24 partnership, or the sale or transfer of the controlling
25 membership, if the cemetery authority is a limited liability

1 company, the cemetery authority shall, at least 30 days prior
2 to the sale or transfer, notify the Department, in writing, of
3 the pending date of sale or transfer ~~so as to permit the~~
4 ~~Department to audit the books and records of the cemetery~~
5 ~~authority. The audit must be commenced within 10 business days~~
6 ~~of the receipt of the notification and completed within the~~
7 ~~30 day notification period unless the Department notifies the~~
8 ~~cemetery authority during that period that there is a basis for~~
9 ~~determining a deficiency that will require additional time to~~
10 ~~finalize.~~ The sale or transfer may not be completed by the
11 cemetery authority unless and until:

12 (1) (Blank). ~~the Department has completed the audit of~~
13 ~~the cemetery authority's books and records;~~

14 (2) (Blank). ~~any delinquency existing in the care funds~~
15 ~~has been paid by the cemetery authority or arrangements~~
16 ~~satisfactory to the Department have been made by the~~
17 ~~cemetery authority on the sale or transfer for the payment~~
18 ~~of any delinquency; and~~

19 (3) the Department issues a new cemetery authority
20 license upon application of the newly controlled
21 corporation or partnership, which license must be applied
22 for at least 30 days prior to the anticipated date of the
23 sale or transfer, ~~subject to the payment of any~~
24 ~~delinquencies, if any, as stated in item (2) of this~~
25 ~~subsection (b).~~

26 (c) In the event of a sale or transfer of any cemetery

1 land, including any portion of cemetery land in which no human
2 remains have been interred, a licensee shall, at least 45 days
3 prior to the sale or transfer, notify the Department, in
4 writing, of the pending sale or transfer. With the
5 notification, the cemetery authority shall submit information
6 to the Department, which may include a copy of a portion of the
7 cemetery map showing the land to be sold or transferred, to
8 enable the Department to determine whether any human remains
9 are interred, inurned, or entombed within the land to be sold
10 or transferred and whether consumers have rights of interment,
11 inurnment, or entombment within the land to be sold or
12 transferred.

13 (d) For purposes of this Section, a person who acquires the
14 cemetery through a real estate foreclosure shall be subject to
15 the provisions of this Section pertaining to the purchaser,
16 including licensure.

17 (Source: P.A. 96-863, eff. 3-1-10.)

18 (225 ILCS 411/10-50)

19 (Section scheduled to be repealed on January 1, 2021)

20 Sec. 10-50. Dissolution. Where any licensed cemetery
21 authority or any trustee thereof seeks ~~has accepted care funds~~
22 ~~within the meaning of this Act, and dissolution is sought by~~
23 ~~such cemetery authority~~ in any manner, by resolution of such
24 cemetery authority, or the trustees thereof, notice shall be
25 given to the Department of such intention to dissolve ~~and~~

1 ~~proper disposition shall be made of the care funds so held for~~
2 ~~the general benefit of such lot owners by or for the benefit of~~
3 ~~such cemetery authority, as provided by law, or in accordance~~
4 ~~with the trust provisions of any gift, grant, contribution,~~
5 ~~payment, legacy, or pursuant to any contract whereby such funds~~
6 ~~were created.~~ The Department, represented by the Attorney
7 General, may apply to the circuit court for the appointment of
8 a receiver, ~~trustee, successor in trust,~~ or for directions of
9 such court as to the proper ~~disposition to be made of such care~~
10 ~~funds, to the end that the uses and purposes for which such~~
11 ~~trust or care funds were created may be accomplished, and for~~
12 ~~proper~~ continued operation of the cemetery.

13 (Source: P.A. 96-863, eff. 3-1-10.)

14 (225 ILCS 411/10-55)

15 (Section scheduled to be repealed on January 1, 2021)

16 Sec. 10-55. Fees.

17 (a) Except as provided in ~~subsection (b) of this Section,~~
18 the fees for the administration and enforcement of this Act,
19 ~~including, but not limited to, original licensure, renewal, and~~
20 ~~restoration fees,~~ shall be set by the Department by rule. The
21 fees shall be reasonable and shall not be refundable.

22 (b) Cemetery manager applicants and customer service
23 employee applicants shall pay any certification program or
24 continuing education program fee directly to the entity
25 offering the program.

1 (c) The Department may waive fees based upon hardship.

2 (d) Nothing shall prohibit a cemetery authority from
3 paying, on behalf of its cemetery managers or customer service
4 employees, their application, renewal, or restoration fees.

5 ~~(b) Applicants for examination shall be required to pay,~~
6 ~~either to the Department or the designated testing service, a~~
7 ~~fee covering the cost of providing the examination.~~

8 (e) ~~(e)~~ All fees and other moneys collected under this Act
9 shall be deposited in the Cemetery Oversight Licensing and
10 Disciplinary Fund.

11 (f) The fee for application as a cemetery authority seeking
12 a full exemption is \$0.

13 (g) The fee to renew registration as a fully exempt
14 cemetery authority is \$0. As provided in Section 10-40 of this
15 Act and as further refined by rule, each registration as a
16 fully exempt cemetery authority shall expire every 4 years.

17 (h) The fee for application as a cemetery authority seeking
18 a partial exemption is \$150.

19 (i) The fee to renew registration as a partially exempt
20 cemetery authority is \$150. As provided in Section 10-40 of
21 this Act and as further refined by rule, each registration as a
22 partially exempt cemetery authority shall expire every 4 years.

23 (j) The fee for original licensure, renewal, and
24 restoration as a cemetery authority not seeking a full or
25 partial exemption is \$75. As provided in Section 10-40 of this
26 Act and as further refined by rule, each cemetery authority

1 license shall expire every 2 years.

2 (k) The fee for original licensure, renewal, and
3 restoration as a cemetery manager is \$25. As provided in
4 Section 10-40 of this Act and as further refined by rule, each
5 cemetery manager license shall expire every 2 years.

6 (l) The fee for original licensure, renewal, and
7 restoration as a customer service employee is \$25. As provided
8 in Section 10-40 of this Act and as further refined by rule,
9 each customer service employee license shall expire every 2
10 years.

11 (Source: P.A. 96-863, eff. 3-1-10.)

12 (225 ILCS 411/20-5)

13 (Section scheduled to be repealed on January 1, 2021)

14 Sec. 20-5. Maintenance and records.

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

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

25 (2) the cutting of lawn throughout the cemetery at

1 reasonable intervals to prevent an overgrowth of grass and
2 weeds given the weather conditions, climate, and season;

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

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

6 (5) maintaining, repairing, or removing, if necessary,
7 drains, water lines, roads, buildings, fences, and other
8 structures ~~keeping in repair the drains, water lines,~~
9 ~~roads, buildings, fences, and other structures;~~ and

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

12 In determining whether a cemetery authority provides
13 reasonable maintenance of the cemetery property, the
14 Department shall consider:

15 (1) the cemetery authority's contractual obligations
16 for care and maintenance;

17 (2) the size of the cemetery;

18 (3) the extent and use of the cemetery authority's
19 financial resources;

20 (4) the standard of maintenance of one or more
21 similarly situated cemeteries; in determining whether a
22 cemetery is similarly situated the Department shall
23 consider the cemetery's size, location, topography, and
24 financial resources, and whether the cemetery is a
25 fraternal cemetery, a religious cemetery, a public
26 cemetery, a cemetery owned and operated by a cemetery

1 association, or a licensed cemetery.

2 Reasonable maintenance by the cemetery authority shall not
3 preclude the exercise of lawful rights by the owner of an
4 interment, inurnment, or entombment right, or by the decedent's
5 immediate family or other heirs, in accordance with reasonable
6 rules and regulations of the cemetery or other agreement of the
7 cemetery authority.

8 In the case of a cemetery dedicated as a nature preserve
9 under the Illinois Natural Areas Preservation Act, reasonable
10 maintenance by the cemetery authority shall be in accordance
11 with the rules and master plan governing the dedicated nature
12 preserve.

13 ~~The Department shall adopt rules to provide greater detail~~
14 ~~as to what constitutes the reasonable maintenance required~~
15 ~~under this Section. The rules shall differentiate between~~
16 ~~cemeteries based on, among other things, the size and financial~~
17 ~~strength of the cemeteries. The rules shall also provide a~~
18 ~~reasonable opportunity for a cemetery authority accused of~~
19 ~~violating the provisions of this Section to cure any such~~
20 ~~violation in a timely manner given the weather conditions,~~
21 ~~climate, and season before the Department initiates formal~~
22 ~~proceedings.~~

23 A cemetery authority accused of violating the reasonable
24 maintenance standard set forth in this Section shall have a
25 reasonable opportunity to cure the violation. The cemetery
26 authority shall have 10 business days after receipt of notice

1 to cure the violation. If a cemetery authority cannot cure the
2 violation within 10 business days, then the cemetery authority
3 may request a time extension in order to cure the violation.
4 The request for an extension shall be made in writing to the
5 Department and must be postmarked within 10 business days after
6 receipt of the notice of the alleged violation. The request
7 shall outline all reasons for the extension and an estimated
8 date by which the cure will be accomplished. Acceptable reasons
9 include, without limitation, delays caused by weather
10 conditions, season or climate, equipment failures, or
11 acquisitions of materials or supplies being addressed by the
12 authority in a timely manner, and unexpected temporary absences
13 of personnel. The Department may approve or deny the extension.
14 If the extension is denied, then the cemetery authority must
15 cure the violation within 10 business days after the date of
16 receipt of the Department's extension denial. If the extension
17 is granted, then the cemetery authority must cure the violation
18 within the extended period of time. A cemetery authority that
19 does not cure the violation within the appropriate period of
20 time shall be subject to discipline in accordance with Article
21 25 of this Act.

22 (b) A cemetery authority, before commencing cemetery
23 operations or within 6 months after the effective date of this
24 Act, shall cause an overall map of its cemetery property,
25 delineating all lots or plots, blocks, sections, avenues,
26 walks, alleys, and paths and their respective designations, to

1 be filed at its on-site office, or if it does not maintain an
2 on-site office, at its principal place of business. The
3 cemetery authority shall update its map and index described in
4 subsection (b-5) within a reasonable time after any expansion
5 or alteration of the cemetery property. A cemetery manager's
6 certificate acknowledging, accepting, and adopting the map
7 shall also be included with the map. The Department may order
8 that the cemetery authority obtain a cemetery plat and that it
9 be filed at its on-site office, or if it does not maintain an
10 on-site office, at its principal place of business if only in
11 the following circumstances: (1) ~~the cemetery authority is~~
12 ~~expanding or altering the cemetery grounds; or (2)~~ a human body
13 that should have been interred, entombed, or inurned at the
14 cemetery after the effective date of this amendatory Act of the
15 97th General Assembly is missing, displaced, or dismembered and
16 (2) the cemetery map contains serious discrepancies.

17 In exercising this discretion, the Department shall
18 consider whether the cemetery authority would experience an
19 undue hardship as a result of obtaining the plat. The cemetery
20 plat, as with all plats prepared under this Act, shall comply
21 with the Illinois Professional Land Surveyor Act of 1989 and
22 shall delineate, describe, and set forth all lots or plots,
23 blocks, sections, avenues, walks, alleys, and paths and their
24 respective designations. A cemetery manager's certificate
25 acknowledging, accepting, and adopting the plat shall also be
26 included with the plat.

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

5 (c) The cemetery authority shall open the cemetery map or
6 plat to public inspection. The cemetery authority shall make
7 available a copy of the overall cemetery map or plat upon
8 written request and shall, if practical, provide a copy of a
9 segment of the cemetery plat where interment rights are located
10 upon the payment of reasonable photocopy fees. Any unsold lots,
11 plots, or parts thereof, in which there are not human remains,
12 may be resurveyed and altered in shape or size and properly
13 designated on the cemetery map or plat. However, sold lots,
14 plots, or parts thereof in which there are human remains may
15 not be renumbered or renamed. Nothing contained in this
16 subsection, however, shall prevent the cemetery authority from
17 enlarging an interment right by selling to its owner the excess
18 space next to the interment right and permitting interments
19 therein, provided reasonable access to the interment right and
20 to adjoining interment rights is not thereby eliminated.

21 (d) A cemetery authority shall keep a record of every
22 interment, entombment, and inurnment completed after the
23 effective date of this Act. The record shall include the
24 deceased's name, age, date of burial, and the specific location
25 of the interred, entombed, or inurned human remains. The
26 specific location shall correspond to the map or plat

1 maintained in accordance with subsection (b) of this Section
2 ~~and parcel identification number identifying where the human~~
3 ~~remains are interred, entombed, or inurned. The record shall~~
4 ~~also include the unique personal identifier as may be further~~
5 ~~defined by rule, which is the parcel identification number in~~
6 ~~addition to the term of burial in years; the numbered level or~~
7 ~~depth in the grave, plot, crypt, or niche; and the year of~~
8 ~~death.~~

9 (e) (Blank).

10 (f) A cemetery authority shall make available for
11 inspection and, upon reasonable request and the payment of a
12 reasonable copying fee, provide a copy of its rules and
13 regulations. A cemetery authority shall make available for
14 viewing and provide a copy of its current prices of interment,
15 inurnment, or entombment rights.

16 (g) A cemetery authority shall provide access to the
17 cemetery under the cemetery authority's reasonable rules and
18 regulations.

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

22 (i) ~~A Any corporate or other business organization trustee~~
23 ~~of the care funds of every licensed cemetery authority shall be~~
24 ~~located in or a resident of this State. The licensed cemetery~~
25 ~~authority and the trustee of care funds shall keep in this~~
26 ~~State and use in its business such books, accounts, and records~~

1 as will enable the Department to determine whether such
2 licensee or trustee is complying with the provisions of this
3 Act and with the rules, regulations, and directions made by the
4 Department under this Act. The licensed cemetery authority
5 shall keep the ~~books, accounts, and~~ records in electronic or
6 written format at the location identified in the license issued
7 by the Department or as otherwise agreed by the Department in
8 writing. The books, accounts, and records shall be accessible
9 for review upon demand of the Department.

10 (Source: P.A. 96-863, eff. 3-1-10.)

11 (225 ILCS 411/20-6)

12 (Section scheduled to be repealed on January 1, 2021)

13 Sec. 20-6. Cemetery Oversight Database.

14 (a) Within 10 business days after an interment, entombment,
15 or inurnment of human remains, the cemetery manager shall cause
16 a record of the interment, entombment, or inurnment to be
17 entered into the Cemetery Oversight Database. The requirement
18 of this subsection (a) also applies in any instance in which
19 human remains are relocated.

20 (b) Within 9 months after the effective date of this Act,
21 the Department shall certify a database as the Cemetery
22 Oversight Database. Upon certifying the database, the
23 Department shall:

24 (1) provide reasonable notice to cemetery authorities
25 identifying the database; and

1 (2) immediately upon certification, require each
2 cemetery authority to use the Cemetery Oversight Database
3 as a means of complying with subsection (a).

4 (c) In certifying the Cemetery Oversight Database, the
5 Department shall ensure that the database:

6 (1) provides real-time access through an Internet
7 connection or, if real-time access through an Internet
8 connection becomes unavailable due to technical problems
9 with the Cemetery Oversight Database incurred by the
10 database provider or if obtaining use of an Internet
11 connection would be an undue hardship on the cemetery
12 authority, through alternative mechanisms, including, but
13 not limited to, telephone;

14 (2) is accessible to the Department and to cemetery
15 managers in order to ensure compliance with this Act and in
16 order to provide any other information that the Department
17 deems necessary;

18 (3) requires cemetery authorities to input whatever
19 information required by the Department;

20 (4) maintains a real-time copy of the required
21 reporting information that is available to the Department
22 at all times and is the property of the Department; and

23 (5) contains safeguards to ensure that all information
24 contained in the Cemetery Oversight Database is secure.

25 (d) A cemetery authority may rely on the information
26 contained in the Cemetery Oversight Database as accurate and is

1 not subject to any administrative penalty or liability as a
2 result of relying on inaccurate information contained in the
3 database.

4 (e) The Cemetery Oversight Database provider shall
5 indemnify cemetery authorities against all claims and actions
6 arising from illegal, willful, or wanton acts on the part of
7 the Database provider. The Cemetery Oversight Database
8 provider shall at all times maintain an electronic backup copy
9 of the information it receives pursuant to subsection (a).

10 (f) In the event the provider of the database imposes a fee
11 for entries into the database, the fee shall be paid directly
12 by the Department to the provider, and the fee may not be
13 imposed upon cemetery authorities making entries into the
14 database. However, the provider need not refund any entry fees
15 paid by cemetery authorities prior to the effective date of
16 this amendatory Act of the 97th General Assembly.

17 (Source: P.A. 96-863, eff. 3-1-10.)

18 (225 ILCS 411/20-10)

19 (Section scheduled to be repealed on January 1, 2021)

20 Sec. 20-10. Contract. At the time cemetery arrangements
21 are made and prior to rendering the cemetery services, a
22 cemetery authority shall create a written contract to be
23 provided to the consumer, signed by both parties, that shall
24 contain: (i) ~~contact information, as set out in Section 20-11,~~
25 ~~and~~ the date on which the arrangements were made; (ii) the

1 price of the service selected and the services and merchandise
2 included for that price; (iii) the supplemental items of
3 service and merchandise requested and the price of each item;
4 (iv) the terms or method of payment agreed upon; and (v) a
5 statement as to any monetary advances made on behalf of the
6 family. The cemetery authority shall maintain a copy of such
7 written contract in its permanent records.

8 (Source: P.A. 96-863, eff. 3-1-10.)

9 (225 ILCS 411/20-35 new)

10 Sec. 20-35. Stacking; burial or interment of an unknown
11 individual or unknown body part.

12 (a) The stacking of caskets underground of any individual
13 is limited to no more than 3 caskets in one grave space with
14 the exception of an arrangement made pursuant to a lawful
15 contract with a consumer that complies with the requirements of
16 Section 20-10 of this Act.

17 (b) Burials and interments of unknown individuals or
18 unknown body parts must be entered into the Cemetery Oversight
19 Database as provided in Section 20-6 of this Act.

20 (225 ILCS 411/20-40 new)

21 Sec. 20-40. Burial of multiple persons. A cemetery
22 authority shall not knowingly bury human remains from multiple
23 persons, known or unknown, in the same casket or grave space
24 with the exception of (1) human remains that are placed in

1 individual containers, (2) a mass casualty event, either
2 natural or man-made, or (3) an arrangement made pursuant to a
3 lawful contract with a consumer that complies with the
4 requirements of Section 20-10 of this Act.

5 (225 ILCS 411/25-10)

6 (Section scheduled to be repealed on January 1, 2021)

7 Sec. 25-10. Grounds for disciplinary action.

8 (a) The Department may refuse to issue or renew a license
9 or may revoke, suspend, place on probation, reprimand, or take
10 other disciplinary action as the Department may deem
11 appropriate, including imposing fines not to exceed \$8,000
12 ~~\$10,000~~ for each violation, with regard to any license under
13 this Act, for any one or combination of the following:

14 (1) Material misstatement in furnishing information to
15 the Department.

16 (2) Violations of this Act, except for Section 20-8, or
17 of the rules adopted under this Act.

18 (3) Conviction of, or entry of a plea of guilty or nolo
19 contendere to, any crime within the last 10 years that is a
20 Class X felony or higher or is a felony involving fraud and
21 dishonesty under the laws of the United States or any state
22 or territory thereof.

23 (4) Making any misrepresentation for the purpose of
24 obtaining licensure or violating any provision of this Act
25 or the rules adopted under this Act.

1 (5) Professional incompetence.

2 (6) Gross malpractice.

3 (7) Aiding or assisting another person in violating any
4 provision of this Act or rules adopted under this Act.

5 (8) Failing, within 10 business days, to provide
6 information in response to a written request made by the
7 Department.

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

11 (10) Inability to practice with reasonable judgment,
12 skill, or safety as a result of habitual or excessive use
13 of alcohol, narcotics, stimulants, or any other chemical
14 agent or drug.

15 (11) Discipline by another agency, state, District of
16 Columbia, territory, or foreign nation, if at least one of
17 the grounds for the discipline is the same or substantially
18 equivalent to those set forth in this Section.

19 (12) Directly or indirectly giving to or receiving from
20 any person, firm, corporation, partnership, or association
21 any fee, commission, rebate, or other form of compensation
22 for professional services not actually or personally
23 rendered.

24 (13) A finding by the Department that the licensee,
25 after having his or her license placed on probationary
26 status, has violated the terms of probation.

1 (14) Willfully making or filing false records or
2 reports in his or her practice, including, but not limited
3 to, false records filed with any governmental agency or
4 department.

5 (15) Inability to practice the profession with
6 reasonable judgment, skill, or safety.

7 (16) Failure to ~~file an annual report or to maintain in~~
8 ~~effect the required bond or to~~ comply with an order,
9 decision, or finding of the Department made pursuant to
10 this Act.

11 (17) Directly or indirectly receiving compensation for
12 any professional services not actually performed.

13 (18) Practicing under a false or, except as provided by
14 law, an assumed name.

15 (19) Fraud or misrepresentation in applying for, or
16 procuring, a license under this Act or in connection with
17 applying for renewal of a license under this Act.

18 (20) Cheating on or attempting to subvert the licensing
19 examination administered under this Act.

20 (21) Unjustified failure to honor its contracts.

21 (22) Negligent supervision of a cemetery manager,
22 customer service employee, employee ~~cemetery worker~~, or
23 independent contractor.

24 (23) A pattern of practice or other behavior which
25 demonstrates incapacity or incompetence to practice under
26 this Act.

1 (24) Allowing an individual who is not, but is required
2 to be, licensed under this Act to perform work for the
3 cemetery authority.

4 (25) (Blank). ~~Allowing an individual who has not, but~~
5 ~~is required to, submit a Worker's Statement in accordance~~
6 ~~with Section 10-22 of this Act to perform work at the~~
7 ~~cemetery.~~

8 (b) No action may be taken under this Act against a person
9 licensed under this Act unless the action is commenced within 5
10 years after the occurrence of the alleged violations, except
11 for a violation of item (3) of subsection (a) of this Section.
12 If a person licensed under this Act violates item (3) of
13 subsection (a) of this Section, then the action may commence
14 within 10 years after the occurrence of the alleged violation.
15 A continuing violation shall be deemed to have occurred on the
16 date when the circumstances last existed that give rise to the
17 alleged violation.

18 (Source: P.A. 96-863, eff. 3-1-10.)

19 (225 ILCS 411/25-14)

20 (Section scheduled to be repealed on January 1, 2021)

21 Sec. 25-14. Mandatory reports.

22 (a) If a cemetery authority receives a consumer complaint
23 that is not resolved to the satisfaction of the consumer within
24 60 days of the complaint, the cemetery authority shall advise
25 the consumer of the right to seek investigation by the

1 Department and may direct the consumer to the sign posted in
2 its office as required by Section 20-30 of this Act. ~~shall~~
3 ~~report the consumer complaint to the Department within the next~~
4 ~~30 days.~~ Cemetery authorities shall report to the Department
5 within 30 days after the settlement of ~~any liability insurance~~
6 ~~claim or cause of action,~~ or final judgment in any cause of
7 action, that alleges negligence, fraud, theft,
8 misrepresentation, misappropriation, or breach of contract.

9 (b) The State's Attorney of each county shall report to the
10 Department all instances in which an individual licensed as a
11 cemetery manager or customer service employee, or any
12 individual listed on a licensed cemetery authority's
13 application under this Act, is convicted or otherwise found
14 guilty of the commission of any felony. The report shall be
15 submitted to the Department within 60 days after conviction or
16 finding of guilty.

17 (Source: P.A. 96-863, eff. 3-1-10.)

18 (225 ILCS 411/25-14.5 new)

19 Sec. 25-14.5. Comptroller report. The Comptroller shall
20 annually provide a report to the Department with the total
21 amount of trust funds reported by a cemetery authority licensed
22 under the Cemetery Care Act, the Illinois Pre-Need Cemetery
23 Sales Act, or the Illinois Funeral or Burial Funds Act and
24 provide other information about a cemetery authority upon the
25 request of the Department. Additionally, the Comptroller shall

1 report to the Department any adverse action taken against a
2 cemetery authority under the Cemetery Care Act, the Illinois
3 Pre-Need Cemetery Sales Act, or the Illinois Funeral or Burial
4 Funds Act.

5 (225 ILCS 411/25-25)

6 (Section scheduled to be repealed on January 1, 2021)

7 Sec. 25-25. Investigations, notice, hearings.

8 (a) The Department may at any time investigate the actions
9 of any applicant or of any person or persons rendering or
10 offering to render services as a cemetery authority, cemetery
11 manager, or customer service employee of or any person holding
12 or claiming to hold a license as a licensed cemetery authority,
13 cemetery manager, or customer service employee. If it appears
14 to the Department that a person has engaged in, is engaging in,
15 or is about to engage in any practice declared to be unlawful
16 by this Act, then the Department may: (1) require that person
17 to file on such terms as the Department prescribes a statement
18 or report in writing, under oath or otherwise, containing all
19 information the Department may consider necessary to ascertain
20 whether a licensee is in compliance with this Act, or whether
21 an unlicensed person is engaging in activities for which a
22 license is required; (2) examine under oath any individual in
23 connection with the books and records pertaining to or having
24 an impact upon the operation of a cemetery ~~or trust funds~~
25 ~~required to be maintained pursuant to this Act;~~ (3) examine any

1 books and records of the licensee, ~~trustee, or investment~~
2 ~~adviser~~ that the Department may consider necessary to ascertain
3 compliance with this Act; and (4) require the production of a
4 copy of any record, book, document, account, or paper that is
5 produced in accordance with this Act and retain it in his or
6 her possession until the completion of all proceedings in
7 connection with which it is produced.

8 (b) The Secretary may, after 10 days notice by certified
9 mail with return receipt requested to the licensee at the
10 address of record or to the last known address of any other
11 person stating the contemplated action and in general the
12 grounds therefor, fine such licensee an amount not exceeding
13 \$10,000 per violation or revoke, suspend, refuse to renew,
14 place on probation, or reprimand any license issued under this
15 Act if he or she finds that:

16 (1) the licensee has failed to comply with any
17 provision of this Act or any order, decision, finding,
18 rule, regulation, or direction of the Secretary lawfully
19 made pursuant to the authority of this Act; or

20 (2) any fact or condition exists which, if it had
21 existed at the time of the original application for the
22 license, clearly would have warranted the Secretary in
23 refusing to issue the license.

24 (c) The Secretary may fine, revoke, suspend, refuse to
25 renew, place on probation, reprimand, or take any other
26 disciplinary action as to the particular license with respect

1 to which grounds for the fine, revocation, suspension, refuse
2 to renew, probation, or reprimand, or other disciplinary action
3 occur or exist, but if the Secretary finds that grounds for
4 revocation are of general application to all offices or to more
5 than one office of the licensee, the Secretary shall fine,
6 revoke, suspend, refuse to renew, place on probation,
7 reprimand, or otherwise discipline every license to which such
8 grounds apply.

9 (d) In every case in which a license is revoked, suspended,
10 placed on probation, reprimanded, or otherwise disciplined,
11 the Secretary shall serve the licensee with notice of his or
12 her action, including a statement of the reasons for his or her
13 actions, either personally or by certified mail, return receipt
14 requested. Service by certified mail shall be deemed completed
15 when the notice is deposited in the United States mail and sent
16 to the address of record.

17 (e) An order assessing a fine, an order revoking,
18 suspending, placing on probation, or reprimanding a license or,
19 an order denying renewal of a license shall take effect upon
20 service of the order unless the licensee requests, in writing,
21 within 20 days after the date of service, a hearing. In the
22 event a hearing is requested, an order issued under this
23 Section shall be stayed until a final administrative order is
24 entered.

25 (f) If the licensee requests a hearing, then the Secretary
26 shall schedule a hearing within 30 days after the request for a

1 hearing unless otherwise agreed to by the parties. The
2 Secretary shall have the authority to appoint an attorney duly
3 licensed to practice law in the State of Illinois to serve as
4 the hearing officer in any disciplinary action with regard to a
5 license. The hearing officer shall have full authority to
6 conduct the hearing.

7 (g) The hearing shall be held at the time and place
8 designated by the Secretary.

9 (h) The Secretary shall have the authority to prescribe
10 rules for the administration of this Section.

11 (i) Fines imposed and any costs assessed shall be paid
12 within 60 days.

13 (Source: P.A. 96-863, eff. 3-1-10.)

14 (225 ILCS 411/25-70)

15 (Section scheduled to be repealed on January 1, 2021)

16 Sec. 25-70. Receivership. In the event a cemetery
17 authority license is suspended or revoked or where an
18 unlicensed person has conducted activities requiring cemetery
19 authority licensure under this Act, the Department, through the
20 Attorney General, may petition the circuit courts of this State
21 for appointment of a receiver to ~~administer the care funds of~~
22 ~~such licensee or unlicensed person or to~~ operate the cemetery.

23 (a) The court shall appoint a receiver if the court
24 determines that a receivership is necessary or advisable:

25 (1) to ensure the orderly and proper conduct of a

1 licensee's professional business and affairs during or in
2 the aftermath of the administrative proceeding to revoke or
3 suspend the cemetery authority's license;

4 (2) for the protection of the public's interest and
5 rights in the business, premises, or activities of the
6 person sought to be placed in receivership;

7 (3) upon a showing of actual or constructive
8 abandonment of premises or business licensed or which was
9 not but should have been licensed under this Act;

10 (4) upon a showing of serious and repeated violations
11 of this Act demonstrating an inability or unwillingness of
12 a licensee to comply with the requirements of this Act;

13 (5) to prevent loss, wasting, dissipation, theft, or
14 conversion of assets that should be marshaled and held
15 available for the honoring of obligations under this Act;
16 or

17 (6) upon proof of other grounds that the court deems
18 good and sufficient for instituting receivership action
19 concerning the respondent sought to be placed in
20 receivership.

21 (b) A receivership under this Section may be temporary, or
22 for the winding up and dissolution of the business, as the
23 Department may request and the court determines to be necessary
24 or advisable in the circumstances. Venue of receivership
25 proceedings may be, at the Department's election, in Cook
26 County or the county where the subject of the receivership is

1 located. The appointed receiver shall be the Department or such
2 person as the Department may nominate and the court shall
3 approve.

4 (c) The Department may adopt rules for the implementation
5 of this Section.

6 (Source: P.A. 96-863, eff. 3-1-10.)

7 (225 ILCS 411/25-75)

8 (Section scheduled to be repealed on January 1, 2021)

9 Sec. 25-75. Cemetery Relief Fund.

10 (a) A special income-earning fund is hereby created in the
11 State treasury, known as the Cemetery Relief Fund.

12 (b) Beginning on July 1, 2011, and occurring on an annual
13 basis every year thereafter, three percent of the moneys in the
14 Cemetery Oversight Licensing and Disciplinary Fund shall be
15 deposited into the Cemetery Relief Fund.

16 (c) All monies deposited into the fund together with all
17 accumulated undistributed income thereon shall be held as a
18 special fund in the State treasury. The fund shall be used
19 solely for the purpose of providing grants to units of local
20 government and not-for-profit organizations, including, but
21 not limited to, not-for-profit cemetery authorities, to clean
22 up cemeteries that have been abandoned, neglected, or are
23 otherwise in need of additional care.

24 (d) The grant program shall be administered by the
25 Department.

1 (e) In the event there is a structural surplus in the
2 Cemetery Oversight Licensing and Disciplinary Fund, the
3 Department may expend moneys out of the Cemetery Oversight
4 Licensing and Disciplinary Fund for the purposes described in
5 subsection (c) of this Section.

6 (Source: P.A. 96-863, eff. 3-1-10.)

7 (225 ILCS 411/25-105)

8 (Section scheduled to be repealed on January 1, 2021)

9 Sec. 25-105. Violations. Each of the following acts is a
10 Class A misdemeanor for the first offense and a Class 4 felony
11 for each subsequent offense:

12 (1) the practice of or attempted practice of or holding
13 out as available to practice as a cemetery authority,
14 cemetery manager, or customer service employee without a
15 license; or

16 (2) the obtaining of or the attempt to obtain any
17 license or authorization under this Act by fraud or
18 misrepresentation. Any person who is found to have violated
19 any provision of this Act or any applicant for licensure
20 who files with the Department the fingerprints of an
21 individual other than himself or herself is guilty of a
22 Class A misdemeanor. Upon conviction of a second or
23 subsequent offense the violator shall be guilty of a Class
24 4 felony. However, whoever intentionally fails to deposit
25 the required amounts into a trust provided for in this Act

1 ~~or intentionally and improperly withdraws or uses trust~~
2 ~~funds for his or her own benefit shall be guilty of a Class~~
3 ~~4 felony and each day such provisions are violated shall~~
4 ~~constitute a separate offense.~~

5 (Source: P.A. 96-863, eff. 3-1-10.)

6 (225 ILCS 411/25-110)

7 (Section scheduled to be repealed on January 1, 2021)

8 Sec. 25-110. Civil action and civil penalties. In addition
9 to the other penalties and remedies provided in this Act, the
10 Department may bring a civil action in the county in which the
11 cemetery is located against a licensee or any other person to
12 enjoin any violation or threatened violation of this Act. In
13 addition to any other penalty provided by law, any person who
14 violates this Act shall forfeit and pay a civil penalty to the
15 Department in an amount not to exceed \$8,000 ~~\$10,000~~ for each
16 violation as determined by the Department. The civil penalty
17 shall be assessed by the Department in accordance with the
18 provisions of this Act. Any civil penalty shall be paid within
19 60 days after the effective date of the order imposing the
20 civil penalty. The order shall constitute a judgment and may be
21 filed and execution had thereon in the same manner as any
22 judgment from any court of record. All moneys collected under
23 this Section shall be deposited into the Cemetery Oversight
24 Licensing and Disciplinary Fund.

25 (Source: P.A. 96-863, eff. 3-1-10.)

1 (225 ILCS 411/25-120)

2 (Section scheduled to be repealed on January 1, 2021)

3 Sec. 25-120. Whistleblower protection.

4 (a) "Retaliatory action" means the reprimand, discharge,
5 suspension, demotion, denial of promotion or transfer, or
6 change in the terms and conditions of employment of any
7 cemetery manager, licensed customer service employee, or
8 employee ~~cemetery worker~~ that is taken in retaliation for a
9 cemetery manager's, customer service employee's, or employee's
10 ~~cemetery worker's~~ involvement in protected activity, as set
11 forth in this Section.

12 (b) A cemetery authority shall not take any retaliatory
13 action against a cemetery manager, customer service employee,
14 or employee ~~cemetery worker~~ because the cemetery manager,
15 customer service employee, or employee ~~cemetery worker~~ does any
16 of the following:

17 (1) Discloses or threatens to disclose to a supervisor
18 or to a public body an activity, policy, or practice of a
19 cemetery manager, customer service employee, or the
20 cemetery authority that the cemetery manager, customer
21 service employee, or employee ~~cemetery worker~~ reasonably
22 believes is in violation of a law, rule, or regulation.

23 (2) Provides information to or testifies before any
24 public body conducting an investigation, hearing, or
25 inquiry into any violation of a law, rule, or regulation by

1 a cemetery manager or cemetery authority.

2 (3) Assists or participates in a proceeding to enforce
3 the provisions of this Act.

4 (c) A violation of this Section may be established only
5 upon a finding that (i) the cemetery manager, customer service
6 employee, or employee ~~cemetery worker~~ engaged in conduct
7 described in subsection (b) of this Section and (ii) that this
8 conduct was a contributing factor in the retaliatory action
9 alleged by the cemetery manager, customer service employee, or
10 employee ~~cemetery worker~~. It is not a violation, however, if it
11 is demonstrated by clear and convincing evidence that the
12 cemetery manager or cemetery authority would have taken the
13 same unfavorable personnel action in the absence of that
14 conduct.

15 (d) The cemetery manager, customer service employee, or
16 employee ~~cemetery worker~~ may be awarded all remedies necessary
17 to make the cemetery manager, customer service employee, or
18 employee ~~cemetery worker~~ whole and to prevent future violations
19 of this Section. Remedies imposed by the court may include, but
20 are not limited to, all of the following:

21 (1) reinstatement of the individual to either the same
22 position held before the retaliatory action or to an
23 equivalent position;

24 (2) two times the amount of back pay;

25 (3) interest on the back pay;

26 (4) the reinstatement of full fringe benefits and

1 seniority rights; and

2 (5) the payment of reasonable costs and attorneys'
3 fees.

4 (e) Nothing in this Section shall be deemed to diminish the
5 rights, privileges, or remedies of a cemetery manager, customer
6 service employee, or employee ~~cemetery worker~~ under any other
7 federal or State law, rule, or regulation or under any
8 employment contract.

9 (Source: P.A. 96-863, eff. 3-1-10.)

10 (225 ILCS 411/25-125)

11 (Section scheduled to be repealed on January 1, 2021)

12 Sec. 25-125. Cemetery Oversight Board. The Cemetery
13 Oversight Board is created and shall consist of the Secretary,
14 who shall serve as its chairperson, and 8 members appointed by
15 the Secretary. Appointments shall be made within 90 days after
16 the effective date of this Act. Three members shall represent
17 the segment of the cemetery industry that does not maintain a
18 partial exemption or full exemption, one member shall represent
19 the segment of the cemetery industry that maintains a partial
20 exemption as a public cemetery, one member shall represent the
21 segment of the cemetery industry that maintains a partial
22 exemption as a religious cemetery, 2 members shall be consumers
23 as defined in this Act, and one member shall represent the
24 general public. No member shall be a licensed professional from
25 a non-cemetery segment of the death care industry. Board

1 members shall serve 5-year terms and until their successors are
2 appointed and qualified. The membership of the Board should
3 reasonably reflect representation from the geographic areas in
4 this State. No member shall be reappointed to the Board for a
5 term that would cause his or her continuous service on the
6 Board to be longer than 10 successive years. Appointments to
7 fill vacancies shall be made in the same manner as original
8 appointments, for the unexpired portion of the vacated term.
9 Five members of the Board shall constitute a quorum. A quorum
10 is required for Board decisions. The Secretary may remove any
11 member of the Board for misconduct, incompetence, neglect of
12 duty, or for reasons prescribed by law for removal of State
13 officials. The Secretary may remove a member of the Board who
14 does not attend 2 consecutive meetings. The Department may, at
15 any time, seek the expert advice and knowledge of the Board on
16 any matter relating to the administration or enforcement of
17 this Act. The Secretary shall consider the recommendations of
18 the Board in the development of proposed rules under this Act
19 and in the approval of entities seeking to offer certification
20 programs to cemetery manager applicants and customer service
21 employee applicants ~~and for establishing guidelines and~~
22 ~~examinations as may be required under this Act.~~ Notice of any
23 proposed rulemaking under this Act and applications submitted
24 by entities seeking to offer certification programs shall be
25 transmitted to the Board and the Department shall review the
26 response of the Board and any recommendations made therein.

1 (Source: P.A. 96-863, eff. 3-1-10.)

2 (225 ILCS 411/75-50)

3 (Section scheduled to be repealed on January 1, 2021)

4 Sec. 75-50. Burial permits. Notwithstanding any law to the
5 contrary, ~~a cemetery authority shall ensure that every burial~~
6 permit shall contain ~~applicable to that cemetery authority~~
7 ~~contains the decedent's parcel identification number or other~~
8 information ~~as provided by rule~~ regarding the location of the
9 interment, entombment, or inurnment of the deceased that would
10 enable the Department to determine the precise location of the
11 decedent.

12 (Source: P.A. 96-863, eff. 3-1-10.)

13 (225 ILCS 411/75-55)

14 (Section scheduled to be repealed on January 1, 2021)

15 Sec. 75-55. Transition.

16 (a) (Blank). ~~Within 60 days after the effective date of~~
17 ~~this Act, the Comptroller shall provide the Department copies~~
18 ~~of records in the Comptroller's possession pertaining to the~~
19 ~~Cemetery Care Act and the Crematory Regulation Act that are~~
20 ~~necessary for the Department's immediate responsibilities~~
21 ~~under this Act. All other records pertaining to the Cemetery~~
22 ~~Care Act with the exception of records pertaining to care~~
23 ~~funds.~~

24 (b) (Blank).

1 (c) All cemeteries not maintaining a full exemption or
2 partial exemption shall pay a one-time fee to the Department,
3 due no later than December 15, 2010, equal to \$20 plus an
4 additional charge of \$1 for each burial performed within the
5 cemetery during calendar year 2009. ~~To support the costs that~~
6 ~~may be associated with implementing and maintaining a licensure~~
7 ~~and regulatory process for the licensure and regulation of~~
8 ~~cemetery authorities, cemetery managers, customer service~~
9 ~~employees, and cemetery workers, all cemetery authorities not~~
10 ~~maintaining a full exemption or partial exemption shall pay a~~
11 ~~one-time fee of \$20 to the Department plus an additional charge~~
12 ~~of \$1 per burial unit per year within the cemetery. The~~
13 ~~Department may establish forms for the collection of the fee~~
14 ~~established under this subsection and shall deposit such fee~~
15 ~~into the Cemetery Oversight Licensing and Disciplinary Fund.~~
16 ~~The Department may begin to collect the aforementioned fee~~
17 ~~after the effective date of this Act. In addition, the~~
18 ~~Department may establish rules for the collection process,~~
19 ~~which may include, but shall not be limited to, dates, forms,~~
20 ~~enforcement, or other procedures necessary for the effective~~
21 ~~collection, deposit, and overall process regarding this~~
22 ~~Section.~~

23 (d) All fees collected under this Section prior to the
24 effective date of this amendatory Act of the 97th General
25 Assembly shall not be refunded. ~~Any cemetery authority that~~
26 ~~fails to pay to the Department the required fee or submits the~~

1 ~~incorrect amount shall be subject to the penalties provided for~~
2 ~~in Section 25-110 of this Act.~~

3 (e) (Blank). ~~Except as otherwise specifically provided,~~
4 ~~all fees, fines, penalties, or other moneys received or~~
5 ~~collected pursuant to this Act shall be deposited in the~~
6 ~~Cemetery Oversight Licensing and Disciplinary Fund.~~

7 (f) (Blank).

8 (g) (Blank).

9 (Source: P.A. 96-863, eff. 3-1-10; 97-593, eff. 8-26-11.)

10 (225 ILCS 411/10-10 rep.)

11 (225 ILCS 411/10-22 rep.)

12 (225 ILCS 411/Art. 15 rep.)

13 (225 ILCS 411/20-11 rep.)

14 (225 ILCS 411/20-25 rep.)

15 (225 ILCS 411/Art. 22 rep.)

16 (225 ILCS 411/25-13 rep.)

17 (225 ILCS 411/90-90 rep.)

18 (225 ILCS 411/90-95 rep.)

19 Section 27. The Cemetery Oversight Act is amended by
20 repealing Sections 10-10, 10-22, 20-11, 20-25, 25-13, 90-90,
21 and 90-95 and Articles 15 and 22.

22 Section 30. The Crematory Regulation Act is amended by
23 changing Sections 5, 7, 10, 11, 11.5, 13, 14, 20, 22, 25, 40,
24 55, 60, 62, 62.5, 62.10, 62.15, 62.20, 65, 80, 85, 87, 88, 89,

1 90, 91, 92, and 94 and by adding Section 6 as follows:

2 (410 ILCS 18/5)

3 (Text of Section before amendment by P.A. 96-863)

4 (Section scheduled to be repealed on January 1, 2021)

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

6 "Address of record" means the designated address recorded
7 by the Comptroller in the applicant's or licensee's application
8 file or license file. It is the duty of the applicant or
9 licensee to inform the Comptroller of any change of address
10 within 14 days, and such changes must be made either through
11 the Comptroller's website or by contacting the Comptroller. The
12 address of record shall be the permanent street address of the
13 crematory.

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

24 "Authorizing agent" means a person legally entitled to
25 order the cremation and final disposition of specific human

1 remains.

2 "Body parts" means limbs or other portions of the anatomy
3 that are removed from a person or human remains for medical
4 purposes during treatment, surgery, biopsy, autopsy, or
5 medical research; or human bodies or any portion of bodies that
6 have been donated to science for medical research purposes.

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

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

13 ~~"Change of ownership" means a transfer of more than 50% of~~
14 ~~the stock or assets of a crematory authority.~~

15 "Comptroller" means the Comptroller of the State of
16 Illinois.

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

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

1 fragments.

2 "Cremation chamber" means the enclosed space within which
3 the cremation takes place.

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

11 "Cremation room" means the room in which the cremation
12 chamber is located.

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

15 "Crematory authority" means the legal entity which is
16 licensed by the Comptroller to operate a crematory and to
17 perform cremations.

18 "Department" means the Illinois Department of Financial
19 and Professional Regulation ~~Public Health~~.

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

22 "Funeral director" means a person known by the title of
23 "funeral director", "funeral director and embalmer", or other
24 similar words or titles, licensed by the State to practice
25 funeral directing or funeral directing and embalming.

26 "Funeral establishment" means a building or separate

1 portion of a building having a specific street address and
2 location and devoted to activities relating to the shelter,
3 care, custody, and preparation of a deceased human body and may
4 contain facilities for funeral or wake services.

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

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

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

19 "Niche" means a compartment or cubicle for the
20 memorialization and permanent placement of an urn containing
21 cremated remains.

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

1 "Processing" means the reduction of identifiable bone
2 fragments after the completion of the cremation process to
3 unidentifiable bone fragments by manual or mechanical means.

4 "Pulverization" means the reduction of identifiable bone
5 fragments after the completion of the cremation process to
6 granulated particles by manual or mechanical means.

7 "Scattering area" means an area which may be designated by
8 a cemetery and located on dedicated cemetery property where
9 cremated remains, which have been removed from their container,
10 can be mixed with, or placed on top of, the soil or ground
11 cover.

12 "Secretary" means the Secretary of Financial and
13 Professional Regulation.

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

21 "Urn" means a receptacle designed to encase the cremated
22 remains.

23 (Source: P.A. 92-675, eff. 7-1-03.)

24 (Text of Section after amendment by P.A. 96-863)

25 (Section scheduled to be repealed on January 1, 2021)

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

2 "Address of record" means the designated address recorded
3 by the Comptroller ~~Department~~ in the applicant's or licensee's
4 application file or license file. It is the duty of the
5 applicant or licensee to inform the Comptroller ~~Department~~ of
6 any change of address within 14 days, and such changes must be
7 made either through the Comptroller's ~~Department's~~ website or
8 by contacting the Comptroller ~~Department's~~ ~~licensure~~
9 ~~maintenance unit~~. The address of record shall be the permanent
10 street address of the crematory.

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

21 "Authorizing agent" means a person legally entitled to
22 order the cremation and final disposition of specific human
23 remains.

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

1 medical research; or human bodies or any portion of bodies that
2 have been donated to science for medical research purposes.

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

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

9 "Comptroller" means the Comptroller of the State of
10 Illinois.

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

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

22 "Cremation chamber" means the enclosed space within which
23 the cremation takes place.

24 "Cremation interment container" means a rigid outer
25 container that, subject to a cemetery's rules and regulations,
26 is composed of concrete, steel, fiberglass, or some similar

1 material in which an urn is placed prior to being interred in
2 the ground, and which is designed to withstand prolonged
3 exposure to the elements and to support the earth above the
4 urn.

5 "Cremation room" means the room in which the cremation
6 chamber is located.

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

9 "Crematory authority" means the legal entity which is
10 licensed by the Comptroller ~~Department~~ to operate a crematory
11 and to perform cremations.

12 "Department" means the Illinois Department of Financial
13 and Professional Regulation.

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

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

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

25 "Holding facility" means an area that (i) is designated for
26 the retention of human remains prior to cremation, (ii)

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

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

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

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

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

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

24 "Pulverization" means the reduction of identifiable bone
25 fragments after the completion of the cremation process to
26 granulated particles by manual or mechanical means.

1 "Scattering area" means an area which may be designated by
2 a cemetery and located on dedicated cemetery property where
3 cremated remains, which have been removed from their container,
4 can be mixed with, or placed on top of, the soil or ground
5 cover.

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

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

15 "Urn" means a receptacle designed to encase the cremated
16 remains.

17 (Source: P.A. 96-863, eff. 3-1-12.)

18 (410 ILCS 18/6 new)

19 Sec. 6. Jurisdiction of oversight and enforcement.

20 (a) The Comptroller has all the duties, powers, and
21 responsibilities for the oversight, administration, and
22 enforcement provided to the Comptroller in Sections 10, 11,
23 11.5, and 13 within this Act.

24 (b) The Department has all the duties, powers, and
25 responsibilities for the oversight, administration, and

1 enforcement provided to the Department in Sections 20, 22, 25,
2 35, and 40 within this Act.

3 (c) The Comptroller and Department have a duty to cooperate
4 and notify the other in regards to their respective duties in
5 regards to the oversight, administration, and enforcement of
6 this Act.

7 (d) The Comptroller and Department, in regards to the
8 provisions provided for in subsections (a) and (b) of this
9 Section, have all the powers necessary to enforce, investigate,
10 discipline, conduct hearings, and refer violations to the
11 Attorney General as provided for in this Act.

12 (410 ILCS 18/7)

13 (This Section may contain text from a Public Act with a
14 delayed effective date)

15 (Section scheduled to be repealed on January 1, 2021)

16 Sec. 7. Powers and duties of the Comptroller ~~Department~~.
17 Subject to the provisions of this Act, the Comptroller
18 ~~Department~~ may exercise any of the following powers and duties:

19 (1) Authorize standards to ascertain the
20 qualifications and fitness of applicants for licensing as
21 licensed crematory authorities and pass upon the
22 qualifications of applicants for licensure.

23 (2) Examine and audit a licensed crematory authority's
24 records, crematory, or any other aspects of crematory
25 operation as the Comptroller ~~Department~~ deems appropriate.

1 (3) Investigate any and all unlicensed activity.

2 (4) Conduct hearings on proceedings to refuse to issue
3 licenses or to revoke, suspend, place on probation,
4 reprimand, or otherwise discipline licensees and to refuse
5 to issue licenses or to revoke, suspend, place on
6 probation, reprimand, or otherwise discipline licensees.

7 (5) Formulate rules required for the administration of
8 this Act.

9 (6) Maintain rosters of the names and addresses of all
10 licensees, and all entities whose licenses have been
11 suspended, revoked, or otherwise disciplined. These
12 rosters shall be available upon written request and payment
13 of the required fee ~~as established by rule~~.

14 (Source: P.A. 96-863, eff. 3-1-12.)

15 (410 ILCS 18/10)

16 (Text of Section before amendment by P.A. 96-863)

17 (Section scheduled to be repealed on January 1, 2021)

18 Sec. 10. Establishment of crematory and licensing of
19 crematory authority.

20 (a) Any person doing business in this State, or any
21 cemetery, funeral establishment, corporation, partnership,
22 joint venture, voluntary organization or any other entity, may
23 erect, maintain, and operate a crematory in this State and
24 provide the necessary appliances and facilities for the
25 cremation of human remains in accordance with this Act.

1 (b) A crematory shall be subject to all local, State, and
2 federal health and environmental protection requirements and
3 shall obtain all necessary licenses and permits from the
4 Department of Public Health, the federal Department of Health
5 and Human Services, and the Illinois and federal Environmental
6 Protection Agencies, or such other appropriate local, State, or
7 federal agencies.

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

11 (d) An application for licensure as a crematory authority
12 shall be in writing on forms furnished by the Comptroller.
13 Applications shall be accompanied by a fee of \$50 and shall
14 contain all of the following:

15 (1) The full name and address, both residence and
16 business, of the applicant if the applicant is an
17 individual; the full name and address of every member if
18 the applicant is a partnership; the full name and address
19 of every member of the board of directors if the applicant
20 is an association; and the name and address of every
21 officer, director, and shareholder holding more than 25% of
22 the corporate stock if the applicant is a corporation.

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

24 (3) A description of the type of structure and
25 equipment to be used in the operation of the crematory,
26 including the operating permit number issued to the

1 cremation device by the Illinois Environmental Protection
2 Agency.

3 (3.5) (Blank). ~~Attestation by the owner that cremation~~
4 ~~services shall be by a person trained in accordance with~~
5 ~~the requirements of Section 22 of this Act.~~

6 (3.10) (Blank). ~~A copy of the certification or~~
7 ~~certifications issued by the certification program to the~~
8 ~~person or persons who will operate the cremation device.~~

9 (4) Any further information that the Comptroller
10 reasonably may require.

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

1 ~~75 days after the end of its fiscal year. The Comptroller~~
2 ~~shall, for good cause shown, grant an extension for the filing~~
3 ~~of the annual report upon the written request of the crematory~~
4 ~~authority. An extension shall not exceed 60 days. If the fiscal~~
5 ~~year of a crematory authority is other than on a calendar year~~
6 ~~basis, then the crematory authority shall file the report~~
7 ~~required by this Section within 75 days after the end of its~~
8 ~~fiscal year.~~ If a crematory authority fails to submit an annual
9 report to the Comptroller within the time specified in this
10 Section, the Comptroller shall impose upon the crematory
11 authority a penalty of \$5 for each and every day the crematory
12 authority remains delinquent in submitting the annual report.
13 The Comptroller may abate all or part of the \$5 daily penalty
14 for good cause shown.

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

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

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

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

1 training is conspicuously displayed at the crematory;

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

5 (4) the crematory authority is in compliance with local
6 zoning requirements; and

7 (5) the crematory authority license issued by the
8 Comptroller is conspicuously displayed at the crematory.

9 (h) The Comptroller shall issue licenses under this Act to
10 the crematories that are registered with the Comptroller as of
11 March 1, 2012 ~~July 1, 2003~~ without requiring the previously
12 registered crematories to complete license applications.

13 (Source: P.A. 92-419, eff. 1-1-02; 92-675, eff. 7-1-03.)

14 (Text of Section after amendment by P.A. 96-863)

15 (Section scheduled to be repealed on January 1, 2021)

16 Sec. 10. Establishment of crematory and licensing of
17 crematory authority.

18 (a) Any person doing business in this State, or any
19 cemetery, funeral establishment, corporation, partnership,
20 joint venture, voluntary organization or any other entity, may
21 erect, maintain, and operate a crematory in this State and
22 provide the necessary appliances and facilities for the
23 cremation of human remains in accordance with this Act.

24 (b) A crematory shall be subject to all local, State, and
25 federal health and environmental protection requirements and

1 shall obtain all necessary licenses and permits from the
2 Department of Financial and Professional Regulation, the
3 Department of Public Health, the federal Department of Health
4 and Human Services, and the Illinois and federal Environmental
5 Protection Agencies, or such other appropriate local, State, or
6 federal agencies.

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

10 (d) An application for licensure as a crematory authority
11 shall be in writing on forms furnished by the Comptroller
12 ~~Department~~. Applications shall be accompanied by a ~~reasonable~~
13 fee of \$50 ~~determined by rule~~ and shall contain all of the
14 following:

15 (1) The full name and address, both residence and
16 business, of the applicant if the applicant is an
17 individual; the full name and address of every member if
18 the applicant is a partnership; the full name and address
19 of every member of the board of directors if the applicant
20 is an association; and the name and address of every
21 officer, director, and shareholder holding more than 25% of
22 the corporate stock if the applicant is a corporation.

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

24 (3) A description of the type of structure and
25 equipment to be used in the operation of the crematory,
26 including the operating permit number issued to the

1 cremation device by the Illinois Environmental Protection
2 Agency.

3 (4) Any further information that the Comptroller
4 ~~Department~~ reasonably may require ~~as established by rule~~.

5 (e) Each crematory authority shall file an annual report
6 with the Comptroller ~~Department~~, accompanied with a \$25
7 ~~reasonable~~ fee ~~determined by rule~~, providing (i) an affidavit
8 signed by the owner of the crematory authority that at the time
9 of the report the cremation device was in proper operating
10 condition, (ii) the total number of all cremations performed at
11 the crematory during the past year, (iii) attestation by the
12 licensee that all applicable permits and certifications are
13 valid, (iv) either (A) any changes required in the information
14 provided under subsection (d) or (B) an indication that no
15 changes have occurred, and (v) any other information that the
16 Department may require ~~as established by rule~~. The annual
17 report shall be filed by a crematory authority on or before
18 March 15 of each calendar year. If the fiscal year of a
19 crematory authority is other than on a calendar year basis,
20 then the crematory authority shall file the report required by
21 this Section within 75 days after the end of its fiscal year.
22 If a crematory authority fails to submit an annual report to
23 the Comptroller ~~Department~~ within the time specified in this
24 Section, the Comptroller ~~Department~~ shall impose upon the
25 crematory authority a penalty of \$5 ~~as provided for by rule~~ for
26 each and every day the crematory authority remains delinquent

1 in submitting the annual report. The Comptroller ~~Department~~ may
2 abate all or part of the \$5 daily penalty for good cause shown.

3 (f) All records required to be maintained under this Act,
4 including but not limited to those relating to the license and
5 annual report of the crematory authority required to be filed
6 under this Section, shall be subject to inspection by the
7 Comptroller upon reasonable notice.

8 (g) The Comptroller ~~Department~~ may inspect crematory
9 records at the crematory authority's place of business to
10 review the licensee's compliance with this Act. The inspection
11 must include verification that:

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

14 (2) a crematory device operator's certification of
15 training is conspicuously displayed at the crematory;

16 (3) the cremation device has a current operating permit
17 issued by the Illinois Environmental Protection Agency and
18 the permit is conspicuously displayed in the crematory;

19 (4) the crematory authority is in compliance with local
20 zoning requirements; ~~and~~

21 (5) the crematory authority license issued by the
22 Comptroller ~~Department~~ is conspicuously displayed at the
23 crematory; ~~and-~~

24 (6) other details as determined by rule.

25 (h) The Comptroller ~~Department~~ shall issue licenses under
26 this Act to the crematories that are registered with the

1 Comptroller as of on March 1, 2012 without requiring the
2 previously registered crematories to complete license
3 applications.

4 (Source: P.A. 96-863, eff. 3-1-12; revised 11-18-11.)

5 (410 ILCS 18/11)

6 (Text of Section before amendment by P.A. 96-863)

7 (Section scheduled to be repealed on January 1, 2021)

8 Sec. 11. Grounds for denial or discipline ~~refusal of~~
9 ~~license or suspension or revocation of license.~~

10 (a) In this Section, "applicant" means a person who has
11 applied for a license under this Act, including those persons
12 whose names are listed on a license application in Section 10
13 of this Act.

14 (b) The Comptroller may refuse to issue a license, place on
15 probation, reprimand, or take other appropriate disciplinary
16 action that the Comptroller may deem appropriate, including
17 fines not to exceed \$5,000 for each violation, with regard to
18 any license under this Act, or may suspend or revoke a license
19 issued under this Act, on any of the following grounds:

20 (1) The applicant or licensee has made any
21 misrepresentation or false statement or concealed any
22 material fact in furnishing information to the Comptroller
23 ~~in connection with a license application or licensure under~~
24 ~~this Act.~~

25 (2) The applicant or licensee has been engaged in

1 business practices that work a fraud.

2 (3) The applicant or licensee has refused to give
3 information required under this Act to be disclosed to the
4 Comptroller or failing, within 30 days, to provide
5 information in response to a written request made by the
6 Comptroller.

7 (4) Engaging in dishonorable, unethical, or
8 unprofessional conduct of a character likely to deceive,
9 defraud, or harm the public. ~~The applicant or licensee has~~
10 ~~conducted or is about to conduct cremation business in a~~
11 ~~fraudulent manner.~~

12 (5) As to any individual listed in the license
13 application as required under Section 10, that individual
14 has conducted or is about to conduct any cremation business
15 on behalf of the applicant in a fraudulent manner or has
16 been convicted of any felony or misdemeanor an essential
17 element of which is fraud.

18 (6) The applicant or licensee has failed to make the
19 annual report required by this Act or to comply with a
20 final order, decision, or finding of the Comptroller made
21 under this Act.

22 (7) The applicant or licensee, including any member,
23 officer, or director of the applicant or licensee if the
24 applicant or licensee is a firm, partnership, association,
25 or corporation and including any shareholder holding more
26 than 25% of the corporate stock of the applicant or

1 licensee, has violated any provision of this Act or any
2 regulation or order made by the Comptroller under this Act.

3 (8) The Comptroller finds any fact or condition
4 existing that, if it had existed at the time of the
5 original application for a license under this Act, would
6 have warranted the Comptroller in refusing the issuance of
7 the license.

8 (9) Any violation of this Act or of the rules adopted
9 under this Act.

10 (10) Incompetence.

11 (11) Gross malpractice.

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

16 (13) Directly or indirectly giving to or receiving from
17 any person, firm, corporation, partnership, or association
18 any fee, commission, rebate, or other form of compensation
19 for professional services not actually or personally
20 rendered.

21 (14) A finding by the Comptroller that the licensee,
22 after having its license placed on probationary status, has
23 violated the terms of probation.

24 (15) Willfully making or filing false records or
25 reports, including, but not limited to, false records filed
26 with State agencies or departments.

1 (16) Gross, willful, or continued overcharging for
2 professional services, including filing false statements
3 for collection of fees for which services are not rendered.

4 (17) Practicing under a false or, except as provided by
5 law, an assumed name.

6 (18) Cheating on or attempting to subvert this Act's
7 licensing application process.

8 (Source: P.A. 92-675, eff. 7-1-03.)

9 (Text of Section after amendment by P.A. 96-863)

10 (Section scheduled to be repealed on January 1, 2021)

11 Sec. 11. Grounds for denial or discipline.

12 (a) In this Section, "applicant" means a person who has
13 applied for a license under this Act including those persons
14 whose names are listed on a license application in Section 10
15 of this Act.

16 (b) The Comptroller ~~Department~~ may refuse to issue a
17 license, place on probation, reprimand, or take other
18 disciplinary action that the Comptroller ~~Department~~ may deem
19 appropriate, including imposing fines not to exceed \$5,000
20 ~~\$10,000~~ for each violation, with regard to any license under
21 this Act, or may suspend or revoke a license issued under this
22 Act, on any of the following grounds:

23 (1) The applicant or licensee has made any
24 misrepresentation or false statement or concealed any
25 material fact in furnishing information to the Comptroller

1 ~~Department.~~

2 (2) The applicant or licensee has been engaged in
3 business practices that work a fraud.

4 (3) The applicant or licensee has refused to give
5 information required under this Act to be disclosed to the
6 Comptroller ~~Department~~ or failing, within 30 days, to
7 provide information in response to a written request made
8 by the Comptroller ~~Department~~.

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

12 (5) As to any individual listed in the license
13 application as required under Section 10, that individual
14 has conducted or is about to conduct any cremation business
15 on behalf of the applicant in a fraudulent manner or has
16 been convicted of any felony or misdemeanor an essential
17 element of which is fraud.

18 (6) The applicant or licensee has failed to make the
19 annual report required by this Act or to comply with a
20 final order, decision, or finding of the Comptroller
21 ~~Department~~ made under this Act.

22 (7) The applicant or licensee, including any member,
23 officer, or director of the applicant or licensee if the
24 applicant or licensee is a firm, partnership, association,
25 or corporation and including any shareholder holding more
26 than 25% of the corporate stock of the applicant or

1 licensee, has violated any provision of this Act or any
2 regulation or order made by the Comptroller ~~Department~~
3 under this Act.

4 (8) The Comptroller ~~Department~~ finds any fact or
5 condition existing that, if it had existed at the time of
6 the original application for a license under this Act,
7 would have warranted the Comptroller in refusing the
8 issuance of the license.

9 (9) Any violation of this Act or of the rules adopted
10 under this Act.

11 (10) Incompetence.

12 (11) Gross malpractice.

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

17 (13) Directly or indirectly giving to or receiving from
18 any person, firm, corporation, partnership, or association
19 any fee, commission, rebate, or other form of compensation
20 for professional services not actually or personally
21 rendered.

22 (14) A finding by the Comptroller ~~Department~~ that the
23 licensee, after having its license placed on probationary
24 status, has violated the terms of probation.

25 (15) Willfully making or filing false records or
26 reports, including, but not limited to, false records filed

1 with State agencies or departments.

2 (16) Gross, willful, or continued overcharging for
3 professional services, including filing false statements
4 for collection of fees for which services are not rendered.

5 (17) Practicing under a false or, except as provided by
6 law, an assumed name.

7 (18) Cheating on or attempting to subvert this Act's
8 licensing application process.

9 (Source: P.A. 96-863, eff. 3-1-12.)

10 (410 ILCS 18/11.5)

11 (Text of Section before amendment by P.A. 96-863)

12 (Section scheduled to be repealed on January 1, 2021)

13 Sec. 11.5. License revocation or suspension; surrender of
14 license.

15 (a) (Blank). ~~Upon determining that grounds exist for the~~
16 ~~revocation or suspension of a license issued under this Act,~~
17 ~~the Comptroller, if appropriate, may revoke or suspend the~~
18 ~~license issued to the licensee.~~

19 (b) Upon the revocation or suspension of a license issued
20 under this Act, the licensee must immediately surrender the
21 license to the Comptroller. If the licensee fails to do so, the
22 Comptroller may seize the license.

23 (Source: P.A. 92-675, eff. 7-1-03.)

24 (Text of Section after amendment by P.A. 96-863)

1 (Section scheduled to be repealed on January 1, 2021)

2 Sec. 11.5. License revocation or suspension; surrender of
3 license.

4 (a) (Blank).

5 (b) Upon the revocation or suspension of a license issued
6 under this Act, the licensee must immediately surrender the
7 license to the Comptroller Department. If the licensee fails to
8 do so, the Comptroller Department may seize the license.

9 (Source: P.A. 96-863, eff. 3-1-12.)

10 (410 ILCS 18/13)

11 (Text of Section before amendment by P.A. 96-863)

12 (Section scheduled to be repealed on January 1, 2021)

13 Sec. 13. License; display; transfer; duration.

14 (a) Every license issued under this Act must state the
15 number of the license, the business name and address of the
16 licensee's principal place of business, and the licensee's
17 parent company, if any. The license must be conspicuously
18 posted in the place of business operating under the license.

19 (b) After initial licensure, if any person comes to obtain
20 at least 51% of the ownership over the licensed crematory
21 authority, then the crematory authority shall apply for a new
22 license in the required time as set out by rule. ~~No license is~~
23 ~~transferable or assignable without the express written consent~~
24 ~~of the Comptroller. A transfer of more than 50% of the~~
25 ~~ownership of any business licensed under this Act shall be~~

1 ~~deemed to be an attempted assignment of the license originally~~
2 ~~issued to the licensee for whom consent of the Comptroller is~~
3 ~~required.~~

4 (c) Every license issued under this Act shall remain in
5 force until it has been surrendered, suspended, or revoked in
6 accordance with this Act. Upon the request of an interested
7 person or on the Comptroller's own motion, the Comptroller may
8 issue a new license to a licensee whose license has been
9 revoked under this Act if no factor or condition then exists
10 which would have warranted the Comptroller in originally
11 refusing the issuance of the license.

12 (Source: P.A. 92-675, eff. 7-1-03.)

13 (Text of Section after amendment by P.A. 96-863)

14 (Section scheduled to be repealed on January 1, 2021)

15 Sec. 13. License; display; transfer; duration.

16 (a) Every license issued under this Act must state the
17 number of the license, the business name and address of the
18 licensee's principal place of business, and the licensee's
19 parent company, if any. The license must be conspicuously
20 posted in the place of business operating under the license.

21 (b) After initial licensure, if any person comes to obtain
22 at least 51% ~~25%~~ of the ownership over the licensed crematory
23 authority, then the crematory authority shall ~~have to~~ apply for
24 a new license ~~and receive licensure~~ in the required time as set
25 out by rule.

1 (c) Every license issued under this Act shall remain in
2 force until it has been surrendered, suspended, or revoked in
3 accordance with this Act. Upon the request of an interested
4 person or on the Comptroller's Department's own motion, the
5 Comptroller Department may issue a new license to a licensee
6 whose license has been revoked under this Act if no factor or
7 condition then exists which would have warranted the
8 Comptroller Department in originally refusing the issuance of
9 the license.

10 (Source: P.A. 96-863, eff. 3-1-12.)

11 (410 ILCS 18/14)

12 (Section scheduled to be repealed on January 1, 2021)

13 Sec. 14. Display of cremation device permit. A crematory
14 authority must conspicuously display in its place of business
15 the operating permit issued to its cremation device by the
16 Illinois Environmental Protection Agency and the license
17 issued by the Comptroller under this Act. All rulemaking
18 authority in connection with ~~such~~ operating permits issued by
19 the Illinois Environmental Protection Agency shall be vested
20 with the Illinois Environmental Protection Agency and all
21 rulemaking authority in connection with licenses issued by the
22 Comptroller under this Act shall be vested with the
23 Comptroller.

24 (Source: P.A. 92-675, eff. 7-1-03.)

1 (410 ILCS 18/20)

2 (Text of Section before amendment by P.A. 96-863)

3 (Section scheduled to be repealed on January 1, 2021)

4 Sec. 20. Authorization to cremate.

5 (a) A crematory authority shall not cremate human remains
6 until it has received all of the following:

7 (1) A cremation authorization form signed by an
8 authorizing agent. The cremation authorization form shall
9 be provided by the crematory authority and shall contain,
10 at a minimum, the following information:

11 (A) The identity of the human remains and the time
12 and date of death.

13 (B) The name of the funeral director and ~~or~~ funeral
14 establishment, if applicable, that obtained the
15 cremation authorization.

16 (C) Notification as to whether the death occurred
17 from a disease declared by the Department of Health to
18 be infectious, contagious, communicable, or dangerous
19 to the public health.

20 (D) The name of the authorizing agent and the
21 relationship between the authorizing agent and the
22 decedent.

23 (E) A representation that the authorizing agent
24 does in fact have the right to authorize the cremation
25 of the decedent, and that the authorizing agent is not
26 aware of any living person who has a superior priority

1 right to that of the authorizing agent, as set forth in
2 Section 15. In the event there is another living person
3 who has a superior priority right to that of the
4 authorizing agent, the form shall contain a
5 representation that the authorizing agent has made all
6 reasonable efforts to contact that person, has been
7 unable to do so, and has no reason to believe that the
8 person would object to the cremation of the decedent.

9 (F) Authorization for the crematory authority to
10 cremate the human remains.

11 (G) A representation that the human remains do not
12 contain a pacemaker or any other material or implant
13 that may be potentially hazardous or cause damage to
14 the cremation chamber or the person performing the
15 cremation.

16 (H) The name of the person authorized to receive
17 the cremated remains from the crematory authority.

18 (I) The manner in which final disposition of the
19 cremated remains is to take place, if known. If the
20 cremation authorization form does not specify final
21 disposition in a grave, crypt, niche, or scattering
22 area, then the form may indicate that the cremated
23 remains will be held by the crematory authority for 30
24 days before they are released, unless they are picked
25 up from the crematory authority prior to that time, in
26 person, by the authorizing agent. At the end of the 30

1 days the crematory authority may return the cremated
2 remains to the authorizing agent if no final
3 disposition arrangements are made; or at the end of 60
4 days the crematory authority may dispose of the
5 cremated remains in accordance with subsection (d) of
6 Section 40.

7 (J) A listing of any items of value to be delivered
8 to the crematory authority along with the human
9 remains, and instructions as to how the items should be
10 handled.

11 (K) A specific statement as to whether the
12 authorizing agent has made arrangements for any type of
13 viewing of the decedent before cremation, or for a
14 service with the decedent present before cremation in
15 connection with the cremation, and if so, the date and
16 time of the viewing or service and whether the
17 crematory authority is authorized to proceed with the
18 cremation upon receipt of the human remains.

19 (L) The signature of the authorizing agent,
20 attesting to the accuracy of all representations
21 contained on the cremation authorization form, except
22 as set forth in paragraph (M) of this subsection.

23 (M) If a cremation authorization form is being
24 executed on a pre-need basis, the cremation
25 authorization form shall contain the disclosure
26 required by subsection (b) of Section 140 65.

1 (N) The cremation authorization form, other than
2 pre-need cremation forms, shall also be signed by a
3 funeral director or other representative of the
4 funeral establishment that obtained the cremation
5 authorization. That individual shall merely execute
6 the cremation authorization form as a witness and shall
7 not be responsible for any of the representations made
8 by the authorizing agent, unless the individual has
9 actual knowledge to the contrary. The information
10 requested by items (A), (B), (C) and (G) of this
11 subsection, however, shall be considered to be
12 representations of the authorizing agent. In addition,
13 the funeral director or funeral establishment shall
14 warrant to the crematory that the human remains
15 delivered to the crematory authority are the human
16 remains identified on the cremation authorization
17 form.

18 (2) A completed and executed burial transit permit
19 indicating that the human remains are to be cremated.

20 (3) Any other documentation required by this State.

21 (b) If an authorizing agent is not available to execute a
22 cremation authorization form in person, that person may
23 delegate that authority to another person in writing, or by
24 sending the crematory authority a facsimile transmission that
25 contains the name, address, and relationship of the sender to
26 the decedent and the name and address of the individual to whom

1 authority is delegated. Upon receipt of the written document,
2 or facsimile transmission, telegram, or other electronic
3 telecommunications transmission which specifies the individual
4 to whom authority has been delegated, the crematory authority
5 shall allow this individual to serve as the authorizing agent
6 and to execute the cremation authorization form. The crematory
7 authority shall be entitled to rely upon the cremation
8 authorization form without liability.

9 (c) An authorizing agent who signs a cremation
10 authorization form shall be deemed to warrant the truthfulness
11 of any facts set forth on the cremation authorization form,
12 including that person's authority to order the cremation;
13 except for the information required by items (C) and (G) of
14 paragraph (1) of subsection (a) of this Section, unless the
15 authorizing agent has actual knowledge to the contrary. An
16 authorizing agent signing a cremation authorization form shall
17 be personally and individually liable for all damages
18 occasioned by and resulting from authorizing the cremation.

19 (d) A crematory authority shall have authority to cremate
20 human remains upon the receipt of a cremation authorization
21 form signed by an authorizing agent. There shall be no
22 liability for a crematory authority that cremates human remains
23 according to an authorization, or that releases or disposes of
24 the cremated remains according to an authorization, except for
25 a crematory authority's gross negligence, provided that the
26 crematory authority performs its functions in compliance with

1 this Act.

2 (e) After an authorizing agent has executed a cremation
3 authorization form, the authorizing agent may revoke the
4 authorization and instruct the crematory authority to cancel
5 the cremation and to release or deliver the human remains to
6 another crematory authority or funeral establishment. The
7 instructions shall be provided to the crematory authority in
8 writing. A crematory authority shall honor any instructions
9 given to it by an authorizing agent under this Section if it
10 receives the instructions prior to beginning the cremation of
11 the human remains.

12 (Source: P.A. 87-1187.)

13 (Text of Section after amendment by P.A. 96-863)

14 (Section scheduled to be repealed on January 1, 2021)

15 Sec. 20. Authorization to cremate.

16 (a) A crematory authority shall not cremate human remains
17 until it has received all of the following:

18 (1) A cremation authorization form signed by an
19 authorizing agent. The cremation authorization form shall
20 be provided by the crematory authority and shall contain,
21 at a minimum, the following information:

22 (A) The identity of the human remains and the time
23 and date of death.

24 (B) The name of the funeral director and funeral
25 establishment, if applicable, that obtained the

1 cremation authorization.

2 (C) Notification as to whether the death occurred
3 from a disease declared by the Department of Health to
4 be infectious, contagious, communicable, or dangerous
5 to the public health.

6 (D) The name of the authorizing agent and the
7 relationship between the authorizing agent and the
8 decedent.

9 (E) A representation that the authorizing agent
10 does in fact have the right to authorize the cremation
11 of the decedent, and that the authorizing agent is not
12 aware of any living person who has a superior priority
13 right to that of the authorizing agent, as set forth in
14 Section 15. In the event there is another living person
15 who has a superior priority right to that of the
16 authorizing agent, the form shall contain a
17 representation that the authorizing agent has made all
18 reasonable efforts to contact that person, has been
19 unable to do so, and has no reason to believe that the
20 person would object to the cremation of the decedent.

21 (F) Authorization for the crematory authority to
22 cremate the human remains.

23 (G) A representation that the human remains do not
24 contain a pacemaker or any other material or implant
25 that may be potentially hazardous or cause damage to
26 the cremation chamber or the person performing the

1 cremation.

2 (H) The name of the person authorized to receive
3 the cremated remains from the crematory authority.

4 (I) The manner in which final disposition of the
5 cremated remains is to take place, if known. If the
6 cremation authorization form does not specify final
7 disposition in a grave, crypt, niche, or scattering
8 area, then the form may indicate that the cremated
9 remains will be held by the crematory authority for 30
10 days before they are released, unless they are picked
11 up from the crematory authority prior to that time, in
12 person, by the authorizing agent. At the end of the 30
13 days the crematory authority may return the cremated
14 remains to the authorizing agent if no final
15 disposition arrangements are made; or at the end of 60
16 days the crematory authority may dispose of the
17 cremated remains in accordance with subsection (d) of
18 Section 40.

19 (J) A listing of any items of value to be delivered
20 to the crematory authority along with the human
21 remains, and instructions as to how the items should be
22 handled.

23 (K) A specific statement as to whether the
24 authorizing agent has made arrangements for any type of
25 viewing of the decedent before cremation, or for a
26 service with the decedent present before cremation in

1 connection with the cremation, and if so, the date and
2 time of the viewing or service and whether the
3 crematory authority is authorized to proceed with the
4 cremation upon receipt of the human remains.

5 (L) The signature of the authorizing agent,
6 attesting to the accuracy of all representations
7 contained on the cremation authorization form, except
8 as set forth in paragraph (M) of this subsection.

9 (M) If a cremation authorization form is being
10 executed on a pre-need basis, the cremation
11 authorization form shall contain the disclosure
12 required by subsection (b) of Section 140.

13 (N) The cremation authorization form, other than
14 pre-need cremation forms, shall also be signed by a
15 funeral director or other representative of the
16 funeral establishment that obtained the cremation
17 authorization. That individual shall merely execute
18 the cremation authorization form as a witness and shall
19 not be responsible for any of the representations made
20 by the authorizing agent, unless the individual has
21 actual knowledge to the contrary. The information
22 requested by items (A), (B), (C) and (G) of this
23 subsection, however, shall be considered to be
24 representations of the authorizing agent. In addition,
25 the funeral director or funeral establishment shall
26 warrant to the crematory that the human remains

1 delivered to the crematory authority are the human
2 remains identified on the cremation authorization
3 form.

4 (2) A completed and executed burial transit permit
5 indicating that the human remains are to be cremated.

6 (3) Any other documentation required by this State.

7 (b) If an authorizing agent is not available to execute a
8 cremation authorization form in person, that person may
9 delegate that authority to another person in writing, or by
10 sending the crematory authority a facsimile transmission that
11 contains the name, address, and relationship of the sender to
12 the decedent and the name and address of the individual to whom
13 authority is delegated. Upon receipt of the written document,
14 or facsimile transmission, telegram, or other electronic
15 telecommunications transmission which specifies the individual
16 to whom authority has been delegated, the crematory authority
17 shall allow this individual to serve as the authorizing agent
18 and to execute the cremation authorization form. The crematory
19 authority shall be entitled to rely upon the cremation
20 authorization form without liability.

21 (c) An authorizing agent who signs a cremation
22 authorization form shall be deemed to warrant the truthfulness
23 of any facts set forth on the cremation authorization form,
24 including that person's authority to order the cremation;
25 except for the information required by items (C) and (G) of
26 paragraph (1) of subsection (a) of this Section, unless the

1 authorizing agent has actual knowledge to the contrary. An
2 authorizing agent signing a cremation authorization form shall
3 be personally and individually liable for all damages
4 occasioned by and resulting from authorizing the cremation.

5 (d) A crematory authority shall have authority to cremate
6 human remains upon the receipt of a cremation authorization
7 form signed by an authorizing agent. There shall be no
8 liability for a crematory authority that cremates human remains
9 according to an authorization, or that releases or disposes of
10 the cremated remains according to an authorization, except for
11 a crematory authority's gross negligence, provided that the
12 crematory authority performs its functions in compliance with
13 this Act.

14 (e) After an authorizing agent has executed a cremation
15 authorization form, the authorizing agent may revoke the
16 authorization and instruct the crematory authority to cancel
17 the cremation and to release or deliver the human remains to
18 another crematory authority or funeral establishment. The
19 instructions shall be provided to the crematory authority in
20 writing. A crematory authority shall honor any instructions
21 given to it by an authorizing agent under this Section if it
22 receives the instructions prior to beginning the cremation of
23 the human remains.

24 (Source: P.A. 96-863, eff. 3-1-12.)

1 (Text of Section before amendment by P.A. 96-863)

2 (Section scheduled to be repealed on January 1, 2021)

3 Sec. 22. Performance of cremation service; training. A
4 person may not perform a cremation service in this State unless
5 he or she has completed training in performing cremation
6 services and received certification by a program recognized by
7 the Department ~~Comptroller~~. The crematory authority must
8 conspicuously display the certification at the crematory
9 authority's place of business. Any new employee shall have a
10 reasonable time period, not to exceed one year, to attend a
11 recognized training program. In the interim, the new employee
12 may perform a cremation service if he or she has received
13 training from another person who has received certification by
14 a program recognized by the Department and is under the
15 supervision of the trained person ~~Comptroller~~. For purposes of
16 this Act, the Department may ~~Comptroller shall~~ recognize any
17 training program that provides training in the operation of a
18 cremation device, in the maintenance of a clean facility, and
19 in the proper handling of human remains. The Department may
20 ~~Comptroller shall~~ recognize any course that is conducted by a
21 death care trade association in Illinois or the United States
22 or by a manufacturer of a cremation unit that is consistent
23 with the standards provided in this Act or as otherwise
24 determined by rule.

25 (Source: P.A. 92-675, eff. 7-1-03.)

1 (Text of Section after amendment by P.A. 96-863)

2 (Section scheduled to be repealed on January 1, 2021)

3 Sec. 22. Performance of cremation service; training. A
4 person may not perform a cremation service in this State unless
5 he or she has completed training in performing cremation
6 services and received certification by a program recognized by
7 the Department. The crematory authority must conspicuously
8 display the certification at the crematory authority's place of
9 business. Any new employee shall have a reasonable time period,
10 not to exceed one year ~~as determined by rule~~, to attend a
11 recognized training program. In the interim, the new employee
12 may perform a cremation service if he or she has received
13 training from another person who has received certification by
14 a program recognized by the Department and is under the
15 supervision of the trained person. For purposes of this Act,
16 the Department may recognize any training program that provides
17 training in the operation of a cremation device, in the
18 maintenance of a clean facility, and in the proper handling of
19 human remains. The Department may recognize any course that is
20 conducted by a death care trade association in Illinois or the
21 United States or by a manufacturer of a cremation unit that is
22 consistent with the standards provided in this Act or as
23 otherwise determined by rule.

24 (Source: P.A. 96-863, eff. 3-1-12.)

25 (410 ILCS 18/25)

1 (Text of Section before amendment by P.A. 96-863)

2 (Section scheduled to be repealed on January 1, 2021)

3 Sec. 25. Recordkeeping of human and cremated remains.

4 (a) The crematory authority shall furnish to the person who
5 delivers human remains to the crematory authority a receipt
6 signed at the time of delivery by both the crematory authority
7 and the person who delivers the human remains, showing the date
8 and time of the delivery, the type of casket or alternative
9 container that was delivered, the name of the person from whom
10 the human remains were received and the name of the funeral
11 establishment or other entity with whom the person is
12 affiliated, the name of the person who received the human
13 remains on behalf of the crematory authority, and the name of
14 the decedent. The crematory shall retain a copy of this receipt
15 in its permanent records.

16 (b) Upon its release of cremated remains, the crematory
17 authority shall furnish to the person who receives the cremated
18 remains from the crematory authority a receipt signed by both
19 the crematory authority and the person who receives the
20 cremated remains, showing the date and time of the release, the
21 name of the person to whom the cremated remains were released
22 and the name of the funeral establishment, cemetery, or other
23 entity with whom the person is affiliated, the name of the
24 person who released the cremated remains on behalf of the
25 crematory authority, and the name of the decedent. The
26 crematory shall retain a copy of this receipt in its permanent

1 records.

2 (c) A crematory authority shall maintain at its place of
3 business a permanent record of each cremation that took place
4 at its facility which shall contain the name of the decedent,
5 the date of the cremation, and the final disposition of the
6 cremated remains.

7 (d) The crematory authority shall maintain a record of all
8 cremated remains disposed of by the crematory authority in
9 accordance with subsection (d) of Section 40.

10 (e) Upon completion of the cremation, the crematory
11 authority shall file the burial transit permit as required by
12 the Illinois Vital Records Act and rules adopted under that Act
13 and the Illinois Counties Code ~~law~~, and transmit a photocopy of
14 the burial transit permit along with the cremated remains to
15 whoever receives the cremated remains from the authorizing
16 agent unless the cremated remains are to be interred, entombed,
17 inurned, or placed in a scattering area, in which case the
18 crematory authority shall retain a copy of the burial transit
19 permit and shall send the permit, along with the cremated
20 remains, to the cemetery, which shall file the permit with the
21 designated agency after the interment, entombment, inurnment,
22 or scattering has taken place.

23 (f) All cemeteries shall maintain a record of all cremated
24 remains that are disposed of on their property, provided that
25 the cremated remains were properly transferred to the cemetery
26 and the cemetery issued a receipt acknowledging the transfer of

1 the cremated remains.

2 (Source: P.A. 87-1187.)

3 (Text of Section after amendment by P.A. 96-863)

4 (Section scheduled to be repealed on January 1, 2021)

5 Sec. 25. Recordkeeping of human and cremated remains.

6 (a) The crematory authority shall furnish to the person who
7 delivers human remains to the crematory authority a receipt
8 signed at the time of delivery by both the crematory authority
9 and the person who delivers the human remains, showing the date
10 and time of the delivery, the type of casket or alternative
11 container that was delivered, the name of the person from whom
12 the human remains were received and the name of the funeral
13 establishment or other entity with whom the person is
14 affiliated, the name of the person who received the human
15 remains on behalf of the crematory authority, and the name of
16 the decedent. The crematory shall retain a copy of this receipt
17 in its permanent records.

18 (b) Upon its release of cremated remains, the crematory
19 authority shall furnish to the person who receives the cremated
20 remains from the crematory authority a receipt signed by both
21 the crematory authority and the person who receives the
22 cremated remains, showing the date and time of the release, the
23 name of the person to whom the cremated remains were released
24 and the name of the funeral establishment, cemetery, or other
25 entity with whom the person is affiliated, the name of the

1 person who released the cremated remains on behalf of the
2 crematory authority, and the name of the decedent. The
3 crematory shall retain a copy of this receipt in its permanent
4 records.

5 (c) A crematory authority shall maintain at its place of
6 business a permanent record of each cremation that took place
7 at its facility which shall contain the name of the decedent,
8 the date of the cremation, and the final disposition of the
9 cremated remains.

10 (d) The crematory authority shall maintain a record of all
11 cremated remains disposed of by the crematory authority in
12 accordance with subsection (d) of Section 40.

13 (e) Upon completion of the cremation, the crematory
14 authority shall file the burial transit permit as required by
15 the Illinois Vital Records Act and rules adopted under that Act
16 and the Illinois Counties Code, and transmit a photocopy of the
17 burial transit permit along with the cremated remains to
18 whoever receives the cremated remains from the authorizing
19 agent unless the cremated remains are to be interred, entombed,
20 inurned, or placed in a scattering area, in which case the
21 crematory authority shall retain a copy of the burial transit
22 permit and shall send the permit, along with the cremated
23 remains, to the cemetery, which shall file the permit with the
24 designated agency after the interment, entombment, inurnment,
25 or scattering has taken place.

26 (f) All cemeteries shall maintain a record of all cremated

1 remains that are disposed of on their property, provided that
2 the cremated remains were properly transferred to the cemetery
3 and the cemetery issued a receipt acknowledging the transfer of
4 the cremated remains.

5 (Source: P.A. 96-863, eff. 3-1-12.)

6 (410 ILCS 18/40)

7 (Text of Section before amendment by P.A. 96-863)

8 (Section scheduled to be repealed on January 1, 2021)

9 Sec. 40. Disposition of cremated remains.

10 (a) The authorizing agent shall be responsible for the
11 final disposition of the cremated remains.

12 (b) Cremated remains may be disposed of by placing them in
13 a grave, crypt, or niche, by scattering them in a scattering
14 area as defined in this Act, or in any manner whatever on the
15 private property of a consenting owner.

16 (c) Upon the completion of the cremation process, and
17 except as provided for in item (I) ~~(J)~~ of paragraph (1) of
18 subsection (a) of Section 20, if the crematory authority has
19 not been instructed to arrange for the interment, entombment,
20 inurnment, or scattering of the cremated remains, the crematory
21 authority shall deliver the cremated remains to the individual
22 specified on the cremation authorization form, or if no
23 individual is specified then to the authorizing agent. The
24 delivery may be made in person or by registered mail. Upon
25 receipt of the cremated remains, the individual receiving them

1 may transport them in any manner in this State without a
2 permit, and may dispose of them in accordance with this
3 Section. After delivery, the crematory authority shall be
4 discharged from any legal obligation or liability concerning
5 the cremated remains.

6 (d) If, after a period of 60 days from the date of the
7 cremation, the authorizing agent or the agent's designee has
8 not instructed the crematory authority to arrange for the final
9 disposition of the cremated remains or claimed the cremated
10 remains, the crematory authority may dispose of the cremated
11 remains in any manner permitted by this Section. The crematory
12 authority, however, shall keep a permanent record identifying
13 the site of final disposition. The authorizing agent shall be
14 responsible for reimbursing the crematory authority for all
15 reasonable expenses incurred in disposing of the cremated
16 remains. Upon disposing of the cremated remains, the crematory
17 authority shall be discharged from any legal obligation or
18 liability concerning the cremated remains. Any person who was
19 in possession of cremated remains prior to the effective date
20 of this Act may dispose of them in accordance with this
21 Section.

22 (e) Except with the express written permission of the
23 authorizing agent, no person shall:

24 (1) Dispose of cremated remains in a manner or in a
25 location so that the cremated remains are commingled with
26 those of another person. This prohibition shall not apply

1 to the scattering of cremated remains at sea, by air, or in
2 an area located in a dedicated cemetery and used
3 exclusively for those purposes.

4 (2) Place cremated remains of more than one person in
5 the same temporary container or urn.

6 (Source: P.A. 87-1187.)

7 (Text of Section after amendment by P.A. 96-863)

8 (Section scheduled to be repealed on January 1, 2021)

9 Sec. 40. Disposition of cremated remains.

10 (a) The authorizing agent shall be responsible for the
11 final disposition of the cremated remains.

12 (b) Cremated remains may be disposed of by placing them in
13 a grave, crypt, or niche, by scattering them in a scattering
14 area as defined in this Act, or in any manner whatever on the
15 private property of a consenting owner.

16 (c) Upon the completion of the cremation process, and
17 except as provided for in item (I) of paragraph (1) of
18 subsection (a) of Section 20, if the crematory authority has
19 not been instructed to arrange for the interment, entombment,
20 inurnment, or scattering of the cremated remains, the crematory
21 authority shall deliver the cremated remains to the individual
22 specified on the cremation authorization form, or if no
23 individual is specified then to the authorizing agent. The
24 delivery may be made in person or by registered mail. Upon
25 receipt of the cremated remains, the individual receiving them

1 may transport them in any manner in this State without a
2 permit, and may dispose of them in accordance with this
3 Section. After delivery, the crematory authority shall be
4 discharged from any legal obligation or liability concerning
5 the cremated remains.

6 (d) If, after a period of 60 days from the date of the
7 cremation, the authorizing agent or the agent's designee has
8 not instructed the crematory authority to arrange for the final
9 disposition of the cremated remains or claimed the cremated
10 remains, the crematory authority may dispose of the cremated
11 remains in any manner permitted by this Section. The crematory
12 authority, however, shall keep a permanent record identifying
13 the site of final disposition. The authorizing agent shall be
14 responsible for reimbursing the crematory authority for all
15 reasonable expenses incurred in disposing of the cremated
16 remains. Upon disposing of the cremated remains, the crematory
17 authority shall be discharged from any legal obligation or
18 liability concerning the cremated remains. Any person who was
19 in possession of cremated remains prior to the effective date
20 of this Act may dispose of them in accordance with this
21 Section.

22 (e) Except with the express written permission of the
23 authorizing agent, no person shall:

24 (1) Dispose of cremated remains in a manner or in a
25 location so that the cremated remains are commingled with
26 those of another person. This prohibition shall not apply

1 to the scattering of cremated remains at sea, by air, or in
2 an area located in a dedicated cemetery and used
3 exclusively for those purposes.

4 (2) Place cremated remains of more than one person in
5 the same temporary container or urn.

6 (Source: P.A. 96-863, eff. 3-1-12.)

7 (410 ILCS 18/55)

8 (Text of Section before amendment by P.A. 96-863)

9 (Section scheduled to be repealed on January 1, 2021)

10 Sec. 55. Penalties.

11 Violations of this Act shall be punishable as follows:

12 (1) Performing a cremation without receipt of a
13 cremation authorization form signed by an authorizing
14 agent shall be a Class 4 felony.

15 (2) Signing a cremation authorization form with the
16 actual knowledge that the form contains false or incorrect
17 information shall be a Class 4 felony.

18 (3) A violation ~~Violation~~ of any cremation procedure
19 set forth in Section 35 shall be a Class 4 felony.

20 (4) Holding oneself out to the public as a crematory
21 authority, or the operation of a building or structure
22 within this State as a crematory, without being licensed
23 under this Act, shall be a Class A misdemeanor.

24 (4.5) Performance of a cremation service by a person
25 who has not completed a training program as defined in

1 Section 22 of this Act shall be a Class A misdemeanor.

2 (4.10) Any person who intentionally violates a
3 provision of this Act or a final order of the Comptroller
4 or the Department is liable for a civil penalty not to
5 exceed \$5,000 per violation.

6 (4.15) Any person who knowingly acts without proper
7 legal authority and who willfully and knowingly destroys or
8 damages the remains of a deceased human being or who
9 desecrates human remains is guilty of a Class 3 felony.

10 (5) A violation of any other provision of this Act
11 shall be a Class B misdemeanor.

12 (Source: P.A. 92-675, eff. 7-1-03.)

13 (Text of Section after amendment by P.A. 96-863)

14 (Section scheduled to be repealed on January 1, 2021)

15 Sec. 55. Penalties. Violations of this Act shall be
16 punishable as follows:

17 (1) Performing a cremation without receipt of a
18 cremation authorization form signed by an authorizing
19 agent shall be a Class 4 felony.

20 (2) Signing a cremation authorization form with the
21 actual knowledge that the form contains false or incorrect
22 information shall be a Class 4 felony.

23 (3) A violation ~~Violation~~ of any cremation procedure
24 set forth in Section 35 shall be a Class 4 felony.

25 (4) Holding oneself out to the public as a crematory

1 authority, or the operation of a building or structure
2 within this State as a crematory, without being licensed
3 under this Act, shall be a Class A misdemeanor.

4 (4.5) Performance of a cremation service by a person
5 who has not completed a training program as defined in
6 Section 22 of this Act shall be a Class A misdemeanor.

7 (4.10) Any person who intentionally violates a
8 provision of this Act or a final order of the Comptroller
9 or the Department is liable for a civil penalty not to
10 exceed \$5,000 ~~\$10,000~~ per violation.

11 (4.15) Any person who knowingly acts without proper
12 legal authority and who willfully and knowingly destroys or
13 damages the remains of a deceased human being or who
14 desecrates human remains is guilty of a Class 3 felony.

15 (5) A violation of any other provision of this Act
16 shall be a Class B misdemeanor.

17 (Source: P.A. 96-863, eff. 3-1-12.)

18 (410 ILCS 18/60)

19 (Text of Section before amendment by P.A. 96-863)

20 (Section scheduled to be repealed on January 1, 2021)

21 Sec. 60. Failure to file annual report. Whenever a
22 crematory authority refuses or neglects to file its annual
23 report in violation of Section 10 of this Act, or fails to
24 otherwise comply with the requirements of this Act, the
25 Comptroller shall impose a penalty as provided for by rule for

1 each and every day the licensee remains delinquent in
2 submitting the annual report. Such report shall be made under
3 oath and shall be in a form determined by the Comptroller ~~may~~
4 ~~commence an administrative proceeding as authorized by this Act~~
5 ~~or may communicate the facts to the Attorney General of the~~
6 ~~State of Illinois who shall thereupon institute such~~
7 ~~proceedings against the crematory authority or its officers as~~
8 ~~the nature of the case may require.~~

9 (Source: P.A. 92-675, eff. 7-1-03.)

10 (Text of Section after amendment by P.A. 96-863)

11 (Section scheduled to be repealed on January 1, 2021)

12 Sec. 60. Failure to file annual report. Whenever a
13 crematory authority refuses or neglects to file its annual
14 report in violation of Section 10 of this Act, or fails to
15 otherwise comply with the requirements of this Act, the
16 Comptroller ~~Department~~ shall impose a penalty as provided for
17 by rule for each and every day the licensee remains delinquent
18 in submitting the annual report. Such report shall be made
19 under oath and shall be in a form determined by the Comptroller
20 ~~Department~~.

21 (Source: P.A. 96-863, eff. 3-1-12.)

22 (410 ILCS 18/62)

23 (Text of Section before amendment by P.A. 96-863)

24 (Section scheduled to be repealed on January 1, 2021)

1 Sec. 62. Injunctive action; cease and desist order
2 Investigation of unlawful practices.

3 (a) If any person violates the provisions of this Act, the
4 Comptroller or the Secretary, in the name of the People of the
5 State of Illinois, through the Attorney General or the State's
6 Attorney of the county in which the violation is alleged to
7 have occurred, may petition for an order enjoining the
8 violation or for an order enforcing compliance with this Act.
9 Upon the filing of a verified petition, the court with
10 appropriate jurisdiction may issue a temporary restraining
11 order, without notice or bond, and may preliminarily and
12 permanently enjoin the violation. If it is established that the
13 person has violated or is violating the injunction, the court
14 may punish the offender for contempt of court. Proceedings
15 under this Section are in addition to, and not in lieu of, all
16 other remedies and penalties provided by this Act.

17 (b) Whenever, in the opinion of the Comptroller or the
18 Department, a person violates any provision of this Act, the
19 Comptroller or the Department may issue a rule to show cause
20 why an order to cease and desist should not be entered against
21 that person. The rule shall clearly set forth the grounds
22 relied upon by the Comptroller or the Department and shall
23 allow at least 7 days from the date of the rule to file an
24 answer satisfactory to the Comptroller or the Department.
25 Failure to answer to the satisfaction of the Comptroller or the
26 Department shall cause an order to cease and desist to be

1 issued.

2 ~~If the Comptroller has good cause to believe that a person has~~
3 ~~engaged in, is engaging in, or is about to engage in any~~
4 ~~practice in violation of this Act, the Comptroller may do any~~
5 ~~one or more of the following:~~

6 ~~(1) Require that person to file, on terms the~~
7 ~~Comptroller prescribes, a statement or report in writing,~~
8 ~~under oath or otherwise, containing all information that~~
9 ~~the Comptroller considers necessary to ascertain whether a~~
10 ~~licensee is in compliance with this Act, or whether an~~
11 ~~unlicensed person is engaging in activities for which a~~
12 ~~license is required under this Act.~~

13 ~~(2) Examine under oath any person in connection with~~
14 ~~the books and records required to be maintained under this~~
15 ~~Act.~~

16 ~~(3) Examine any books and records of a licensee that~~
17 ~~the Comptroller considers necessary to ascertain~~
18 ~~compliance with this Act.~~

19 ~~(4) Require the production of a copy of any record,~~
20 ~~book, document, account, or paper that is produced in~~
21 ~~accordance with this Act and retain it in the Comptroller's~~
22 ~~possession until the completion of all proceedings in~~
23 ~~connection with which it is produced.~~

24 (Source: P.A. 92-675, eff. 7-1-03.)

25 (Text of Section after amendment by P.A. 96-863)

1 (Section scheduled to be repealed on January 1, 2021)

2 Sec. 62. Injunctive action; cease and desist order.

3 (a) If any person violates the provisions of this Act, the
4 Comptroller or the Secretary, in the name of the People of the
5 State of Illinois, through the Attorney General or the State's
6 Attorney of the county in which the violation is alleged to
7 have occurred, may petition for an order enjoining the
8 violation or for an order enforcing compliance with this Act.
9 Upon the filing of a verified petition, the court with
10 appropriate jurisdiction may issue a temporary restraining
11 order, without notice or bond, and may preliminarily and
12 permanently enjoin the violation. If it is established that the
13 person has violated or is violating the injunction, the court
14 may punish the offender for contempt of court. Proceedings
15 under this Section are in addition to, and not in lieu of, all
16 other remedies and penalties provided by this Act.

17 (b) Whenever, in the opinion of the Comptroller or the
18 Department, a person violates any provision of this Act, the
19 Comptroller or the Department may issue a rule to show cause
20 why an order to cease and desist should not be entered against
21 that person. The rule shall clearly set forth the grounds
22 relied upon by the Comptroller or the Department and shall
23 allow at least 7 days from the date of the rule to file an
24 answer satisfactory to the Comptroller or the Department.
25 Failure to answer to the satisfaction of the Comptroller or the
26 Department shall cause an order to cease and desist to be

1 issued.

2 (Source: P.A. 96-863, eff. 3-1-12.)

3 (410 ILCS 18/62.5)

4 (Text of Section before amendment by P.A. 96-863)

5 (Section scheduled to be repealed on January 1, 2021)

6 Sec. 62.5. Service of notice. Service by the Comptroller or
7 the Department of any notice requiring a person to file a
8 statement or report under this Act shall be made: (1)
9 personally by delivery of a duly executed copy of the notice to
10 the person to be served or, if that person is not a natural
11 person, in the manner provided in the Civil Practice Law when a
12 complaint is filed; or (2) by mailing by certified mail a duly
13 executed copy of the notice to the person at his or her address
14 of record ~~to be served at his or her last known abode or~~
15 ~~principal place of business within this State.~~

16 (Source: P.A. 92-675, eff. 7-1-03.)

17 (Text of Section after amendment by P.A. 96-863)

18 (Section scheduled to be repealed on January 1, 2021)

19 Sec. 62.5. Service of notice. Service by the Comptroller or
20 the Department of any notice requiring a person to file a
21 statement or report under this Act shall be made: (1)
22 personally by delivery of a duly executed copy of the notice to
23 the person to be served or, if that person is not a natural
24 person, in the manner provided in the Civil Practice Law when a

1 complaint is filed; or (2) by mailing by certified mail a duly
2 executed copy of the notice to the person at his or her address
3 of record.

4 (Source: P.A. 96-863, eff. 3-1-12.)

5 (410 ILCS 18/62.10)

6 (Text of Section before amendment by P.A. 96-863)

7 (Section scheduled to be repealed on January 1, 2021)

8 Sec. 62.10. Investigations; notice and hearing
9 ~~Investigation of actions; hearing.~~

10 The Comptroller may at any time investigate the actions of
11 any applicant or of any person, persons, or entity rendering or
12 offering to render cremation services or any person or entity
13 holding or claiming to hold a license as a licensed crematory.
14 The Comptroller shall, before revoking, suspending, placing on
15 probation, reprimanding, or taking any other disciplinary
16 action under Section 11 of this Act, at least 30 days before
17 the date set for the hearing, (i) notify the accused in writing
18 of the charges made and the time and place for the hearing on
19 the charges, (ii) direct the accused applicant or licensee to
20 file a written answer to the charges with the Comptroller under
21 oath within 20 days after the service on him or her of the
22 notice, and (iii) inform the accused that, if he or she fails
23 to answer, default will be taken against him or her or that his
24 or her license may be suspended, revoked, placed on
25 probationary status, or other disciplinary action taken with

1 regard to the license, including limiting the scope, nature, or
2 extent of his or her practice, as the Comptroller may consider
3 proper.

4 At the time and place fixed in the notice, the Comptroller
5 shall proceed to hear the charges and the parties or their
6 counsel shall be accorded ample opportunity to present any
7 pertinent statements, testimony, evidence, and arguments. The
8 Comptroller shall have the authority to appoint an attorney
9 duly licensed to practice law in the State of Illinois to serve
10 as the hearing officer in any disciplinary action with regard
11 to a license. The hearing officer shall have full authority to
12 conduct the hearing. The Comptroller may continue the hearing
13 from time to time. In case the person, after receiving the
14 notice, fails to file an answer, his or her license may, in the
15 discretion of the Comptroller, be suspended, revoked, placed on
16 probationary status, or the Comptroller may take whatever
17 disciplinary action considered proper, including limiting the
18 scope, nature, or extent of the person's practice or the
19 imposition of a fine, without a hearing, if the act or acts
20 charged constitute sufficient grounds for that action under
21 this Act. The written notice may be served by personal delivery
22 or by certified mail to the address specified by the accused in
23 his or her last notification with the Comptroller.

24 The Department may at any time investigate the actions of
25 any applicant or of any person, persons, or entity who violate
26 Sections 20, 22, 25, 35, and 40 of this Act. The Department

1 shall, before revoking, suspending, placing on probation,
2 reprimanding, or taking any other disciplinary action, at least
3 30 days before the date set for the hearing, (i) notify the
4 accused in writing of the charges made and the time and place
5 for the hearing on the charges, (ii) direct the accused
6 applicant or licensee to file a written answer to the charges
7 with the Department under oath within 20 days after the service
8 on him or her of the notice, and (iii) inform the accused that,
9 if he or she fails to answer, default will be taken against him
10 or her or that his or her license may be suspended, revoked,
11 placed on probationary status, or other disciplinary action
12 taken with regard to the license, including limiting the scope,
13 nature, or extent of his or her practice, as the Department may
14 consider proper.

15 At the time and place fixed in the notice, the Department
16 shall proceed to hear the charges and the parties or their
17 counsel shall be accorded ample opportunity to present any
18 pertinent statements, testimony, evidence, and arguments. The
19 Department shall have the authority to appoint an attorney duly
20 licensed to practice law in the State of Illinois to serve as
21 the hearing officer in any disciplinary action with regard to a
22 violation. The hearing officer shall have full authority to
23 conduct the hearing. The Department may continue the hearing
24 from time to time. In case the person, after receiving the
25 notice, fails to file an answer, his or her license may, in the
26 discretion of the Department, be suspended, revoked, placed on

1 probationary status, or the Department may take whatever
2 disciplinary action considered proper, including limiting the
3 scope, nature, or extent of the person's practice or the
4 imposition of a fine, without a hearing, if the act or acts
5 charged constitute sufficient grounds for that action under
6 this Act. The written notice may be served by personal delivery
7 or by certified mail to the address specified by the accused in
8 his or her last notification with the Department.

9 ~~(a) The Comptroller shall make an investigation upon~~
10 ~~discovering facts that, if proved, would constitute grounds for~~
11 ~~refusal, suspension, or revocation of a license under this Act.~~

12 ~~(b) Before refusing to issue, and before suspending or~~
13 ~~revoking, a license under this Act, the Comptroller shall hold~~
14 ~~a hearing to determine whether the applicant for a license or~~
15 ~~the licensee ("the respondent") is entitled to hold such a~~
16 ~~license. At least 10 days before the date set for the hearing,~~
17 ~~the Comptroller shall notify the respondent in writing that (i)~~
18 ~~on the designated date a hearing will be held to determine the~~
19 ~~respondent's eligibility for a license and (ii) the respondent~~
20 ~~may appear in person or by counsel. The written notice may be~~
21 ~~served on the respondent personally, or by registered or~~
22 ~~certified mail sent to the respondent's business address as~~
23 ~~shown in the respondent's latest notification to the~~
24 ~~Comptroller. The notice must include sufficient information to~~
25 ~~inform the respondent of the general nature of the reason for~~
26 ~~the Comptroller's action.~~

1 ~~(e) At the hearing, both the respondent and the complainant~~
2 ~~shall be accorded ample opportunity to present in person or by~~
3 ~~counsel such statements, testimony, evidence, and argument as~~
4 ~~may be pertinent to the charge or to any defense to the charge.~~
5 ~~The Comptroller may reasonably continue the hearing from time~~
6 ~~to time. The Comptroller may subpoena any person or persons in~~
7 ~~this State and take testimony orally, by deposition, or by~~
8 ~~exhibit, in the same manner and with the same fees and mileage~~
9 ~~as prescribed in judicial proceedings in civil cases. Any~~
10 ~~authorized agent of the Comptroller may administer oaths to~~
11 ~~witnesses at any hearing that the Comptroller is authorized to~~
12 ~~conduct.~~

13 ~~(d) The Comptroller, at the Comptroller's expense, shall~~
14 ~~provide a certified shorthand reporter to take down the~~
15 ~~testimony and preserve a record of every proceeding at the~~
16 ~~hearing of any case involving the refusal to issue a license~~
17 ~~under this Act, the suspension or revocation of such a license,~~
18 ~~the imposition of a monetary penalty, or the referral of a case~~
19 ~~for criminal prosecution. The record of any such proceeding~~
20 ~~shall consist of the notice of hearing, the complaint, all~~
21 ~~other documents in the nature of pleadings and written motions~~
22 ~~filed in the proceeding, the transcript of testimony, and the~~
23 ~~report and orders of the Comptroller. Copies of the transcript~~
24 ~~of the record may be purchased from the certified shorthand~~
25 ~~reporter who prepared the record or from the Comptroller.~~

26 (Source: P.A. 92-675, eff. 7-1-03.)

1 (Text of Section after amendment by P.A. 96-863)

2 (Section scheduled to be repealed on January 1, 2021)

3 Sec. 62.10. Investigations; notice and hearing. The
4 Comptroller ~~Department~~ may at any time investigate the actions
5 of any applicant or of any person, persons, or entity rendering
6 or offering to render cremation services or any person or
7 entity holding or claiming to hold a license as a licensed
8 crematory. The Comptroller ~~Department~~ shall, before revoking,
9 suspending, placing on probation, reprimanding, or taking any
10 other disciplinary action under Section 11 of this Act, at
11 least 30 days before the date set for the hearing, (i) notify
12 the accused in writing of the charges made and the time and
13 place for the hearing on the charges, (ii) direct the accused
14 applicant or licensee to file a written answer to the charges
15 with the Comptroller ~~Department~~ under oath within 20 days after
16 the service on him or her of the notice, and (iii) inform the
17 accused that, if he or she fails to answer, default will be
18 taken against him or her or that his or her license may be
19 suspended, revoked, placed on probationary status, or other
20 disciplinary action taken with regard to the license, including
21 limiting the scope, nature, or extent of his or her practice,
22 as the Comptroller ~~Department~~ may consider proper.

23 At the time and place fixed in the notice, the Comptroller
24 ~~Department~~ shall proceed to hear the charges and the parties or
25 their counsel shall be accorded ample opportunity to present

1 any pertinent statements, testimony, evidence, and arguments.
2 The Comptroller ~~Secretary~~ shall have the authority to appoint
3 an attorney duly licensed to practice law in the State of
4 Illinois to serve as the hearing officer in any disciplinary
5 action with regard to a license. The hearing officer shall have
6 full authority to conduct the hearing. The Comptroller
7 ~~Department~~ may continue the hearing from time to time. In case
8 the person, after receiving the notice, fails to file an
9 answer, his or her license may, in the discretion of the
10 Comptroller ~~Department~~, be suspended, revoked, placed on
11 probationary status, or the Comptroller ~~Department~~ may take
12 whatever disciplinary action considered proper, including
13 limiting the scope, nature, or extent of the person's practice
14 or the imposition of a fine, without a hearing, if the act or
15 acts charged constitute sufficient grounds for that action
16 under this Act. The written notice may be served by personal
17 delivery or by certified mail to the address specified by the
18 accused in his or her last notification with the Comptroller
19 ~~Department~~.

20 The Department may at any time investigate the actions of
21 any applicant or of any person, persons, or entity who violate
22 Sections 20, 22, 25, 35, and 40 of this Act. The Department
23 shall, before revoking, suspending, placing on probation,
24 reprimanding, or taking any other disciplinary action, at least
25 30 days before the date set for the hearing, (i) notify the
26 accused in writing of the charges made and the time and place

1 for the hearing on the charges, (ii) direct the accused
2 applicant or licensee to file a written answer to the charges
3 with the Department under oath within 20 days after the service
4 on him or her of the notice, and (iii) inform the accused that,
5 if he or she fails to answer, default will be taken against him
6 or her or that his or her license may be suspended, revoked,
7 placed on probationary status, or other disciplinary action
8 taken with regard to the license, including limiting the scope,
9 nature, or extent of his or her practice, as the Department may
10 consider proper.

11 At the time and place fixed in the notice, the Department
12 shall proceed to hear the charges and the parties or their
13 counsel shall be accorded ample opportunity to present any
14 pertinent statements, testimony, evidence, and arguments. The
15 Department shall have the authority to appoint an attorney duly
16 licensed to practice law in the State of Illinois to serve as
17 the hearing officer in any disciplinary action with regard to a
18 violation. The hearing officer shall have full authority to
19 conduct the hearing. The Department may continue the hearing
20 from time to time. In case the person, after receiving the
21 notice, fails to file an answer, his or her license may, in the
22 discretion of the Department, be suspended, revoked, placed on
23 probationary status, or the Department may take whatever
24 disciplinary action considered proper, including limiting the
25 scope, nature, or extent of the person's practice or the
26 imposition of a fine, without a hearing, if the act or acts

1 charged constitute sufficient grounds for that action under
2 this Act. The written notice may be served by personal delivery
3 or by certified mail to the address specified by the accused in
4 his or her last notification with the Department.

5 (Source: P.A. 96-863, eff. 3-1-12.)

6 (410 ILCS 18/62.15)

7 (Text of Section before amendment by P.A. 96-863)

8 (Section scheduled to be repealed on January 1, 2021)

9 Sec. 62.15. Compelling testimony ~~Court order. Any circuit~~
10 ~~court, upon application of the Comptroller, the Department, or~~
11 ~~the designated hearing officer, may enter an order requiring~~
12 ~~the attendance of witnesses and their testimony, and the~~
13 ~~production of documents, papers, files, books, and records in~~
14 ~~connection with any hearing or investigation. The court may~~
15 ~~compel obedience to its order by proceedings for contempt. Upon~~
16 ~~the application of the Comptroller or of the applicant or~~
17 ~~licensee against whom proceedings under Section 62.10 are~~
18 ~~pending, any circuit court may enter an order requiring~~
19 ~~witnesses to attend and testify and requiring the production of~~
20 ~~documents, papers, files, books, and records in connection with~~
21 ~~any hearing in any proceeding under that Section. Failure to~~
22 ~~obey such a court order may result in contempt proceedings.~~

23 (Source: P.A. 92-675, eff. 7-1-03.)

24 (Text of Section after amendment by P.A. 96-863)

1 (Section scheduled to be repealed on January 1, 2021)

2 Sec. 62.15. Compelling testimony. Any circuit court, upon
3 application of the Comptroller, Department, or designated
4 hearing officer may enter an order requiring the attendance of
5 witnesses and their testimony, and the production of documents,
6 papers, files, books, and records in connection with any
7 hearing or investigation. The court may compel obedience to its
8 order by proceedings for contempt.

9 (Source: P.A. 96-863, eff. 3-1-12.)

10 (410 ILCS 18/62.20)

11 (Text of Section before amendment by P.A. 96-863)

12 (Section scheduled to be repealed on January 1, 2021)

13 Sec. 62.20. Administrative review; venue; certification of
14 record; costs ~~Judicial review.~~

15 (a) All final administrative decisions of the Comptroller
16 or the Department are subject to judicial review under the
17 Administrative Review Law and its rules. The term
18 "administrative decision" is defined as in Section 3-101 of the
19 Code of Civil Procedure.

20 (b) Proceedings for judicial review shall be commenced in
21 the circuit court of the county in which the party applying for
22 review resides, but if the party is not a resident of Illinois,
23 the venue shall be in Sangamon County.

24 (c) The Comptroller or the Department shall not be required
25 to certify any record of the court, file an answer in court, or

1 to otherwise appear in any court in a judicial review
2 proceeding unless and until the Comptroller or the Department
3 has received from the plaintiff payment of the costs of
4 furnishing and certifying the record, which costs shall be
5 determined by the Comptroller or the Department. Failure on the
6 part of the plaintiff to make such payment to the Comptroller
7 or the Department is grounds for dismissal of the action.

8 ~~(a) Any person affected by a final administrative decision~~
9 ~~of the Comptroller under this Act may have the decision~~
10 ~~reviewed judicially by the circuit court of the county where~~
11 ~~the person resides or, in the case of a corporation, where the~~
12 ~~corporation's registered office is located. If the plaintiff in~~
13 ~~the judicial review proceeding is not a resident of this State,~~
14 ~~venue shall be in Sangamon County. The provisions of the~~
15 ~~Administrative Review Law and any rules adopted under it govern~~
16 ~~all proceedings for the judicial review of final administrative~~
17 ~~decisions of the Comptroller under this Act. The term~~
18 ~~"administrative decision" is defined as in the Administrative~~
19 ~~Review Law.~~

20 ~~(b) The Comptroller is not required to certify the record~~
21 ~~of the proceeding unless the plaintiff in the review proceeding~~
22 ~~has purchased a copy of the transcript from the certified~~
23 ~~shorthand reporter who prepared the record or from the~~
24 ~~Comptroller. Exhibits shall be certified without cost.~~

25 (Source: P.A. 92-675, eff. 7-1-03.)

1 (Text of Section after amendment by P.A. 96-863)

2 (Section scheduled to be repealed on January 1, 2021)

3 Sec. 62.20. Administrative review; venue; certification of
4 record; costs.

5 (a) All final administrative decisions of the Comptroller
6 or the Department are subject to judicial review under the
7 Administrative Review Law and its rules. The term
8 "administrative decision" is defined as in Section 3-101 of the
9 Code of Civil Procedure.

10 (b) Proceedings for judicial review shall be commenced in
11 the circuit court of the county in which the party applying for
12 review resides, but if the party is not a resident of Illinois,
13 the venue shall be in Sangamon County.

14 (c) The Comptroller or the Department shall not be required
15 to certify any record of the court, file an answer in court, or
16 to otherwise appear in any court in a judicial review
17 proceeding unless and until the Comptroller or the Department
18 has received from the plaintiff payment of the costs of
19 furnishing and certifying the record, which costs shall be
20 determined by the Comptroller or the Department. Failure on the
21 part of the plaintiff to make such payment to the Comptroller
22 or the Department is grounds for dismissal of the action.

23 (Source: P.A. 96-863, eff. 3-1-12.)

24 (410 ILCS 18/65)

25 (Text of Section before amendment by P.A. 96-863)

1 (Section scheduled to be repealed on January 1, 2021)

2 Sec. 65. Pre-need cremation arrangements.

3 (a) Any person, or anyone who has legal authority to act on
4 behalf of a person, on a pre-need basis, may authorize his or
5 her own cremation and the final disposition of his or her
6 cremated remains by executing, as the authorizing agent, a
7 cremation authorization form on a pre-need basis. A copy of
8 this form shall be provided to the person. Any person shall
9 have the right to transfer or cancel this authorization at any
10 time prior to death by destroying the executed cremation
11 authorization form and providing written notice to the
12 crematory authority.

13 (b) Any cremation authorization form that is being executed
14 by an individual as his or her own authorizing agent on a
15 pre-need basis shall contain the following disclosure, which
16 shall be completed by the authorizing agent:

17 "() I do not wish to allow any of my survivors the option
18 of cancelling my cremation and selecting alternative
19 arrangements, regardless of whether my survivors deem
20 a change to be appropriate.

21 () I wish to allow only the survivors whom I have
22 designated below the option of cancelling my cremation
23 and selecting alternative arrangements, if they deem a
24 change to be appropriate:....."

25 (c) Except as provided in subsection (b) of this Section,
26 at the time of the death of a person who has executed, as the

1 authorizing agent, a cremation authorization form on a pre-need
2 basis, any person in possession of an executed form and any
3 person charged with making arrangements for the final
4 disposition of the decedent who has knowledge of the existence
5 of an executed form, shall use their best efforts to ensure
6 that the decedent is cremated and that the final disposition of
7 the cremated remains is in accordance with the instructions
8 contained on the cremation authorization form. If a crematory
9 authority (i) is in possession of a completed cremation
10 authorization form that was executed on a pre-need basis, (ii)
11 is in possession of the designated human remains, and (iii) has
12 received payment for the cremation of the human remains and the
13 final disposition of the cremated remains or is otherwise
14 assured of payment, then the crematory authority shall be
15 required to cremate the human remains and dispose of the
16 cremated remains according to the instructions contained on the
17 cremation authorization form, and may do so without any
18 liability.

19 (d) ~~(e)~~ Any pre-need contract sold by, or pre-need
20 arrangements made with, a cemetery, funeral establishment,
21 crematory authority, or any other party that includes a
22 cremation shall specify the final disposition of the cremated
23 remains, in accordance with Section 40. In the event that no
24 different or inconsistent instructions are provided to the
25 crematory authority by the authorizing agent at the time of
26 death, the crematory authority shall be authorized to release

1 or dispose of the cremated remains as indicated in the pre-need
2 agreement. Upon compliance with the terms of the pre-need
3 agreement, the crematory authority shall be discharged from any
4 legal obligation concerning the cremated remains. The pre-need
5 agreement shall be kept as a permanent record by the crematory
6 authority.

7 (e) ~~(f)~~ This Section shall not apply to any cremation
8 authorization form or pre-need contract executed prior to the
9 effective date of this Act. Any cemetery, funeral
10 establishment, crematory authority, or other party, however,
11 with the written approval of the authorizing agent or person
12 who executed the pre-need contract, may designate that the
13 cremation authorization form or pre-need contract shall be
14 subject to this Act.

15 (Source: P.A. 87-1187.)

16 (Text of Section after amendment by P.A. 96-863)

17 (Section scheduled to be repealed on January 1, 2021)

18 Sec. 65. Pre-need cremation arrangements.

19 (a) Any person, or anyone who has legal authority to act on
20 behalf of a person, on a pre-need basis, may authorize his or
21 her own cremation and the final disposition of his or her
22 cremated remains by executing, as the authorizing agent, a
23 cremation authorization form on a pre-need basis. A copy of
24 this form shall be provided to the person. Any person shall
25 have the right to transfer or cancel this authorization at any

1 time prior to death by destroying the executed cremation
2 authorization form and providing written notice to the
3 crematory authority.

4 (b) Any cremation authorization form that is being executed
5 by an individual as his or her own authorizing agent on a
6 pre-need basis shall contain the following disclosure, which
7 shall be completed by the authorizing agent:

8 "() I do not wish to allow any of my survivors the option
9 of cancelling my cremation and selecting alternative
10 arrangements, regardless of whether my survivors deem
11 a change to be appropriate.

12 () I wish to allow only the survivors whom I have
13 designated below the option of cancelling my cremation
14 and selecting alternative arrangements, if they deem a
15 change to be appropriate:....."

16 (c) Except as provided in subsection (b) of this Section,
17 at the time of the death of a person who has executed, as the
18 authorizing agent, a cremation authorization form on a pre-need
19 basis, any person in possession of an executed form and any
20 person charged with making arrangements for the final
21 disposition of the decedent who has knowledge of the existence
22 of an executed form, shall use their best efforts to ensure
23 that the decedent is cremated and that the final disposition of
24 the cremated remains is in accordance with the instructions
25 contained on the cremation authorization form. If a crematory
26 authority (i) is in possession of a completed cremation

1 authorization form that was executed on a pre-need basis, (ii)
2 is in possession of the designated human remains, and (iii) has
3 received payment for the cremation of the human remains and the
4 final disposition of the cremated remains or is otherwise
5 assured of payment, then the crematory authority shall be
6 required to cremate the human remains and dispose of the
7 cremated remains according to the instructions contained on the
8 cremation authorization form, and may do so without any
9 liability.

10 (d) Any pre-need contract sold by, or pre-need arrangements
11 made with, a cemetery, funeral establishment, crematory
12 authority, or any other party that includes a cremation shall
13 specify the final disposition of the cremated remains, in
14 accordance with Section 40. In the event that no different or
15 inconsistent instructions are provided to the crematory
16 authority by the authorizing agent at the time of death, the
17 crematory authority shall be authorized to release or dispose
18 of the cremated remains as indicated in the pre-need agreement.
19 Upon compliance with the terms of the pre-need agreement, the
20 crematory authority shall be discharged from any legal
21 obligation concerning the cremated remains. The pre-need
22 agreement shall be kept as a permanent record by the crematory
23 authority.

24 (e) This Section shall not apply to any cremation
25 authorization form or pre-need contract executed prior to the
26 effective date of this Act. Any cemetery, funeral

1 establishment, crematory authority, or other party, however,
2 with the written approval of the authorizing agent or person
3 who executed the pre-need contract, may designate that the
4 cremation authorization form or pre-need contract shall be
5 subject to this Act.

6 (Source: P.A. 96-863, eff. 3-1-12.)

7 (410 ILCS 18/80)

8 (Text of Section before amendment by P.A. 96-863)

9 (Section scheduled to be repealed on January 1, 2021)

10 Sec. 80. Record of proceedings; transcript ~~Home Rule~~. The
11 Comptroller or the Department, at its expense, shall preserve a
12 record of all proceedings at the formal hearing of any case.
13 Any notice of hearing, complaint, all other documents in the
14 nature of pleadings, written motions filed in the proceedings,
15 the transcripts of testimony, the report of the hearing
16 officer, and orders of the Comptroller or the Department shall
17 be in the record of the proceeding. The Comptroller or the
18 Department shall furnish a transcript of such record to any
19 person interested in such hearing upon payment of a reasonable
20 fee. ~~The regulation of crematories and crematory authorities as~~
21 ~~set forth in this Act is an exclusive power and function of the~~
22 ~~State. A home rule unit may not regulate crematories or~~
23 ~~crematory authorities. This Section is a denial and limitation~~
24 ~~of home rule powers and functions under subsection (h) of~~
25 ~~Section 6 of Article VII of the Illinois Constitution.~~

1 (Source: P.A. 91-357, eff. 7-29-99.)

2 (Text of Section after amendment by P.A. 96-863)

3 (Section scheduled to be repealed on January 1, 2021)

4 Sec. 80. Record of proceedings; transcript. The
5 Comptroller or the Department, at its expense, shall preserve a
6 record of all proceedings at the formal hearing of any case.
7 Any notice of hearing, complaint, all other documents in the
8 nature of pleadings, written motions filed in the proceedings,
9 the transcripts of testimony, the report of the hearing
10 officer, and orders of the Comptroller or the Department shall
11 be in the record of the proceeding. The Comptroller or the
12 Department shall furnish a transcript of such record to any
13 person interested in such hearing upon payment of a reasonable
14 fee ~~the fee required under Section 2105-115 of the Department~~
15 ~~of Professional Regulation Law.~~

16 (Source: P.A. 96-863, eff. 3-1-12.)

17 (410 ILCS 18/85)

18 (This Section may contain text from a Public Act with a
19 delayed effective date)

20 (Section scheduled to be repealed on January 1, 2021)

21 Sec. 85. Subpoenas; depositions; oaths. The Comptroller or
22 the Department has the power to subpoena documents, books,
23 records or other materials and to bring before it any person
24 and to take testimony either orally or by deposition, or both,

1 with the same fees and mileage and in the same manner as
2 prescribed in civil cases in the courts of this State. The
3 Comptroller or the Secretary, the designated hearing officer,
4 or any qualified person the Comptroller or the Department may
5 designate has the power to administer oaths to witnesses at any
6 hearing that the Comptroller or the Department is authorized to
7 conduct, and any other oaths authorized in any Act administered
8 by the Comptroller or the Department.

9 Every person having taken an oath or affirmation in any
10 proceeding or matter wherein an oath is required by this Act,
11 who shall swear willfully, corruptly and falsely in a matter
12 material to the issue or point in question, or shall suborn any
13 other person to swear as aforesaid, shall be guilty of perjury
14 or subornation of perjury, as the case may be and shall be
15 punished as provided by State law relative to perjury and
16 subornation of perjury.

17 (Source: P.A. 96-863, eff. 3-1-12.)

18 (410 ILCS 18/87)

19 (This Section may contain text from a Public Act with a
20 delayed effective date)

21 (Section scheduled to be repealed on January 1, 2021)

22 Sec. 87. Findings and recommendations. At the conclusion of
23 the hearing, the hearing officer shall present to the
24 Comptroller or the Secretary a written report of its findings
25 of fact, conclusions of law, and recommendations. The report

1 shall contain a finding whether or not the accused person
2 violated this Act or its rules or failed to comply with the
3 conditions required in this Act or its rules. The hearing
4 officer shall specify the nature of any violations or failure
5 to comply and shall make recommendations to the Comptroller or
6 the Secretary. In making recommendations for any disciplinary
7 actions, the hearing officer may take into consideration all
8 facts and circumstances bearing upon the reasonableness of the
9 conduct of the accused and the potential for future harm to the
10 public, including but not limited to, previous discipline of
11 the accused by the Comptroller or the Department, intent,
12 degree of harm to the public and likelihood of harm in the
13 future, any restitution made by the accused, and whether the
14 incident or incidents contained in the complaint appear to be
15 isolated or represent a continuing pattern of conduct. In
16 making its recommendations for discipline, the hearing officer
17 shall endeavor to ensure that the severity of the discipline
18 recommended is reasonably related to the severity of the
19 violation. The report of findings of fact, conclusions of law,
20 and recommendation of the hearing officer shall be the basis
21 for the Comptroller's or the Department's order refusing to
22 issue, restore, place on probation, fine, suspend, revoke a
23 license, or otherwise disciplining a licensee. If the
24 Comptroller or the Secretary disagrees with the
25 recommendations of the hearing officer, the Comptroller or the
26 Secretary may issue an order in contravention of the hearing

1 officer's recommendations. The finding is not admissible in
2 evidence against the person in a criminal prosecution brought
3 for a violation of this Act, but the hearing and finding are
4 not a bar to a criminal prosecution brought for a violation of
5 this Act.

6 (Source: P.A. 96-863, eff. 3-1-12.)

7 (410 ILCS 18/88)

8 (This Section may contain text from a Public Act with a
9 delayed effective date)

10 (Section scheduled to be repealed on January 1, 2021)

11 Sec. 88. Rehearing. At the conclusion of the hearing, a
12 copy of the hearing officer's report shall be served upon the
13 applicant or licensee by the Comptroller or the Department,
14 either personally or as provided in this Act. Within 20 days
15 after service, the applicant or licensee may present to the
16 Department a motion in writing for a rehearing, which shall
17 specify the particular grounds for rehearing. The Comptroller
18 or the Department may respond to the motion for rehearing
19 within 20 days after its service on the Comptroller or the
20 Department. If no motion for rehearing is filed, then upon the
21 expiration of the time specified for filing such a motion, or
22 if a motion for rehearing is denied, then upon denial, the
23 Comptroller or the Secretary may enter an order in accordance
24 with recommendations of the hearing officer except as provided
25 in Section 89 of this Act.

1 If the applicant or licensee orders from the reporting
2 service and pays for a transcript of the record within the time
3 for filing a motion for rehearing, the 20-day period within
4 which a motion may be filed shall commence upon the delivery of
5 the transcript to the applicant or licensee.

6 (Source: P.A. 96-863, eff. 3-1-12.)

7 (410 ILCS 18/89)

8 (This Section may contain text from a Public Act with a
9 delayed effective date)

10 (Section scheduled to be repealed on January 1, 2021)

11 Sec. 89. Comptroller or Secretary; rehearing. Whenever the
12 Comptroller or the Secretary believes that substantial justice
13 has not been done in the revocation, suspension, or refusal to
14 issue or restore a license or other discipline of an applicant
15 or licensee, he or she may order a rehearing by the same or
16 other hearing officers.

17 (Source: P.A. 96-863, eff. 3-1-12.)

18 (410 ILCS 18/90)

19 (This Section may contain text from a Public Act with a
20 delayed effective date)

21 (Section scheduled to be repealed on January 1, 2021)

22 Sec. 90. Order or certified copy; prima facie proof. An
23 order or certified copy thereof, over the seal of the
24 Comptroller or the Department and purporting to be signed by

1 the Comptroller or the Secretary, is prima facie proof that:

2 (a) the signature is the genuine signature of the
3 Comptroller or the Secretary;

4 (b) the Comptroller or the Secretary is duly appointed and
5 qualified; and

6 (c) the hearing officer is qualified to act.

7 (Source: P.A. 96-863, eff. 3-1-12.)

8 (410 ILCS 18/91)

9 (This Section may contain text from a Public Act with a
10 delayed effective date)

11 (Section scheduled to be repealed on January 1, 2021)

12 Sec. 91. Civil action and civil penalties. In addition to
13 the other penalties and remedies provided in this Act, the
14 Comptroller or the Department may bring a civil action in the
15 county of residence of the licensee or any other person to
16 enjoin any violation or threatened violation of this Act. In
17 addition to any other penalty provided by law, any person who
18 violates this Act shall forfeit and pay a civil penalty to the
19 Comptroller or the Department in an amount not to exceed \$5,000
20 ~~\$10,000~~ for each violation as determined by the Comptroller or
21 the Department. The civil penalty shall be assessed by the
22 Comptroller or the Department in accordance with the provisions
23 of this Act.

24 Any civil penalty shall be paid within 60 days after the
25 effective date of the order imposing the civil penalty. The

1 order shall constitute a judgment and may be filed and
2 execution had thereon in the same manner as any judgment from
3 any court of record. All moneys collected under this Section
4 shall be deposited with the Comptroller or the Department, as
5 applicable ~~into the Cemetery Oversight Licensing and~~
6 ~~Disciplinary Fund.~~

7 (Source: P.A. 96-863, eff. 3-1-12.)

8 (410 ILCS 18/92)

9 (This Section may contain text from a Public Act with a
10 delayed effective date)

11 (Section scheduled to be repealed on January 1, 2021)

12 Sec. 92. Consent order. At any point in any investigation
13 or disciplinary proceedings as provided in this Act, both
14 parties may agree to a negotiated consent order. The consent
15 order shall be final upon signature of the Comptroller or the
16 Secretary.

17 (Source: P.A. 96-863, eff. 3-1-12.)

18 (410 ILCS 18/94)

19 (This Section may contain text from a Public Act with a
20 delayed effective date)

21 (Section scheduled to be repealed on January 1, 2021)

22 Sec. 94. Summary suspension of a license. The Comptroller
23 or the Secretary may summarily suspend a license of a licensed
24 crematory without a hearing, simultaneously with the

1 institution of proceedings for a hearing provided for in this
2 Act, if the Comptroller or the Secretary finds that evidence in
3 the Comptroller's or the Secretary's possession indicates that
4 the licensee's continued practice would constitute an imminent
5 danger to the public. In the event that the Comptroller or the
6 Secretary summarily suspends the license of a licensed
7 crematory without a hearing, a hearing must be commenced within
8 30 days after the suspension has occurred and concluded as
9 expeditiously as practical. In the event of a summary
10 suspension, the county coroner or medical examiner responsible
11 for the area where the crematory is located shall make
12 arrangements to dispose of any bodies in the suspended
13 licensee's possession after consulting with the authorizing
14 agents for those bodies.

15 (Source: P.A. 96-863, eff. 3-1-12.)

16 Section 35. The Vital Records Act is amended by changing
17 Sections 11 and 25 as follows:

18 (410 ILCS 535/11) (from Ch. 111 1/2, par. 73-11)

19 Sec. 11. Information required on forms.

20 (a) The form of certificates, reports, and other returns
21 required by this Act or by regulations adopted under this Act
22 shall include as a minimum the items recommended by the federal
23 agency responsible for national vital statistics, subject to
24 approval of and modification by the Department. All forms shall

1 be prescribed and furnished by the State Registrar of Vital
2 Records.

3 (b) On and after the effective date of this amendatory Act
4 of 1983, all forms used to collect information under this Act
5 which request information concerning the race or ethnicity of
6 an individual by providing spaces for the designation of that
7 individual as "white" or "black", or the semantic equivalent
8 thereof, shall provide an additional space for a designation as
9 "Hispanic".

10 (c) Effective November 1, 1990, the social security numbers
11 of the mother and father shall be collected at the time of the
12 birth of the child. These numbers shall not be recorded on the
13 certificate of live birth. The numbers may be used only for
14 those purposes allowed by Federal law.

15 (d) The social security number of a person who has died
16 shall be entered on the death certificate; however, failure to
17 enter the social security number of the person who has died on
18 the death certificate does not invalidate the death
19 certificate.

20 (e) If the place of disposition of a dead human body or
21 cremated remains is in a cemetery, the burial permit shall
22 include the place of disposition. The place of disposition
23 shall include the lot, block, section, and plot or niche, and
24 depth, if applicable, where the dead human body or cremated
25 remains are located. This subsection does not apply to cremated
26 remains scattered in a cemetery.

1 (Source: P.A. 96-863, eff. 3-1-10.)

2 (410 ILCS 535/25) (from Ch. 111 1/2, par. 73-25)

3 Sec. 25. In accordance with Section 24 of this Act, and the
4 regulations adopted pursuant thereto:

5 (1) The State Registrar of Vital Records shall search the
6 files of birth, death, and fetal death records, upon receipt of
7 a written request and a fee of \$10 from any applicant entitled
8 to such search. A search fee shall not be required for
9 commemorative birth certificates issued by the State
10 Registrar. If, upon search, the record requested is found, the
11 State Registrar shall furnish the applicant one certification
12 of such record, under the seal of such office. If the request
13 is for a certified copy of the record an additional fee of \$5
14 shall be required. If the request is for a certified copy of a
15 death certificate or a fetal death certificate, an additional
16 fee of \$2 is required. The additional fee shall be deposited
17 into the Death Certificate Surcharge Fund. A further fee of \$2
18 shall be required for each additional certification or
19 certified copy requested. If the requested record is not found,
20 the State Registrar shall furnish the applicant a certification
21 attesting to that fact, if so requested by the applicant. A
22 further fee of \$2 shall be required for each additional
23 certification that no record has been found.

24 Any local registrar or county clerk shall search the files
25 of birth, death and fetal death records, upon receipt of a

1 written request from any applicant entitled to such search. If
2 upon search the record requested is found, such local registrar
3 or county clerk shall furnish the applicant one certification
4 or certified copy of such record, under the seal of such
5 office, upon payment of the applicable fees. If the requested
6 record is not found, the local registrar or county clerk shall
7 furnish the applicant a certification attesting to that fact,
8 if so requested by the applicant and upon payment of applicable
9 fee. The local registrar or county clerk must charge a \$2 fee
10 for each certified copy of a death certificate. The fee is in
11 addition to any other fees that are charged by the local
12 registrar or county clerk. The additional fees must be
13 transmitted to the State Registrar monthly and deposited into
14 the Death Certificate Surcharge Fund. The local registrar or
15 county clerk may charge fees for providing other services for
16 which the State Registrar may charge fees under this Section.

17 A request to any custodian of vital records for a search of
18 the death record indexes for genealogical research shall
19 require a fee of \$10 per name for a 5 year search. An
20 additional fee of \$1 for each additional year searched shall be
21 required. If the requested record is found, one uncertified
22 copy shall be issued without additional charge.

23 Any fee received by the State Registrar pursuant to this
24 Section which is of an insufficient amount may be returned by
25 the State Registrar upon his recording the receipt of such fee
26 and the reason for its return. The State Registrar is

1 authorized to maintain a 2 signature, revolving checking
2 account with a suitable commercial bank for the purpose of
3 depositing and withdrawing-for-return cash received and
4 determined insufficient for the service requested.

5 No fee imposed under this Section may be assessed against
6 an organization chartered by Congress that requests a
7 certificate for the purpose of death verification.

8 Any custodian of vital records, whether it may be the
9 Department of Public Health, a local registrar, or a county
10 clerk shall charge an additional \$2 for each certified copy of
11 a death certificate and that additional fee shall be collected
12 on behalf of the Department of Financial and Professional
13 Regulation for deposit into the Cemetery Oversight Licensing
14 and Disciplinary Fund.

15 (2) The certification of birth may contain only the name,
16 sex, date of birth, and place of birth, of the person to whom
17 it relates, the name, age and birthplace of the parents, and
18 the file number; and none of the other data on the certificate
19 of birth except as authorized under subsection (5) of this
20 Section.

21 (3) The certification of death shall contain only the name,
22 Social Security Number, sex, date of death, and place of death
23 of the person to whom it relates, and file number; and none of
24 the other data on the certificate of death except as authorized
25 under subsection (5) of this Section.

26 (4) Certification or a certified copy of a certificate

1 shall be issued:

2 (a) Upon the order of a court of competent
3 jurisdiction; or

4 (b) In case of a birth certificate, upon the specific
5 written request for a certification or certified copy by
6 the person, if of legal age, by a parent or other legal
7 representative of the person to whom the record of birth
8 relates, or by a person having a genealogical interest; or

9 (c) Upon the specific written request for a
10 certification or certified copy by a department of the
11 state or a municipal corporation or the federal government;
12 or

13 (d) In case of a death or fetal death certificate, upon
14 specific written request for a certified copy by a person,
15 or his duly authorized agent, having a genealogical,
16 personal or property right interest in the record.

17 A genealogical interest shall be a proper purpose with
18 respect to births which occurred not less than 75 years and
19 deaths which occurred not less than 20 years prior to the date
20 of written request. Where the purpose of the request is a
21 genealogical interest, the custodian shall stamp the
22 certification or copy with the words, FOR GENEALOGICAL PURPOSES
23 ONLY.

24 (5) Any certification or certified copy issued pursuant to
25 this Section shall show the date of registration; and copies
26 issued from records marked "delayed," "amended," or "court

1 order" shall be similarly marked and show the effective date.

2 (6) Any certification or certified copy of a certificate
3 issued in accordance with this Section shall be considered as
4 prima facie evidence of the facts therein stated, provided that
5 the evidentiary value of a certificate or record filed more
6 than one year after the event, or a record which has been
7 amended, shall be determined by the judicial or administrative
8 body or official before whom the certificate is offered as
9 evidence.

10 (7) Any certification or certified copy issued pursuant to
11 this Section shall be issued without charge when the record is
12 required by the United States Veterans Administration or by any
13 accredited veterans organization to be used in determining the
14 eligibility of any person to participate in benefits available
15 from such organization. Requests for such copies must be in
16 accordance with Sections 1 and 2 of "An Act to provide for the
17 furnishing of copies of public documents to interested
18 parties," approved May 17, 1935, as now or hereafter amended.

19 (8) The National Vital Statistics Division, or any agency
20 which may be substituted therefor, may be furnished such copies
21 or data as it may require for national statistics; provided
22 that the State shall be reimbursed for the cost of furnishing
23 such data; and provided further that such data shall not be
24 used for other than statistical purposes by the National Vital
25 Statistics Division, or any agency which may be substituted
26 therefor, unless so authorized by the State Registrar of Vital

1 Records.

2 (9) Federal, State, local, and other public or private
3 agencies may, upon request, be furnished copies or data for
4 statistical purposes upon such terms or conditions as may be
5 prescribed by the Department.

6 (10) The State Registrar of Vital Records, at his
7 discretion and in the interest of promoting registration of
8 births, may issue, without fee, to the parents or guardian of
9 any or every child whose birth has been registered in
10 accordance with the provisions of this Act, a special notice of
11 registration of birth.

12 (11) No person shall prepare or issue any certificate which
13 purports to be an original, certified copy, or certification of
14 a certificate of birth, death, or fetal death, except as
15 authorized in this Act or regulations adopted hereunder.

16 (12) A computer print-out of any record of birth, death or
17 fetal record that may be certified under this Section may be
18 used in place of such certification and such computer print-out
19 shall have the same legal force and effect as a certified copy
20 of the document.

21 (13) The State Registrar may verify from the information
22 contained in the index maintained by the State Registrar the
23 authenticity of information on births, deaths, marriages and
24 dissolution of marriages provided to a federal agency or a
25 public agency of another state by a person seeking benefits or
26 employment from the agency, provided the agency pays a fee of

1 \$10.

2 (14) The State Registrar may issue commemorative birth
3 certificates to persons eligible to receive birth certificates
4 under this Section upon the payment of a fee to be determined
5 by the State Registrar.

6 (Source: P.A. 91-382, eff. 7-30-99; 92-141, eff. 7-24-01.)

7 Section 40. The Cemetery Protection Act is amended by
8 changing Section .01 as follows:

9 (765 ILCS 835/.01) (from Ch. 21, par. 14.01)

10 Sec. .01. For the purposes of this Act, the term:

11 "Cemetery authority" means an individual or legal entity
12 that owns or controls cemetery lands or property.

13 ~~"Cemetery manager" means an individual who is engaged in,~~
14 ~~or holding himself or herself out as engaged in, those~~
15 ~~activities involved in or incidental to supervising the~~
16 ~~following: the maintenance, operation, development, or~~
17 ~~improvement of a cemetery licensed under this Act; the~~
18 ~~interment of human remains; or the care, preservation, and~~
19 ~~embellishment of cemetery property. This definition also~~
20 ~~includes, without limitation, an individual that is an~~
21 ~~independent contractor or individuals employed or contracted~~
22 ~~by an independent contractor who is engaged in, or holding~~
23 ~~himself or herself out as engaged in, those activities involved~~
24 ~~in or incidental to supervising the following: the maintenance,~~

1 ~~operation, development, or improvement of a cemetery licensed~~
2 ~~under this Act; the interment of human remains; or the care,~~
3 ~~preservation, and embellishment of cemetery property.~~

4 "Community mausoleum" means a mausoleum owned and operated
5 by a cemetery authority that contains multiple entombment
6 rights sold to the public.

7 (Source: P.A. 96-863, eff. 3-1-10.)

8 Section 45. The Cemetery Association Act is amended by
9 changing Section 4 as follows:

10 (805 ILCS 320/4) (from Ch. 21, par. 38)

11 (Section scheduled to be repealed on March 1, 2012)

12 Sec. 4. That said persons so receiving said certificate of
13 organization of said association shall proceed to elect from
14 their own number a board of trustees for said association,
15 which said board shall consist of not less than six (6) nor
16 more than ten (10) members, as said persons so receiving said
17 certificate may determine; that said trustees when elected
18 shall immediately organize by electing from their own
19 membership a president, vice president and treasurer, and shall
20 also elect a secretary, who may or may not be a member of said
21 board of trustees, in their discretion, which said officers
22 shall hold their respective offices for and during the period
23 of one (1) year, and until their successors are duly elected
24 and qualified. Said trustees when so elected shall divide

1 themselves by lot into two classes, the first of which shall
2 hold their offices for and during the period of three (3)
3 years, and the second of which shall hold their offices for and
4 during the period of six (6) years, and that thereafter the
5 term of office of said trustees shall be six (6) years, and
6 that upon the expiration of the term of office of any of said
7 trustees, or in case of the resignation or death or removal
8 from the State of Illinois of any of said trustees, or their
9 removal from office as provided in this act, the remaining
10 trustees, or a majority of them, shall notify the presiding
11 officer of the County Board in which said cemetery is situated,
12 of such vacancy or vacancies in writing and thereupon said
13 presiding officer shall appoint some suitable person or persons
14 to fill such vacancy or vacancies; and that thereafter the
15 presiding officer of the county board in which said cemetery
16 association is located shall always appoint some suitable
17 person or persons ~~as trustees: Provided, however, that in~~
18 ~~making such appointments the said presiding officer of the~~
19 ~~County Board shall so exercise his power that at least~~
20 ~~two thirds (2-3) of said trustees shall be selected from~~
21 ~~suitable persons residing within fifteen (15) miles of said~~
22 ~~cemetery, or some part thereof, and the other appointees may be~~
23 ~~suitable persons~~ interested in said cemetery association
24 through family interments or ~~otherwise~~ who are citizens of the
25 State of Illinois.

26 (Source: P.A. 80-585. Repealed by P.A. 96-863, eff. 3-1-12.)

1 Section 95. No acceleration or delay. Where this Act makes
2 changes in a statute that is represented in this Act by text
3 that is not yet or no longer in effect (for example, a Section
4 represented by multiple versions), the use of that text does
5 not accelerate or delay the taking effect of (i) the changes
6 made by this Act or (ii) provisions derived from any other
7 Public Act.

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

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