



Sen. Emil Jones, III

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1 AMENDMENT TO SENATE BILL 1853

2 AMENDMENT NO. _____. Amend Senate Bill 1853, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 1. Short title. This Act may be cited as the
6 Cemetery Consumer Bill of Rights Act.

7 Section 5. Definitions.

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

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

16 "Cemetery services" means those services customarily

1 performed by cemetery or crematory personnel in connection with
2 the interment, entombment, inurnment, or cremation of a dead
3 human body.

4 "Term burial" means a right of interment sold to a consumer
5 in which the cemetery authority retains the right to disinter
6 and relocate the remains.

7 Section 10. Consumer privileges.

8 (a) A record of decedent's grave location shall be open to
9 public inspection consistent with State and federal law. The
10 cemetery authority shall make available, consistent with State
11 and federal law, a true copy of the grave location of a
12 decedent currently in the cemetery authorities records, upon
13 written request and payment of reasonable copy costs. At the
14 time of the interment, entombment, or inurnment, the cemetery
15 authority shall provide the record of the deceased's grave
16 location to the person who would have authority to dispose of
17 the decedent's remains under the Disposition of Remains Act.

18 (b) Consumers have the right to purchase cemetery
19 merchandise or cemetery services directly from the cemetery
20 authority when available or through a third-party vendor of the
21 consumer's choice, other than opening and closing services,
22 without incurring a penalty or additional charge by the
23 cemetery authority; provided, however, that consumers do not
24 have the right to purchase types of cemetery merchandise or
25 cemetery services that would violate applicable law, any

1 collective bargaining agreement, or the cemetery authority's
2 rules and regulations.

3 (c) Consumers have the right to complain to the cemetery
4 authority regarding cemetery-related products purchased from
5 the cemetery and services as well as issues with customer
6 service, maintenance, or other cemetery activities for which
7 they have paid for.

8 Section 15. Cemetery duties for all cemetery authorities.

9 (a) Prices for all cemetery merchandise and cemetery
10 services offered for sale by the cemetery authority must be
11 disclosed to the consumer in writing on a standardized price
12 list. Memorialization pricing may be disclosed in price ranges.
13 The price list shall include the effective dates of the prices.
14 The price list shall include not only the range of interment,
15 inurnment, and entombment rights and the cost of extending the
16 term of any term burial, but also any related cemetery
17 merchandise or cemetery services offered by the cemetery
18 authority that are standard but are not incidentals, such as
19 flowers and later date inscriptions or any items that are
20 specialty items that need to be priced separately. Charges for
21 installation of markers, monuments, and vaults in cemeteries
22 must be the same without regard to where the item is purchased.

23 (b) Both the consumer and the cemetery authority or its
24 representative must sign a contract for the interment,
25 inurnment, or entombment of human remains. Before a contract is

1 signed, the prices for the purchased cemetery services and
2 cemetery merchandise must be disclosed on the contract and in
3 plain language. If a contract is for a term burial, the term,
4 the option to extend the term, and the subsequent disposition
5 of the human remains post-term must be in bold print and
6 discussed with the consumer. Any contract for the sale of an
7 interment right, entombment right, or inurnment right, when
8 designated, must disclose the exact location of the burial plot
9 based on the survey of the cemetery map or plat on file with
10 the cemetery authority.

11 (c) A cemetery authority that has the legal right to extend
12 a term burial shall, prior to disinterment, provide the family
13 or other authorized agent under the Disposition of Remains Act
14 the opportunity to extend the term of a term burial for the
15 cost as stated on the cemetery authority's current price list.
16 Regardless of whether the family or other authorized agent
17 chooses to extend the term burial, the cemetery authority
18 shall, prior to disinterment, provide notice to the family or
19 other authorized agent under the Disposition of Remains Act of
20 the cemetery authority's intention to disinter the remains and
21 to inter different human remains in that space.

22 (d) The cemetery authority is hereby authorized to make
23 bylaws or rules and regulations for the government thereof, and
24 to make rules regarding the driving of cars, motorcycles,
25 carriages, processions, teams, and the speed thereof, the use
26 of avenues, lots, walks, ponds, water courses, vaults,

1 buildings, or other places within such cemetery, the operations
2 and good management in such cemetery, the protection of
3 visitors, the protection of employees, and for the maintenance
4 of good order and quiet in such cemetery. All such rules shall
5 be subject to the rights of interment, entombment, or inurnment
6 right owners or others, owning any interest in such cemetery.
7 The rules and regulations must be reasonable.

8 (e) No cemetery authority or its agent may engage in
9 deceptive or unfair practices. The cemetery authority and its
10 agents may not intentionally misrepresent legal or cemetery
11 requirements.

12 (f) When a consumer purchases a grave liner or outer burial
13 container the consumer shall be notified that neither grave
14 liners nor outer burial containers are designed to prevent the
15 eventual decomposition of human remains. When selling an outer
16 burial container or grave liner a cemetery may not claim that
17 an outer burial container will not crack or keep water, dirt,
18 or other debris from penetrating into the casket.

19 (g) No cemetery authority shall disclose financial or
20 other confidential information consisting of social security
21 number, date of birth, driver's license number, home or
22 employer address, phone number, e-mail address, or any other
23 information protected by State and federal laws regarding the
24 deceased or the person providing for the burial.

25 (h) All cemetery authorities shall maintain cemetery
26 property adequately pursuant to the standard of care provided

1 for in this Section 10 to ensure visitors the opportunity to
2 visit decedents during cemetery hours. Gravesite grass levels
3 shall not exceed 8 inches. Consideration shall be given in the
4 event of severe weather, earthquakes, acts of terrorism, acts
5 of war, or acts of God that prevent visitation, mowing of the
6 grass, or any other maintenance.

7 (i) The cemetery authority shall provide a standard of care
8 as provided for in its contracts and based upon expenditures
9 from the income derived from the principal amount of care funds
10 to be used for the maintenance of a cemetery and of the lots,
11 graves, crypts, niches, family mausoleums, memorials, and
12 markers in the cemetery, including: (i) the cutting and
13 trimming of lawn, shrubs, and trees at reasonable intervals;
14 (ii) keeping in repair the drains, water lines, roads,
15 buildings, fences, and other structures in keeping with a well
16 maintained cemetery; (iii) maintenance of machinery, tools,
17 and equipment for such care; (iv) compensation of employees,
18 payment of insurance premiums, and reasonable payments for
19 employees pension and other benefits plans; and (v) to the
20 extent surplus income from the care fund is available, the
21 payment of overhead expenses necessary for such purposes and
22 for maintaining necessary records of lot ownership, transfers,
23 and burials.

24 (j) No cemetery authority shall require payment for any
25 goods, services, or easement by cash only. Each cemetery
26 authority subject to this Section shall permit payment by at

1 least one other option, including, but not limited to, personal
2 check, cashier's check, money order, or credit or debit card.
3 In addition to the contract for the sale of cemetery goods,
4 services, or easements, the cemetery authority shall provide a
5 receipt to the consumer upon payment in part or full, whatever
6 the case may be, except when a payment is made by check or
7 money order by mail on an open account, then the check or money
8 order receipt shall serve as a receipt.

9 (k) No cemetery authority shall interfere with a licensed
10 funeral director or his or her designated agent observing the
11 final burial or disposition of human remains for which the
12 funeral director has a contract for services related to that
13 deceased individual. No funeral director or his or her
14 designated agent shall interfere with a cemetery authority or
15 its designated agent's rendering of burial or other disposition
16 services for human remains for which the cemetery authority has
17 a contract for goods, services, or property related to that
18 deceased individual.

19 Section 20. Whistleblower protection.

20 (a) "Retaliatory action" means the reprimand, discharge,
21 suspension, demotion, denial of promotion or transfer, or
22 change in the terms and conditions of employment of any
23 cemetery employee that is taken in retaliation for an
24 employee's participation in protected activity, as set forth in
25 this Section.

1 (b) A cemetery authority shall not take any retaliatory
2 action against any cemetery personnel because they have:

3 (1) disclosed or threatened to disclose to a supervisor
4 or to a public body an activity, policy, or practice of a
5 supervisor, any cemetery employee, or the cemetery
6 authority that the supervisor or cemetery employee
7 reasonably believes is in violation of a law, rule, or
8 regulation;

9 (2) provided information to or testified before any
10 public body conducting an investigation, hearing, or
11 inquiry into any violation of a law, rule, or regulation by
12 a supervisor or cemetery authority; or

13 (3) assisted or participated in a proceeding to enforce
14 the provisions of this Act.

15 (c) A violation of this Section may be established only
16 upon a finding that (i) the cemetery supervisor or cemetery
17 employee engaged in conduct described in subsection (b) of this
18 Section and (ii) that this conduct was a contributing factor in
19 the retaliatory action alleged by the cemetery supervisor or
20 cemetery employee. It is not a violation, however, if it is
21 demonstrated by clear and convincing evidence that the cemetery
22 authority would have taken the same unfavorable personnel
23 action in the absence of that conduct.

24 (d) The cemetery employee or cemetery supervisor may be
25 awarded all remedies necessary to make the cemetery employee or
26 cemetery supervisor whole and to prevent future violations of

1 this Section. Remedies imposed by the court may include, but
2 are not limited to, all of the following:

3 (1) reinstatement of the individual to either the same
4 position held before the retaliatory action or to an
5 equivalent position;

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

7 (3) interest on the back pay;

8 (4) the reinstatement of full fringe benefits and
9 seniority rights; and

10 (5) the payment of reasonable costs and attorneys'
11 fees.

12 (e) Nothing in this Section shall be deemed to diminish the
13 rights, privileges, or remedies of a cemetery employee or
14 cemetery supervisor under any other federal or State law, rule,
15 or regulation or under any employment contract.

16 Section 25. Rights of consumers.

17 (a) All cemetery authorities shall respect the rights of
18 consumers of cemetery products and services as provided in this
19 Act. When it is found that there is a failure to abide by the
20 cemetery authorities' duties listed in this Act or to comply
21 with a request by a consumer based on a consumer's privileges
22 under this Section, the aggrieved may bring suit against the
23 cemetery authority in the circuit court of the county in which
24 the contract became binding for any remedy provided by the
25 common or statute law of this State.

1 (b) An action to enjoin any person subject to this Act from
2 engaging in activity in violation of this Act may be maintained
3 in the name of the people of the State of Illinois by the
4 Attorney General or by the State's Attorney of the county in
5 which the action is brought.

6 Section 30. Consumer complaints.

7 (a) A consumer may contact the State of Illinois Attorney
8 General to register a complaint about any violation of this
9 Act.

10 (b) With the exception of a Cemetery Association that is
11 operated by volunteers and the cemetery has no office, the
12 following sign must be posted in 18-point, bold font, on a page
13 that is 8 X 10 minimum, in the cemetery authority office when
14 there is a cemetery office on the site of the cemetery:

15 "ILLINOIS ATTORNEY GENERAL CONSUMER FRAUD HOTLINES:

16 Chicago: 1-866-310-8393 / TTY 877-675-9339

17 Spanish Language Hotline: 1-800-386-5438

18 Springfield: TTY 1-877-844-5461

19 Carbondale: TTY 1-800-243-0618 / 800-243-0607".

20 Section 35. Enforcement. The Attorney General or the
21 State's Attorney of any county in this State may bring an
22 action in the name of the State against any person to restrain
23 and prevent any violation of this Act. In the enforcement of
24 this Act, the Attorney General or the State's Attorney may

1 accept an assurance of discontinuance of any act or practice
2 deemed in violation of this Act from any person engaging in, or
3 who has engaged in, that act or practice. Failure to perform
4 the terms of any such assurance constitutes prima facie proof
5 of a violation of this Act.

6 Section 40. Violations. Any person, who knowingly violates
7 any of the provisions of this Act shall be guilty of a business
8 offense and shall be required to pay a penalty of no less than
9 \$500 or more than \$1,000, for each offense, to be recovered in
10 the name of the People of the State of Illinois by the State's
11 Attorney of the county in which the violation occurs, and the
12 penalty so recovered shall be paid into the county treasury.

13 Section 910. The Counties Code is amended by changing
14 Section 3-3034 as follows:

15 (55 ILCS 5/3-3034) (from Ch. 34, par. 3-3034)

16 Sec. 3-3034. Disposition of body. After the inquest the
17 coroner may deliver the body or human remains of the deceased
18 to the family of the deceased or, if there are no family
19 members to accept the body or the remains, then to friends of
20 the deceased, if there be any, but if not, the coroner shall
21 cause the body or the remains to be decently buried, cremated,
22 or donated for medical science purposes, the expenses to be
23 paid from the property of the deceased, if there is sufficient,

1 if not, by the county. The coroner may not approve the
2 cremation or donation of the body if it is necessary to
3 preserve the body for law enforcement purposes. If the State
4 Treasurer, pursuant to the Uniform Disposition of Unclaimed
5 Property Act, delivers human remains to the coroner, the
6 coroner shall cause the human remains to be disposed of as
7 provided in this Section. If the police department of any city,
8 town, or county investigates abandoned cremated remains and can
9 not locate the owner of the cremated remains that are also
10 considered as human remains, then the police shall deliver such
11 human remains to the coroner, and the coroner shall cause the
12 human remains to be disposed of as provided in this Section.

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

14 Section 912. The Funeral Directors and Embalmers Licensing
15 Code is amended by changing Section 15-75 as follows:

16 (225 ILCS 41/15-75)

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

18 Sec. 15-75. Violations; grounds for discipline; penalties.

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

23 (1) Practicing the profession of funeral directing and
24 embalming or funeral directing, or attempting to practice

1 the profession of funeral directing and embalming or
2 funeral directing without a license as a funeral director
3 and embalmer or funeral director.

4 (2) Serving as an intern under a licensed funeral
5 director and embalmer or attempting to serve as an intern
6 under a licensed funeral director and embalmer without a
7 license as a licensed funeral director and embalmer intern.

8 (3) Obtaining or attempting to obtain a license,
9 practice or business, or any other thing of value, by fraud
10 or misrepresentation.

11 (4) Permitting any person in one's employ, under one's
12 control or in or under one's service to serve as a funeral
13 director and embalmer, funeral director, or funeral
14 director and embalmer intern when the person does not have
15 the appropriate license.

16 (5) Failing to display a license as required by this
17 Code.

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

20 (b) The Department may refuse to issue or renew a license
21 or may revoke, suspend, place on probation, reprimand, or take
22 other disciplinary action as the Department may deem
23 appropriate, including imposing fines not to exceed \$10,000 for
24 each violation, with regard to any license under the Code for
25 any one or combination of the following:

26 (1) Obtaining or attempting to obtain a license by

1 fraud or misrepresentation.

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

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

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

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

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

1 the individual's affiliation with the funeral home.

2 (7) Engaging in, promoting, selling, or issuing burial
3 contracts, burial certificates, or burial insurance
4 policies in connection with the profession as a funeral
5 director and embalmer, funeral director, or funeral
6 director and embalmer intern in violation of any laws of
7 the State of Illinois.

8 (8) Refusing, without cause, to surrender the custody
9 of a deceased human body upon the proper request of the
10 person or persons lawfully entitled to the custody of the
11 body.

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

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

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

23 (12) Making or causing to be made any false or
24 misleading statements about the laws concerning the
25 disposal of human remains, including, but not limited to,
26 the need to embalm, the need for a casket for cremation or

1 the need for an outer burial container.

2 (13) (Blank).

3 (14) Embalming or attempting to embalm a deceased human
4 body without express prior authorization of the person
5 responsible for making the funeral arrangements for the
6 body. This does not apply to cases where embalming is
7 directed by local authorities who have jurisdiction or when
8 embalming is required by State or local law.

9 (15) Making a false statement on a Certificate of Death
10 where the person making the statement knew or should have
11 known that the statement was false.

12 (16) Soliciting human bodies after death or while death
13 is imminent.

14 (17) Performing any act or practice that is a violation
15 of this Code, the rules for the administration of this
16 Code, or any federal, State or local laws, rules, or
17 regulations governing the practice of funeral directing or
18 embalming.

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

22 (19) Engaging in unethical or unprofessional conduct
23 of a character likely to deceive, defraud or harm the
24 public.

25 (20) Taking possession of a dead human body without
26 having first obtained express permission from next of kin

1 or a public agency legally authorized to direct, control or
2 permit the removal of deceased human bodies.

3 (21) Advertising in a false or misleading manner or
4 advertising using the name of an unlicensed person in
5 connection with any service being rendered in the practice
6 of funeral directing or funeral directing and embalming.
7 The use of any name of an unlicensed or unregistered person
8 in an advertisement so as to imply that the person will
9 perform services is considered misleading advertising.
10 Nothing in this paragraph shall prevent including the name
11 of any owner, officer or corporate director of a funeral
12 home, who is not a licensee, in any advertisement used by a
13 funeral home with which the individual is affiliated, if
14 the advertisement specifies the individual's affiliation
15 with the funeral home.

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

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

21 (24) Treating any person differently to his detriment
22 because of race, color, creed, gender, religion, or
23 national origin.

24 (25) Knowingly making any false statements, oral or
25 otherwise, of a character likely to influence, persuade or
26 induce others in the course of performing professional

1 services or activities.

2 (26) Knowingly making or filing false records or
3 reports in the practice of funeral directing and embalming.

4 (27) Failing to acquire continuing education required
5 under this Code.

6 (28) Violations of this Code or of the rules adopted
7 pursuant to this Code.

8 (29) Aiding or assisting another person in violating
9 any provision of this Code or rules adopted pursuant to
10 this Code.

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

13 (31) 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 (32) 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 (33) Inability to practice the profession with
23 reasonable judgment, skill, or safety.

24 (34) Gross, willful, or continued charging
25 ~~overcharging~~ for professional services, including filing
26 false statements for collection of fees for which services

1 are not rendered.

2 (35) A pattern of practice or other behavior that
3 demonstrates incapacity or incompetence to practice under
4 this Code.

5 (36) Failing to comply with any of the following
6 required activities:

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

22 (B) A licensee shall clearly mark the price of any
23 casket offered for sale or the price of any service
24 using the casket on or in the casket if the casket is
25 displayed at the funeral establishment. If the casket
26 is displayed at any other location, regardless of

1 whether the licensee is in control of that location,
2 the casket shall be clearly marked and the registrant
3 shall use books, catalogues, brochures, or other
4 printed display aids to show the price of each casket
5 or service.

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

1 subject to inspection by the Department.

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

1 ~~prevent the funeral director and embalmer or funeral~~
2 ~~director from complying with this paragraph (D) as~~
3 ~~claimed in the written notice.~~

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

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

18 (38) Violation of any final administrative action of
19 the Secretary.

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

1 (c) The Department may refuse to issue or renew, or may
2 suspend, the license of any person who fails to file a return,
3 to pay the tax, penalty or interest shown in a filed return, or
4 to pay any final assessment of tax, penalty or interest as
5 required by any tax Act administered by the Illinois Department
6 of Revenue, until the time as the requirements of the tax Act
7 are satisfied.

8 (d) No action may be taken under this Code against a person
9 licensed under this Code unless the action is commenced within
10 5 years after the occurrence of the alleged violations. A
11 continuing violation shall be deemed to have occurred on the
12 date when the circumstances last existed that give rise to the
13 alleged violation.

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

24 (Source: P.A. 96-863, eff. 3-1-10; 96-1463, eff. 1-1-11.)

25 Section 915. The Cemetery Oversight Act is amended by

1 changing Sections 5-15, 5-20, 5-25, 10-5, 10-15, 10-20, 10-21,
2 10-23, 10-25, 10-40, 10-55, 20-5, 20-10, 20-11, 20-20, 20-30,
3 25-1, 25-5, 25-10, 25-14, 25-15, 25-25, 25-70, 25-85, 25-105,
4 25-110, 25-125, 75-20, 75-25, 75-45, and 75-50 and by adding
5 Sections 10-39 and 25-13.1 as follows:

6 (225 ILCS 411/5-15)

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

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

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

17 "Applicant" means a person applying for licensure under
18 this Act as a cemetery authority or cemetery manager, ~~or~~
19 ~~customer service employee~~. Any applicant or any person who
20 holds himself or herself out as an applicant is considered a
21 licensee for purposes of enforcement, investigation, hearings,
22 and the Illinois Administrative Procedure Act.

23 "Burial permit" means a permit for the disposition of a
24 dead human body that is filed with the Illinois Department of
25 Public Health.

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

15 ~~"Care funds", as distinguished from receipts from annual~~
16 ~~charges or gifts for current or annual care, means any realty~~
17 ~~or personalty impressed with a trust by the terms of any gift,~~
18 ~~grant, contribution, payment, legacy, or pursuant to contract,~~
19 ~~accepted by any cemetery authority or by any trustee, licensee,~~
20 ~~agent, or custodian for the same, under Article 15 of this Act,~~
21 ~~and any income accumulated therefrom, where legally so directed~~
22 ~~by the terms of the transaction by which the principal was~~
23 ~~established.~~

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

1 ~~"Cemetery association" means an association of 6 or more~~
2 ~~persons, and their successors in trust, who have received~~
3 ~~articles of organization from the Secretary of State to operate~~
4 ~~a cemetery; the articles of organization shall be in perpetuity~~
5 ~~and in trust for the use and benefit of all persons who may~~
6 ~~acquire burial lots in a cemetery.~~

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

9 "Cemetery manager" means an individual who is engaged in,
10 or responsible for, or holding himself or herself out as
11 engaged in, those activities involved in or incidental to
12 supervising the following: the maintenance, operation,
13 development, or improvement of a cemetery licensed under this
14 Act; the interment of human remains; or the care, preservation,
15 and embellishment of cemetery property. The cemetery manager is
16 responsible for supervising all employees and independent
17 contractors of third-party vendors working within the
18 cemetery. ~~This definition includes, without limitation, an~~
19 ~~employee, an individual that is an independent contractor, an~~
20 ~~individual employed or contracted by an independent~~
21 ~~contractor, a third party vendor, or an individual employed or~~
22 ~~contracted by a third party vendor who is engaged in, or~~
23 ~~holding himself or herself out as engaged in, those activities~~
24 ~~involved in or incidental to supervising the following: the~~
25 ~~maintenance, operation, development, or improvement of a~~
26 ~~cemetery licensed under this Act; the interment of human~~

1 ~~remains; or the care, preservation, and embellishment of~~
2 ~~cemetery property.~~

3 "Cemetery merchandise" means items of personal property
4 normally sold by a cemetery authority not covered under the
5 Illinois Funeral or Burial Funds Act, including, but not
6 limited to:

7 (1) memorials;

8 (2) markers;

9 (3) monuments;

10 (4) foundations and installations; and

11 (5) outer burial containers.

12 "Cemetery operation" means to engage or attempt to engage
13 in the interment, inurnment, or entombment of human remains or
14 to engage in or attempt to engage in the maintenance ~~care~~ of a
15 cemetery.

16 ~~"Cemetery Oversight Database" means a database certified~~
17 ~~by the Department as effective in tracking the interment,~~
18 ~~entombment, or inurnment of human remains.~~

19 "Cemetery services" means those services customarily
20 performed by cemetery or crematory personnel in connection with
21 the interment, entombment, inurnment, or cremation of a dead
22 human body.

23 ~~"Cemetery worker" means an individual, including an~~
24 ~~independent contractor or third party vendor, who performs any~~
25 ~~work at the cemetery that is customarily performed by one or~~
26 ~~more cemetery employees, including openings and closings of~~

1 ~~vaults and graves, stone settings, inurnments, interments,~~
2 ~~entombments, administrative work, handling of any official~~
3 ~~burial records, the preparation of foundations for memorials,~~
4 ~~and routine cemetery maintenance. This definition does not~~
5 ~~include uncompensated, volunteer workers.~~

6 ~~"Certificate of organization" means the document received~~
7 ~~by a cemetery association from the Secretary of State that~~
8 ~~indicates that the cemetery association shall be deemed fully~~
9 ~~organized as a body corporate under the name adopted and in its~~
10 ~~corporate name may sue and be sued.~~

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

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

19 "Consumer's agent" means a person designated in writing by
20 the consumer.

21 ~~"Customer service employee" means an individual who has~~
22 ~~direct contact with consumers and explains cemetery~~
23 ~~merchandise or services or negotiates, develops, or finalizes~~
24 ~~contracts with consumers. This definition includes, without~~
25 ~~limitation, an employee, an individual that is an independent~~
26 ~~contractor, an individual that is employed or contracted by an~~

1 ~~independent contractor, a third party vendor, or an individual~~
2 ~~that is employed or contracted by a third party vendor, who has~~
3 ~~direct contact with consumers and explains cemetery~~
4 ~~merchandise or services or negotiates, develops, or finalizes~~
5 ~~contracts with consumers. This definition does not include an~~
6 ~~employee, an individual that is an independent contractor or an~~
7 ~~individual that is employed or contracted by an independent~~
8 ~~contractor, a third party vendor, or an individual that is~~
9 ~~employed or contracted by a third party vendor, who merely~~
10 ~~provides a printed cemetery list to a consumer, processes~~
11 ~~payment from a consumer, or performs sales functions related~~
12 ~~solely to incidental merchandise like flowers, souvenirs, or~~
13 ~~other similar items.~~

14 "Department" means the Department of Financial and
15 Professional Regulation.

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

21 "Entombment right" means the right to place individual
22 human remains or individual cremated human remains in a
23 specific mausoleum crypt or lawn crypt selected by a consumer
24 for use as a final resting place.

25 "Family burying ground" means a cemetery in which no lots
26 are sold to the public and in which substantially all

1 interments are restricted to the immediate family or a group of
2 individuals related to each other by blood or marriage.

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

5 "Fraternal cemetery" means a cemetery owned, operated,
6 controlled, or managed by any fraternal organization or
7 auxiliary organization, in which the sale of lots, graves,
8 crypts, or niches is restricted principally to its members.

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

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

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

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

26 ~~"Imputed value" means the retail price of comparable rights~~

1 ~~within the same or similar area of the cemetery.~~

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

6 "Individual" means a natural person.

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

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

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

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

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

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

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

13 "Municipal cemetery" means a cemetery owned, operated,
14 controlled, or managed by any city, village, incorporated town,
15 township, county, or other municipal corporation, political
16 subdivision, or instrumentality authorized by law to own,
17 operate, or manage a cemetery.

18 "Niche" means a space in a columbarium or mausoleum used,
19 or intended to be used, for inurnment of cremated human
20 remains.

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

23 ~~"Parcel identification number" means a unique number~~
24 ~~assigned to a grave, plot, crypt, or niche that enables the~~
25 ~~Department to ascertain the precise location of a decedent's~~
26 ~~remains interred, entombed, or inurned after the effective date~~

1 ~~of this Act.~~

2 "Person" means any individual, firm, partnership,
3 association, corporation, limited liability company, trustee,
4 government or political subdivision, or other entity.

5 "Privately held cemetery" means a cemetery that is owned by
6 a corporation, individual, or trust that is for profit.

7 ~~"Public cemetery" means a cemetery owned, operated,~~
8 ~~controlled, or managed by the federal government, by any state,~~
9 ~~county, city, village, incorporated town, township,~~
10 ~~multi township, public cemetery district, or other municipal~~
11 ~~corporation, political subdivision, or instrumentality thereof~~
12 ~~authorized by law to own, operate, or manage a cemetery.~~

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

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

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

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

1 ~~"Unique personal identifier" means the parcel~~
2 ~~identification number in addition to the term of burial in~~
3 ~~years; the numbered level or depth in the grave, plot, crypt,~~
4 ~~or niche; and the year of death for human remains interred,~~
5 ~~entombed, or inurned after the effective date of this Act.~~

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

7 (225 ILCS 411/5-20)

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

9 Sec. 5-20. Exemptions.

10 (a) Notwithstanding any provision of law to the contrary,
11 this Act does not apply to (1) any cemetery authority operating
12 as a family burying ground, (2) any cemetery authority that has
13 not engaged in an interment, inurnment, or entombment of human
14 remains within the last 10 years and does not accept or
15 maintain care funds, or (3) any religious cemetery, (4) any
16 municipal cemetery, (5) any fraternal cemetery, (6) any
17 cemetery association organized under "AN ACT to provide for the
18 incorporation of cemetery associations by general law",
19 approved February 14, 1855, or the Cemetery Association Act, or
20 (7) any privately held cemetery authority that is less than 3 2
21 acres and does not accept or maintain care funds. For purposes
22 of determining the applicability of this subsection, the
23 Department may rely on any list of registered and licensed
24 cemeteries maintained by the Office of the Illinois
25 Comptroller. ~~the number of interments, inurnments, and~~

1 ~~entombments shall be aggregated for each calendar year. A~~
2 ~~cemetery authority claiming a full exemption shall apply for~~
3 ~~exempt status as provided for in Article 10 of this Act. A~~
4 ~~cemetery authority that performs activities that would~~
5 ~~disqualify it from a full exemption is required to apply for~~
6 ~~licensure within one year following the date on which its~~
7 ~~activities would disqualify it for a full exemption. A cemetery~~
8 ~~authority that previously qualified for and maintained a full~~
9 ~~exemption that fails to timely apply for licensure shall be~~
10 ~~deemed to have engaged in unlicensed practice and shall be~~
11 ~~subject to discipline in accordance with Article 25 of this~~
12 ~~Act.~~

13 (b) (Blank). ~~Notwithstanding any provision of law to the~~
14 ~~contrary, a cemetery authority that does not qualify for a full~~
15 ~~exemption that is operating as a cemetery authority (i) that~~
16 ~~engages in 25 or fewer interments, inurnments, or entombments~~
17 ~~of human remains for each of the preceding 2 calendar years and~~
18 ~~does not accept or maintain care funds, (ii) that is operating~~
19 ~~as a public cemetery, or (iii) that is operating as a religious~~
20 ~~cemetery is exempt from this Act, but is required to comply~~
21 ~~with Sections 20-5(a), 20-5(b), 20-5(b-5), 20-5(c), 20-5(d),~~
22 ~~20-6, 20-8, 20-10, 20-11, 20-12, 20-30, 25-3, and 25-120 and~~
23 ~~Article 35 of this Act. Cemetery authorities claiming a partial~~
24 ~~exemption shall apply for the partial exemption as provided in~~
25 ~~Article 10 of this Act. A cemetery authority that changes to a~~
26 ~~status that would disqualify it from a partial exemption is~~

1 ~~required to apply for licensure within one year following the~~
2 ~~date on which it changes its status. A cemetery authority that~~
3 ~~maintains a partial exemption that fails to timely apply for~~
4 ~~licensure shall be deemed to have engaged in unlicensed~~
5 ~~practice and shall be subject to discipline in accordance with~~
6 ~~Article 25 of this Act.~~

7 (c) Nothing in this Act applies to the City of Chicago in
8 its exercise of its powers under the O'Hare Modernization Act
9 or limits the authority of the City of Chicago to acquire
10 property or otherwise exercise its powers under the O'Hare
11 Modernization Act, or requires the City of Chicago, or any
12 person acting on behalf of the City of Chicago, to comply with
13 the licensing, regulation, investigation, or mediation
14 requirements of this Act in exercising its powers under the
15 O'Hare Modernization Act.

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

17 (225 ILCS 411/5-25)

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

19 Sec. 5-25. Powers and responsibilities of the Department.
20 Subject to the provisions of this Act, the Department may
21 exercise the following powers:

22 (1) Authorize a certification program ~~written~~
23 ~~examinations~~ to ascertain the qualifications and fitness
24 of applicants for licensing as a licensed cemetery manager
25 ~~or as a customer service employee~~ to ascertain whether they

1 possess the requisite level of knowledge for such position.

2 (2) Work with the Office of the Comptroller and the
3 Department of Vital Records to exchange information
4 relating to a licensed cemetery authority and to request
5 additional information relating to a licensed cemetery
6 authority from the Office of the Comptroller in order for
7 the Department to effectively enforce this Act. ~~Examine and~~
8 ~~audit a licensed cemetery authority's care funds, records~~
9 ~~from any year, and records of care funds from any year, or~~
10 ~~any other aspects of cemetery operation as the Department~~
11 ~~deems appropriate.~~

12 (3) Investigate cemetery contracts, grounds, or
13 employee records to determine whether or not a consumer
14 complaint is material and alleges fraud. ~~Investigate any~~
15 ~~and all cemetery related activity.~~

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

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

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

24 (7) Maintain rosters of the names and addresses of all
25 licensees and all persons whose licenses have been
26 suspended, revoked, denied renewal, or otherwise

1 disciplined within the previous calendar year. These
2 rosters shall be available upon written request and payment
3 of the required fee as established by rule.

4 The Department shall upon the request of the licensee
5 provide a copy of any non-frivolous consumer complaint from the
6 complaining consumer with the following statement:

7 "This information may only be used by the licensee in
8 its effort to address the complaint in a respectful
9 manner."

10 The copy of the complaint shall include the following:

11 (1) the consumer's name, address, and telephone
12 number;

13 (2) the decedent's name if applicable;

14 (3) the consumer contract that the consumer is
15 complaining about; and

16 (4) the name, address, and telephone number of the
17 consumer's agent and the instrument designating the agent
18 from the consumer.

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

20 (225 ILCS 411/10-5)

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

22 Sec. 10-5. Restrictions and limitations. No person shall,
23 without a valid license issued by the Department, (i) hold
24 himself or herself out in any manner to the public as a
25 licensed cemetery authority or licensed cemetery manager, ~~or~~

1 ~~customer service employee;~~ (ii) attach the title "licensed
2 cemetery authority" or, "licensed cemetery manager", ~~or~~
3 ~~"licensed customer service employee"~~ to his or her name; or
4 (iii) render or offer to render services constituting the
5 practice of privately held cemetery operation; ~~or (iv) accept~~
6 ~~care funds within the meaning of this Act or otherwise hold~~
7 ~~funds for care and maintenance unless such person is holding~~
8 ~~and managing funds on behalf of a cemetery authority and is~~
9 ~~authorized to conduct a trust business under the Corporate~~
10 ~~Fiduciary Act or the federal National Bank Act.~~

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

12 (225 ILCS 411/10-15)

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

14 Sec. 10-15. Privately held cemetery authority license
15 ~~Persons not licensed under the Cemetery Care Act or the~~
16 ~~Cemetery Association Act. A cemetery manager, a customer~~
17 ~~service employee, or a person acting as a cemetery authority~~
18 ~~who was not required to obtain licensure prior to the effective~~
19 ~~date of this Act need not comply with the licensure requirement~~
20 ~~in this Article until the Department takes action on the~~
21 ~~person's application for a license. The application for a~~
22 privately held cemetery authority license must be submitted to
23 the Department within 6 months after the adoption of
24 administrative rules ~~effective date of this Act.~~ For cemetery
25 managers already working for a privately held cemetery

1 authority at the time of privately held cemetery authority
2 application for licensure, the application for a cemetery
3 manager license must be submitted at the same time as the
4 original application for licensure as a privately held cemetery
5 authority pursuant to this Section or Section 10-10, whichever
6 the case may be. Any applicant for licensure as a cemetery
7 manager of a cemetery authority that is already licensed under
8 this Act or that has a pending application for licensure under
9 this Act must submit his or her application to the Department
10 on or before his or her first day of work. ~~The application for~~
11 ~~a customer service employee license must be submitted to the~~
12 ~~Department within 10 days after the cemetery authority for~~
13 ~~which he or she works becomes licensed under this Act or on or~~
14 ~~before his or her first day of work, whichever the case may be.~~
15 If the person fails to submit the application within the
16 required period, the person shall be considered to be engaged
17 in unlicensed practice and shall be subject to discipline in
18 accordance with Article 25 of this Act.

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

20 (225 ILCS 411/10-20)

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

22 Sec. 10-20. Application for original license ~~or exemption.~~

23 (a) Applications for original licensure as a privately held
24 cemetery authority or a privately held cemetery manager ~~r~~
25 ~~cemetery manager, or customer service employee~~ authorized by

1 this Act, ~~or application for exemption from licensure as a~~
2 ~~cemetery authority,~~ shall be made to the Department on forms
3 prescribed by the Department, which shall include the
4 applicant's Social Security number or FEIN number, or both, and
5 shall be accompanied by the required fee as set by rule.
6 ~~Applications for partial or full exemption from licensure as a~~
7 ~~cemetery authority shall be submitted to the Department within~~
8 ~~12 months after the Department adopts rules under this Act. If~~
9 ~~the person fails to submit the application for partial or full~~
10 ~~exemption within this period, the person shall be subject to~~
11 ~~discipline in accordance with Article 25 of this Act. If a~~
12 ~~cemetery authority seeks to practice at more than one location,~~
13 ~~it shall meet all licensure requirements at each location as~~
14 ~~required by this Act and by rule, including submission of an~~
15 ~~application and fee. A person licensed as a cemetery manager or~~
16 ~~customer service employee need not submit a Worker's Statement~~
17 ~~in accordance with Section 10-22 of this Act.~~

18 (b) (Blank). ~~If the application for licensure as a cemetery~~
19 ~~authority does not claim a full exemption or partial exemption,~~
20 ~~then the cemetery authority license application shall be~~
21 ~~accompanied by a fidelity bond, proof of self-insurance, or~~
22 ~~letter of credit in the amount required by rule. Such bond,~~
23 ~~self-insurance, or letter of credit shall run to the Department~~
24 ~~for the benefit of the care funds held by such cemetery~~
25 ~~authority or by the trustee of the care funds of such cemetery~~
26 ~~authority. If care funds of a cemetery authority are held by~~

1 ~~any entity authorized to do a trust business under the~~
2 ~~Corporate Fiduciary Act or held by an investment company, then~~
3 ~~the Department shall waive the requirement of a bond,~~
4 ~~self insurance, or letter of credit as established by rule. If~~
5 ~~the Department finds at any time that the bond, self insurance~~
6 ~~or letter of credit is insecure or exhausted or otherwise~~
7 ~~doubtful, then an additional bond, form of self insurance, or~~
8 ~~letter of credit in like amount to be approved by the~~
9 ~~Department shall be filed by the cemetery authority applicant~~
10 ~~or licensee within 30 days after written demand is served upon~~
11 ~~the applicant or licensee by the Department. In addition, if~~
12 ~~the cemetery authority application does not claim a full~~
13 ~~exemption or partial exemption, then the license application~~
14 ~~shall be accompanied by proof of liability insurance, proof of~~
15 ~~self insurance, or a letter of credit in the amount required by~~
16 ~~rule. The procedure by which claims on the liability insurance,~~
17 ~~self insurance, or letter of credit are made and paid shall be~~
18 ~~determined by rule. Any bond obtained pursuant to this~~
19 ~~subsection shall be issued by a bonding company authorized to~~
20 ~~do business in this State. Any letter of credit obtained~~
21 ~~pursuant to this subsection shall be issued by a financial~~
22 ~~institution authorized to do business in this State.~~
23 ~~Maintaining the bonds, self insurance, or letters of credit~~
24 ~~required under this subsection is a continuing obligation for~~
25 ~~licensure. A bonding company may terminate a bond, a financial~~
26 ~~institution may terminate a letter of credit, or an insurance~~

1 ~~company may terminate liability insurance and avoid further~~
2 ~~liability by filing a 60 day notice of termination with the~~
3 ~~Department and at the same time sending the same notice to the~~
4 ~~cemetery authority.~~

5 (c) After initial licensure, if any person comes to obtain
6 at least 51% of the ownership over the licensed privately held
7 cemetery authority, then the privately held cemetery authority
8 shall have to apply for a new license and receive licensure in
9 the required time as set by rule. The current license remains
10 in effect until the Department takes action on the application
11 for a new license.

12 (d) All applications shall contain the information that, in
13 the judgment of the Department, will enable the Department to
14 pass on the qualifications of the applicant for ~~an exemption~~
15 ~~from licensure or for~~ a license to practice as a privately held
16 cemetery authority ~~or~~ cemetery manager, ~~or customer service~~
17 ~~employee as set by rule.~~

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

19 (225 ILCS 411/10-21)

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

21 Sec. 10-21. Qualifications for licensure.

22 (a) A privately held cemetery authority shall apply for
23 licensure on forms prescribed by the Department and pay the
24 required fee. An applicant is qualified for licensure as a
25 privately held cemetery authority if the applicant meets all of

1 the following qualifications:

2 (1) The applicant is of good moral character and has
3 not committed any act or offense in any jurisdiction that
4 would constitute the basis for discipline under this Act.

5 When considering such license ~~In determining good moral~~
6 ~~character~~, the Department shall take into consideration
7 the following:

8 (A) the applicant's record of compliance with the
9 Code of Professional Conduct and Ethics, and whether
10 the applicant has been found to have engaged in any
11 unethical or dishonest practices in the cemetery
12 business by a government authority;

13 (B) whether the applicant has been adjudicated,
14 civilly or criminally, to have committed fraud or to
15 have violated any law of any state involving unfair
16 trade or business practices, has been convicted of a
17 misdemeanor of which fraud is an essential element or
18 which involves any aspect of the cemetery business, or
19 has been convicted of any felony;

20 (C) whether the applicant has willfully violated
21 any provision of this Act or a predecessor law or any
22 regulations relating thereto;

23 (D) whether the applicant has been permanently or
24 temporarily suspended, enjoined, or barred by any
25 court of competent jurisdiction in any state from
26 engaging in or continuing any conduct or practice

1 involving any aspect of the cemetery or funeral
2 business; and

3 (E) whether the applicant has ever had any license
4 to practice any profession or occupation suspended,
5 denied, fined, or otherwise acted against or
6 disciplined by the applicable licensing authority.

7 If the applicant is a corporation, limited liability
8 company, partnership, or other entity permitted by law,
9 then each principal, owner, member, officer, and
10 shareholder holding 51% ~~25%~~ or more of corporate stock is
11 to be of good moral character. Good moral character is a
12 continuing requirement of licensure.

13 (2) When the applicant is already an existing licensed
14 privately held cemetery authority, the ~~The~~ applicant
15 provides a copy of a statement of it's assets and
16 liabilities. Any new cemetery with a new privately held
17 cemetery authority shall have the applicant provide
18 evidence satisfactory to the Department that the applicant
19 has financial resources sufficient to comply with the
20 maintenance and record-keeping provisions in Section 20-5
21 of this Act. ~~Maintaining sufficient financial resources is~~
22 ~~a continuing requirement for licensure.~~

23 (3) The applicant has not, within the preceding 10
24 years, been convicted of or entered a plea of guilty or
25 nolo contendere to (i) a Class X felony or (ii) a felony,
26 an essential element of which was fraud or dishonesty under

1 the laws of this State, another state, the United States,
2 or a foreign jurisdiction. If the applicant is a
3 corporation, limited liability company, partnership, or
4 other entity permitted by law, then each principal, owner,
5 member, officer, and shareholder holding 25% or more of
6 corporate stock has not, within the preceding 10 years,
7 been convicted of or entered a plea of guilty or nolo
8 contendere to (i) a Class X felony or (ii) a felony, an
9 essential element of which was fraud or dishonesty under
10 the laws of this State, another state, the United States,
11 or a foreign jurisdiction.

12 (4) (Blank). ~~The applicant submits his or her~~
13 ~~fingerprints in accordance with subsection (c) of this~~
14 ~~Section.~~

15 (5) (Blank). ~~The applicant has complied with all other~~
16 ~~requirements of this Act and the rules adopted for the~~
17 ~~implementation of this Act.~~

18 (b) The cemetery manager ~~and customer service employees~~ of
19 a licensed privately held cemetery authority shall apply for
20 licensure as a cemetery manager ~~or customer service employee~~ on
21 forms prescribed by the Department and pay the required fee. A
22 person is qualified for licensure as a cemetery manager ~~or~~
23 ~~customer service employee~~ if he or she meets all of the
24 following requirements:

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

26 (2) Has acted in an ethical manner as outlined in

1 Section 10-23 of this Act and is ~~is~~ of good moral
2 character. ~~Good moral character is a continuing~~
3 ~~requirement of licensure.~~ In determining qualifications of
4 licensure ~~good moral character,~~ the Department shall take
5 into consideration the factors outlined in item (1) of
6 subsection (a) of this Section.

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

9 (4) (Blank). ~~Submits his or her fingerprints in~~
10 ~~accordance with subsection (c) of this Section.~~

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

15 (6) Submits proof of successful completion of a
16 certification course ~~Successfully passes the examination~~
17 authorized by the Department for cemetery managers ~~manager~~
18 ~~or customer service employee, whichever is applicable.~~

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

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

1 (9) Has complied with all other requirements of this
2 Act and the rules adopted for implementation of this Act.

3 (c) (Blank). ~~Each applicant for a cemetery authority,~~
4 ~~cemetery manager, or customer service employee license shall~~
5 ~~have his or her fingerprints submitted to the Department of~~
6 ~~State Police in an electronic format that complies with the~~
7 ~~form and manner for requesting and furnishing criminal history~~
8 ~~record information that is prescribed by the Department of~~
9 ~~State Police. These fingerprints shall be checked against the~~
10 ~~Department of State Police and Federal Bureau of Investigation~~
11 ~~criminal history record databases. The Department of State~~
12 ~~Police shall charge applicants a fee for conducting the~~
13 ~~criminal history records check, which shall be deposited in the~~
14 ~~State Police Services Fund and shall not exceed the actual cost~~
15 ~~of the records check. The Department of State Police shall~~
16 ~~furnish, pursuant to positive identification, records of~~
17 ~~Illinois convictions to the Department. The Department may~~
18 ~~require applicants to pay a separate fingerprinting fee, either~~
19 ~~to the Department or directly to a designated fingerprint~~
20 ~~vendor. The Department, in its discretion, may allow an~~
21 ~~applicant who does not have reasonable access to a designated~~
22 ~~fingerprint vendor to provide his or her fingerprints in an~~
23 ~~alternative manner. The Department, in its discretion, may also~~
24 ~~use other procedures in performing or obtaining criminal~~
25 ~~background checks of applicants. Instead of submitting his or~~
26 ~~her fingerprints, an individual may submit proof that is~~

1 ~~satisfactory to the Department that an equivalent security~~
2 ~~clearance has been conducted. If the applicant for a cemetery~~
3 ~~authority license is a corporation, limited liability company,~~
4 ~~partnership, or other entity permitted by law, then each~~
5 ~~principal, owner, member, officer, and shareholder holding 25%~~
6 ~~or more of corporate stock shall have his or her fingerprints~~
7 ~~submitted in accordance with this subsection (c).~~

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

9 (225 ILCS 411/10-23)

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

11 Sec. 10-23. Code of Professional Conduct and Ethics. The
12 Department shall adopt a Code of Professional Conduct and
13 Ethics by rule. Cemetery ~~authorities, cemetery managers, and~~
14 ~~customer service employees~~ shall abide by the Code of
15 Professional Conduct and Ethics.

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

17 (225 ILCS 411/10-25)

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

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

21 (a) The Department shall authorize certification programs
22 for examinations of cemetery manager managers of privately held
23 cemeteries ~~and customer service employee applicants at such~~
24 ~~times and places as it may determine.~~ The certification program

1 shall consist of cemetery ethics, cemetery law, and cemetery
2 practices. Cemetery law shall include the Cemetery Oversight
3 Act, the Cemetery Care Act, the Disposition of Remains Act, and
4 the Cemetery Protection Act. Cemetery practices shall include
5 treating the dead and their family members with dignity and
6 respect. The certification program shall consist of an
7 examination by the entity providing the certification.
8 ~~examinations shall fairly test an applicant's qualifications~~
9 ~~to practice as cemetery manager or customer service employee,~~
10 ~~whatever the case may be, and knowledge of the theory and~~
11 ~~practice of cemetery operation and management or cemetery~~
12 ~~customer service, whichever is applicable. The examination~~
13 ~~shall further test the extent to which the applicant~~
14 ~~understands and appreciates that the final disposal of a~~
15 ~~deceased human body should be attended with appropriate~~
16 ~~observance and understanding, having due regard and respect for~~
17 ~~the reverent care of the human body and for those bereaved and~~
18 ~~for the overall spiritual dignity of an individual.~~

19 (a-5) The cemetery manager applicant may choose any entity
20 that has been approved by the Department from which to obtain
21 certification. ~~The examinations for cemetery manager and~~
22 ~~customer service employee shall be appropriate for cemetery~~
23 ~~professionals and shall not cover mortuary science.~~

24 (a-10) (Blank). ~~The examinations for cemetery manager and~~
25 ~~customer service employee applicants shall be tiered, as~~
26 ~~determined by rule, to account for the different amount of~~

1 ~~knowledge needed by such applicants depending on their job~~
2 ~~duties and the number of interments, inurnments, and~~
3 ~~entombments per year at the cemetery at which they work.~~

4 (b) Cemetery managers of a privately held cemetery who
5 apply for certification ~~Applicants for examinations~~ shall pay,
6 either to the Department or to the designated entity ~~testing~~
7 ~~service~~, a fee covering the cost of providing the certification
8 examination. ~~Failure to appear for the examination on the~~
9 ~~scheduled date at the time and place specified after the~~
10 ~~application for examination has been received and acknowledged~~
11 ~~by the Department or the designated testing service shall~~
12 ~~result in forfeiture of the examination fee.~~

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

21 (d) (Blank). ~~The Department may employ consultants for the~~
22 ~~purpose of preparing and conducting examinations.~~

23 (e) The Department shall recognize any certification
24 program that is conducted by a death care trade association in
25 Illinois that has been in existence for more than 5 years that,
26 in the determination of the Department, adequately covers

1 required provisions in this Act. ~~The Department shall have the~~
2 ~~authority to adopt or recognize, in part or in whole,~~
3 ~~examinations prepared, administered, or graded by other~~
4 ~~organizations in the cemetery industry that are determined~~
5 ~~appropriate to measure the qualifications of an applicant for~~
6 ~~licensure.~~

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

8 (225 ILCS 411/10-39 new)

9 Sec. 10-39. Cemetery manager; display of certification and
10 license. The cemetery manager must conspicuously display the
11 certification, and the license after it is received, at the
12 privately held cemetery authority's place of business. Any new
13 cemetery manager shall have a reasonable time period, not to
14 exceed one year, to attend a recognized certification program.
15 In the interim, the new cemetery manager may manage the
16 privately held cemetery if he or she has received training from
17 another person, as verified by an appropriate form approved by
18 the Department, who has received certification by a program
19 recognized by the Department.

20 (225 ILCS 411/10-40)

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

22 Sec. 10-40. Expiration and renewal of license. The
23 expiration date, renewal period not to be less than every 3
24 years, a reasonable renewal fee, and other requirements for

1 each license shall be set by rule.

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

3 (225 ILCS 411/10-55)

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

5 Sec. 10-55. Fees.

6 (a) ~~The Except as provided in subsection (b) of this~~
7 ~~Section, the~~ fees for the administration and enforcement of
8 this Act, including, but not limited to, original licensure,
9 renewal, and restoration fees, shall be set by the Department
10 by rule. ~~The fees shall be reasonable and shall not be~~
11 ~~refundable.~~ Fees shall be reasonable and shall avoid creating
12 competitive disadvantages for licensed cemeteries in
13 comparison to exempt cemeteries. The Secretary, upon
14 recommendation of the Cemetery Oversight Board, may waive fees
15 based upon hardship.

16 (b) Applicants for certification ~~examination~~ shall be
17 required to pay, ~~either to the Department or the designated~~
18 ~~testing service,~~ a fee covering the cost of providing the
19 certification to the entity providing the certification of the
20 cemetery manager examination.

21 (c) All fees and other moneys collected under this Act
22 shall be deposited in the Cemetery Oversight Licensing and
23 Disciplinary Fund.

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

1 (225 ILCS 411/20-5)

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

3 Sec. 20-5. Maintenance and records.

4 (a) ~~A cemetery authority shall provide reasonable~~
5 ~~maintenance of the cemetery property and of all lots, graves,~~
6 ~~crypts, and columbariums in the cemetery based on the type and~~
7 ~~size of the cemetery, topographic limitations, and contractual~~
8 ~~commitments with consumers. Subject to the provisions of this~~
9 ~~subsection (a), reasonable maintenance includes:~~

10 ~~(1) the laying of seed, sod, or other suitable ground~~
11 ~~cover as soon as practical following an interment given the~~
12 ~~weather conditions, climate, and season and the~~
13 ~~interment's proximity to ongoing burial activity;~~

14 ~~(2) the cutting of lawn throughout the cemetery at~~
15 ~~reasonable intervals to prevent an overgrowth of grass and~~
16 ~~weeds given the weather conditions, climate, and season;~~

17 ~~(3) the trimming of shrubs to prevent excessive~~
18 ~~overgrowth;~~

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

20 ~~(5) keeping in repair the drains, water lines, roads,~~
21 ~~buildings, fences, and other structures; and~~

22 ~~(6) keeping the cemetery premises free of trash and~~
23 ~~debris.~~

24 ~~Reasonable maintenance by the cemetery authority shall not~~
25 ~~preclude the exercise of lawful rights by the owner of an~~
26 ~~interment, inurnment, or entombment right, or by the decedent's~~

1 ~~immediate family or other heirs, in accordance with reasonable~~
2 ~~rules and regulations of the cemetery or other agreement of the~~
3 ~~cemetery authority.~~

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

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

19 (b) A privately held cemetery authority, before commencing
20 cemetery operations or within 6 months after the effective date
21 of this Act, shall cause an overall map of its cemetery
22 property, delineating all lots or plots, blocks, sections,
23 avenues, walks, alleys, and paths and their respective
24 designations, to be filed at its on-site office, or if it does
25 not maintain an on-site office, at its principal place of
26 business. A cemetery manager's certificate acknowledging,

1 accepting, and adopting the map shall also be included with the
2 map. The Department may order that the privately held cemetery
3 authority obtain a cemetery plat and that it be filed at its
4 on-site office, or if it does not maintain an on-site office,
5 at its principal place of business only if ~~in the following~~
6 ~~circumstances: (1) the cemetery authority is expanding or~~
7 ~~altering the cemetery grounds; or (2) a human body that should~~
8 have been interred, entombed, or inurned at the cemetery after
9 the effective date of this Amendatory Act of the 97th General
10 Assembly is missing, ~~displaced,~~ or dismembered and the cemetery
11 map contains serious discrepancies.

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

22 (b-5) A privately held cemetery authority shall maintain an
23 index that associates the identity of deceased persons
24 interred, entombed, or inurned after the effective date of this
25 Act with their respective place of interment, entombment, or
26 inurnment. If a person may be located in a cemetery database by

1 name, then the privately held cemetery authority shall be
2 considered in compliance with the requirement of this
3 subsection (b-5).

4 (c) The privately held cemetery authority shall open the
5 cemetery map or plat to public inspection. The cemetery
6 authority shall make available a copy of the overall cemetery
7 map or plat upon written request and shall, if practical,
8 provide a copy of a segment of the cemetery plat where
9 interment rights are located upon the payment of reasonable
10 photocopy fees. Any unsold lots, plots, or parts thereof, in
11 which there are not human remains, may be resurveyed and
12 altered in shape or size and properly designated on the
13 cemetery map or plat. However, sold lots, plots, or parts
14 thereof in which there are human remains may not be renumbered
15 or renamed. Nothing contained in this subsection, however,
16 shall prevent the privately held 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 privately held cemetery authority shall keep a record
22 of every interment, entombment, and inurnment completed after
23 the effective date of this Act. The record shall include the
24 deceased's name, age, date of burial, and the location ~~parcel~~
25 ~~identification number identifying~~ where the human remains are
26 interred, entombed, or inurned. ~~The record shall also include~~

1 ~~the unique personal identifier as may be further defined by~~
2 ~~rule, which is the parcel identification number in addition to~~
3 ~~the term of burial in years; the numbered level or depth in the~~
4 ~~grave, plot, crypt, or niche; and the year of death.~~

5 (e) (Blank).

6 (f) A privately held cemetery authority shall make
7 available for inspection and, upon reasonable request and the
8 payment of a reasonable copying fee, provide a copy of its
9 rules and regulations. A privately held cemetery authority
10 shall make available for viewing and provide a copy of its
11 current prices of interment, inurnment, or entombment rights.

12 (g) A privately held cemetery authority shall provide
13 access to the cemetery under the privately held cemetery
14 authority's reasonable rules and regulations.

15 (h) A privately held cemetery authority shall be
16 responsible for the proper opening and closing of all graves,
17 crypts, or niches for human remains in any cemetery property it
18 owns.

19 (i) (Blank). ~~Any corporate or other business organization~~
20 ~~trustee of the care funds of every licensed cemetery authority~~
21 ~~shall be located in or a resident of this State. The licensed~~
22 ~~cemetery authority and the trustee of care funds shall keep in~~
23 ~~this State and use in its business such books, accounts, and~~
24 ~~records as will enable the Department to determine whether such~~
25 ~~licensee or trustee is complying with the provisions of this~~
26 ~~Act and with the rules, regulations, and directions made by the~~

1 ~~Department under this Act. The licensed cemetery authority~~
2 ~~shall keep the books, accounts, and records in electronic or~~
3 ~~written format at the location identified in the license issued~~
4 ~~by the Department or as otherwise agreed by the Department in~~
5 ~~writing. The books, accounts, and records shall be accessible~~
6 ~~for review upon demand of the Department.~~

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

8 (225 ILCS 411/20-10)

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

10 Sec. 20-10. Contract. At the time cemetery arrangements
11 are made and prior to rendering the cemetery services, a
12 licensed privately held cemetery authority shall create a
13 written contract to be provided to the consumer, signed by both
14 parties, that shall contain: (i) contact information, as set
15 out in Section 20-11, and the date on which the arrangements
16 were made; (ii) the price of the cemetery service selected and
17 the cemetery services and cemetery merchandise included for
18 that price; (iii) the supplemental items of cemetery service
19 and cemetery merchandise requested and the price of each item;
20 (iv) the terms or method of payment agreed upon; and (v) a
21 statement as to any monetary advances made on behalf of the
22 family. The privately held cemetery authority shall maintain a
23 copy of such written contract in its permanent records.

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

1 (225 ILCS 411/20-11)

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

3 Sec. 20-11. Contact information in a contract. All
4 privately held cemetery authorities shall include in the
5 contract described in Section 20-10 the name, office address,
6 and office telephone number of the licensed privately held
7 cemetery authority, ~~except for a cemetery authority that is~~
8 ~~operating as a religious cemetery or public cemetery, which~~
9 ~~shall include in the contract described in Section 20-10 the~~
10 ~~name, address, and telephone number of the cemetery manager.~~
11 ~~Upon written request to a cemetery authority by a consumer, the~~
12 ~~cemetery authority shall provide: (1) the cemetery authority's~~
13 ~~registered agent, if any; (2) the cemetery authority's~~
14 ~~proprietor, if the cemetery authority is an individual; (3)~~
15 ~~every partner, if the cemetery authority is a partnership; (4)~~
16 ~~the president, secretary, executive and senior vice~~
17 ~~presidents, directors, and individuals owning 25% or more of~~
18 ~~the corporate stock, if the cemetery authority is a~~
19 ~~corporation; and (5) the manager, if the cemetery authority is~~
20 ~~a limited liability company.~~

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

22 (225 ILCS 411/20-20)

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

24 Sec. 20-20. Display of license. Every privately held
25 cemetery authority and, cemetery manager, ~~and customer service~~

1 ~~employee~~ license issued by the Department shall state the
2 number of the license and the address at which the business is
3 to be conducted. Such license shall be kept conspicuously
4 posted in the place of business of the licensee and shall not
5 be transferable or assignable. Nothing in this amendatory Act
6 of the 97th General Assembly shall prevent an individual from
7 acting as a licensed cemetery manager ~~or customer service~~
8 ~~employee~~ for more than one cemetery. A cemetery manager ~~or~~
9 ~~customer service employee~~ who works at more than one cemetery
10 shall display an original version of his or her license at each
11 location for which the individual serves as a cemetery manager
12 ~~or customer service employee~~.

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

14 (225 ILCS 411/20-30)

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

16 Sec. 20-30. Signage. The Department shall create, and each
17 licensed privately held cemetery authority shall conspicuously
18 post signs in English and Spanish in each cemetery office that
19 contain the Department's consumer hotline number, information
20 on how to file a complaint, and whatever other information that
21 the Department deems appropriate.

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

23 (225 ILCS 411/25-1)

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

1 Sec. 25-1. Denial of license ~~or exemption from licensure~~.
2 If the Department determines that an application for licensure
3 ~~or exemption from licensure~~ should be denied pursuant to
4 Section 25-10, then the applicant shall be sent a notice of
5 intent to deny license ~~or exemption from licensure~~ and the
6 applicant shall be given the opportunity to request, within 20
7 days of the notice, a hearing on the denial. If the applicant
8 requests a hearing, then the Secretary shall schedule a hearing
9 within 30 days after the request for a hearing, unless
10 otherwise agreed to by the parties. The Secretary shall have
11 the authority to appoint an attorney duly licensed to practice
12 law in the State of Illinois to serve as the hearing officer.
13 The hearing officer shall have full authority to conduct the
14 hearing. The hearing shall be held at the time and place
15 designated by the Secretary. The Secretary shall have the
16 authority to prescribe rules for the administration of this
17 Section.

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

19 (225 ILCS 411/25-5)

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

21 Sec. 25-5. Citations.

22 (a) The Department may adopt rules to permit the issuance
23 of citations for non-frivolous complaints. The citation shall
24 be issued to the licensee and shall contain the licensee's name
25 and address, the licensee's license number, a brief factual

1 statement, the Sections of the law allegedly violated, and the
2 penalty imposed. When issuing a citation that proposes a
3 suspension or revocation of the license of a privately held
4 cemetery authority or cemetery manager, the Department must
5 consider recommendations of the Cemetery Oversight Board. The
6 citation must clearly state that the licensee has the option
7 ~~may choose~~, in lieu of accepting the citation, to request a
8 hearing. If the licensee does not dispute the matter in the
9 citation with the Department within 30 days after the citation
10 is served, then the citation shall become a final order and
11 shall constitute discipline. The penalty shall be a fine or
12 other conditions as established by rule.

13 (b) The Department shall adopt rules and must consider
14 recommendations of the Cemetery Oversight Board when
15 designating violations for which a citation may be issued. Such
16 rules shall designate as citation violations those violations
17 for which there is no substantial threat to the public health,
18 safety, and welfare. Citations shall not be utilized if there
19 was any significant consumer harm resulting from the violation.

20 (c) A citation must be issued within 6 months after the
21 reporting of a violation that is the basis for the citation.

22 (d) Service of a citation may be made by personal service,
23 ~~or~~ certified mail with confirmation of receipt, or other
24 delivery service with confirmation of receipt to the licensee
25 at the licensee's address of record.

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

1 (225 ILCS 411/25-10)

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

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

4 (a) The Department may refuse to issue or renew a license
5 or may revoke, suspend, place on probation, reprimand, or take
6 other disciplinary action as the Department may deem
7 appropriate and must consider recommendations of the Cemetery
8 Oversight Board, including imposing fines not to exceed \$1,000
9 ~~\$10,000~~ for each violation, with regard to any license issued
10 under this Act, for any one or combination of the following:

11 (1) Intentional material ~~Material~~ misstatement in
12 furnishing information to the Department.

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

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

20 (4) Making any misrepresentation for the purpose of
21 obtaining licensure or violating any provision of this Act
22 or the rules adopted under this Act.

23 (5) Professional incompetence.

24 (6) Gross malpractice.

25 (7) Aiding or assisting another person in violating any

1 provision of this Act or rules adopted under this Act.

2 (8) Failing, within 10 business days, to provide
3 information in response to a written request made by the
4 Department.

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

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

12 (11) 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 (12) 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 (13) A finding by the Department that the licensee,
22 after having his or her license placed on probationary
23 status, has violated the terms of probation.

24 (14) Willfully making or filing false records or
25 reports in his or her practice, including, but not limited
26 to, false records filed with any governmental agency or

1 department.

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

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

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

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

12 (19) Fraud or misrepresentation in applying for, or
13 procuring, a license under this Act or in connection with
14 applying for renewal of a license under this Act.

15 (20) (Blank) ~~Cheating on or attempting to subvert the~~
16 ~~licensing examination administered under this Act.~~

17 (21) Unjustified failure to honor its contracts.

18 (22) Negligent supervision of a cemetery manager,
19 ~~customer service employee, cemetery worker, or independent~~
20 ~~contractor.~~

21 (23) A pattern of practice or other behavior which
22 demonstrates incapacity or incompetence to practice under
23 this Act.

24 (24) Allowing an individual who is not, but is required
25 to be, licensed under this Act to perform work for the
26 privately held cemetery authority.

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

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

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

14 (225 ILCS 411/25-13.1 new)

15 Sec. 25-13.1. Renewal.

16 (a) Beginning with the August 2012 renewal, every privately
17 held cemetery authority and cemetery manager of a privately
18 held cemetery issued under this Act shall expire on August 31
19 every 3 years.

20 (b) It is the responsibility of each licensee to notify the
21 Department of any change of address. Failure to receive a
22 renewal form from the Department shall not constitute an excuse
23 for failure to renew one's license or to pay the renewal fee.

24 (c) Practicing on an expired license is unlicensed practice
25 and subject to discipline under Section 25-10 of this Act.

1 (d) No privately held cemetery authority shall, after the
2 expiration of a cemetery manager employee license, permit the
3 holder of the expired license to do any work requiring
4 licensure.

5 (225 ILCS 411/25-14)

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

7 Sec. 25-14. Mandatory reports.

8 (a) If a privately held cemetery authority receives a
9 ~~consumer~~ complaint alleging fraud that is not resolved to the
10 satisfaction of the consumer within 60 days of the complaint,
11 the privately held cemetery authority shall advise the consumer
12 of the right to seek investigation by the Department referring
13 the consumer to the signage ~~and shall report the consumer~~
14 ~~complaint to the Department within the next 30 days. Cemetery~~
15 ~~authorities shall report to the Department within 30 days after~~
16 ~~the settlement of any liability insurance claim or cause of~~
17 ~~action, or final judgment in any cause of action, that alleges~~
18 ~~negligence, fraud, theft, misrepresentation, misappropriation,~~
19 ~~or breach of contract.~~

20 (b) The State's Attorney of each county shall report to the
21 Department all instances in which an individual licensed as a
22 cemetery manager of a privately held cemetery ~~or customer~~
23 ~~service employee,~~ or any individual listed on a licensed
24 privately held cemetery authority's application under this
25 Act, is convicted or otherwise found guilty of the commission

1 of any felony. The report shall be submitted to the Department
2 within 60 days after conviction or finding of guilty.

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

4 (225 ILCS 411/25-15)

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

6 Sec. 25-15. Cease and desist.

7 (a) The Secretary may issue an order to cease and desist to
8 any licensee or other person doing business without the
9 required license when, in the opinion of the Secretary, the
10 licensee or other person is violating or is about to violate
11 any provision of this Act or any rule or requirement imposed in
12 writing by the Department.

13 (b) The Secretary may issue an order to cease and desist
14 prior to a hearing and such order shall be in full force and
15 effect until a final administrative order is entered.

16 (c) The Secretary shall serve notice of his or her action,
17 designated as an order to cease and desist made pursuant to
18 this Section, including a statement of the reasons for the
19 action, either personally or by certified mail, return receipt
20 requested or by other delivery service that provides a
21 confirmation of receipt. Service by certified mail shall be
22 deemed completed when the notice is deposited in the United
23 States mail and sent to the address of record or, in the case
24 of unlicensed activity, the address known to the Department.

25 (d) Within 15 days after service of the order to cease and

1 desist, the licensee or other person may request, in writing, a
2 hearing.

3 (e) The Secretary shall schedule a hearing within 30 days
4 after the request for a hearing unless otherwise agreed to by
5 the parties.

6 (f) The Secretary shall have the authority to prescribe
7 rules for the administration of this Section.

8 (g) If, after hearing, it is determined that the Secretary
9 has the authority to issue the order to cease and desist, he or
10 she may issue such orders as may be reasonably necessary to
11 correct, eliminate, or remedy such conduct.

12 (h) The powers vested in the Secretary by this Section are
13 additional to any and all other powers and remedies vested in
14 the Secretary by law and nothing in this Section shall be
15 construed as requiring that the Secretary shall employ the
16 power conferred in this Section instead of or as a condition
17 precedent to the exercise of any other power or remedy vested
18 in the Secretary.

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

20 (225 ILCS 411/25-25)

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

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

23 (a) The Department may at any time investigate the actions
24 of any applicant or of any person or persons rendering or
25 offering to render services as a privately held cemetery

1 authority, cemetery manager of a privately held cemetery, ~~or~~
2 ~~customer service employee of~~ or any person holding or claiming
3 to hold a license as a licensed privately held cemetery
4 authority, cemetery manager of a privately held cemetery, ~~or~~
5 ~~customer service employee~~. If it appears to the Department that
6 a person has engaged in, is engaging in, or is about to engage
7 in any practice declared to be unlawful by this Act, then the
8 Department may: (1) require that person to file on such terms
9 as the Department prescribes a statement or report in writing,
10 under oath or otherwise, containing all information the
11 Department may consider necessary to ascertain whether a
12 licensee is in compliance with this Act, or whether an
13 unlicensed person is engaging in activities for which a license
14 is required; (2) examine under oath any individual in
15 connection with the books and records pertaining to or having
16 an impact upon the operation of a cemetery ~~or trust funds~~
17 ~~required to be maintained pursuant to this Act;~~ (3) examine any
18 books and records of the licensee, ~~trustee, or investment~~
19 ~~advisor~~ that the Department may consider necessary to ascertain
20 compliance with this Act; and (4) require the production of a
21 copy of any record, book, document, account, or paper that is
22 produced in accordance with this Act and retain it in his or
23 her possession until the completion of all proceedings in
24 connection with which it is produced.

25 (b) The Secretary may, with consideration of the
26 recommendations of the Cemetery Oversight Board and after 10

1 days notice by personal service, certified mail with return
2 receipt requested, or by any delivery service that provides a
3 confirmation of receipt to the licensee at the address of
4 record or to the last known address of any other person stating
5 the contemplated action and in general the grounds therefor,
6 fine such licensee an amount not exceeding \$1,000 ~~\$10,000~~ per
7 violation or revoke, suspend, refuse to renew, place on
8 probation, or reprimand any license issued under this Act if he
9 or she finds that:

10 (1) the licensee has failed to comply with any
11 provision of this Act or any order, decision, finding,
12 rule, regulation, or direction of the Secretary lawfully
13 made pursuant to the authority of this Act; or

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

18 (c) The Secretary, with consideration and recommendations
19 of the Cemetery Oversight Board, may fine, revoke, suspend,
20 refuse to renew, place on probation, reprimand, or take any
21 other disciplinary action as to the particular license with
22 respect to which grounds for the fine, revocation, suspension,
23 refuse to renew, probation, or reprimand, or other disciplinary
24 action occur or exist, but if the Secretary finds that grounds
25 for revocation are of general application to all offices or to
26 more than one office of the licensee, the Secretary shall fine,

1 revoke, suspend, refuse to renew, place on probation,
2 reprimand, or otherwise discipline every license to which such
3 grounds apply.

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

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

21 (f) If the licensee requests a hearing, then the Secretary
22 shall schedule a hearing within 30 days after the request for a
23 hearing unless otherwise agreed to by the parties. The
24 Secretary shall have the authority to appoint an attorney duly
25 licensed to practice law in the State of Illinois to serve as
26 the hearing officer in any disciplinary action with regard to a

1 license. The hearing officer shall have full authority to
2 conduct the hearing.

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

5 (h) The Secretary shall have the authority to prescribe
6 rules, with consideration and recommendations of the Cemetery
7 Oversight Board, for the administration of this Section.

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

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

11 (225 ILCS 411/25-70)

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

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

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

23 (1) to ensure the orderly and proper conduct of a
24 licensee's professional business and affairs during or in
25 the aftermath of the administrative proceeding to revoke or

1 suspend the privately held cemetery authority's license;

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

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

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

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

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

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

1 approve.

2 (c) The Department may adopt rules for the implementation
3 of this Section.

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

5 (225 ILCS 411/25-85)

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

7 Sec. 25-85. Inactive status.

8 (a) Any licensed manager of a privately held cemetery ~~or~~
9 ~~customer service employee~~ who notifies the Department in
10 writing on forms prescribed by the Department as determined by
11 rule, may elect to place his or her license on an inactive
12 status and shall, subject to rules of the Department, be
13 excused from payment of renewal fees until he or she notifies
14 the Department in writing of his or her desire to resume active
15 status. Any licensed cemetery manager of a privately held
16 cemetery ~~or licensed customer service employee~~ requesting
17 restoration from inactive status shall pay the current renewal
18 fee and meet requirements as provided by rule. Any licensee
19 whose license is in inactive status shall not practice in the
20 State of Illinois.

21 (b) A privately held cemetery authority license may only go
22 on inactive status by following the provisions for dissolution
23 set forth in Section 10-50 or transfer in Section 10-45.

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

1 (225 ILCS 411/25-105)

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

3 Sec. 25-105. Violations. Any person who is found to have
4 engaged in unlicensed practices under this Act ~~violated any~~
5 ~~provision of this Act or any applicant for licensure who files~~
6 ~~with the Department the fingerprints of an individual other~~
7 ~~than himself or herself~~ is guilty of a Class A misdemeanor.
8 Upon conviction of a second or subsequent offense the violator
9 shall be guilty of a Class 4 felony. ~~However, whoever~~
10 ~~intentionally fails to deposit the required amounts into a~~
11 ~~trust provided for in this Act or intentionally and improperly~~
12 ~~withdraws or uses trust funds for his or her own benefit shall~~
13 ~~be guilty of a Class 4 felony and each day such provisions are~~
14 ~~violated shall constitute a separate offense.~~

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

16 (225 ILCS 411/25-110)

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

18 Sec. 25-110. Civil action and civil penalties. In addition
19 to the other penalties and remedies provided in this Act, the
20 Department may bring a civil action in the county in which the
21 cemetery is located against a licensee or any other person to
22 enjoin any violation or threatened violation of this Act. In
23 addition to any other penalty provided by law, any person who
24 violates this Act shall forfeit and pay a civil penalty to the
25 Department in an amount not to exceed \$1,000 ~~\$10,000~~ for each

1 violation as determined by the Department. The civil penalty
2 shall be assessed by the Department in accordance with the
3 provisions of this Act. Any civil penalty shall be paid within
4 60 days after the effective date of the order imposing the
5 civil penalty. The order shall constitute a judgment and may be
6 filed and execution had thereon in the same manner as any
7 judgment from any court of record. All moneys collected under
8 this Section shall be deposited into the Cemetery Oversight
9 Licensing and Disciplinary Fund.

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

11 (225 ILCS 411/25-125)

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

13 Sec. 25-125. Cemetery Oversight Board. The Cemetery
14 Oversight Board ~~is created and~~ shall consist of 7 ~~the~~
15 ~~Secretary, who shall serve as its chairperson, and 8~~ members
16 appointed by the Secretary. Appointments shall be made within
17 90 days after the effective date of this Act. Five ~~Three~~
18 members shall represent the segment of the privately held
19 cemetery industry licensed under this Act, and the chairman
20 shall be annually selected from within this group by their
21 majority vote. One member ~~that does not maintain a partial~~
22 ~~exemption or full exemption, one member shall represent the~~
23 ~~segment of the cemetery industry that maintains a partial~~
24 ~~exemption as a public cemetery, one member shall represent the~~
25 ~~segment of the cemetery industry that maintains a partial~~

1 ~~exemption as a religious cemetery, 2 members~~ shall be a
2 consumer consumers as defined in this Act, and one member shall
3 represent the general public. No member shall be a licensed
4 professional from a non-cemetery segment of the death care
5 industry. No member of the Board shall be appointed who works
6 for an exempt cemetery authority or at multiple categories of
7 cemeteries. Board members shall serve 5-year terms and until
8 their successors are appointed and qualified. The membership of
9 the Board should reasonably reflect representation from the
10 geographic areas in this State. No member shall be reappointed
11 to the Board for a term that would cause his or her continuous
12 service on the Board to be longer than 10 successive years.
13 Appointments to fill vacancies shall be made in the same manner
14 as original appointments, for the unexpired portion of the
15 vacated term. Four ~~Five~~ members of the Board shall constitute a
16 quorum. A quorum is required for Board decisions. The Secretary
17 may remove any member of the Board for misconduct,
18 incompetence, neglect of duty, conflict of interest, or for
19 reasons prescribed by law for removal of State officials. The
20 Secretary may remove a member of the Board who does not attend
21 2 consecutive meetings. The Department may, at any time, seek
22 the expert advice and knowledge of the Board on any matter
23 relating to the administration or enforcement of this Act. The
24 Secretary shall consider the recommendations of the Board in
25 the development of proposed rules or disciplinary action under
26 this Act and for establishing guidelines and examinations as

1 may be required under this Act. Notice of any proposed
2 rulemaking under this Act shall be transmitted to the Board and
3 the Department shall consider ~~review~~ the response of the Board
4 and any recommendations made therein. The Secretary may retain
5 any Board member currently serving who qualifies under the
6 changes made to this Section by this amendatory Act of the 97th
7 General Assembly.

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

9 (225 ILCS 411/75-20)

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

11 Sec. 75-20. Rules. The Department may adopt rules for the
12 administration and enforcement of this Act with consideration
13 of recommendations of the Cemetery Oversight Board. The rules
14 shall include standards for licensure, professional conduct,
15 and discipline.

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

17 (225 ILCS 411/75-25)

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

19 Sec. 75-25. Home rule. The regulation and licensing as
20 provided for in this Act are exclusive powers and functions of
21 the State. A home rule unit may not regulate or license
22 privately held cemetery authorities, cemetery managers,
23 employees, or workers employed or hired on behalf of the
24 privately held cemetery authority ~~customer service employees,~~

1 ~~cemetery workers~~, or any activities relating to the operation
2 of a cemetery. This Section is a denial and limitation of home
3 rule powers and functions under subsection (h) of Section 6 of
4 Article VII of the Illinois Constitution.

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

6 (225 ILCS 411/75-45)

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

8 Sec. 75-45. Fees. The Department shall by rule provide for
9 fees for the administration and enforcement of this Act other
10 than as specifically provided in Section 10-55, and those fees
11 are nonrefundable. All of the fees and fines collected under
12 this Act shall be deposited into the Cemetery Oversight
13 Licensing and Disciplinary Fund and be appropriated to the
14 Department for the ordinary and contingent expenses of the
15 Department in the administration and enforcement of this Act.
16 Fees shall be reasonable and shall avoid creating competitive
17 disadvantages for licensed cemetery authorities in comparison
18 to exempt cemetery authorities. The Secretary, upon
19 recommendation of the Cemetery Oversight Board, may waive fees
20 based upon hardship.

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

22 (225 ILCS 411/75-50)

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

24 Sec. 75-50. Burial permits. After the effective date of

1 this amendatory Act of the 97th General Assembly,
2 notwithstanding ~~Notwithstanding~~ any law to the contrary, ~~a~~
3 ~~cemetery authority shall ensure that~~ every burial permit
4 maintained at the cemetery shall contain ~~applicable to that~~
5 ~~cemetery authority contains the decedent's parcel~~
6 ~~identification number or other~~ information ~~as provided by rule~~
7 regarding the location of the interment, entombment, or
8 inurnment of the deceased that would enable the Department to
9 determine the ~~precise~~ location of the decedent.

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

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

12 (225 ILCS 411/10-22 rep.)

13 (225 ILCS 411/10-30 rep.)

14 (225 ILCS 411/10-45 rep.)

15 (225 ILCS 411/10-50 rep.)

16 (225 ILCS 411/Art. 15 rep.)

17 (225 ILCS 411/20-6 rep.)

18 (225 ILCS 411/20-8 rep.)

19 (225 ILCS 411/20-12 rep.)

20 (225 ILCS 411/20-15 rep.)

21 (225 ILCS 411/20-25 rep.)

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

23 (225 ILCS 411/25-3 rep.)

24 (225 ILCS 411/25-13 rep.)

25 (225 ILCS 411/25-75 rep.)

1 (225 ILCS 411/25-120 rep.)

2 (225 ILCS 411/Art. 35 rep.)

3 (225 ILCS 411/75-55 rep.)

4 (225 ILCS 411/90-90 rep.)

5 (225 ILCS 411/90-95 rep.)

6 Section 920. The Cemetery Oversight Act is amended by
7 repealing Articles 15, 22, and 35 and Sections 10-10, 10-22,
8 10-30, 10-45, 10-50, 20-6, 20-8, 20-12, 20-15, 20-25, 25-3,
9 25-13, 25-75, 25-120, 75-55, 90-90, and 90-95.

10 Section 925. The Crematory Regulation Act is amended by
11 changing Sections 5 and 35 as follows:

12 (410 ILCS 18/5)

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

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

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

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

1 crematory personnel.

2 "Authorizing agent" means a person legally entitled to
3 order the cremation and final disposition of specific human
4 remains.

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

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

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

16 "Change of ownership" means a transfer of more than 50% of
17 the stock or assets of a crematory authority.

18 "Comptroller" means the Comptroller of the State of
19 Illinois.

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

25 "Cremation" means the technical process, using heat and
26 flame, that reduces human remains to bone fragments. The

1 reduction takes place through heat and evaporation. Cremation
2 shall include the processing, and may include the
3 pulverization, of the bone fragments.

4 "Cremation chamber" means the enclosed space within which
5 the cremation takes place.

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

13 "Cremation room" means the room in which the cremation
14 chamber is located.

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

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

20 ~~"Department" means the Illinois Department of Public~~
21 ~~Health.~~

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

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

1 funeral directing or funeral directing and embalming.

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

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

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

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

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

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

25 "Scattering area" means an area which may be designated by
26 a cemetery and located on dedicated cemetery property where

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

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

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

13 (Source: P.A. 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. 5. Definitions. As used in this Act:

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

25 "Alternative container" means a receptacle, other than a

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

10 "Authorizing agent" means a person legally entitled to
11 order the cremation and final disposition of specific human
12 remains.

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

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

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

24 "Comptroller" means the Comptroller of the State of
25 Illinois.

26 "Cremated remains" means all human remains recovered after

1 the completion of the cremation, which may possibly include the
2 residue of any foreign matter including casket material,
3 bridgework, or eyeglasses, that was cremated with the human
4 remains.

5 "Cremation" means the technical process, using heat and
6 flame, that reduces human remains to bone fragments. The
7 reduction takes place through heat and evaporation. Cremation
8 shall include the processing, and may include the
9 pulverization, of the bone fragments.

10 "Cremation chamber" means the enclosed space within which
11 the cremation takes place.

12 "Cremation interment container" means a rigid outer
13 container that, subject to a cemetery's rules and regulations,
14 is composed of concrete, steel, fiberglass, or some similar
15 material in which an urn is placed prior to being interred in
16 the ground, and which is designed to withstand prolonged
17 exposure to the elements and to support the earth above the
18 urn.

19 "Cremation room" means the room in which the cremation
20 chamber is located.

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

23 "Crematory authority" means the legal entity which is
24 licensed by the Department to operate a crematory and to
25 perform cremations.

26 ~~"Department" means the Illinois Department of Financial~~

1 ~~and Professional Regulation.~~

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

4 "Funeral director" means a person known by the title of
5 "funeral director", "funeral director and embalmer", or other
6 similar words or titles, licensed by the State to practice
7 funeral directing or funeral directing and embalming.

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

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

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

22 "Licensee" means an entity licensed under this Act. An
23 entity that holds itself as a licensee or that is accused of
24 unlicensed practice is considered a licensee for purposes of
25 enforcement, investigation, hearings, and the Illinois
26 Administrative Procedure Act.

1 "Niche" means a compartment or cubicle for the
2 memorialization and permanent placement of an urn containing
3 cremated remains.

4 "Person" means any person, partnership, association,
5 corporation, limited liability company, or other entity, and in
6 the case of any such business organization, its officers,
7 partners, members, or shareholders possessing 25% or more of
8 ownership of the entity.

9 "Processing" means the reduction of identifiable bone
10 fragments after the completion of the cremation process to
11 unidentifiable bone fragments by manual or mechanical means.

12 "Pulverization" means the reduction of identifiable bone
13 fragments after the completion of the cremation process to
14 granulated particles by manual or mechanical means.

15 "Scattering area" means an area which may be designated by
16 a cemetery and located on dedicated cemetery property where
17 cremated remains, which have been removed from their container,
18 can be mixed with, or placed on top of, the soil or ground
19 cover.

20 "Secretary" means the Secretary of Financial and
21 Professional Regulation.

22 "Temporary container" means a receptacle for cremated
23 remains, usually composed of cardboard, plastic or similar
24 material, that can be closed in a manner that prevents the
25 leakage or spillage of the cremated remains or the entrance of
26 foreign material, and is a single container of sufficient size

1 to hold the cremated remains until an urn is acquired or the
2 cremated remains are scattered.

3 "Urn" means a receptacle designed to encase the cremated
4 remains.

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

6 (410 ILCS 18/35)

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

8 Sec. 35. Cremation procedures.

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

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

1 time after the human remains have been delivered to the
2 crematory authority, unless the crematory authority has
3 received specific instructions to the contrary on the cremation
4 authorization form.

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

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

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

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

24 (g) The casket or the alternative container shall be
25 cremated with the human remains or destroyed, unless the
26 crematory authority has notified the authorizing agent to the

1 contrary on the cremation authorization form and obtained the
2 written consent of the authorizing agent.

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

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

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

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

26 (l) If all of the recovered cremated remains will not fit

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

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

11 (n) Cremated remains shall be shipped only by a method that
12 has an internal tracing system available and that provides a
13 receipt signed by the person accepting delivery.

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

18 (p) The cremation authorization form shall also contain the
19 following statement in 12-point, bold font and be initialed by
20 the authorizing agent:

21 "IT IS ILLEGAL TO ABANDON CREMATED REMAINS IN A CEMETERY OR ON
22 PRIVATE PROPERTY WITHOUT THE CONSENT OF THE PROPERTY OWNER. YOU
23 CAN BE CHARGED WITH A MISDEMEANOR IF THE CREMATED REMAINS OF
24 YOUR LOVED ONE ARE ABANDONED IN ANY PLACE WHERE YOU HAVE NOT
25 BEEN GRANTED PERMISSION TO DISPOSE OF THEM.

1 INITIALS".

2 (Source: P.A. 96-338, eff. 1-1-10.)

3 (410 ILCS 18/7 rep.)

4 (410 ILCS 18/10 rep.)

5 (410 ILCS 18/11 rep.)

6 (410 ILCS 18/11.5 rep.)

7 (410 ILCS 18/12 rep.)

8 (410 ILCS 18/13 rep.)

9 (410 ILCS 18/20 rep.)

10 (410 ILCS 18/22 rep.)

11 (410 ILCS 18/25 rep.)

12 (410 ILCS 18/40 rep.)

13 (410 ILCS 18/55 rep.)

14 (410 ILCS 18/60 rep.)

15 (410 ILCS 18/62 rep.)

16 (410 ILCS 18/62.5 rep.)

17 (410 ILCS 18/62.10 rep.)

18 (410 ILCS 18/62.15 rep.)

19 (410 ILCS 18/62.20 rep.)

20 (410 ILCS 18/65 rep.)

21 (410 ILCS 18/80 rep.)

22 (410 ILCS 18/85 rep.)

23 (410 ILCS 18/87 rep.)

24 (410 ILCS 18/88 rep.)

25 (410 ILCS 18/89 rep.)

1 (410 ILCS 18/90 rep.)

2 (410 ILCS 18/91 rep.)

3 (410 ILCS 18/92 rep.)

4 (410 ILCS 18/93 rep.)

5 (410 ILCS 18/94 rep.)

6 (410 ILCS 18/95 rep.)

7 Section 927. The Crematory Regulation Act is amended by
8 repealing Sections 7, 10, 11, 11.5, 12, 13, 20, 22, 25, 40, 55,
9 60, 62, 62.5, 62.10, 62.15, 62.20, 65, 80, 85, 87, 88, 89, 90,
10 91, 92, 93, 94, and 95.

11 Section 930. The Vital Records Act is amended by changing
12 Section 21 as follows:

13 (410 ILCS 535/21) (from Ch. 111 1/2, par. 73-21)

14 Sec. 21. (1) The funeral director or person acting as such
15 who first assumes custody of a dead body or fetus shall make a
16 written report to the registrar of the district in which death
17 occurred or in which the body or fetus was found within 24
18 hours after taking custody of the body or fetus on a form
19 prescribed and furnished by the State Registrar and in
20 accordance with the rules promulgated by the State Registrar.
21 Except as specified in paragraph (2) of this Section, the
22 written report shall serve as a permit to transport, bury or
23 entomb the body or fetus within this State, provided that the
24 funeral director or person acting as such shall certify that

1 the physician in charge of the patient's care for the illness
2 or condition which resulted in death has been contacted and has
3 affirmatively stated that he will sign the medical certificate
4 of death or the fetal death certificate. If a funeral director
5 fails to file written reports under this Section in a timely
6 manner, the local registrar may suspend the funeral director's
7 privilege of filing written reports by mail. In a county with a
8 population greater than 3,000,000, if a funeral director or
9 person acting as such interrs or entombs a dead body without
10 having previously certified that the physician in charge of the
11 patient's care for the illness or condition that resulted in
12 death has been contacted and has affirmatively stated that he
13 or she will sign the medical certificate of death, then that
14 funeral director or person acting as such is responsible for
15 payment of the specific costs incurred by the county medical
16 examiner in disinterring and reinterring or reentombing the
17 dead body.

18 (2) The written report as specified in paragraph (1) of
19 this Section shall not serve as a permit to:

20 (a) Remove body or fetus from this State;

21 (b) Cremate the body or fetus; or

22 (c) Make disposal of any body or fetus in any manner
23 when death is subject to the coroner's or medical
24 examiner's investigation.

25 (3) In accordance with the provisions of paragraph (2) of
26 this Section the funeral director or person acting as such who

1 first assumes custody of a dead body or fetus shall obtain a
2 permit for disposition of such dead human body prior to final
3 disposition or removal from the State of the body or fetus.
4 Such permit shall be issued by the registrar of the district
5 where death occurred or the body or fetus was found. No such
6 permit shall be issued until a properly completed certificate
7 of death has been filed with the registrar. The registrar shall
8 insure the issuance of a permit for disposition within an
9 expedited period of time to accommodate Sunday or holiday
10 burials of decedents whose time of death and religious tenets
11 or beliefs necessitate Sunday or holiday burials.

12 (4) A permit that accompanies a dead body, fetus, or
13 cremated remains brought into this State shall be authority for
14 final disposition of the body, fetus, or cremated remains in
15 this State, except in municipalities where local ordinance
16 requires the issuance of a local permit prior to disposition.
17 If there is no permit for cremated remains brought into this
18 State by a family member, a funeral director, an officer, or
19 manager of a cemetery authority may hand write or print the
20 permit or use the certificate of cremation as the permit A
21 ~~permit which accompanies a dead body or fetus brought into this~~
22 ~~State shall be authority for final disposition of the body or~~
23 ~~fetus in this State, except in municipalities where local~~
24 ~~ordinance requires the issuance of a local permit prior to~~
25 ~~disposition.~~

26 (5) A permit for disposition of a dead human body shall be

1 required prior to disinterment of a dead body or fetus, and
2 when the disinterred body is to be shipped by a common carrier.
3 Such permit shall be issued to a licensed funeral director or
4 person acting as such, upon proper application, by the local
5 registrar of the district in which disinterment is to be made.
6 In the case of disinterment, proper application shall include a
7 statement providing the name and address of any surviving
8 spouse of the deceased, or, if none, any surviving children of
9 the deceased, or if no surviving spouse or children, a parent,
10 brother, or sister of the deceased. The application shall
11 indicate whether the applicant is one of these parties and, if
12 so, whether the applicant is a surviving spouse or a surviving
13 child. Prior to the issuance of a permit for disinterment, the
14 local registrar shall, by certified mail, notify the surviving
15 spouse, unless he or she is the applicant, or if there is no
16 surviving spouse, all surviving children except for the
17 applicant, of the application for the permit. The person or
18 persons notified shall have 30 days from the mailing of the
19 notice to object by obtaining an injunction enjoining the
20 issuance of the permit. After the 30-day period has expired,
21 the local registrar shall issue the permit unless he or she has
22 been enjoined from doing so or there are other statutory
23 grounds for refusal. The notice to the spouse or surviving
24 children shall inform the person or persons being notified of
25 the right to seek an injunction within 30 days. Notwithstanding
26 any other provision of this subsection (5), a court may order

1 issuance of a permit for disinterment without notice or prior
2 to the expiration of the 30-day period where the petition is
3 made by an agency of any governmental unit and good cause is
4 shown for disinterment without notice or for the early order.
5 Nothing in this subsection (5) limits the authority of the City
6 of Chicago to acquire property or otherwise exercise its powers
7 under the O'Hare Modernization Act or requires that City, or
8 any person acting on behalf of that City, to obtain a permit
9 under this subsection (5) when exercising powers under the
10 O'Hare Modernization Act.

11 (Source: P.A. 93-450, eff. 8-6-03.)

12 Section 995. No acceleration or delay. Where this Act makes
13 changes in a statute that is represented in this Act by text
14 that is not yet or no longer in effect (for example, a Section
15 represented by multiple versions), the use of that text does
16 not accelerate or delay the taking effect of (i) the changes
17 made by this Act or (ii) provisions derived from any other
18 Public Act.

19 Section 997. Severability. The provisions of this Act
20 (including both new and amendatory provisions) are severable
21 under Section 1.31 of the Statute on Statutes.

22 Section 999. Effective date. This Act takes effect upon
23 becoming law."