



Rep. Al Riley

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LRB099 17114 SMS 45359 a

1 AMENDMENT TO HOUSE BILL 5747

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5747 on page 1,  
3 immediately below line 3, by inserting the following:

4 "Section 3. The Funeral Directors and Embalmers Licensing  
5 Code is amended by changing Section 15-45 as follows:

6 (225 ILCS 41/15-45)

7 (Section scheduled to be repealed on January 1, 2023)

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

10 (a) The practice of funeral directing and embalming or  
11 funeral directing by any person who has not been issued a  
12 license by the Department, whose license has been suspended or  
13 revoked, or whose license has not been renewed is hereby  
14 declared to be inimical to the public welfare and to constitute  
15 a public nuisance. The Secretary may, in the name of the People  
16 of the State of Illinois through the Attorney General of the

1 State of Illinois, or the State's Attorney of any county in  
2 which the violation is alleged to have occurred in the State of  
3 Illinois, or any licensee, any interested party, or any person  
4 injured thereby, may apply for an injunction in the circuit  
5 court to enjoin any person who has not been issued a license or  
6 whose license has been suspended or revoked, or whose license  
7 has not been renewed, from practicing funeral directing and  
8 embalming or funeral directing. Upon the filing of a verified  
9 complaint in court, the court, if satisfied by affidavit or  
10 otherwise that the person is or has been practicing funeral  
11 directing and embalming or funeral directing without having  
12 been issued a license or after his or her license has been  
13 suspended, revoked, or not renewed, may issue a temporary  
14 restraining order or preliminary injunction, without notice or  
15 bond, enjoining the defendant from further practicing funeral  
16 directing and embalming or funeral directing. A copy of the  
17 verified complaint shall be served upon the defendant and the  
18 proceedings shall thereafter be conducted as in other civil  
19 cases. If it is established that the defendant has been or is  
20 practicing funeral directing and embalming or funeral  
21 directing without having been issued a license or has been or  
22 is practicing funeral directing and embalming or funeral  
23 directing after his or her license has been suspended, revoked,  
24 or not renewed, the court may enter a judgment perpetually  
25 enjoining the defendant from further practicing funeral  
26 directing and embalming or funeral directing. In case of

1 violation of any injunction entered under this Section, the  
2 court may summarily try and punish the offender for contempt of  
3 court. Any injunction proceeding shall be in addition to, and  
4 not in lieu of, all penalties and other remedies in this Code.  
5 Reasonable attorney's fees and costs may be awarded to the  
6 licensee, interested party, or person injured that  
7 successfully obtains injunctive relief, whether by consent or  
8 court order.

9 (b) Whenever, in the opinion of the Department, any person  
10 or other entity violates any provision of this Code, the  
11 Department may issue a notice to show cause why an order to  
12 cease and desist should not be entered against that person or  
13 other entity. The rule shall clearly set forth the grounds  
14 relied upon by the Department and shall provide a period of 7  
15 days from the date of the rule to file an answer to the  
16 satisfaction of the Department. Failure to answer to the  
17 satisfaction of the Department shall cause an order to cease  
18 and desist to be issued immediately.

19 (c) (Blank).

20 (Source: P.A. 96-1463, eff. 1-1-11; 97-333, eff. 8-12-11;  
21 97-1130, eff. 8-28-12.)".