- 1 AN ACT in relation to the cremation of companion animals.
- 2 Be it enacted by the People of the State of Illinois,
- 3 represented in the General Assembly:
- 4 Section 1. Short title. This Act may be cited as the
- 5 Companion Animal Cremation Act.
- 6 Section 5. Definitions. For the purposes of this Act,
- 7 unless the context indicates otherwise:
- 8 "Companion animal" or "animal" means a deceased animal
- 9 that had a companion or pet relationship with an owner at the
- 10 time of the animal's death.
- 11 "Provider of companion animal cremation services" or
- 12 "provider" means a person, company, or other entity engaging
- in the business of cremating deceased companion animals in
- 14 Illinois.
- "Cremation remains" means the material remaining after
- 16 the cremation of an animal, which may include ashes, skeletal
- 17 remains, and other residue resulting from the incineration
- 18 process, and may be pulverized or otherwise processed by the
- 19 provider of cremation services.
- 20 "Individually partitioned cremation" means a cremation
- 21 process in which either (i) only one companion animal at a
- 22 time is cremated in the incinerator or (ii) more than one
- 23 companion animal is cremated in the incinerator at the same
- 24 time, but each of the animals is completely separated from
- 25 the others by partitions during the cremation process; and in
- 26 which the commingling of significant amounts of cremation
- 27 remains from different animals is unlikely to occur.
- 28 "Communal cremation" means a cremation process in which
- 29 companion animals are cremated together without effective
- 30 partitions or separation during the cremation process, and in
- 31 which the commingling of significant amounts of cremation

1 remains from different animals is likely or certain to occur.

"Commingling of significant amounts of cremation remains from different animals" means that specific cremation remains cannot be attributed to a particular animal, or that the cremation remains attributed to one companion animal contain more than 1% by weight of cremation remains from one or more other companion animals. The presence, in the cremation remains of a companion animal, of the remains of any creature that was contained within the body of that animal at the time of cremation (including parasites, insects, and food or creatures eaten by that companion animal) does not constitute "commingling" for the purposes of this Act.

A person or business entity is deemed to refer animal owners or bring business to a provider "on a regular basis" if the person or entity (i) has an ongoing contractual or agency relationship with the provider relating to the cremation of companion animals, (ii) receives any compensation or consideration from the provider or animal owners relating to the cremation of companion animals by the provider, or (iii) refers or brings to the provider the business of more than 5 animal owners in an average month.

22 Section 10. Written explanation of services.

23 (a) A provider of companion animal cremation services 24 must prepare a written explanation of the services offered, 25 which may but need not be in the form of a brochure.

The written explanation of services must include a detailed explanation of each service offered. For each type or level of cremation service offered, the written explanation of services shall disclose the specific services to be provided.

If any part of the deceased companion animal will be removed, used, or sold by the provider before or after the cremation, the written explanation of services must disclose

- 1 that fact.
- 2 (b) The written explanation of services must not include
- 3 any false or misleading information. A written explanation
- 4 of services is misleading if:
- 5 (1) it fails to include a detailed explanation of
- 6 the cremation services offered or fails to include, for
- 7 each type or level of cremation service offered, any of
- 8 the disclosures required under subsection (a);
- 9 (2) it uses the term "private" or "individual" with 10 respect to any communal cremation procedure or with 11 respect to an individually partitioned cremation 12 procedure that will cremate more than one companion
- animal at the same time;
- 14 (3) it uses the term "individually partitioned" or 15 "separate" with respect to a communal cremation process;
- 16 or

23

24

25

- (4) it includes any text, picture, illustration, or combination thereof, or uses any layout, typography, or color scheme, in a way that is likely to lead a person of normal intelligence to misunderstand the nature of the services to be provided or to fail to read or understand certain parts of the written explanation of services.
 - (c) A provider of companion animal cremation services shall provide the written explanation of services, without charge:
- (1) to the owner of each deceased animal with whom
 the provider agrees to provide cremation services, or the
 person making cremation arrangements on the owner's
 behalf;
- 30 (2) to all veterinarians, pet shops, and other 31 persons or entities known to the provider who refer 32 animal owners or bring deceased animals to the provider 33 on a regular basis, in quantities sufficient for 34 distribution by those persons or entities to the animal

- owners whose business is being referred or brought to the provider;
- 3 (3) to the Office of the Attorney General, at least 4 annually; and
- 5 (4) to any other person upon request.
- 6 (d) The preparation or distribution by a provider of a
 7 written explanation of services that the provider knows or
 8 should know to be false or misleading constitutes a business
 9 offense, punishable by a fine of at least \$1,001 but not more
 10 than \$1,500 for a first offense and at least \$2,000 but not
 11 more than \$2,500 for each subsequent offense.
- A knowing failure to prepare or distribute a written explanation of services as required by this Section constitutes a business offense, punishable by a fine of at least \$1,001 but not more than \$1,500 for a first offense and at least \$2,000 but not more than \$2,500 for each subsequent offense.
- 18 Section 15. Persons referring or bringing business to a 19 provider.
- 20 (a) A veterinarian, pet shop, or other person or
 21 business entity that refers owners of deceased animals, or
 22 persons making arrangements on an owner's behalf, to a
 23 provider on a regular basis shall make available a copy of
 24 the provider's written explanation of services to the animal
 25 owner, or person making arrangements on the owner's behalf,
 26 at the time of the referral.
- 27 (b) A veterinarian, pet shop, or other person or
 28 business entity that accepts deceased companion animals for
 29 cremation through services obtained from a provider on a
 30 regular basis shall make available a copy of the provider's
 31 written explanation of services to each animal owner, or
 32 person making arrangements on the owner's behalf, from whom a
 33 deceased companion animal is accepted.

- 1 (c) It is sufficient for compliance with this Section
- 2 that a copy of the written explanation of services is given
- 3 to the animal owner, or the person making arrangements on the
- 4 owner's behalf, at the time the services are offered.
- 5 (d) Publishing or otherwise disseminating advertising
- 6 for a provider of companion animal cremation services does
- 7 not, in itself, constitute referring or bringing business to
- 8 that provider for the purposes of this Section.
- 9 Section 20. Certification; penalty for false
- 10 certification.
- 11 (a) Whenever a provider of companion animal cremation
- 12 services undertakes to provide services that include the
- 13 return of the cremation remains of the cremated animal, the
- 14 provider shall include a certification along with the
- 15 returned cremation remains, declaring to the best of the
- 16 provider's knowledge and belief that, except as otherwise
- 17 specifically indicated in the certificate, the cremation and
- 18 any other services specified were provided in accordance with
- 19 the representations of the provider in the applicable
- 20 portions of the provider's written explanation of services.
- 21 (b) To knowingly make a false certification under
- 22 subsection (a) is a business offense, punishable by a fine of
- 23 at least \$1,001 but not more than \$1,500 for a first offense
- 24 and at least \$2,000 but not more than \$2,500 for each
- 25 subsequent offense.
- 26 Section 95. The Consumer Fraud and Deceptive Business
- 27 Practices Act is amended by adding Section 2KK as follows:
- 28 (815 ILCS 505/2KK new)
- 29 <u>Sec. 2KK. Animal cremation services. It is an unlawful</u>
- 30 practice within the meaning of this Act for a provider of
- 31 <u>companion animal cremation services (1) to fail to prepare or</u>

- 1 <u>distribute</u> a <u>written explanation of services as required by</u>
- 2 the Companion Animal Cremation Act; (2) to prepare or
- 3 <u>distribute a written explanation of services under that Act</u>
- 4 that the provider knows or should know to be false or
- 5 <u>misleading; or (3) to knowingly make a false certification</u>
- 6 <u>under Section 20 of that Act.</u>