

1  AMENDMENT TO HOUSE BILL 1825

2                  AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1825 by replacing  
3 the title with the following:

4                  "AN ACT in relation to the cremation of companion  
5 animals."; and

6 by replacing everything after the enacting clause with the  
7 following:

8                  "Section 1. Short title. This Act may be cited as the  
9 Companion Animal Cremation Act.

10                 Section 5. Definitions. For the purposes of this Act,  
11 unless the context indicates otherwise:

12                  "Companion animal" or "animal" means a deceased animal  
13 that had a companion or pet relationship with an owner at the  
14 time of the animal's death.

15                  "Provider of companion animal cremation services" or  
16 "provider" means a person, company, or other entity engaging  
17 in the business of cremating deceased companion animals in  
18 Illinois.

19                  "Cremation remains" means the material remaining after  
20 the cremation of an animal, which may include ashes, skeletal  
21 remains, and other residue resulting from the incineration

1 process, and may be pulverized or otherwise processed by the  
2 provider of cremation services.

3 "Individually partitioned cremation" means a cremation  
4 process in which either (i) only one companion animal at a  
5 time is cremated in the incinerator or (ii) more than one  
6 companion animal is cremated in the incinerator at the same  
7 time, but each of the animals is completely separated from  
8 the others by partitions during the cremation process; and in  
9 which the commingling of significant amounts of cremation  
10 remains from different animals is unlikely to occur.

11 "Communal cremation" means a cremation process in which  
12 companion animals are cremated together without effective  
13 partitions or separation during the cremation process, and in  
14 which the commingling of significant amounts of cremation  
15 remains from different animals is likely or certain to occur.

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

27 A person or business entity is deemed to refer animal  
28 owners or bring business to a provider "on a regular basis"  
29 if the person or entity (i) has an ongoing contractual or  
30 agency relationship with the provider relating to the  
31 cremation of companion animals, (ii) receives any  
32 compensation or consideration from the provider or animal  
33 owners relating to the cremation of companion animals by the  
34 provider, or (iii) refers or brings to the provider the

1 business of more than 5 animal owners in an average month.

2 Section 10. Written explanation of services.

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

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

11 If any part of the deceased companion animal will be  
12 removed, used, or sold by the provider before or after the  
13 cremation, the written explanation of services must disclose  
14 that fact.

15 (b) The written explanation of services must not include  
16 any false or misleading information. A written explanation  
17 of services is misleading if:

18 (1) it fails to include a detailed explanation of  
19 the cremation services offered or fails to include, for  
20 each type or level of cremation service offered, any of  
21 the disclosures required under subsection (a);

22 (2) it uses the term "private" or "individual" with  
23 respect to any communal cremation procedure or with  
24 respect to an individually partitioned cremation  
25 procedure that will cremate more than one companion  
26 animal at the same time;

27 (3) it uses the term "individually partitioned" or  
28 "separate" with respect to a communal cremation process;  
29 or

30 (4) it includes any text, picture, illustration, or  
31 combination thereof, or uses any layout, typography, or  
32 color scheme, in a way that is likely to lead a person of  
33 normal intelligence to misunderstand the nature of the

1 services to be provided or to fail to read or understand  
2 certain parts of the written explanation of services.

3 (c) A provider of companion animal cremation services  
4 shall provide the written explanation of services, without  
5 charge:

6 (1) to the owner of each deceased animal with whom  
7 the provider agrees to provide cremation services, or the  
8 person making cremation arrangements on the owner's  
9 behalf;

10 (2) to all veterinarians, pet shops, and other  
11 persons or entities known to the provider who refer  
12 animal owners or bring deceased animals to the provider  
13 on a regular basis, in quantities sufficient for  
14 distribution by those persons or entities to the animal  
15 owners whose business is being referred or brought to the  
16 provider;

17 (3) to the Office of the Attorney General, at least  
18 annually; and

19 (4) to any other person upon request.

20 (d) The preparation or distribution by a provider of a  
21 written explanation of services that the provider knows or  
22 should know to be false or misleading constitutes a business  
23 offense, punishable by a fine of at least \$1,001 but not more  
24 than \$1,500 for a first offense and at least \$2,000 but not  
25 more than \$2,500 for each subsequent offense.

26 A knowing failure to prepare or distribute a written  
27 explanation of services as required by this Section  
28 constitutes a business offense, punishable by a fine of at  
29 least \$1,001 but not more than \$1,500 for a first offense and  
30 at least \$2,000 but not more than \$2,500 for each subsequent  
31 offense.

32 Section 15. Persons referring or bringing business to a  
33 provider.

1 (a) A veterinarian, pet shop, or other person or  
2 business entity that refers owners of deceased animals, or  
3 persons making arrangements on an owner's behalf, to a  
4 provider on a regular basis shall make available a copy of  
5 the provider's written explanation of services to the animal  
6 owner, or person making arrangements on the owner's behalf,  
7 at the time of the referral.

8 (b) A veterinarian, pet shop, or other person or  
9 business entity that accepts deceased companion animals for  
10 cremation through services obtained from a provider on a  
11 regular basis shall make available a copy of the provider's  
12 written explanation of services to each animal owner, or  
13 person making arrangements on the owner's behalf, from whom a  
14 deceased companion animal is accepted.

15 (c) It is sufficient for compliance with this Section  
16 that a copy of the written explanation of services is given  
17 to the animal owner, or the person making arrangements on the  
18 owner's behalf, at the time the services are offered.

19 (d) Publishing or otherwise disseminating advertising  
20 for a provider of companion animal cremation services does  
21 not, in itself, constitute referring or bringing business to  
22 that provider for the purposes of this Section.

23 Section 20. Certification; penalty for false  
24 certification.

25 (a) Whenever a provider of companion animal cremation  
26 services undertakes to provide services that include the  
27 return of the cremation remains of the cremated animal, the  
28 provider shall include a certification along with the  
29 returned cremation remains, declaring to the best of the  
30 provider's knowledge and belief that, except as otherwise  
31 specifically indicated in the certificate, the cremation and  
32 any other services specified were provided in accordance with  
33 the representations of the provider in the applicable

1 portions of the provider's written explanation of services.

2 (b) To knowingly make a false certification under  
3 subsection (a) is a business offense, punishable by a fine of  
4 at least \$1,001 but not more than \$1,500 for a first offense  
5 and at least \$2,000 but not more than \$2,500 for each  
6 subsequent offense.

7 Section 95. The Consumer Fraud and Deceptive Business  
8 Practices Act is amended by adding Section 2KK as follows:

9 (815 ILCS 505/2KK new)

10 Sec. 2KK. Animal cremation services. It is an unlawful  
11 practice within the meaning of this Act for a provider of  
12 companion animal cremation services (1) to fail to prepare or  
13 distribute a written explanation of services as required by  
14 the Companion Animal Cremation Act; (2) to prepare or  
15 distribute a written explanation of services under that Act  
16 that the provider knows or should know to be false or  
17 misleading; or (3) to knowingly make a false certification  
18 under Section 20 of that Act."