



Sen. Sara Feigenholtz

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LRB103 27276 LNS 60858 a

1 AMENDMENT TO HOUSE BILL 1571

2 AMENDMENT NO. _____. Amend House Bill 1571 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. References to Act. This Act may be referred to
5 as the Michael Bauer Memorial Act.

6 Section 5. The Cemetery Oversight Act is amended by
7 changing Sections 10-23 and 20-5 as follows:

8 (225 ILCS 411/10-23)

9 (Section scheduled to be repealed on January 1, 2027)

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

15 (a) refrain from committing any action that may

1 violate Section 25-10 of this Act;

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

6 (c) treat all human remains with proper care and
7 dignity, honoring known religious, ethnic, and personal
8 beliefs;

9 (d) protect all confidential information;

10 (e) carry out all aspects of service in a competent
11 and respectful manner;

12 (f) fulfill all written and verbal agreements and
13 contracts;

14 (g) provide honest, factual, and complete information
15 regarding all aspects of the services offered and
16 provided;

17 (h) not engage in advertising that is false,
18 misleading, or otherwise prohibited by law;

19 (i) not discriminate against any person because of
20 race, creed, marital status, sex, national origin, sexual
21 orientation, or color, except a religious cemetery may
22 restrict its services to those of the same religious faith
23 or creed. A cemetery authority operating any cemetery may
24 designate parts of cemeteries or burial grounds for the
25 specific use of persons whose religious code requires
26 isolation;

1 (j) to have clear and specific cemetery rules and
2 regulations, subject to other applicable law, including
3 this Act, and to apply them equally to all consumers and
4 individuals ~~families~~ served;

5 (k) report all violations of this Act and this Section
6 to the Department.

7 (Source: P.A. 96-863, eff. 3-1-10; 97-679, eff. 2-6-12.)

8 (225 ILCS 411/20-5)

9 (Section scheduled to be repealed on January 1, 2027)

10 Sec. 20-5. Maintenance and records.

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

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

21 (2) the cutting of lawn throughout the cemetery at
22 reasonable intervals to prevent an overgrowth of grass and
23 weeds given the weather conditions, climate, and season;

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

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

2 (5) maintaining, repairing, or removing, if necessary,
3 drains, water lines, roads, buildings, fences, and other
4 structures; and

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

7 In determining whether a cemetery authority provides
8 reasonable maintenance of the cemetery property, the
9 Department shall consider:

10 (1) the cemetery authority's contractual obligations
11 for care and maintenance;

12 (2) the size of the cemetery;

13 (3) the extent and use of the cemetery authority's
14 financial resources;

15 (4) the standard of maintenance of one or more
16 similarly situated cemeteries; in determining whether a
17 cemetery is similarly situated, the Department shall
18 consider the cemetery's size, location, topography, and
19 financial resources, and whether the cemetery is a
20 fraternal cemetery, a religious cemetery, a public
21 cemetery, a cemetery owned and operated by a cemetery
22 association, or a licensed cemetery.

23 Reasonable maintenance by the cemetery authority shall not
24 preclude the exercise of lawful rights by the owner of an
25 interment, inurnment, or entombment right, or by the
26 decedent's immediate family or other heirs, in accordance with

1 reasonable rules and regulations of the cemetery or other
2 agreement of the cemetery authority.

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

8 A cemetery authority accused of violating the reasonable
9 maintenance standard set forth in this Section shall have a
10 reasonable opportunity to cure the violation. The cemetery
11 authority shall have 10 business days after receipt of notice
12 to cure the violation. If a cemetery authority cannot cure the
13 violation within 10 business days, then the cemetery authority
14 may request a time extension in order to cure the violation.
15 The request for an extension shall be made in writing to the
16 Department and must be postmarked within 10 business days
17 after receipt of the notice of the alleged violation. The
18 request shall outline all reasons for the extension and an
19 estimated date by which the cure will be accomplished.
20 Acceptable reasons include, without limitation, delays caused
21 by weather conditions, season or climate, equipment failures,
22 or acquisitions of materials or supplies being addressed by
23 the authority in a timely manner, and unexpected temporary
24 absences of personnel. The Department may approve or deny the
25 extension. If the extension is denied, then the cemetery
26 authority must cure the violation within 10 business days

1 after the date of receipt of the Department's extension
2 denial. If the extension is granted, then the cemetery
3 authority must cure the violation within the extended period
4 of time. A cemetery authority that does not cure the violation
5 within the appropriate period of time shall be subject to
6 discipline in accordance with Article 25 of this Act.

7 (b) A cemetery authority, before commencing cemetery
8 operations or within 6 months after the effective date of this
9 Act, shall cause an overall map of its cemetery property,
10 delineating all lots or plots, blocks, sections, avenues,
11 walks, alleys, and paths and their respective designations, to
12 be filed at its on-site office, or if it does not maintain an
13 on-site office, at its principal place of business. The
14 cemetery authority shall update its map and index described in
15 subsection (b-5) within a reasonable time after any expansion
16 or alteration of the cemetery property. A cemetery manager's
17 certificate acknowledging, accepting, and adopting the map
18 shall also be included with the map. The Department may order
19 that the cemetery authority obtain a cemetery plat and that it
20 be filed at its on-site office, or if it does not maintain an
21 on-site office, at its principal place of business if (1) a
22 human body that should have been interred, entombed, or
23 inurned at the cemetery after the effective date of this
24 amendatory Act of the 97th General Assembly is missing,
25 displaced, or dismembered and (2) the cemetery map contains
26 serious discrepancies.

1 In exercising this discretion, the Department shall
2 consider whether the cemetery authority would experience an
3 undue hardship as a result of obtaining the plat. The cemetery
4 plat, as with all plats prepared under this Act, shall comply
5 with the Illinois Professional Land Surveyor Act of 1989 and
6 shall delineate, describe, and set forth all lots or plots,
7 blocks, sections, avenues, walks, alleys, and paths and their
8 respective designations. A cemetery manager's certificate
9 acknowledging, accepting, and adopting the plat shall also be
10 included with the plat.

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

15 (c) The cemetery authority shall open the cemetery map or
16 plat to public inspection. The cemetery authority shall make
17 available a copy of the overall cemetery map or plat upon
18 written request and shall, if practical, provide a copy of a
19 segment of the cemetery plat where interment rights are
20 located upon the payment of reasonable photocopy fees. Any
21 unsold lots, plots, or parts thereof, in which there are not
22 human remains, may be resurveyed and altered in shape or size
23 and properly designated on the cemetery map or plat. However,
24 sold lots, plots, or parts thereof in which there are human
25 remains may not be renumbered or renamed. Nothing contained in
26 this subsection, however, shall prevent the cemetery authority

1 from enlarging an interment right by selling to its owner the
2 excess space next to the interment right and permitting
3 interments therein, provided reasonable access to the
4 interment right and to adjoining interment rights is not
5 thereby eliminated.

6 (d) A cemetery authority shall keep a record of every
7 interment, entombment, and inurnment completed after the
8 effective date of this Act. The record shall include the
9 deceased's name, age, date of burial, and the specific
10 location of the interred, entombed, or inurned human remains.
11 The specific location shall correspond to the map or plat
12 maintained in accordance with subsection (b) of this Section.

13 (e) (Blank).

14 (f) A cemetery authority shall make publicly available ~~for~~
15 ~~inspection and, upon reasonable request and the payment of a~~
16 ~~reasonable copying fee, provide~~ a copy of its rules and
17 regulations through continuous publication on an Internet
18 website or social media page, with a reference to and notice of
19 the rules and regulations for services in relation to the
20 cemetery. A cemetery authority that does not operate or
21 maintain a website or social media page shall provide an
22 electronic or paper copy of its rules and regulations upon
23 request of any person within 5 days of the person's request. A
24 cemetery authority may charge a reasonable copying fee for a
25 paper copy of the cemetery authority's rules and regulations.

26 A cemetery authority shall make available for viewing and

1 provide a copy of its current prices of interment, inurnment,
2 ~~or~~ entombment rights, or disinterment services.

3 (g) A cemetery authority shall provide access to the
4 cemetery under the cemetery authority's reasonable rules and
5 regulations.

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

9 (i) A licensed cemetery authority shall keep in this State
10 and use in its business such records as will enable the
11 Department to determine whether such licensee or trustee is
12 complying with the provisions of this Act and with the rules,
13 regulations, and directions made by the Department under this
14 Act. The licensed cemetery authority shall keep the records in
15 electronic or written format at the location identified in the
16 license issued by the Department or as otherwise agreed by the
17 Department in writing. The books, accounts, and records shall
18 be accessible for review upon demand of the Department.

19 (Source: P.A. 96-863, eff. 3-1-10; 97-679, eff. 2-6-12.)

20 Section 15. The Disposition of Remains Act is amended by
21 changing Section 50 as follows:

22 (755 ILCS 65/50)

23 Sec. 50. Disputes.

24 (a) Any dispute among any of the persons listed in Section

1 5 concerning their right to control the disposition, including
2 cremation, of a decedent's remains shall be resolved by a
3 court of competent jurisdiction within 30 days of the dispute
4 being filed with the court. A cemetery organization or funeral
5 establishment shall not be liable for refusing to accept the
6 decedent's remains, or to inter or otherwise dispose of the
7 decedent's remains, until it receives a court order or other
8 suitable confirmation that the dispute has been resolved or
9 settled.

10 (b) Any dispute over a disinterment shall be resolved by a
11 circuit court with all reasonable promptness by the court. If
12 the court finds that a party to a disinterment dispute has
13 acted in bad faith, the court may, in its sole discretion,
14 award costs, including reasonable attorney's fees, against the
15 person it finds has acted in bad faith.

16 (Source: P.A. 101-381, eff. 1-1-20.)

17 Section 20. The Cemetery Protection Act is amended by
18 changing Section 2 as follows:

19 (765 ILCS 835/2) (from Ch. 21, par. 16)

20 Sec. 2. (a) The cemetery authority is hereby authorized to
21 make ~~by laws or~~ rules and regulations for the government
22 thereof, including ~~and to make~~ rules regarding the driving of
23 cars, motorcycles, carriages, processions, teams, and the
24 speed thereof, the use of avenues, lots, walks, ponds, water

1 courses, vaults, buildings, or other places within such
2 cemetery, the operations and good management in such cemetery,
3 the protection of visitors, the protection of employees, and
4 for the maintenance of good order and quiet in such cemetery,
5 so long as all such rules and regulations shall ~~to~~ be subject
6 to the rights of interment, entombment, or inurnment right
7 owners, or others, owning any interest in such cemetery; and
8 all persons found guilty of a violation of such rules shall be
9 guilty of a petty offense and shall be punished by a fine of
10 not less than \$100, nor more than \$500 for each offense. No
11 judge shall be disqualified from hearing any cause that may be
12 brought before him or her under the provisions of this Act, nor
13 shall any person be disqualified from acting as a juror in such
14 cause, by reason of any interest or ownership they or either of
15 them may have in the interment, entombment, or inurnment
16 rights of such cemetery.

17 (b) The rules and regulations, as referenced in subsection
18 (a), shall be made publicly available through continuous
19 publication on an Internet website or social media page that
20 the cemetery authority maintains, operates, or uses. Each
21 contract that a cemetery authority presents to a consumer
22 shall contain a reference to and notice of the Internet
23 website or social media page that it maintains, operates, or
24 uses to make available its rules and regulations as referenced
25 in subsection (a).

26 (c) If a cemetery authority does not maintain, operate, or

1 use an Internet website or social media page, the cemetery
2 authority must provide a consumer with either an email or
3 paper copy of the rules and regulations, as referenced in
4 subsection (a), at the execution of a contract or within 5
5 business days of request thereof. A cemetery authority may
6 charge a reasonable copying fee in exchange for a paper copy of
7 the cemetery authority's rules and regulations. Each contract
8 that a cemetery authority presents to a consumer shall contain
9 a reference to and notice of such rules and regulations set
10 forth together with information about where the consumer can
11 access or obtain a copy of the rules and regulations.

12 (Source: P.A. 94-44, eff. 6-17-05.)"