



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB2262

Introduced 2/14/2023, by Rep. Dave Vella

#### SYNOPSIS AS INTRODUCED:

225 ILCS 41/1-20

Amends the Funeral Directors and Embalmers Licensing Code. In provisions concerning the definition of "the practice of funeral directing and embalming", provides that removal of a deceased human body from its place of death, institution, or other location must be performed under the general supervision of a licensee, but the supervision need not be immediate or direct as long as the funeral director and embalmer provides direction and instruction in handling and precautionary procedures. Provides that except for transportation to a crematory, the transportation of a deceased human body to a cemetery or other place of final disposition shall be under the immediate, direct supervision of a licensee. Provides that transportation of a deceased human body to a crematory must be under the general supervision of a licensee, but the supervision need not be immediate or direct as long as the funeral director and embalmer provides direction and instruction in handling and precautionary procedures. Removes provisions providing that: a licensed funeral director and embalmer intern may remove a deceased human body from its place of death, institution, or other location without another licensee being present; the licensed funeral director and embalmer may engage others who are not licensed funeral directors and embalmers, licensed funeral directors, or licensed funeral director and embalmer intern to assist in the removal if the funeral director and embalmer directs and instructs them in handling and precautionary procedures and accompanies them on all calls; and the transportation of deceased human remains to a cemetery, crematory or other place of final disposition shall be under the immediate, direct supervision of a licensee unless otherwise permitted by these provisions.

LRB103 26900 AMQ 53264 b

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Funeral Directors and Embalmers Licensing  
5 Code is amended by changing Section 1-20 as follows:

6 (225 ILCS 41/1-20)

7 (Section scheduled to be repealed on January 1, 2028)

8 Sec. 1-20. Funeral directing and embalming; definition.

9 "The practice of funeral directing and embalming" means:

10 (a) The practice of preparing, otherwise than by  
11 embalming, for the burial, cremation, or disposition and  
12 directing and supervising the burial or disposition of  
13 deceased human remains or performing any act or service in  
14 connection with the preparing of dead human bodies.  
15 Preparation, direction, and supervision shall not be  
16 construed to mean those functions normally performed by  
17 cemetery and crematory personnel.

18 (b) The practice of operating a place for preparing  
19 for the disposition of deceased human bodies or for caring  
20 for deceased human bodies before their disposition.  
21 Nothing in this Code shall prohibit the ownership and  
22 management of such a place by an unlicensed owner if the  
23 place is operated in accordance with this Code and the

1 unlicensed owner does not engage in any form of funeral  
2 directing and embalming.

3 (c) The removal of a deceased human body from its  
4 place of death, institution, or other location. The  
5 removal of a deceased human body from its place of death,  
6 institution, or other location must be performed under the  
7 general supervision of a licensee, but the supervision  
8 need not be immediate or direct as long as the funeral  
9 director and embalmer provides direction and instruction  
10 in handling and precautionary procedures. Except for  
11 transportation to a crematory, the transportation of a  
12 deceased human body to a cemetery or other place of final  
13 disposition shall be under the immediate, direct  
14 supervision of a licensee unless otherwise permitted by  
15 this Section. Transportation of a deceased human body to a  
16 crematory must be under the general supervision of a  
17 licensee, but the supervision need not be immediate or  
18 direct as long as the funeral director and embalmer  
19 provides direction and instruction in handling and  
20 precautionary procedures. A licensed funeral director and  
21 embalmer intern may remove a deceased human body from its  
22 place of death, institution, or other location without  
23 another licensee being present. The licensed funeral  
24 director and embalmer may engage others who are not  
25 licensed funeral directors and embalmers, licensed funeral  
26 directors, or licensed funeral director and embalmer

1 ~~interns to assist in the removal if the funeral director~~  
2 ~~and embalmer directs and instructs them in handling and~~  
3 ~~precautionary procedures and accompanies them on all~~  
4 ~~calls. The transportation of deceased human remains to a~~  
5 ~~cemetery, crematory or other place of final disposition~~  
6 ~~shall be under the immediate, direct supervision of a~~  
7 ~~licensee unless otherwise permitted by this Section.~~ The  
8 transportation of deceased human remains that are embalmed  
9 or otherwise prepared and enclosed in an appropriate  
10 container to some other place that is not the place of  
11 final disposition, such as another funeral home or common  
12 carrier, or to a facility that shares common ownership  
13 with the transporting funeral home may be performed under  
14 the general supervision of a licensee, but the supervision  
15 need not be immediate or direct.

16 (d) The administering and conducting of, or assuming  
17 responsibility for administering and conducting of, at  
18 need funeral arrangements.

19 (e) The assuming custody of, transportation, providing  
20 shelter, protection and care and disposition of deceased  
21 human remains and the furnishing of necessary funeral  
22 services, facilities and equipment.

23 (f) Using in connection with a name or practice the  
24 word "funeral director and embalmer", "embalmer", "funeral  
25 director", "undertaker", "mortician", "funeral home",  
26 "funeral parlor", "funeral chapel", or any other title

1           implying that the person is engaged in the practice of  
2           funeral directing and embalming.

3           (g) The practice of embalming or representing or  
4           holding out oneself as engaged in the practice of  
5           embalming of deceased human bodies or the transportation  
6           of human bodies deceased of a contagious or infectious  
7           disease.

8           Within the existing scope of the practice of funeral  
9           directing or funeral directing and embalming, only a licensed  
10          funeral director, a licensed funeral director and embalmer, or  
11          a licensed funeral director and embalmer intern under the  
12          restrictions provided for in this Code, and not any other  
13          person employed or contracted by the licensee, may engage in  
14          the following activities at-need: (1) have direct contact with  
15          consumers and explain funeral or burial merchandise or  
16          services or (2) negotiate, develop, or finalize contracts with  
17          consumers. This paragraph shall not be construed or enforced  
18          in such a manner as to limit the functions of persons regulated  
19          under the Illinois Funeral or Burial Funds Act, the Illinois  
20          Pre-Need Cemetery Sales Act, the Cemetery Oversight Act, the  
21          Cemetery Care Act, the Cemetery Association Act, the Illinois  
22          Insurance Code, or any other related professional regulatory  
23          Act.

24          The practice of funeral directing and embalming shall not  
25          include the phoning in of obituary notices, ordering of  
26          flowers for the funeral, or reporting of prices on the firm's

1 general price list as required by the Federal Trade Commission  
2 Funeral Rule by nonlicensed persons, or like clerical tasks  
3 incidental to the act of making funeral arrangements.

4 The making of funeral arrangements, at need, shall be done  
5 only by licensed funeral directors or licensed funeral  
6 directors and embalmers. Licensed funeral director and  
7 embalmer interns may, however, assist or participate in the  
8 arrangements under the direct supervision of a licensed  
9 funeral director or licensed funeral director and embalmer.

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