



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB2968

Introduced 2/16/2023, by Rep. Christopher "C.D" Davidsmeyer

SYNOPSIS AS INTRODUCED:

225 ILCS 411/5-20

Amends the Cemetery Oversight Act. Provides that a cemetery with an all-volunteer board and an annual budget of less than \$100,000 shall be partially exempt from the requirements of this Act. Provides that a cemetery that falls under this category shall make available and periodically update maps of the cemetery property that include locations of the graves of individuals in the cemetery; post signs in English and Spanish in each cemetery office that contain the Department of Financial and Professional Regulation's consumer hotline number, but does not need certain other signs; and post the hours and rules of the cemetery. Effective immediately.

LRB103 29552 AMQ 55947 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 Cemetery Oversight Act is amended by
5 changing Section 5-20 as follows:

6 (225 ILCS 411/5-20)

7 (Section scheduled to be repealed on January 1, 2027)

8 Sec. 5-20. Exemptions.

9 (a) Full exemption. Except as provided in this subsection,
10 this Act does not apply to (1) any cemetery authority
11 operating as a family burying ground or religious burying
12 ground, (2) any cemetery authority that has not engaged in an
13 interment, inurnment, or entombment of human remains within
14 the last 10 years, or (3) any cemetery authority that is less
15 than 3 acres. For purposes of determining the applicability of
16 this subsection, the number of interments, inurnments, and
17 entombments shall be aggregated for each calendar year. A
18 cemetery authority claiming a full exemption shall apply for
19 exempt status as provided for in Section 10-20 of this Act. A
20 cemetery authority claiming a full exemption shall be subject
21 to Sections 10-40, 10-55, and 10-60 of this Act. A cemetery
22 authority that performs activities that would disqualify it
23 from a full exemption is required to apply for licensure

1 within one year following the date on which its activities
2 would disqualify it for a full exemption. A cemetery authority
3 that previously qualified for and maintained a full exemption
4 that fails to timely apply for licensure shall be deemed to
5 have engaged in unlicensed practice and shall be subject to
6 discipline in accordance with Article 25 of this Act.

7 (b) Partial exemption. If a cemetery authority does not
8 qualify for a full exemption and (1) engages in 25 or fewer
9 interments, inurnments, or entombments of human remains for
10 each of the preceding 2 calendar years, (2) operates as a
11 public cemetery, or (3) operates as a religious cemetery, then
12 the cemetery authority is partially exempt from this Act but
13 shall be required to comply with Sections 10-23, 10-40, 10-55,
14 10-60, subsections (a), (b), (b-5), (c), (d), (f), (g), and
15 (h) of Section 20-5, Sections 20-6, 20-8, 20-10, 20-12, 20-30,
16 20-35, 20-40, 25-3, and 25-120, and Article 35 of this Act.
17 Cemetery authorities claiming a partial exemption shall apply
18 for the partial exemption as provided in Section 10-20 of this
19 Act. A cemetery authority that changes to a status that would
20 disqualify it from a partial exemption is required to apply
21 for licensure within one year following the date on which it
22 changes its status. A cemetery authority that maintains a
23 partial exemption that fails to timely apply for licensure
24 shall be deemed to have engaged in unlicensed practice and
25 shall be subject to discipline in accordance with Article 25
26 of this Act.

1 (b-5) A cemetery with an all-volunteer board and an annual
2 budget of less than \$100,000 shall be partially exempt from
3 the requirements of this Act. A cemetery that falls under this
4 category shall:

5 (1) make available and periodically update maps of the
6 cemetery property that include locations of the graves of
7 individuals in the cemetery;

8 (2) post signs in English and Spanish in each cemetery
9 office that contain the Department's consumer hotline
10 number, but does not need the other signage requirements
11 under Section 20-30; and

12 (3) post the hours and rules of the cemetery.

13 (c) Nothing in this Act applies to the City of Chicago in
14 its exercise of its powers under the O'Hare Modernization Act
15 or limits the authority of the City of Chicago to acquire
16 property or otherwise exercise its powers under the O'Hare
17 Modernization Act, or requires the City of Chicago, or any
18 person acting on behalf of the City of Chicago, to comply with
19 the licensing, regulation, or investigation requirements of
20 this Act in exercising its powers under the O'Hare
21 Modernization Act.

22 (d) A cemetery manager and customer service employee
23 license may be in active status only during the period that
24 such a licensee is employed by a cemetery authority that is
25 licensed under this Act. In the event that a cemetery manager
26 or customer service employee commences work for a cemetery

1 granted an exemption under this Section, it shall be a duty of
2 both the cemetery authority and the individual licensee to
3 immediately notify the Department so that the license may be
4 placed on inactive status. During the period that a license is
5 in inactive status, the involved person may not hold himself
6 or herself out as licensed. Upon returning to employment by a
7 cemetery licensed under this Act, such a cemetery manager or
8 customer service employee may reinstate the license to active
9 status simply by notifying the Department and paying the
10 applicable fee.

11 (Source: P.A. 102-20, eff. 6-25-21.)

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.