

1 AN ACT concerning health.

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

4 Section 5. The Regulatory Sunset Act is amended by
5 changing Sections 4.34 and 4.39 as follows:

6 (5 ILCS 80/4.34)

7 Sec. 4.34. Acts and Section repealed on January 1, 2024.

8 The following Acts and Section of an Act are repealed on
9 January 1, 2024:

10 ~~The Crematory Regulation Act.~~

11 The Electrologist Licensing Act.

12 The Illinois Certified Shorthand Reporters Act of
13 1984.

14 The Illinois Occupational Therapy Practice Act.

15 The Illinois Public Accounting Act.

16 The Private Detective, Private Alarm, Private
17 Security, Fingerprint Vendor, and Locksmith Act of 2004.

18 The Registered Surgical Assistant and Registered
19 Surgical Technologist Title Protection Act.

20 Section 2.5 of the Illinois Plumbing License Law.

21 The Veterinary Medicine and Surgery Practice Act of
22 2004.

23 (Source: P.A. 102-291, eff. 8-6-21.)

1 (5 ILCS 80/4.39)

2 Sec. 4.39. Acts repealed on January 1, 2029 and December
3 31, 2029.

4 (a) The following Acts are ~~Act is~~ repealed on January 1,
5 2029:

6 The Environmental Health Practitioner Licensing Act.

7 The Crematory Regulation Act.

8 (b) The following Act is repealed on December 31, 2029:

9 The Structural Pest Control Act.

10 (Source: P.A. 100-716, eff. 8-3-18; 100-796, eff. 8-10-18;
11 101-81, eff. 7-12-19.)

12 Section 10. The Crematory Regulation Act is amended by
13 changing Sections 10, 22, and 35 as follows:

14 (410 ILCS 18/10)

15 (Section scheduled to be repealed on January 1, 2024)

16 Sec. 10. Establishment of crematory and licensing of
17 crematory authority.

18 (a) Any person doing business in this State, or any
19 cemetery, funeral establishment, corporation, partnership,
20 joint venture, voluntary organization or any other entity, may
21 erect, maintain, and operate a crematory in this State and
22 provide the necessary appliances and facilities for the
23 cremation of human remains in accordance with this Act.

1 (b) A crematory shall be subject to all local, State, and
2 federal health and environmental protection requirements and
3 shall obtain all necessary licenses and permits from the
4 Department of Financial and Professional Regulation, the
5 Department of Public Health, the federal Department of Health
6 and Human Services, and the Illinois and federal Environmental
7 Protection Agencies, or such other appropriate local, State,
8 or federal agencies.

9 (c) A crematory may be constructed on or adjacent to any
10 cemetery, on or adjacent to any funeral establishment, or at
11 any other location consistent with local zoning regulations.

12 (d) An application for licensure as a crematory authority
13 shall be in writing on forms furnished by the Comptroller.
14 Applications shall be accompanied by a fee of \$100 ~~\$50~~ and
15 shall contain all of the following:

16 (1) The full name and address, both residence and
17 business, of the applicant if the applicant is an
18 individual; the full name and address of every member if
19 the applicant is a partnership; the full name and address
20 of every member of the board of directors if the applicant
21 is an association; and the name and address of every
22 officer, director, and shareholder holding more than 25%
23 of the corporate stock if the applicant is a corporation.

24 (2) The address and location of the crematory.

25 (3) A description of the type of structure and
26 equipment to be used in the operation of the crematory,

1 including the operating permit number issued to the
2 cremation device by the Illinois Environmental Protection
3 Agency.

4 (4) Any further information that the Comptroller
5 reasonably may require.

6 (e) Each crematory authority shall file an annual report
7 with the Comptroller, accompanied with a \$25 fee, providing
8 (i) an affidavit signed by the owner of the crematory
9 authority that at the time of the report the cremation device
10 was in proper operating condition, (ii) the total number of
11 all cremations performed at the crematory during the past
12 year, (iii) attestation by the licensee that all applicable
13 permits and certifications are valid, (iv) either (A) any
14 changes required in the information provided under subsection
15 (d) or (B) an indication that no changes have occurred, and (v)
16 any other information that the Comptroller may require. The
17 annual report shall be filed by a crematory authority on or
18 before March 15 of each calendar year. If the fiscal year of a
19 crematory authority is other than on a calendar year basis,
20 then the crematory authority shall file the report required by
21 this Section within 75 days after the end of its fiscal year.
22 If a crematory authority fails to submit an annual report to
23 the Comptroller within the time specified in this Section, the
24 Comptroller shall impose upon the crematory authority a
25 penalty of \$5 for each and every day the crematory authority
26 remains delinquent in submitting the annual report. The

1 Comptroller may abate all or part of the \$5 daily penalty for
2 good cause shown. The \$25 annual report fee shall be deposited
3 in the Comptroller's Administrative Fund.

4 (f) All records required to be maintained under this Act,
5 including but not limited to those relating to the license and
6 annual report of the crematory authority required to be filed
7 under this Section, shall be subject to inspection by the
8 Comptroller upon reasonable notice.

9 (g) The Comptroller may inspect crematory records at the
10 crematory authority's place of business to review the
11 licensee's compliance with this Act. The Comptroller may
12 charge a \$100 fee for the inspection of the licensee. The
13 inspection must include verification that:

14 (1) the crematory authority has complied with
15 record-keeping requirements of this Act;

16 (2) a crematory device operator's certification of
17 training and the required continuing education
18 certification are ~~is~~ conspicuously displayed at the
19 crematory;

20 (3) the cremation device has a current operating
21 permit issued by the Illinois Environmental Protection
22 Agency and the permit is conspicuously displayed in the
23 crematory;

24 (4) the crematory authority is in compliance with
25 local zoning requirements;

26 (5) the crematory authority license issued by the

1 Comptroller is conspicuously displayed at the crematory;
2 and

3 (6) other details as determined by rule.

4 (h) The Comptroller shall issue licenses under this Act to
5 the crematories that are registered with the Comptroller as of
6 on March 1, 2012 without requiring the previously registered
7 crematories to complete license applications.

8 (i) Every license issued under this Act shall be renewed
9 every 5 years for a renewal fee of \$100 to be sent to the
10 Comptroller. The renewal fee shall be deposited into the
11 Comptroller's Administrative Fund. The Comptroller, upon the
12 request of an interested person, or on his or her own motion,
13 may issue new licenses to a licensee whose license or licenses
14 have been revoked, if no factor or condition exists that would
15 have warranted the Comptroller to refuse the issuance of the
16 license.

17 (Source: P.A. 97-679, eff. 2-6-12; 97-813, eff. 7-13-12;
18 98-463, eff. 8-16-13.)

19 (410 ILCS 18/22)

20 (Section scheduled to be repealed on January 1, 2024)

21 Sec. 22. Performance of cremation service; training. A
22 person may not perform a cremation service in this State
23 unless he or she has completed training in performing
24 cremation services and received certification by a program
25 recognized by the Comptroller. The crematory authority must

1 conspicuously display the certification at the crematory
2 authority's place of business. Any new employee shall have a
3 reasonable time period, not to exceed one year, to attend a
4 recognized training program. In the interim, the new employee
5 may perform a cremation service if he or she has received
6 training from another person who has received certification by
7 a program recognized by the Comptroller and is under the
8 supervision of the trained person. Each person performing a
9 cremation service shall complete a continuing education
10 cremation course at least 2 hours in length from a provider
11 recognized by the Comptroller every 5 years. For purposes of
12 this Act, the Comptroller may recognize any training program
13 that provides training in the operation of a cremation device,
14 in the maintenance of a clean facility, and in the proper
15 handling of human remains. The Comptroller may recognize any
16 course that is conducted by a death care trade association in
17 Illinois or the United States or by a manufacturer of a
18 cremation unit that is consistent with the standards provided
19 in this Act or as otherwise determined by rule.

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

21 (410 ILCS 18/35)

22 (Section scheduled to be repealed on January 1, 2024)

23 Sec. 35. Cremation procedures.

24 (a) Human remains shall not be cremated within 24 hours
25 after the time of death, as indicated on the Medical

1 Examiner's/Coroner's Certificate of Death. In any death, the
2 human remains shall not be cremated by the crematory authority
3 until a cremation permit has been received from the coroner or
4 medical examiner of the county in which the death occurred and
5 the crematory authority has received a cremation authorization
6 form, executed by an authorizing agent, in accordance with the
7 provisions of Section 15 of this Act. In no instance, however,
8 shall the lapse of time between the death and the cremation be
9 less than 24 hours, unless (i) it is known the deceased has an
10 infectious or dangerous disease and that the time requirement
11 is waived in writing by the medical examiner or coroner where
12 the death occurred or (ii) because of a religious requirement.

13 (b) Except as set forth in subsection (a) of this Section,
14 a crematory authority shall have the right to schedule the
15 actual cremation to be performed at its own convenience, at
16 any time after the human remains have been delivered to the
17 crematory authority, unless the crematory authority has
18 received specific instructions to the contrary on the
19 cremation authorization form.

20 (c) No crematory authority shall cremate human remains
21 when it has actual knowledge that human remains contain a
22 pacemaker or any other material or implant that may be
23 potentially hazardous to the person performing the cremation.

24 (d) No crematory authority shall refuse to accept human
25 remains for cremation because such human remains are not
26 embalmed.

1 (e) Whenever a crematory authority is unable or
2 unauthorized to cremate human remains immediately upon taking
3 custody of the remains, the crematory authority shall place
4 the human remains in a holding facility in accordance with the
5 crematory authority's rules and regulations. The crematory
6 authority must notify the authorizing agent of the reasons for
7 delay in cremation if a properly authorized cremation is not
8 performed within any time period expressly contemplated in the
9 authorization.

10 (f) A crematory authority shall not accept a casket or
11 alternative container from which there is any evidence of the
12 leakage of body fluids.

13 (g) The casket or the alternative container shall be
14 cremated with the human remains or destroyed, unless the
15 crematory authority has notified the authorizing agent to the
16 contrary on the cremation authorization form and obtained the
17 written consent of the authorizing agent.

18 (h) The simultaneous cremation of the human remains of
19 more than one person within the same cremation chamber,
20 without the prior written consent of the authorizing agent, is
21 prohibited except for common cremation pursuant to Section
22 11.4 of the Hospital Licensing Act. Nothing in this
23 subsection, however, shall prevent the simultaneous cremation
24 within the same cremation chamber of body parts delivered to
25 the crematory authority from multiple sources, or the use of
26 cremation equipment that contains more than one cremation

1 chamber.

2 (i) No unauthorized person shall be permitted in the
3 holding facility or cremation room while any human remains are
4 being held there awaiting cremation, being cremated, or being
5 removed from the cremation chamber.

6 (j) A crematory authority shall not remove any dental
7 gold, body parts, organs, or any item of value prior to or
8 subsequent to a cremation without previously having received
9 specific written authorization from the authorizing agent and
10 written instructions for the delivery of these items to the
11 authorizing agent. Under no circumstances shall a crematory
12 authority profit from making or assisting in any removal of
13 valuables.

14 (k) Upon the completion of each cremation, and insofar as
15 is practicable, all of the recoverable residue of the
16 cremation process shall be removed from the cremation chamber.

17 (l) If all of the recovered cremated remains will not fit
18 within the receptacle that has been selected, the remainder of
19 the cremated remains shall be returned to the authorizing
20 agent or the agent's designee in a separate container. The
21 crematory authority shall not return to an authorizing agent
22 or the agent's designee more or less cremated remains than
23 were removed from the cremation chamber.

24 (m) A crematory authority shall not knowingly represent to
25 an authorizing agent or the agent's designee that a temporary
26 container or urn contains the cremated remains of a specific

1 decedent when it does not.

2 (n) Cremated remains shall be shipped only by a method
3 that has an internal tracing system available and that
4 provides a receipt signed, in either paper or electronic
5 format, by the person accepting delivery.

6 (o) A crematory authority shall maintain an identification
7 system that shall ensure that it shall be able to identify the
8 human remains in its possession throughout all phases of the
9 cremation process.

10 (p) A crematory authority shall not take possession of
11 unembalmed human remains that cannot be cremated within 24
12 hours unless it provides or maintains either of the following
13 capable of maintaining a temperature of less than 40 degrees
14 Fahrenheit: an operable refrigeration unit, with cleanable,
15 noncorrosive interior and exterior finishes, or a suitable
16 cooling room.

17 (Source: P.A. 102-824, eff. 1-1-23.)

18 Section 15. The Illinois Pre-Need Cemetery Sales Act is
19 amended by changing Section 22 as follows:

20 (815 ILCS 390/22) (from Ch. 21, par. 222)

21 Sec. 22. Cemetery Consumer Protection Fund.

22 (a) Every seller engaging in pre-need sales shall pay to
23 the Comptroller \$5 for each said contract entered into, to be
24 paid into a special income earning fund hereby created in the

1 State Treasury, known as the Cemetery Consumer Protection
2 Fund. The above said fees shall be remitted to the Comptroller
3 semi-annually within 30 days after the end of June and
4 December for all contracts that have been entered in such 6
5 month period.

6 (b) All monies paid into the fund together with all
7 accumulated undistributed income thereon shall be held as a
8 special fund in the State Treasury. The fund shall be used
9 solely for the purpose of providing restitution to consumers
10 who have suffered pecuniary loss arising out of pre-need
11 sales, to help pay expenses of cemeteries or mausoleums in
12 court-ordered receivership, ~~or~~ to satisfy Receiver's fees, or
13 to administer the Comptroller's program for the purpose of
14 cleaning up abandoned or neglected cemeteries located in
15 Illinois.

16 (c) Restitution or reimbursement for pre-need merchandise
17 or services shall not exceed the reasonable average regional
18 cost of the contracted merchandise at current prices.

19 (d) Whenever restitution is paid by the fund, the fund
20 shall be subrogated to the amount of such restitution, and the
21 Comptroller shall request the Attorney General to engage in
22 all reasonable post judgment collection steps to collect said
23 restitution from the judgment debtor and reimburse the fund.

24 (e) (Blank).

25 (f) The fund may not be allocated for any purpose other
26 than that specified in this Act.

1 (g) Notwithstanding any other provision of this Section,
2 the payment of restitution from the fund shall be a matter of
3 grace and not of right and no purchaser shall have any vested
4 rights in the fund as a beneficiary or otherwise. Prior to
5 seeking restitution from the fund, a purchaser or beneficiary
6 seeking payment of restitution shall apply for restitution on
7 a form provided by the Comptroller. The form shall include any
8 information the Comptroller may reasonably require in order
9 for the Comptroller to determine that restitution or
10 reimbursement for cemetery merchandise or services is
11 appropriate.

12 (h) Annually, the status of the fund shall be reviewed by
13 the Comptroller, and if she or he determines that the fund
14 together with all accumulated income earned thereon, equals or
15 exceeds \$10,000,000 and that the total number of outstanding
16 claims filed against the fund is less than 10% of the fund's
17 current balance, then payments to the fund pursuant to
18 subsection (a) of this Section shall be suspended until such
19 time as the fund's balance drops below \$10,000,000 or the
20 total number of outstanding claims filed against the fund is
21 more than 10% of the fund's current balance, but on such
22 suspension, the fund shall not be considered inactive.

23 (Source: P.A. 101-34, eff. 6-28-19.)

24 Section 99. Effective date. This Act takes effect upon
25 becoming law.