

SB3280



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB3280

Introduced 2/7/2024, by Sen. Sara Feigenholtz

SYNOPSIS AS INTRODUCED:

225 ILCS 411/5-15

Amends the Cemetery Oversight Act. Provides that the definition of "religious cemetery" includes any cemetery in which at least 70% of annual interments and entombments for each of the preceding 2 calendar years are made in accordance with the temporalities of a single recognized church, religious society, association, or denomination.

LRB103 38171 RTM 68304 b

A BILL FOR

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 5-15 as follows:

6 (225 ILCS 411/5-15)

7 (Section scheduled to be repealed on January 1, 2027)

8 Sec. 5-15. Definitions. In this Act:

9 "Address of record" means the designated address recorded
10 by the Department in the applicant's or licensee's application
11 file or license file. The address of record for a cemetery
12 authority shall be the permanent street address of the
13 cemetery.

14 "Applicant" means a person applying for licensure under
15 this Act as a cemetery authority, cemetery manager, or
16 customer service employee. Any applicant or any person who
17 holds himself or herself out as an applicant is considered a
18 licensee for purposes of enforcement, investigation, hearings,
19 and the Illinois Administrative Procedure Act.

20 "Burial permit" means a permit provided by a licensed
21 funeral director for the disposition of a dead human body.

22 "Care" means the maintenance of a cemetery and of the
23 lots, graves, crypts, niches, family mausoleums, memorials,

1 and markers therein, including: (i) the cutting and trimming
2 of lawn, shrubs, and trees at reasonable intervals; (ii)
3 keeping in repair the drains, water lines, roads, buildings,
4 fences, and other structures, in keeping with a
5 well-maintained cemetery as provided for in Section 20-5 of
6 this Act and otherwise as required by rule; (iii) maintenance
7 of machinery, tools, and equipment for such care; (iv)
8 compensation of cemetery workers, any discretionary payment of
9 insurance premiums, and any reasonable payments for workers'
10 pension and other benefits plans; and (v) the payment of
11 expenses necessary for such purposes and for maintaining
12 necessary records of lot ownership, transfers, and burials.

13 "Cemetery" means any land or structure in this State
14 dedicated to and used, or intended to be used, for the
15 interment, inurnment, or entombment of human remains.

16 "Cemetery authority" means any individual or legal entity
17 that owns or controls cemetery lands or property.

18 "Cemetery manager" means an individual directly
19 responsible or holding himself or herself directly responsible
20 for the operation, maintenance, development, or improvement of
21 a cemetery that is licensed under this Act or shall be licensed
22 pursuant to Section 10-39 of this Act, irrespective of whether
23 the individual is paid by the licensed cemetery authority or a
24 third party.

25 "Cemetery merchandise" means items of personal property
26 normally sold by a cemetery authority not covered under the

1 Illinois Funeral or Burial Funds Act, including, but not
2 limited to: (1) memorials, (2) markers, (3) monuments, (4)
3 foundations and installations, and (5) outer burial
4 containers.

5 "Cemetery operation" means to engage in any or all of the
6 following, whether on behalf of, or in the absence of, a
7 cemetery authority: (i) the interment, entombment, or
8 inurnment of human remains, (ii) the sale of interment,
9 entombment, or inurnment rights, cemetery merchandise, or
10 cemetery services, (iii) the maintenance of interment rights
11 ownership records, (iv) the maintenance of or reporting of
12 interment, entombment, or inurnment records, (v) the
13 maintenance of cemetery property, (vi) the development or
14 improvement of cemetery grounds, or (vii) the maintenance and
15 execution of business documents, including State and federal
16 government reporting and the payment of taxes, for a cemetery
17 business entity.

18 "Cemetery Oversight Database" means a database certified
19 by the Department as effective in tracking the interment,
20 entombment, or inurnment of human remains.

21 "Cemetery services" means those services customarily
22 performed by cemetery personnel in connection with the
23 interment, entombment, or inurnment of a dead human body.

24 "Certificate of organization" means the document received
25 by a cemetery association from the Secretary of State that
26 indicates that the cemetery association shall be deemed fully

1 organized as a body corporate under the name adopted and in its
2 corporate name may sue and be sued.

3 "Comptroller" means the Comptroller of the State of
4 Illinois.

5 "Confidential information" means unique identifiers,
6 including a person's Social Security number, home address,
7 home phone number, personal phone number, personal email
8 address, personal financial information, and any other
9 information protected by law.

10 "Consumer" means an individual who purchases or who is
11 considering purchasing cemetery, burial, or cremation products
12 or services from a cemetery authority, whether for themselves
13 or for another person.

14 "Customer service employee" means an individual who has
15 direct contact with consumers to explain cemetery merchandise,
16 services, and interment rights and to execute the sale of
17 those items to consumers, whether at the cemetery or an
18 off-site location, irrespective of whether compensation is
19 paid by the cemetery authority or a third party.

20 "Department" means the Department of Financial and
21 Professional Regulation.

22 "Email address of record" means the designated email
23 address recorded by the Department in the applicant's
24 application file or the licensee's license file as maintained
25 by the Department's licensure maintenance unit.

26 "Employee" means an individual who works for a cemetery

1 authority where the cemetery authority has the right to
2 control what work is performed and the details of how the work
3 is performed regardless of whether federal or State payroll
4 taxes are withheld.

5 "Entombment right" means the right to place individual
6 human remains or individual cremated human remains in a
7 specific mausoleum crypt or lawn crypt selected by a consumer
8 for use as a final resting place.

9 "Family burying ground" means a cemetery in which no lots,
10 crypts, or niches are sold to the public and in which
11 interments, inurnments, and entombments are restricted to the
12 immediate family or a group of individuals related to each
13 other by blood or marriage.

14 "Full exemption" means an exemption granted to a cemetery
15 authority pursuant to subsection (a) of Section 5-20.

16 "Funeral director" means a funeral director as defined by
17 the Funeral Directors and Embalmers Licensing Code.

18 "Grave" means a space of ground in a cemetery used or
19 intended to be used for burial.

20 "Green burial or cremation disposition" means burial or
21 cremation practices that reduce the greenhouse gas emissions,
22 waste, and toxic chemicals ordinarily created in burial or
23 cremation or, in the case of greenhouse gas emissions,
24 mitigate or offset emissions. Such practices include any
25 standards or method for burial or cremation that the
26 Department may name by rule.

1 "Immediate family" means the designated agent of a person
2 or the persons given priority for the disposition of a
3 person's remains under the Disposition of Remains Act and
4 shall include a person's spouse, parents, grandparents,
5 children, grandchildren and siblings.

6 "Individual" means a natural person.

7 "Interment right" means the right to place individual
8 human remains or cremated human remains in a specific
9 underground location selected by a consumer for use as a final
10 resting place.

11 "Inurnment right" means the right to place individual
12 cremated human remains in a specific niche selected by the
13 consumer for use as a final resting place.

14 "Lawn crypt" means a permanent underground crypt installed
15 in multiple units for the entombment of human remains.

16 "Licensee" means a person licensed under this Act as a
17 cemetery authority, cemetery manager, or customer service
18 employee. Anyone who holds himself or herself out as a
19 licensee or who is accused of unlicensed practice is
20 considered a licensee for purposes of enforcement,
21 investigation, hearings, and the Illinois Administrative
22 Procedure Act.

23 "Mausoleum crypt" means a grouping of spaces constructed
24 of reinforced concrete or similar material constructed or
25 assembled above the ground for entombing remains.

26 "Niche" means a space in a columbarium or mausoleum used,

1 or intended to be used, for inurnment of cremated human
2 remains.

3 "Partial exemption" means an exemption granted to a
4 cemetery authority pursuant to subsection (b) of Section 5-20.

5 "Parcel identification number" means a unique number
6 assigned by the Cemetery Oversight Database to a grave, plot,
7 crypt, or niche that enables the Department to ascertain the
8 precise location of a decedent's remains interred, entombed,
9 or inurned after the effective date of this Act.

10 "Person" means any individual, firm, partnership,
11 association, corporation, limited liability company, trustee,
12 government or political subdivision, or other entity.

13 "Public cemetery" means a cemetery owned, operated,
14 controlled, or managed by the federal government, by any
15 state, county, city, village, incorporated town, township,
16 multi-township, public cemetery district, or other municipal
17 corporation, political subdivision, or instrumentality thereof
18 authorized by law to own, operate, or manage a cemetery.

19 "Religious burying ground" means a cemetery in which no
20 lots, crypts, or niches are sold and in which interments,
21 inurnments, and entombments are restricted to a group of
22 individuals all belonging to a religious order or granted
23 burial rights by special consideration of the religious order.

24 "Religious cemetery" means a cemetery owned, operated,
25 controlled, and managed by any recognized church, religious
26 society, association, or denomination, or by any cemetery

1 authority or any corporation administering, or through which
2 is administered, the temporalities of any recognized church,
3 religious society, association, or denomination. "Religious
4 cemetery" also includes any cemetery in which at least 70% of
5 annual interments and entombments for each of the preceding 2
6 calendar years are made in accordance with the temporalities
7 of a single recognized church, religious society, association,
8 or denomination.

9 "Secretary" means the Secretary of Financial and
10 Professional Regulation or a person authorized by the
11 Secretary to act in the Secretary's stead.

12 "Term burial" means a right of interment sold to a
13 consumer in which the cemetery authority retains the right to
14 disinter and relocate the remains, subject to the provisions
15 of subsection (d) of Section 35-15 of this Act.

16 "Trustee" means any person authorized to hold funds under
17 this Act.

18 "Unique personal identifier" means the parcel
19 identification number in addition to the term of burial in
20 years; the numbered level or depth in the grave, plot, crypt,
21 or niche; and the year of death for human remains interred,
22 entombed, or inurned after the effective date of this Act. The
23 unique personal identifier is assigned by the Cemetery
24 Oversight Database.

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