

1 AN ACT concerning professional 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 Sections 1-10, 1-15, 1-20, 5-10,
6 5-15, 5-25, 10-5, 10-10, 10-15, 10-30, 10-35, 15-5, 15-45,
7 15-55, 15-75, and 15-80 as follows:

8 (225 ILCS 41/1-10)

9 (Section scheduled to be repealed on January 1, 2013)

10 Sec. 1-10. Definitions. As used in this Code:

11 "Applicant" means any person making application for a
12 license or certificate of registration.

13 "Board" means the Funeral Directors and Embalmers
14 Licensing and disciplinary Board.

15 "Department" means the Department of Professional
16 Regulation.

17 "Director" means the Director of Professional Regulation.

18 "Funeral director and embalmer" means a person who is
19 licensed and qualified to practice funeral directing and to
20 prepare, disinfect and preserve dead human bodies by the
21 injection or external application of antiseptics,
22 disinfectants or preservative fluids and materials and to use
23 derma surgery or plastic art for the restoring of mutilated
24 features. It further means a person who restores the remains
25 of a person for the purpose of funeralization whose organs or
26 bone or tissue has been donated for anatomical purposes.

27 "Funeral director and embalmer intern trainee" means a
28 person licensed by the State who is qualified to render
29 assistance to a funeral director and embalmer in carrying out
30 the practice of funeral directing and embalming under the
31 supervision of the funeral director and embalmer.

1 "Embalming" means the process of sanitizing and
2 chemically treating a deceased human body in order to reduce
3 the presence and growth of microorganisms, to retard organic
4 decomposition, to render the remains safe to handle while
5 retaining naturalness of tissue, and to restore an acceptable
6 physical appearance for funeral viewing purposes.

7 "Funeral director" means a person, known by the title of
8 "funeral director" or other similar words or titles, licensed
9 by the State who practices funeral directing.

10 "Funeral establishment", "funeral chapel", "funeral
11 home", or "mortuary" means a building or separate portion of
12 a building having a specific street address or location and
13 devoted to activities relating to the shelter, care, custody
14 and preparation of a deceased human body and which may
15 contain facilities for funeral or wake services.

16 "Owner" means the individual, partnership, corporation,
17 association, trust, estate, or agent thereof, or other person
18 or combination of persons who owns a funeral establishment or
19 funeral business.

20 "Person" means any individual, partnership, association,
21 firm, corporation, trust or estate, or other entity.

22 (Source: P.A. 87-966.)

23 (225 ILCS 41/1-15)

24 (Section scheduled to be repealed on January 1, 2013)

25 Sec. 1-15. Funeral directing; definition. Conducting or
26 engaging in or representing or holding out oneself as
27 conducting or engaged in any one or any combination of the
28 following practices constitutes the practice of funeral
29 directing:

30 (a) The practice of preparing, otherwise than by
31 embalming, for the burial, cremation, or disposal and
32 directing and supervising the burial or disposal of
33 deceased human remains or performing any act or service

1 in connection with the preparing of dead human bodies.
2 Preparation, direction, and supervision shall not be
3 construed to mean those functions normally performed by
4 cemetery and crematory personnel.

5 (b) The practice of operating a place for preparing
6 for the disposition of deceased human bodies or for
7 caring for deceased human bodies before their
8 disposition. Nothing in this Code shall prohibit the
9 ownership and management of such a place by an unlicensed
10 owner if the place is operated in accordance with this
11 Code and the unlicensed owner does not engage in any form
12 of funeral directing.

13 (c) The removal of a deceased human body from its
14 place of death, institution or other location. The
15 licensed funeral director may engage others who are not
16 licensed funeral directors to assist in the removal if
17 the funeral director directs and instructs them in
18 handling and precautionary procedures and accompanies
19 them on all calls. The transportation of deceased human
20 remains to a cemetery, crematory or other place of final
21 disposition shall be under the immediate direct
22 supervision of a licensee unless otherwise permitted by
23 this Section. The transportation of deceased human
24 remains that are embalmed or otherwise prepared and
25 enclosed in an appropriate container to some other place
26 that is not the place of final disposition, such as
27 another funeral home or common carrier, or to a facility
28 that shares common ownership with the transporting
29 funeral home may be performed under the general
30 supervision of a licensee, but the supervision need not
31 be immediate or direct.

32 (d) The administering and conducting of, or
33 assuming responsibility for administering and conducting
34 of, at need funeral arrangements.

1 (e) The assuming custody of, transportation,
 2 providing shelter, protection and care and disposition of
 3 deceased human remains and the furnishing of necessary
 4 funeral services, facilities and equipment.

5 (f) Using in connection with a name or practice the
 6 word "funeral director," "undertaker," "mortician,"
 7 "funeral home," "funeral parlor," "funeral chapel," or
 8 any other title implying that the person is engaged in
 9 the practice of funeral directing.

10 The practice of funeral directing shall not include the
 11 phoning in of obituary notices, ordering of flowers for the
 12 funeral, or reporting of prices on the firm's general price
 13 list as required by the Federal Trade Commission Funeral Rule
 14 rule by nonlicensed persons, or like clerical tasks
 15 incidental to the act of making funeral arrangements.

16 The making of funeral arrangements, at need, shall be
 17 done only by licensed funeral directors or licensed funeral
 18 directors and embalmers.

19 (Source: P.A. 87-966.)

20 (225 ILCS 41/1-20)

21 (Section scheduled to be repealed on January 1, 2013)

22 Sec. 1-20. Funeral directing and embalming; definition.
 23 "The practice of funeral directing and embalming" means:

24 (a) The practice of preparing, otherwise than by
 25 embalming, for the burial, cremation, or disposal and
 26 directing and supervising the burial or disposal of
 27 deceased human remains or performing any act or service
 28 in connection with the preparing of dead human bodies.
 29 Preparation, direction, and supervision shall not be
 30 construed to mean those functions normally performed by
 31 cemetery and crematory personnel.

32 (b) The practice of operating a place for preparing
 33 for the disposition of deceased human bodies or for

1 caring for deceased human bodies before their
2 disposition. Nothing in this Code shall prohibit the
3 ownership and management of such a place by an unlicensed
4 owner if the place is operated in accordance with this
5 Code and the unlicensed owner does not engage in any form
6 of funeral directing and embalming.

7 (c) The removal of a deceased human body from its
8 place of death, institution or other location. A licensed
9 funeral director and embalmer intern trainee may remove a
10 deceased human body from its place of death, institution,
11 or other location without another licensee being present.
12 The licensed funeral director and embalmer may engage
13 others who are not licensed funeral directors and
14 embalmers or funeral director and embalmer interns
15 trainees to assist in the removal if the funeral director
16 and embalmer directs and instructs them in handling and
17 precautionary procedures and accompanies them on all
18 calls. The transportation of deceased human remains to a
19 cemetery, crematory or other place of final disposition
20 shall be under the immediate, direct supervision of a
21 licensee unless otherwise permitted by this Section. The
22 transportation of deceased human remains that are
23 embalmed or otherwise prepared and enclosed in an
24 appropriate container to some other place that is not the
25 place of final disposition, such as another funeral home
26 or common carrier, or to a facility that shares common
27 ownership with the transporting funeral home may be
28 performed under the general supervision of a licensee,
29 but the supervision need not be immediate or direct.

30 (d) The administering and conducting of, or
31 assuming responsibility for administering and conducting
32 of, at need funeral arrangements.

33 (e) The assuming custody of, transportation,
34 providing shelter, protection and care and disposition of

1 deceased human remains and the furnishing of necessary
2 funeral services, facilities and equipment.

3 (f) Using in connection with a name or practice the
4 word "funeral director and embalmer", "embalmer",
5 "funeral director", "undertaker", "mortician", "funeral
6 home", "funeral parlor", "funeral chapel", or any other
7 title implying that the person is engaged in the practice
8 of funeral directing and embalming.

9 (g) The embalming or representing or holding out
10 oneself as engaged in the practice of embalming of
11 deceased human bodies or the transportation of human
12 bodies deceased of a contagious or infectious disease.

13 The practice of funeral directing and embalming shall not
14 include the phoning in of obituary notices, ordering of
15 flowers for the funeral, or reporting of prices on the firm's
16 general price list as required by the Federal Trade
17 Commission Funeral Rule ~~rule~~ by nonlicensed persons, or like
18 clerical tasks incidental to the act of making funeral
19 arrangements.

20 The making of funeral arrangements, at need, shall be
21 done only by licensed funeral directors or licensed funeral
22 directors and embalmers. Licensed funeral director and
23 embalmer interns ~~trainees~~ may, however, assist or participate
24 in the arrangements.

25 (Source: P.A. 87-966.)

26 (225 ILCS 41/5-10)

27 (Section scheduled to be repealed on January 1, 2013)

28 Sec. 5-10. Funeral director license; display.

29 Every holder of a license as a funeral director shall
30 display it in a conspicuous place in the licensee's ~~holder's~~
31 place of practice or in the place of practice in which the
32 licensee ~~holder~~ is employed or, in case the licensee ~~holder~~
33 is engaged in funeral directing at more than one place of

1 practice, then in the licensee's holder's principal place of
2 practice or the principal place of practice of the licensee's
3 holder's employer.

4 (Source: P.A. 87-966.)

5 (225 ILCS 41/5-15)

6 (Section scheduled to be repealed on January 1, 2013)

7 Sec. 5-15. Expiration and renewal; inactive status;
8 continuing education. The expiration date and renewal period
9 for each license issued under this Article shall be set by
10 rule. The holder of a license as a licensed funeral director
11 may renew the license during the month preceding the
12 expiration date of the license by paying the required fee. A
13 licensed funeral director whose license has expired may have
14 the license reinstated within 5 years from the date of
15 expiration upon payment of the required reinstatement fee.
16 The reinstatement shall be effective as of the date of
17 reissuance of the license.

18 Any licensed funeral director whose license has been
19 expired for more than 5 years may have the license restored
20 only by fulfilling the requirements of the Department's rules
21 and by paying the required restoration fee. However, any
22 licensed funeral director whose license has expired while he
23 or she has been engaged (1) in federal service on active duty
24 with the Army of the United States, the United States Navy,
25 the Marine Corps, the Air Force, the Coast Guard, or the
26 State Militia called into the service or training of the
27 United States of America or (2) in training or education
28 under the supervision of the United States preliminary to
29 induction into the military service may have his or her
30 license restored without paying any lapsed renewal fees or
31 restoration fee or without passing any examination if, within
32 2 years after termination of the service, training or
33 education other than by dishonorable discharge, he or she

1 furnishes the Department with an affidavit to the effect that
2 he or she has been so engaged and that his or her service,
3 training or education has been so terminated.

4 In addition to any other requirement for renewal of a
5 license or reinstatement of an expired license, ~~beginning~~
6 ~~with-licenses-renewed-or-reinstated-in-1993,~~ as a condition
7 for the renewal or reinstatement of a license as a licensed
8 funeral director, each licensee shall provide evidence to the
9 Department of completion of at least 12 hours of continuing
10 education during the 24 months preceding the expiration date
11 of the license, or in the case of reinstatement, during the
12 24 months preceding application for reinstatement. The
13 continuing education sponsors shall be approved by the Board.
14 In addition, any qualified continuing education course for
15 funeral directors offered by a college, university, the
16 Illinois Funeral Directors Association, Funeral Directors
17 Services Association of Greater Chicago, Cook County
18 Association of Funeral Home Owners, Inc., Illinois Selected
19 Morticians Association, Inc., Illinois Cemetery and Funeral
20 Home Association, National Funeral Directors Association,
21 Selected Independent Funeral Homes National--Foundation--of
22 Funeral---Service,--National--Selected--Morticians, National
23 Funeral Directors and Morticians Association, Inc.,
24 International Order of the Golden Rule, or an Illinois school
25 of mortuary science shall be accepted toward satisfaction of
26 the continuing education requirements.

27 The Department shall establish by rule a means for
28 verification of completion of the continuing education
29 required by this Section. This verification may be
30 accomplished through audits of records maintained by
31 licensees, by requiring the filing of continued education
32 certificates with the Department or a qualified organization
33 selected by the Department to maintain these records, or by
34 other means established by the Department.

1 A person who is licensed as a funeral director under this
2 Act and who has engaged in the practice of funeral directing
3 for at least 40 years shall be exempt from the continuing
4 education requirements of this Section. In addition, the
5 Department shall establish by rule an exemption or exception
6 for funeral directors who, by reason of advanced age, health
7 or other extreme condition should reasonably be excused from
8 the continuing education requirement upon explanation to the
9 Board, the approval of the Director, or both. Those persons,
10 identified above, who cannot attend on-site classes, shall
11 have the opportunity to comply by completing home study
12 courses designed for them by sponsors.

13 Any funeral director who notifies the Department in
14 writing on forms prescribed by the Department may elect to
15 place his or her license on an inactive status and shall be
16 excused from completion of continuing education requirements
17 until he or she notifies the Department in writing of an
18 intent to restore the license to active status. Any
19 licensee requesting restoration from inactive status shall
20 notify the Department as provided by rule of the Department
21 and pay the fee required by the Department for restoration of
22 the license. Any licensee whose license is on inactive
23 status shall not practice in the State of Illinois.

24 Practice on a license that has lapsed or been placed in
25 inactive status is practicing without a license and a
26 violation of this Code Act.

27 (Source: P.A. 92-641, eff. 7-11-02.)

28 (225 ILCS 41/5-25)

29 (Section scheduled to be repealed on January 1, 2013)

30 Sec. 5-25. Prohibition of new licenses. The Department
31 shall not issue any new licenses as funeral directors or
32 funeral director trainees. Any person issued a license as a
33 funeral director before June 1, 1991 may renew the license

1 after that date under the provisions of this Article and that
 2 person may continue to renew or restore the license during
 3 his or her lifetime, subject only to the renewal or
 4 restoration requirements for the license under this Code.
 5 ~~Any person issued a license as a funeral director trainee~~
 6 ~~before June 17, 1991 may not renew or restore that license.~~

7 ~~Notwithstanding any other provision of this Code or any~~
 8 ~~predecessor Act, the Department shall issue a license as a~~
 9 ~~funeral director to every person:~~

10 (1) ~~who has graduated from a program of mortuary~~
 11 ~~science;~~

12 (2) ~~who passed the examination for licensing as a~~
 13 ~~funeral director under the Funeral Directors and~~
 14 ~~Embalmers Licensing Act of 1935 on or after June 17, 1988~~
 15 ~~but before June 27, 1991;~~

16 (3) ~~who has completed one calendar year of training~~
 17 ~~as a licensed funeral director and embalmer trainee under~~
 18 ~~the supervision of a licensed funeral director and~~
 19 ~~embalmer; and~~

20 (4) ~~who has on file or files an application for a~~
 21 ~~license as a funeral director within 30 days after the~~
 22 ~~effective date of this amendatory Act of 1994.~~

23 (Source: P.A. 87-966; 88-659.)

24 (225 ILCS 41/10-5)

25 (Section scheduled to be repealed on January 1, 2013)

26 Sec. 10-5. License requirement. It is unlawful for any
 27 person to practice or attempt to practice funeral directing
 28 and embalming without being licensed by the Department.

29 No person shall practice funeral directing and embalming
 30 who does not have a fixed place of practice or establishment
 31 in Illinois devoted to the care and preparation for burial or
 32 for transportation of deceased human bodies, or who is not
 33 regularly employed in a fixed place of practice or

1 establishment.

2 No person shall practice funeral directing and embalming
3 independently at the fixed place of practice or establishment
4 of another licensee unless his or her name shall be published
5 and displayed at all times in connection therewith.

6 No licensed intern trainee shall independently practice
7 funeral directing and embalming; however, a licensed funeral
8 director and embalmer intern trainee may under the immediate
9 personal supervision of a licensed funeral director and
10 embalmer assist a licensed funeral director and embalmer in
11 the practice of funeral directing and embalming.

12 No person shall practice as a funeral director and
13 embalmer intern trainee unless he or she possesses a valid
14 license in good standing to do so in the State of Illinois.

15 (Source: P.A. 87-966.)

16 (225 ILCS 41/10-10)

17 (Section scheduled to be repealed on January 1, 2013)

18 Sec. 10-10. License qualifications. A person who meets
19 all of the following requirements is qualified to receive a
20 license as a funeral director and embalmer:

21 (a) Is at least 18 years of age.

22 (b) Has successfully completed one academic year in a
23 college or university and has successfully completed a course
24 of instruction of at least one year duration in a
25 professional school or college teaching the practice of
26 funeral directing and embalming that is recognized and
27 approved by the Department.

28 (c) Has studied funeral directing and embalming in this
29 State under a funeral director and embalmer, licensed under
30 this Code or any prior Act, for at least one year.
31 Nevertheless, no credit shall be given for the study of
32 funeral directing and embalming in this State as an intern a
33 trainee unless the applicant during the period of study was a

1 licensed funeral director and embalmer intern trainee.

2 (d) Is satisfactorily versed in approved measures used
3 by the practice for the prevention and against the spread of
4 disease and has the skills reasonably involved, and is
5 adequately and properly protected against communicable
6 diseases by means usually adopted and approved by medical
7 science.

8 (e) Has passed an examination developed or acquired by
9 the Department and conducted by the Department or its
10 designee to determine the fitness of an applicant to receive
11 a license as a licensed funeral director and embalmer.

12 (Source: P.A. 89-387, eff. 8-20-95.)

13 (225 ILCS 41/10-15)

14 (Section scheduled to be repealed on January 1, 2013)

15 Sec. 10-15. Intern Trainee license qualifications. A
16 person who meets all of the following requirements is
17 qualified to receive a license as a licensed funeral director
18 and embalmer intern trainee:

19 (a) Is at least 18 years of age.

20 (b) Has successfully completed one academic year in a
21 college or university and has successfully completed a course
22 of instruction of at least one year duration in a
23 professional school or college teaching the practice of
24 funeral directing and embalming that is recognized and
25 approved by the Department.

26 (c) Has been accepted for internship training in funeral
27 directing and embalming by an Illinois licensed funeral
28 director and embalmer.

29 (d) Is satisfactorily versed in approved measures used
30 by the profession for the prevention and against the spread
31 of disease and has the skills reasonably involved, and is
32 adequately protected against communicable diseases by means
33 usually adopted by medical science.

1 (Source: P.A. 89-387, eff. 8-20-95.)

2 (225 ILCS 41/10-30)

3 (Section scheduled to be repealed on January 1, 2013)

4 Sec. 10-30. Issuance, display of license. Whenever an
5 applicant has met the requirements of this Code, the
6 Department shall issue to the applicant a license as a
7 licensed funeral director and embalmer or licensed funeral
8 director and embalmer intern trainee, as the case may be.

9 Every holder of a license shall display it in a
10 conspicuous place in the licensee's place of practice or in
11 the place of practice in which the licensee is employed. In
12 case the licensee is engaged in funeral directing and
13 embalming at more than one place of practice, then the
14 license shall be displayed in the licensee's principal place
15 of practice or the principal place of practice of the
16 licensee's employer.

17 (Source: P.A. 87-966.)

18 (225 ILCS 41/10-35)

19 (Section scheduled to be repealed on January 1, 2013)

20 Sec. 10-35. Renewal; reinstatement; restoration;
21 continuing education. The expiration date and renewal period
22 for each license issued under this Article shall be set by
23 rule. The holder of a license as a licensed funeral director
24 and embalmer or funeral director and embalmer intern trainee
25 may renew the license during the month preceding the
26 expiration date of the license by paying the required fee. A
27 licensed funeral director and embalmer or licensed funeral
28 director and embalmer trainee whose license has expired may
29 have the license reinstated within 5 years from the date of
30 expiration upon payment of the required reinstatement fee and
31 fulfilling the requirements of the Department's rules. The
32 reinstatement of the license is effective as of the date of

1 the reissuance of the license.

2 Any licensed funeral director and embalmer whose license
3 has been expired for more than 5 years may have the license
4 restored only by fulfilling the requirements set forth in the
5 Department's rules and by paying the required restoration
6 fee. However, any licensed funeral director and embalmer or
7 licensed funeral director and embalmer intern trainee whose
8 license has expired while he or she has been engaged (1) in
9 federal service on active duty with the Army of the United
10 States, the United States Navy, the Marine Corps, the Air
11 Force, the Coast Guard, or the State Militia called into the
12 service or training of the United States of America or (2) in
13 training or education under the supervision of the United
14 States preliminary to induction into the military service,
15 may have his or her the license restored without paying any
16 lapsed renewal fees or restoration fee or without passing any
17 examination if, within 2 years after termination of the
18 service, training or education other than by dishonorable
19 discharge, he or she the licensee furnishes the Department
20 with an affidavit to the effect that he or she has been so
21 engaged and that his or her service, training or education
22 has been so terminated.

23 No license of a funeral director and embalmer intern
24 trainee shall be renewed more than twice.

25 In addition to any other requirement for renewal of a
26 license or reinstatement of an expired license, ~~beginning~~
27 ~~with--licenses--renewed-or-reinstated-in-1993-and-thereafter,~~
28 as a condition for the renewal or reinstatement of a license
29 as a licensed funeral director and embalmer, each licensee
30 shall provide evidence to the Department of completion of at
31 least 24 hours of continuing education during the 24 months
32 preceding the expiration date of the license, or in the case
33 of reinstatement, within the 24 months preceding the
34 application for reinstatement. The continuing education

1 sponsors shall be approved by the Board. In addition, any
2 qualified continuing education course for funeral directors
3 and embalmers offered by a college, university, the Illinois
4 Funeral Directors Association, Funeral Directors Services
5 Association of Greater Chicago, Cook County Association of
6 Funeral Home Owners, Inc., Illinois Selected Morticians
7 Associations, Inc., Illinois Cemetery and Funeral Home
8 Association, National Funeral Directors Association, Selected
9 Independent Funeral Homes National--Foundation--of--Funeral
10 Service,---National--Selected--Morticians, National Funeral
11 Directors and Morticians Association, Inc., International
12 Order of the Golden Rule, or an Illinois school of mortuary
13 science shall be accepted toward satisfaction of the
14 continuing education requirements.

15 The Department shall establish by rule a means for
16 verification of completion of the continuing education
17 required by this Section. This verification may be
18 accomplished through audits of records maintained by
19 licensees, by requiring the filing of continued education
20 certificates with the Department or a qualified organization
21 selected by the Department to maintain the records, or by
22 other means established by the Department.

23 A person who is licensed as a funeral director and
24 embalmer under this Act and who has engaged in the practice
25 of funeral directing and embalming for at least 40 years
26 shall be exempt from the continuing education requirements of
27 this Section. In addition, the Department shall establish by
28 rule an exemption or exception for funeral directors and
29 embalmers who, by reason of advanced age, health or other
30 extreme condition, should reasonably be excused from the
31 continuing education requirement upon explanation to the
32 Board, the approval of the Director, or both. Those persons,
33 identified above, who cannot attend on-site classes, shall
34 have the opportunity to comply by completing home study

1 courses designed for them by sponsors.

2 Any funeral director and embalmer who notifies the
3 Department in writing on forms prescribed by the Department,
4 may elect to place his or her license on an inactive status
5 and shall be excused from completion of continuing education
6 requirements until he or she notifies the Department in
7 writing of an intent to restore the license to active status.
8 While on inactive status, the licensee shall only be required
9 to pay a single fee, established by the Department, to have
10 the license placed on inactive status. Any licensee
11 requesting restoration from inactive status shall notify the
12 Department as provided by rule of the Department and pay the
13 fee required by the Department for restoration of the
14 license. Any licensee whose license is on inactive status
15 shall not practice in the State of Illinois.

16 Practice on a license that has lapsed or been placed in
17 inactive status is practicing without a license and a
18 violation of this Code.

19 (Source: P.A. 90-50, eff. 1-1-98.)

20 (225 ILCS 41/15-5) (from Ch. 111, par. 2825)

21 (Section scheduled to be repealed on January 1, 2013)

22 Sec. 15-5. Funeral Directors and Embalmers Licensing and
23 Disciplinary Board. A Funeral Directors and Embalmers
24 Licensing and Disciplinary Board is created and shall consist
25 of 7 persons, 6 of whom are licensed to practice funeral
26 directing and embalming in this State, and one who is a
27 knowledgeable public member. Each member shall be appointed
28 by the Director of the Department. The persons so appointed
29 shall hold their offices for 4 years and until a qualified
30 successor is appointed. All vacancies occurring shall be
31 filled by the Director for the unexpired portion of the term
32 rendered vacant. No member shall be eligible to serve for
33 more than 2 full consecutive terms. Any appointee may be

1 removed by the Director when in his or her discretion he or
2 she finds removal to be in the public interest. The cause for
3 removal must be set forth in writing. The Board shall
4 annually select a chairman from its membership. The members
5 of the Board shall be reimbursed for all legitimate and
6 necessary expenses incurred in attending meetings of the
7 Board. The Board may meet as often as necessary to perform
8 its duties under this Code, and shall meet at least once a
9 year in Springfield, Illinois.

10 ~~The members of the Board appointed and serving under the~~
11 ~~Funeral Directors and Embalmers Licensing Act of 1935 shall~~
12 ~~continue to serve under the Funeral Directors and Embalmers~~
13 ~~Licensing Code and until the expiration of their appointed~~
14 ~~terms. These members may be reappointed if eligible under~~
15 ~~this Section.~~

16 The Department may seek the advice and recommendations of
17 the Board on any matter relating to the administration and
18 enforcement of this Code.

19 The Department shall seek the advice and recommendations
20 of the Board in connection with any rulemaking or
21 disciplinary actions, including applications for restoration
22 of revoked licenses. The Board shall have 60 days to respond
23 to a Department request for advice and recommendations. If
24 the Department fails to adopt, in whole or in part, a Board
25 recommendation in connection with any rulemaking or
26 disciplinary action, it shall provide a written explanation
27 of its specific reasons for not adopting the Board
28 recommendation. The written explanations shall be made
29 available for public inspection.

30 The Department shall adopt all necessary and reasonable
31 rules and regulations for the effective administration of
32 this Code, and without limiting the foregoing, the Department
33 shall adopt rules and regulations:

34 (1) prescribing a method of examination of

1 candidates;

2 (2) defining what shall constitute a school,
3 college, university, department of a university or other
4 institution to determine the reputability and good
5 standing of these institutions by reference to a
6 compliance with the rules and regulations; however, no
7 school, college, university, department of a university
8 or other institution that refuses admittance to
9 applicants, solely on account of race, color, creed, sex
10 or national origin shall be considered reputable and in
11 good standing;

12 (3) establishing expiration dates and renewal
13 periods for all licenses;

14 (4) prescribing a method of handling complaints and
15 conducting hearings on proceedings to take disciplinary
16 action under this Code; and

17 (5) providing for licensure by reciprocity.

18 (Source: P.A. 91-827, eff. 6-13-00.)

19 (225 ILCS 41/15-45)

20 (Section scheduled to be repealed on January 1, 2013)

21 Sec. 15-45. Practice without license; injunction; cease
22 and desist order; civil penalties.

23 (a) The practice of funeral directing and embalming or
24 funeral directing by any person who has not been issued a
25 license by the Department, whose license has been suspended
26 or revoked, or whose license has not been renewed is hereby
27 declared to be inimical to the public welfare and to
28 constitute a public nuisance. The Director of Professional
29 Regulation may, in the name of the People of the State of
30 Illinois through the Attorney General of the State of
31 Illinois, or the State's Attorney of any county in the State
32 of Illinois, apply for an injunction in the circuit court to
33 enjoin any person who has not been issued a license or whose

1 license has been suspended or revoked, or whose license has
2 not been renewed, from practicing funeral directing and
3 embalming or funeral directing. Upon the filing of a verified
4 complaint in court, the court, if satisfied by affidavit or
5 otherwise that the person is or has been practicing funeral
6 directing and embalming or funeral directing without having
7 been issued a license or after his or her license has been
8 suspended, revoked, or not renewed, may issue a temporary
9 restraining order or preliminary injunction, without notice
10 or bond, enjoining the defendant from further practicing
11 funeral directing and embalming or funeral directing. A copy
12 of the verified complaint shall be served upon the defendant
13 and the proceedings shall thereafter be conducted as in other
14 civil cases. If it is established that the defendant has been
15 or is practicing funeral directing and embalming or funeral
16 directing without having been issued a license or has been or
17 is practicing funeral directing and embalming or funeral
18 directing after his or her license has been suspended,
19 revoked, or not renewed, the court may enter a judgment
20 perpetually enjoining the defendant from further practicing
21 funeral directing and embalming or funeral directing. In case
22 of violation of any injunction entered under this Section,
23 the court may summarily try and punish the offender for
24 contempt of court. Any injunction proceeding shall be in
25 addition to, and not in lieu of, all penalties and other
26 remedies in this Code.

27 (b) Whenever, in the opinion of the Department, any
28 person or other entity violates any provision of this Act,
29 the Department may issue a notice to show cause why an order
30 to cease and desist should not be entered against that person
31 or other entity. The rule shall clearly set forth the grounds
32 relied upon by the Department and shall provide a period of 7
33 days from the date of the rule to file an answer to the
34 satisfaction of the Department. Failure to answer to the

1 satisfaction of the Department shall cause an order to cease
2 and desist to be issued immediately.

3 (c) (1) In addition to any other penalty provided by
4 law, any person, sole proprietorship, professional
5 service corporation, limited liability company,
6 partnership, or other entity that violates Section 1-15
7 or 1-20 of this Act shall forfeit and pay to the General
8 Professions Dedicated Fund a civil penalty in an amount
9 determined by the Department of not more than \$10,000 for
10 each offense. The penalty shall be assessed in
11 proceedings as provided in Sections 15-10 through 15-40
12 of this Act.

13 (2) Unless the amount of the penalty is paid within
14 60 days after the order becomes final, the order shall
15 constitute a judgement and shall be filed and execution
16 issued thereon in the same manner as the judgement of a
17 court of record.

18 (Source: P.A. 87-966.)

19 (225 ILCS 41/15-55)

20 (Section scheduled to be repealed on January 1, 2013)

21 Sec. 15-55. Preparation room. The Department shall
22 require that each fixed place of practice or establishment
23 devoted to the care and preparation for burial or for
24 transportation of deceased human bodies maintain a
25 preparation room properly equipped with necessary drainage
26 and ventilation facilities and containing instruments and
27 supplies necessary for the preparation and embalming of
28 deceased human bodies for burial or transportation. Branch
29 operations of main funeral businesses having a preparation
30 room and located in the State of Illinois are exempt from the
31 requirements of this Section.

32 (Source: P.A. 87-966.)

1 (225 ILCS 41/15-75)

2 (Section scheduled to be repealed on January 1, 2013)

3 Sec. 15-75. Violations; grounds for discipline;
4 penalties.

5 (a) Each of the following acts is a Class A misdemeanor
6 for the first offense, and a Class 4 felony for each
7 subsequent offense. These penalties shall also apply to
8 unlicensed owners of funeral homes.

9 (1) Practicing the profession of funeral directing
10 and embalming or funeral directing, or attempting to
11 practice the profession of funeral directing and
12 embalming or funeral directing without a license as a
13 licensed funeral director and embalmer or funeral
14 director.

15 (2) Serving as an intern a-~~trainee~~ under a licensed
16 funeral director and embalmer or attempting to serve as
17 an intern a-~~trainee~~ under a licensed funeral director and
18 embalmer without a license as a licensed funeral director
19 and embalmer intern ~~trainee~~.

20 (3) Obtaining or attempting to obtain a license,
21 practice or business, or any other thing of value, by
22 fraud or misrepresentation.

23 (4) Permitting any person in one's employ, under
24 one's control or in or under one's service to serve as a
25 funeral director and embalmer, funeral director, or
26 funeral director and embalmer intern ~~trainee~~ when the
27 person does not have the appropriate license.

28 (5) Failing to display a license as required by
29 this Code.

30 (6) Giving false information or making a false oath
31 or affidavit required by this Code.

32 (b) Each of the following acts or actions is a violation
33 of this Code for which the Department may refuse to issue or
34 renew, or may suspend or revoke any license or may take any

1 disciplinary action as the Department may deem proper
2 including fines not to exceed \$1,000 for each violation.

3 (1) Obtaining or attempting to obtain a license by
4 fraud or misrepresentation.

5 (2) Conviction in this State or another state of
6 any crime that is a felony or misdemeanor under the laws
7 of this State or conviction of a felony or misdemeanor in
8 a federal court.

9 (3) Violation of the laws of this State relating to
10 the funeral, burial or disposal of deceased human bodies
11 or of the rules and regulations of the Department, or the
12 Department of Public Health.

13 (4) Directly or indirectly paying or causing to be
14 paid any sum of money or other valuable consideration for
15 the securing of business or for obtaining authority to
16 dispose of any deceased human body.

17 (5) Incompetence or untrustworthiness in the
18 practice of funeral directing and embalming or funeral
19 directing.

20 (6) False or misleading advertising as a funeral
21 director and embalmer or funeral director, or advertising
22 or using the name of a person other than the holder of a
23 license in connection with any service being rendered in
24 the practice of funeral directing and embalming or
25 funeral directing. Nothing in this paragraph shall
26 prevent including the name of any owner, officer or
27 corporate director of a funeral business home who is not
28 a licensee in any advertisement used by a funeral home
29 with which the individual is affiliated if the
30 advertisement specifies the individual's affiliation with
31 the funeral home.

32 (7) Engaging in, promoting, selling, or issuing
33 burial contracts, burial certificates, or burial
34 insurance policies in connection with the profession as a

1 funeral director and embalmer, funeral director, or
2 funeral director and embalmer intern trainee in violation
3 of any laws of the State of Illinois.

4 (8) Refusing, without cause, to surrender the
5 custody of a deceased human body upon the proper request
6 of the person or persons lawfully entitled to the custody
7 of the body.

8 (9) Taking undue advantage of a client or clients
9 as to amount to the perpetration of fraud.

10 (10) Engaging in funeral directing and embalming or
11 funeral directing without a license.

12 (11) Encouraging, requesting, or suggesting by a
13 licensee or some person working on his behalf and with
14 his consent for compensation that a person utilize the
15 services of a certain funeral director and embalmer,
16 funeral director, or funeral establishment unless that
17 information has been expressly requested by the person.
18 This does not prohibit general advertising or pre-need
19 solicitation.

20 (12) Making or causing to be made any false or
21 misleading statements about the laws concerning the
22 disposal of human remains, including, but not limited to,
23 the need to embalm, the need for a casket for cremation
24 or the need for an outer burial container.

25 (13) Continued practice by a person having an
26 infectious or contagious disease.

27 (14) Embalming or attempting to embalm a deceased
28 human body without express prior authorization of the
29 person responsible for making the funeral arrangements
30 for the body. This does not apply to cases where
31 embalming is directed by local authorities who have
32 jurisdiction or when embalming is required by State or
33 local law.

34 (15) Making a false statement on a Certificate of

1 Death where the person making the statement knew or
2 should have known that the statement was false.

3 (16) Soliciting human bodies after death or while
4 death is imminent.

5 (17) Performing any act or practice that is a
6 violation of this Code, the rules for the administration
7 of this Code, or any federal, State or local laws, rules,
8 or regulations governing the practice of funeral
9 directing or embalming.

10 (18) Performing any act or practice that is a
11 violation of Section 2 of the Consumer Fraud and
12 Deceptive Business Practices Act.

13 (19) Engaging in unethical or unprofessional
14 conduct of a character likely to deceive, defraud or harm
15 the public ~~in--the--course--of--providing--professional~~
16 ~~services-or-activities~~.

17 (20) Taking possession of a dead human body without
18 having first obtained express permission from next of kin
19 or a public agency legally authorized to direct, control
20 or permit the removal of deceased human bodies.

21 (21) Advertising in a false or misleading manner or
22 advertising using the name of an unlicensed person in
23 connection with any service being rendered in the
24 practice of funeral directing or funeral directing and
25 embalming. The use of any name of an unlicensed or
26 unregistered person in an advertisement so as to imply
27 that the person will perform services is considered
28 misleading advertising. Nothing in this paragraph shall
29 prevent including the name of any owner, officer or
30 corporate director of a funeral home, who is not a
31 licensee, in any advertisement used by a funeral home
32 with which the individual is affiliated, if the
33 advertisement specifies the individual's affiliation with
34 the funeral home.

1 (22) Directly or indirectly receiving compensation
2 for any professional services not actually performed.

3 (23) Failing to account for or remit any monies,
4 documents, or personal property that belongs to others
5 that comes into a licensee's possession.

6 (24) Treating any person differently to his
7 detriment because of race, color, creed, gender sex,
8 religion, or national origin.

9 (25) Knowingly making any false statements, oral or
10 otherwise, of a character likely to influence, persuade
11 or induce others in the course of performing professional
12 services or activities.

13 (26) Knowingly making or filing false records or
14 reports in the practice of funeral directing and
15 embalming.

16 (27) Failing to acquire continuing education
17 required under this Code.

18 (28) Failing to comply with any of the following
19 required activities:

20 (A) When reasonably possible, a licensee or
21 anyone acting on his or her behalf shall obtain the
22 express authorization of the person or persons
23 responsible for making the funeral arrangements for
24 a deceased human body prior to removing a body from
25 the place of death or any place it may be or
26 embalming or attempting to embalm a deceased human
27 body, unless required by State or local law. This
28 requirement is waived whenever removal or embalming
29 is directed by local authorities who have
30 jurisdiction. If the responsibility for the handling
31 of the remains lawfully falls under the jurisdiction
32 of a public agency, then the regulations of the
33 public agency shall prevail.

34 (B) A licensee shall clearly mark the price of

1 any casket offered for sale or the price of any
2 service using the casket on or in the casket if the
3 casket is displayed at the funeral establishment.
4 If the casket is displayed at any other location,
5 regardless of whether the licensee is in control of
6 that location, the casket shall be clearly marked
7 and the registrant shall use books, catalogues,
8 brochures, or other printed display aids to show the
9 price of each casket or service.

10 (C) At the time funeral arrangements are made
11 and prior to rendering the funeral services, a
12 licensee shall furnish a written statement to be
13 retained by the person or persons making the funeral
14 arrangements, signed by both parties, that shall
15 contain: (i) the name, address and telephone number
16 of the funeral establishment and the date on which
17 the arrangements were made; (ii) the price of the
18 service selected and the services and merchandise
19 included for that price; (iii) a clear disclosure
20 that the person or persons making the arrangement
21 may decline and receive credit for any service or
22 merchandise not desired and not required by law or
23 the funeral director or the funeral director and
24 embalmer; (iv) the supplemental items of service and
25 merchandise requested and the price of each item;
26 (v) the terms or method of payment agreed upon; and
27 (vi) a statement as to any monetary advances made by
28 the registrant on behalf of the family.

29 (29) A finding by the Department that the licensee,
30 after having his or her license placed on probationary
31 status or subjected to conditions or restrictions,
32 violated the terms of the probation or failed to comply
33 with such terms or conditions.

34 (30) Violation of any final administrative action

1 of the Director.

2 (31) Being named as a perpetrator in an indicated
3 report by the Department of Children and Family Services
4 pursuant to the Abused and Neglected Child Reporting Act
5 and, upon proof by clear and convincing evidence, being
6 found to have caused a child to be an abused child or
7 neglected child as defined in the Abused and Neglected
8 Child Reporting Act.

9 (c) The Department may refuse to issue or renew, or may
10 suspend, the license of any person who fails to file a
11 return, to pay the tax, penalty or interest shown in a filed
12 return, or to pay any final assessment of tax, penalty or
13 interest as required by any tax Act administered by the
14 Illinois Department of Revenue, until the time as the
15 requirements of the tax Act are satisfied.

16 (Source: P.A. 87-966.)

17 (225 ILCS 41/15-80)

18 (Section scheduled to be repealed on January 1, 2013)

19 Sec. 15-80. Statement of place of practice; roster. Each
20 applicant for a funeral director and embalmer's license shall
21 with his or her application submit a statement of the place
22 of practice, ownership, names and license numbers of all
23 funeral directors and embalmers and funeral directors
24 associated with the applicant. The Department shall keep a
25 record, which shall be open to public inspection at all
26 reasonable times, of its proceedings relating to the
27 issuance, refusal, renewal, suspension and revocation of
28 licenses. This record shall also contain the name, known
29 place of practice and residence, and the date and number of
30 the license of every licensed funeral director and embalmer,
31 licensed funeral director, and licensed funeral director and
32 embalmer intern trainee in this State.

33 The Department shall publish an annual list of the names

1 and addresses of all licensees registered by it under the
2 provisions of this Code, and of all persons whose licenses
3 have been suspended or revoked within the past year, together
4 with other information relative to the enforcement of the
5 provisions of this Code as it may deem of interest to the
6 public. One list shall be mailed to each local registrar of
7 vital statistics upon request by the registrar. Lists shall
8 also be mailed by the Department to any person in the State
9 upon request.

10 (Source: P.A. 87-966.)

11 (225 ILCS 41/15-90 rep.)

12 (225 ILCS 41/20-10 rep.)

13 Section 10. The Funeral Directors and Embalmers
14 Licensing Code is amended by repealing Sections 15-90 and
15 20-10.

1 INDEX

2 Statutes amended in order of appearance

- 3 225 ILCS 41/1-10
- 4 225 ILCS 41/1-15
- 5 225 ILCS 41/1-20
- 6 225 ILCS 41/5-10
- 7 225 ILCS 41/5-15
- 8 225 ILCS 41/5-25
- 9 225 ILCS 41/10-5
- 10 225 ILCS 41/10-10
- 11 225 ILCS 41/10-15
- 12 225 ILCS 41/10-30
- 13 225 ILCS 41/10-35
- 14 225 ILCS 41/10-40
- 15 225 ILCS 41/15-5 from Ch. 111, par. 2825
- 16 225 ILCS 41/15-15
- 17 225 ILCS 41/15-55
- 18 225 ILCS 41/15-75
- 19 225 ILCS 41/15-80
- 20 225 ILCS 41/15-90 rep.
- 21 225 ILCS 41/20-10 rep.