

1 AN ACT concerning crematories.

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

4 Section 5. The Crematory Regulation Act is amended by
5 changing Section 10 as follows:

6 (410 ILCS 18/10)

7 Sec. 10. Establishment of crematory and licensing of
8 crematory authority.

9 (a) Any person doing business in this State, or any
10 cemetery, funeral establishment, corporation, partnership,
11 joint venture, voluntary organization or any other entity,
12 may erect, maintain, and operate a crematory in this State
13 and provide the necessary appliances and facilities for the
14 cremation of human remains in accordance with this Act.

15 (b) A crematory shall be subject to all local, State,
16 and federal health and environmental protection requirements
17 and shall obtain all necessary licenses and permits from the
18 Department, the federal Department of Health and Human
19 Services, and the Illinois and federal Environmental
20 Protection Agencies, or such other appropriate local, State,
21 or federal agencies.

22 (c) A crematory may be constructed ~~en-or-adjacent-to-any~~
23 ~~cemetery,--en-or-adjacent-to-any-funeral-establishment,~~ or at
24 any ~~other~~ location consistent with local zoning regulations.

25 (d) An application for licensure as a crematory
26 authority shall be in writing on forms furnished by the
27 Comptroller. Applications shall be accompanied by a fee of
28 \$50 and shall contain all of the following:

29 (1) The full name and address, both residence and
30 business, of the applicant if the applicant is an
31 individual; the full name and address of every member if

1 the applicant is a partnership; the full name and address
2 of every member of the board of directors if the
3 applicant is an association; and the name and address of
4 every officer, director, and shareholder holding more
5 than 25% of the corporate stock if the applicant is a
6 corporation.

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

8 (3) A description of the type of structure and
9 equipment to be used in the operation of the crematory,
10 including the operating permit number issued to the
11 cremation device by the Illinois Environmental Protection
12 Agency.

13 (3.5) Attestation by the owner that cremation
14 services shall be by a person trained in accordance with
15 the requirements of Section 22 of this Act.

16 (3.10) A copy of the certification or
17 certifications issued by the certification program to the
18 person or persons who will operate the cremation device.

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

21 (e) Each crematory authority shall file an annual report
22 with the Comptroller, accompanied with a \$25 fee, providing
23 (i) an affidavit signed by the owner of the crematory
24 authority that at the time of the report the cremation device
25 was in proper operating condition, (ii) the total number of
26 all cremations performed at the crematory during the past
27 year, (iii) attestation by the licensee that all applicable
28 permits and certifications are valid, and (iv) either (A) any
29 changes required in the information provided under subsection
30 (d) or (B) an indication that no changes have occurred. The
31 annual report shall be filed by a crematory authority on or
32 before March 15 of each calendar year, in the Office of the
33 Comptroller. If the fiscal year of a crematory authority is
34 other than on a calendar year basis, then the crematory

1 authority shall file the report required by this Section
2 within 75 days after the end of its fiscal year. The
3 Comptroller shall, for good cause shown, grant an extension
4 for the filing of the annual report upon the written request
5 of the crematory authority. An extension shall not exceed 60
6 days. If a crematory authority fails to submit an annual
7 report to the Comptroller within the time specified in this
8 Section, the Comptroller shall impose upon the crematory
9 authority a penalty of \$5 for each and every day the
10 crematory authority remains delinquent in submitting the
11 annual report. The Comptroller may abate all or part of the
12 \$5 daily penalty for good cause shown.

13 (f) All records required to be maintained under this
14 Act, including but not limited to those relating to the
15 license and annual report of the crematory authority required
16 to be filed under this Section, shall be subject to
17 inspection by the Comptroller upon reasonable notice.

18 (g) The Comptroller may inspect crematory records at the
19 crematory authority's place of business to review the
20 licensee's compliance with this Act. The inspection must
21 include verification that:

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

24 (2) a crematory device operator's certification of
25 training is conspicuously displayed at the crematory;

26 (3) the cremation device has a current operating
27 permit issued by the Illinois Environmental Protection
28 Agency and the permit is conspicuously displayed in the
29 crematory;

30 (4) the crematory authority is in compliance with
31 local zoning requirements; and

32 (5) the crematory authority license issued by the
33 Comptroller is conspicuously displayed at the crematory.

34 (h) The Comptroller shall issue licenses under this Act

1 to the crematories that are registered with the Comptroller
2 as of July 1, 2003 without requiring the previously
3 registered crematories to complete license applications.

4 (Source: P.A. 92-419, eff. 1-1-02; 92-675, eff. 7-1-03.)