



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB4957

Introduced 1/19/2006, by Rep. Kevin Joyce

SYNOPSIS AS INTRODUCED:

225 ILCS 41/1-15
225 ILCS 41/1-20

Amends the Funeral Directors and Embalmers Licensing Code. Provides that a licensed funeral director or a licensed funeral director and embalmer may not remove a deceased human body from its place of death, institution, or other location without another person present (now, a licensed funeral director and embalmer intern may remove a deceased body from its place of death, institution, or other location without another licensee being present). Effective immediately.

LRB094 18639 RAS 53991 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 Funeral Directors and Embalmers Licensing
5 Code is amended by changing Sections 1-15 and 1-20 as follows:

6 (225 ILCS 41/1-15)

7 (Section scheduled to be repealed on January 1, 2013)

8 Sec. 1-15. Funeral directing; definition. Conducting or
9 engaging in or representing or holding out oneself as
10 conducting or engaged in any one or any combination of the
11 following practices constitutes the practice of funeral
12 directing:

13 (a) The practice of preparing, otherwise than by
14 embalming, for the burial, cremation, or disposal and
15 directing and supervising the burial or disposal of
16 deceased human remains or performing any act or service in
17 connection with the preparing of dead human bodies.
18 Preparation, direction, and supervision shall not be
19 construed to mean those functions normally performed by
20 cemetery and crematory personnel.

21 (b) The practice of operating a place for preparing for
22 the disposition of deceased human bodies or for caring for
23 deceased human bodies before their disposition. Nothing in
24 this Code shall prohibit the ownership and management of
25 such a place by an unlicensed owner if the place is
26 operated in accordance with this Code and the unlicensed
27 owner does not engage in any form of funeral directing.

28 (c) The removal of a deceased human body from its place
29 of death, institution or other location. A licensed funeral
30 director may not remove a deceased human body from its
31 place of death, institution, or other location without
32 another person present. The licensed funeral director may

1 engage others who are not licensed funeral directors to
2 assist in the removal if the funeral director directs and
3 instructs them in handling and precautionary procedures
4 and accompanies them on all calls. The transportation of
5 deceased human remains to a cemetery, crematory or other
6 place of final disposition shall be under the immediate
7 direct supervision of a licensee unless otherwise
8 permitted by this Section. The transportation of deceased
9 human remains that are embalmed or otherwise prepared and
10 enclosed in an appropriate container to some other place
11 that is not the place of final disposition, such as another
12 funeral home or common carrier, or to a facility that
13 shares common ownership with the transporting funeral home
14 may be performed under the general supervision of a
15 licensee, but the supervision need not be immediate or
16 direct.

17 (d) The administering and conducting of, or assuming
18 responsibility for administering and conducting of, at
19 need funeral arrangements.

20 (e) The assuming custody of, transportation, providing
21 shelter, protection and care and disposition of deceased
22 human remains and the furnishing of necessary funeral
23 services, facilities and equipment.

24 (f) Using in connection with a name or practice the
25 word "funeral director," "undertaker," "mortician,"
26 "funeral home," "funeral parlor," "funeral chapel," or any
27 other title implying that the person is engaged in the
28 practice of funeral directing.

29 The practice of funeral directing shall not include the
30 phoning in of obituary notices, ordering of flowers for the
31 funeral, or reporting of prices on the firm's general price
32 list as required by the Federal Trade Commission Funeral Rule
33 by nonlicensed persons, or like clerical tasks incidental to
34 the act of making funeral arrangements.

35 The making of funeral arrangements, at need, shall be done
36 only by licensed funeral directors or licensed funeral

1 directors and embalmers.

2 (Source: P.A. 93-268, eff. 1-1-04.)

3 (225 ILCS 41/1-20)

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

5 Sec. 1-20. Funeral directing and embalming; definition.

6 "The practice of funeral directing and embalming" means:

7 (a) The practice of preparing, otherwise than by
8 embalming, for the burial, cremation, or disposal and
9 directing and supervising the burial or disposal of
10 deceased human remains or performing any act or service in
11 connection with the preparing of dead human bodies.
12 Preparation, direction, and supervision shall not be
13 construed to mean those functions normally performed by
14 cemetery and crematory personnel.

15 (b) The practice of operating a place for preparing for
16 the disposition of deceased human bodies or for caring for
17 deceased human bodies before their disposition. Nothing in
18 this Code shall prohibit the ownership and management of
19 such a place by an unlicensed owner if the place is
20 operated in accordance with this Code and the unlicensed
21 owner does not engage in any form of funeral directing and
22 embalming.

23 (c) The removal of a deceased human body from its place
24 of death, institution or other location. A licensed funeral
25 director and embalmer ~~intern~~ may not remove a deceased
26 human body from its place of death, institution, or other
27 location without another person ~~another licensee being~~
28 present. The licensed funeral director and embalmer may
29 engage others who are not licensed funeral directors and
30 embalmers or funeral director and embalmer interns to
31 assist in the removal if the funeral director and embalmer
32 directs and instructs them in handling and precautionary
33 procedures and accompanies them on all calls. The
34 transportation of deceased human remains to a cemetery,
35 crematory or other place of final disposition shall be

1 under the immediate, direct supervision of a licensee
2 unless otherwise permitted by this Section. The
3 transportation of deceased human remains that are embalmed
4 or otherwise prepared and enclosed in an appropriate
5 container to some other place that is not the place of
6 final disposition, such as another funeral home or common
7 carrier, or to a facility that shares common ownership with
8 the transporting funeral home may be performed under the
9 general supervision of a licensee, but the supervision need
10 not be immediate or direct.

11 (d) The administering and conducting of, or assuming
12 responsibility for administering and conducting of, at
13 need funeral arrangements.

14 (e) The assuming custody of, transportation, providing
15 shelter, protection and care and disposition of deceased
16 human remains and the furnishing of necessary funeral
17 services, facilities and equipment.

18 (f) Using in connection with a name or practice the
19 word "funeral director and embalmer", "embalmer", "funeral
20 director", "undertaker", "mortician", "funeral home",
21 "funeral parlor", "funeral chapel", or any other title
22 implying that the person is engaged in the practice of
23 funeral directing and embalming.

24 (g) The embalming or representing or holding out
25 oneself as engaged in the practice of embalming of deceased
26 human bodies or the transportation of human bodies deceased
27 of a contagious or infectious disease.

28 The practice of funeral directing and embalming shall not
29 include the phoning in of obituary notices, ordering of flowers
30 for the funeral, or reporting of prices on the firm's general
31 price list as required by the Federal Trade Commission Funeral
32 Rule by nonlicensed persons, or like clerical tasks incidental
33 to the act of making funeral arrangements.

34 The making of funeral arrangements, at need, shall be done
35 only by licensed funeral directors or licensed funeral
36 directors and embalmers. Licensed funeral director and

1 embalmer interns may, however, assist or participate in the
2 arrangements.

3 (Source: P.A. 93-268, eff. 1-1-04.)

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.