



Sen. William R. Haine

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09600SB2805sam001

LRB096 16427 ASK 38579 a

1 AMENDMENT TO SENATE BILL 2805

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2805 by replacing  
3 everything after the enacting clause with the following:

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, 10-25, 10-30, 10-35, 15-5, 15-10, 15-15, 15-20, 15-30,  
7 15-35, 15-40, 15-45, 15-55, 15-65, 15-70, 15-75, 15-85, and  
8 20-15 and by adding Sections 1-30, 5-7, 10-7, 15-16, 15-17,  
9 15-21, 15-22, 15-41, 15-77, 15-100, 15-105, and 15-110 as  
10 follows:

11 (225 ILCS 41/1-10)

12 (Section scheduled to be repealed on January 1, 2013)

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

14 "Applicant" means any person making application for a  
15 license or certificate of registration. Any applicant or any  
16 person who holds himself out as an applicant is considered a

1 licensee for purposes of enforcement, investigation, hearings,  
2 and the Illinois Administrative Procedure Act.

3 "Board" means the Funeral Directors and Embalmers  
4 Licensing and Disciplinary ~~disciplinary~~ Board.

5 ~~"Customer service employee" means a funeral establishment,~~  
6 ~~funeral chapel, funeral home, or mortuary employee who has~~  
7 ~~direct contact with consumers and explains funeral or burial~~  
8 ~~merchandise or services or negotiates, develops, or finalizes~~  
9 ~~contracts with consumers. This definition includes, without~~  
10 ~~limitation, an individual that is an independent contractor or~~  
11 ~~an individual employed or contracted by an independent~~  
12 ~~contractor who has direct contact with consumers and explains~~  
13 ~~funeral or burial merchandise or services or negotiates,~~  
14 ~~develops, or finalizes contracts with consumers. This~~  
15 ~~definition does not include a funeral establishment, funeral~~  
16 ~~chapel, funeral home, or mortuary employee, an individual who~~  
17 ~~is an independent contractor, or an individual employed or~~  
18 ~~contracted by an independent contractor who merely provides a~~  
19 ~~printed price list to a consumer, processes payment from a~~  
20 ~~consumer, or performs sales functions related solely to~~  
21 ~~incidental merchandise like flowers, keepsakes, memorial~~  
22 ~~tributes, or other similar items.~~

23 "Department" means the Department of Financial and  
24 Professional Regulation.

25 ~~"Director" means the Director of Professional Regulation.~~

26 "Funeral director and embalmer" means a person who is

1 licensed and qualified to practice funeral directing and to  
2 prepare, disinfect and preserve dead human bodies by the  
3 injection or external application of antiseptics,  
4 disinfectants or preservative fluids and materials and to use  
5 derma surgery or plastic art for the restoring of mutilated  
6 features. It further means a person who restores the remains of  
7 a person for the purpose of funeralization whose organs or bone  
8 or tissue has been donated for anatomical purposes.

9 "Funeral director and embalmer intern" means a person  
10 licensed by the State who is qualified to render assistance to  
11 a funeral director and embalmer in carrying out the practice of  
12 funeral directing and embalming under the supervision of the  
13 funeral director and embalmer.

14 "Embalming" means the process of sanitizing and chemically  
15 treating a deceased human body in order to reduce the presence  
16 and growth of microorganisms, to retard organic decomposition,  
17 to render the remains safe to handle while retaining  
18 naturalness of tissue, and to restore an acceptable physical  
19 appearance for funeral viewing purposes.

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

23 "Funeral establishment", "funeral chapel", "funeral home",  
24 or "mortuary" means a building or separate portion of a  
25 building having a specific street address or location and  
26 devoted to activities relating to the shelter, care, custody

1 and preparation of a deceased human body and which may contain  
2 facilities for funeral or wake services.

3 "Licensee" means a person licensed under this Code as a  
4 funeral director, funeral director and embalmer, or funeral  
5 director and embalmer intern. Anyone who holds himself or  
6 herself out as a licensee or who is accused of unlicensed  
7 practice is considered a licensee for purposes of enforcement,  
8 investigation, hearings, and the Illinois Administrative  
9 Procedure Act.

10 "Owner" means the individual, partnership, corporation,  
11 association, trust, estate, or agent thereof, or other person  
12 or combination of persons who owns a funeral establishment or  
13 funeral business.

14 "Person" means any individual, partnership, association,  
15 firm, corporation, trust or estate, or other entity. "Person"  
16 includes both natural persons and legal entities.

17 (Source: P.A. 96-863, eff. 3-1-10.)

18 (225 ILCS 41/1-15)

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

20 Sec. 1-15. Funeral directing; definition. Conducting or  
21 engaging in or representing or holding out oneself as  
22 conducting or engaged in any one or any combination of the  
23 following practices constitutes the practice of funeral  
24 directing:

25 (a) The practice of preparing, otherwise than by

1       embalming, for the burial, cremation, or disposal and  
2       directing and supervising the burial or disposal of  
3       deceased human remains or performing any act or service in  
4       connection with the preparing of dead human bodies.  
5       Preparation, direction, and supervision shall not be  
6       construed to mean those functions normally performed by  
7       cemetery and crematory personnel.

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

15          (c) The removal of a deceased human body from its place  
16      of death, institution or other location. The licensed  
17      funeral director may engage others who are not licensed  
18      funeral directors to assist in the removal if the funeral  
19      director directs and instructs them in handling and  
20      precautionary procedures and accompanies them on all  
21      calls. The transportation of deceased human remains to a  
22      cemetery, crematory or other place of final disposition  
23      shall be under the immediate direct supervision of a  
24      licensee unless otherwise permitted by this Section. The  
25      transportation of deceased human remains that are embalmed  
26      or otherwise prepared and enclosed in an appropriate

1 container to some other place that is not the place of  
2 final disposition, such as another funeral home or common  
3 carrier, or to a facility that shares common ownership with  
4 the transporting funeral home may be performed under the  
5 general supervision of a licensee, but the supervision need  
6 not be immediate or direct.

7 (d) The administering and conducting of, or assuming  
8 responsibility for administering and conducting of, at  
9 need funeral arrangements.

10 (e) The assuming custody of, transportation, providing  
11 shelter, protection and care and disposition of deceased  
12 human remains and the furnishing of necessary funeral  
13 services, facilities and equipment.

14 (f) Using in connection with a name or practice the  
15 word "funeral director," "undertaker," "mortician,"  
16 "funeral home," "funeral parlor," "funeral chapel," or any  
17 other title implying that the person is engaged in the  
18 practice of funeral directing.

19 The practice of funeral directing shall not include the  
20 phoning in of obituary notices, ordering of flowers for the  
21 funeral, or reporting of prices on the firm's general price  
22 list as required by the Federal Trade Commission Funeral Rule  
23 by nonlicensed persons, or like clerical tasks incidental to  
24 the act of making funeral arrangements.

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

1 directors and embalmers. Licensed funeral director and  
2 embalmer interns may, however, assist or participate in the  
3 arrangements.

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

5 (225 ILCS 41/1-20)

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

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

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

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

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

25 (c) The removal of a deceased human body from its place

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

23 (d) The administering and conducting of, or assuming  
24 responsibility for administering and conducting of, at  
25 need funeral arrangements.

26 (e) The assuming custody of, transportation, providing



1 shelter, protection and care and disposition of deceased  
2 human remains and the furnishing of necessary funeral  
3 services, facilities and equipment.

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

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

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

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

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

1 (225 ILCS 41/1-30 new)

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

3 Sec. 1-30. Powers of the Department. Subject to the  
4 provisions of this Code, the Department may exercise the  
5 following powers:

6 (1) To authorize examinations to ascertain the  
7 qualifications and fitness of applicants for licensing as a  
8 licensed funeral director and embalmer and pass upon the  
9 qualifications of applicants for licensure.

10 (2) To examine the records of a licensed funeral director  
11 or licensed funeral director and embalmer from any year or any  
12 other aspect of funeral directing and embalming as the  
13 Department deems appropriate.

14 (3) To investigate any and all funeral directing and  
15 embalming activity.

16 (4) To conduct hearings on proceedings to refuse to issue  
17 or renew licenses or to revoke, suspend, place on probation,  
18 reprimand, or otherwise discipline a license under this Code or  
19 take other non-disciplinary action.

20 (5) To adopt rules required for the administration of this  
21 Code.

22 (6) To prescribe forms to be issued for the administration  
23 and enforcement of this Code.

24 (7) To maintain rosters of the names and addresses of all  
25 licensees and all persons whose licenses have been suspended,  
26 revoked, denied renewal, or otherwise disciplined within the

1 previous calendar year. These rosters shall be available upon  
2 written request and payment of the required fee as established  
3 by rule.

4 (8) To contract with third parties for services necessary  
5 for the proper administration of this Code including, without  
6 limitation, investigators with the proper knowledge, training,  
7 and skills to properly inspect funeral homes and investigate  
8 complaints under this Code.

9 (225 ILCS 41/5-7 new)

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

11 Sec. 5-7. Address of record. It is the duty of the  
12 applicant or licensee to inform the Department of any change of  
13 address within 14 days after the change of address, either  
14 through the Department's website or by contacting the  
15 Department's licensure maintenance unit.

16 (225 ILCS 41/5-10)

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

18 Sec. 5-10. Funeral director license; display. Every holder  
19 of a license as a funeral director shall display it in a  
20 conspicuous place in the licensee's place of practice or in the  
21 place of practice in which the licensee is employed or, in case  
22 the licensee is engaged in funeral directing at more than one  
23 place of practice, then in the licensee's principal place of  
24 practice or the principal place of practice of the licensee's

1 employer and a copy of the license shall be displayed in a  
2 conspicuous place at all other places of practice.

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

4 (225 ILCS 41/5-15)

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

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

16 Any licensed funeral director whose license has been  
17 expired for more than 5 years may have the license restored  
18 only by fulfilling the requirements of the Department's rules  
19 and by paying the required restoration fee. However, any  
20 licensed funeral director whose license has expired while he or  
21 she has been engaged (1) in federal service on active duty with  
22 the United States Army, ~~of the United States, the United States~~  
23 ~~Navy, the Marine Corps, the Air Force, or the~~ Coast Guard, or  
24 the State Militia called into the service or training of the  
25 United States of America or (2) in training or education under

1 the supervision of the United States preliminary to induction  
2 into the military service may have his or her license restored  
3 without paying any lapsed renewal fees or restoration fee or  
4 without passing any examination if, within 2 years after  
5 termination of the service, training or education other than by  
6 dishonorable discharge, he or she furnishes the Department with  
7 an affidavit to the effect that he or she has been so engaged  
8 and that his or her service, training or education has been so  
9 terminated.

10 In addition to any other requirement for renewal of a  
11 license or reinstatement or restoration of an expired license,  
12 as a condition for the renewal, ~~or~~ reinstatement, or  
13 restoration of a license as a licensed funeral director, each  
14 licensee shall provide evidence to the Department of completion  
15 of at least 12 hours of continuing education during the 24  
16 months preceding the expiration date of the license, or in the  
17 case of reinstatement or restoration, during the 24 months  
18 preceding application for reinstatement or restoration. The  
19 continuing education sponsors shall be approved by the Board.  
20 In addition, any qualified continuing education course for  
21 funeral directors offered by a college, university, the  
22 Illinois Funeral Directors Association, Funeral Directors  
23 Services Association of Greater Chicago, Cook County  
24 Association of Funeral Home Owners, Inc., Illinois Selected  
25 Morticians Association, Inc., Illinois Cemetery and Funeral  
26 Home Association, National Funeral Directors Association,

1 Selected Independent Funeral Homes, National Funeral Directors  
2 and Morticians Association, Inc., International Order of the  
3 Golden Rule, or an Illinois school of mortuary science shall be  
4 accepted toward satisfaction of the continuing education  
5 requirements.

6 The Department shall establish by rule a means for  
7 verification of completion of the continuing education  
8 required by this Section. This verification may be accomplished  
9 through audits of records maintained by licensees, by requiring  
10 the filing of continued education certificates with the  
11 Department or a qualified organization selected by the  
12 Department to maintain these records, or by other means  
13 established by the Department.

14 A person who is licensed as a funeral director under this  
15 Code Act and who has engaged in the practice of funeral  
16 directing for at least 40 years shall be exempt from the  
17 continuing education requirements of this Section. In  
18 addition, the Department shall establish by rule an exemption  
19 or exception, for a limited period of time, for funeral  
20 directors who, by reason of advanced age, health or other  
21 extreme condition should reasonably be excused from the  
22 continuing education requirement upon ~~explanation to the~~  
23 ~~Board,~~ the approval of the Secretary Director, ~~or both.~~ Those  
24 persons, identified above, who cannot attend on-site classes,  
25 shall have the opportunity to comply by completing home study  
26 courses designed for them by sponsors.

1 Any funeral director who notifies the Department in writing  
2 on forms prescribed by the Department may elect to place his or  
3 her license on an inactive status and shall, subject to rules  
4 of the Department, be excused from payment of renewal fees and  
5 completion of continuing education requirements until he or she  
6 notifies the Department in writing of an intent to restore or  
7 reinstate the license to active status. Any licensee requesting  
8 restoration or reinstatement from inactive status shall notify  
9 the Department as provided by rule of the Department and pay  
10 the fee required by the Department for restoration or  
11 reinstatement of the license. Any licensee whose license is on  
12 inactive status shall not practice in the State of Illinois.

13 Practice on a license that has lapsed or been placed in  
14 inactive status is practicing without a license and a violation  
15 of this Code.

16 (Source: P.A. 92-641, eff. 7-11-02; 93-268, eff. 1-1-04.)

17 (225 ILCS 41/10-7 new)

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

19 Sec. 10-7. Address of record. It is the duty of the  
20 applicant or licensee to inform the Department of any change of  
21 address within 14 days after the change of address, either  
22 through the Department's website or by contacting the  
23 Department's licensure maintenance unit.

24 (225 ILCS 41/10-25)

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

2 Sec. 10-25. Examinations. The Department shall authorize  
3 and hold examinations of applicants for licenses as licensed  
4 funeral directors and embalmers. The examination may include  
5 both practical demonstrations and written and oral tests and  
6 shall embrace the subjects of anatomy, sanitary science, health  
7 regulations in relation to the handling of deceased human  
8 bodies, measures used by funeral directors and embalmers for  
9 the prevention of the spread of diseases, the care,  
10 preservation, embalming, transportation, and burial of dead  
11 human bodies, and other subjects relating to the care and  
12 handling of deceased human bodies as set forth in this Article  
13 and as the Department by rule may prescribe.

14 Whenever the Secretary ~~Director~~ is not satisfied that  
15 substantial justice has been done in an examination, the  
16 Secretary ~~Director~~ may order a reexamination.

17 If an applicant neglects, fails without an approved excuse  
18 or refuses to take the next available examination offered for  
19 licensure under this Code, the fee paid by the applicant shall  
20 be forfeited to the Department and the application denied. If  
21 an applicant fails to pass an examination for licensure under  
22 this Code within 3 years after filing an application, the  
23 application shall be denied. However, the applicant may  
24 thereafter make a new application for examination which shall  
25 be accompanied by the required fee.

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



1 (225 ILCS 41/10-30)

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

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

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

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

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 may renew

1 the license during the month preceding the expiration date of  
2 the license by paying the required fee. A licensed funeral  
3 director and embalmer or licensed funeral director and embalmer  
4 trainee whose license has expired may have the license  
5 reinstated within 5 years from the date of expiration upon  
6 payment of the required reinstatement fee and fulfilling the  
7 requirements of the Department's rules. The reinstatement of  
8 the license is effective as of the date of the reissuance of  
9 the license.

10 Any licensed funeral director and embalmer whose license  
11 has been expired for more than 5 years may have the license  
12 restored only by fulfilling the requirements set forth in the  
13 Department's rules and by paying the required restoration fee.  
14 However, any licensed funeral director and embalmer or licensed  
15 funeral director and embalmer intern whose license has expired  
16 while he or she has been engaged (1) in federal service on  
17 active duty with the United States Army, ~~of the United States,~~  
18 ~~the United States Navy, the Marine Corps, the Air Force, or the~~  
19 Coast Guard, or the State Militia called into the service or  
20 training of the United States of America or (2) in training or  
21 education under the supervision of the United States  
22 preliminary to induction into the military service, may have  
23 his or her license restored without paying any lapsed renewal  
24 fees or restoration fee or without passing any examination if,  
25 within 2 years after termination of the service, training or  
26 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 No license of a funeral director and embalmer intern shall  
5 be renewed more than twice.

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

1 accepted toward satisfaction of the continuing education  
2 requirements.

3 The Department shall establish by rule a means for  
4 verification of completion of the continuing education  
5 required by this Section. This verification may be accomplished  
6 through audits of records maintained by licensees, by requiring  
7 the filing of continued education certificates with the  
8 Department or a qualified organization selected by the  
9 Department to maintain the records, or by other means  
10 established by the Department.

11 A person who is licensed as a funeral director and embalmer  
12 under this Code Act and who has engaged in the practice of  
13 funeral directing and embalming for at least 40 years shall be  
14 exempt from the continuing education requirements of this  
15 Section. In addition, the Department shall establish by rule an  
16 exemption or exception, for a limited period of time, for  
17 funeral directors and embalmers who, by reason of advanced age,  
18 health or other extreme condition, should reasonably be excused  
19 from the continuing education requirement upon ~~explanation to~~  
20 ~~the Board,~~ the approval of the Secretary ~~Director,~~ or both.  
21 Those persons, identified above, who cannot attend on-site  
22 classes, shall have the opportunity to comply by completing  
23 home study courses designed for them by sponsors.

24 Any funeral director and embalmer who notifies the  
25 Department in writing on forms prescribed by the Department,  
26 may elect to place his or her license on an inactive status and

1 shall, subject to rules of the Department, be excused from  
2 payment of renewal fees and completion of continuing education  
3 requirements until he or she notifies the Department in writing  
4 of an intent to restore or reinstate the license to active  
5 status. While on inactive status, the licensee shall only be  
6 required to pay a single fee, established by the Department, to  
7 have the license placed on inactive status. Any licensee  
8 requesting restoration or reinstatement from inactive status  
9 shall notify the Department as provided by rule of the  
10 Department and pay the fee required by the Department for  
11 restoration or reinstatement of the license. Any licensee whose  
12 license is on inactive status shall not practice in the State  
13 of Illinois.

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

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

18 (225 ILCS 41/15-5) (from Ch. 111, par. 2825)

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

20 Sec. 15-5. Funeral Directors and Embalmers Licensing and  
21 Disciplinary Board. A Funeral Directors and Embalmers  
22 Licensing and Disciplinary Board is created and shall consist  
23 of 7 persons, 6 of whom are licensed to practice funeral  
24 directing and embalming in this State, and one who is a  
25 knowledgeable public member. Each member shall be appointed by

1 the Secretary ~~Director~~ of the Department. The persons so  
2 appointed shall hold their offices for 4 years and until a  
3 qualified successors are ~~successor is~~ appointed. All vacancies  
4 occurring shall be filled by the Secretary ~~Director~~ for the  
5 unexpired portion of the term rendered vacant. No member shall  
6 be eligible to serve for more than 2 full consecutive terms.  
7 The Secretary may remove any member of the Board for reasons  
8 prescribed by law for removal of State officials or for  
9 misconduct, incompetence, neglect of duty, or failing to attend  
10 2 consecutive Board meetings. ~~Any appointee may be removed by~~  
11 ~~the Director when in his or her discretion he or she finds~~  
12 ~~removal to be in the public interest.~~ The cause for removal  
13 must be set forth in writing. The Board shall annually select a  
14 chairman from its membership. The members of the Board shall be  
15 reimbursed for all legitimate and necessary expenses incurred  
16 in attending meetings of the Board. The Board may meet as often  
17 as necessary to perform its duties under this Code, and shall  
18 meet at least once a year in Springfield, Illinois.

19 A quorum shall be a majority of the members then appointed  
20 to the Board. A quorum is required for Board decisions.

21 The Department shall consider the recommendation of the  
22 Board in the development of proposed rules under this Code.  
23 Notice of any proposed rulemaking under this Code shall be  
24 transmitted to the Board and the Department shall review the  
25 response of the Board and any recommendations relating to that  
26 rulemaking.

1       ~~The Department may seek the advice and recommendations of~~  
2 ~~the Board on any matter relating to the administration and~~  
3 ~~enforcement of this Code.~~

4       The Department shall seek the advice and recommendations of  
5 the Board in connection with any rulemaking or disciplinary  
6 actions relating to funeral director and embalmers and funeral  
7 director and embalmer interns, including applications for  
8 restoration of revoked licenses. The Board shall have 60 days  
9 to respond to a Department request for advice and  
10 recommendations. ~~If the Department fails to adopt, in whole or~~  
11 ~~in part, a Board recommendation in connection with any~~  
12 ~~rulemaking or disciplinary action, it shall provide a written~~  
13 ~~explanation of its specific reasons for not adopting the Board~~  
14 ~~recommendation. The written explanations shall be made~~  
15 ~~available for public inspection.~~

16       The Department shall adopt all necessary and reasonable  
17 rules and regulations for the effective administration of this  
18 Code, and without limiting the foregoing, the Department shall  
19 adopt rules and regulations:

20           (1) prescribing a method of examination of candidates;

21           (2) defining what shall constitute a school, college,  
22 university, department of a university or other  
23 institution to determine the reputability and good  
24 standing of these institutions by reference to a compliance  
25 with the rules and regulations; however, no school,  
26 college, university, department of a university or other

1 institution that refuses admittance to applicants, solely  
2 on account of race, color, creed, sex or national origin  
3 shall be considered reputable and in good standing;

4 (3) establishing expiration dates and renewal periods  
5 for all licenses;

6 (4) prescribing a method of handling complaints and  
7 conducting hearings on proceedings to take disciplinary  
8 action under this Code; and

9 (5) providing for licensure by reciprocity.

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

11 (225 ILCS 41/15-10)

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

13 Sec. 15-10. Administrative Procedure Act. The Illinois  
14 Administrative Procedure Act is hereby expressly adopted and  
15 incorporated into this Code as if all of the provisions of that  
16 Act were included in this Code, except that the provision of  
17 subsection (d) of Section 10-65 of the Illinois Administrative  
18 Procedure Act that provides that at hearings the licensee has  
19 the right to show compliance with all lawful requirements for  
20 retention, continuation or renewal of the license is  
21 specifically excluded. For the purposes of this Code the notice  
22 required under Section 10-25 of the Illinois Administrative  
23 Procedure Act is deemed sufficient when mailed to the ~~last~~  
24 ~~known~~ address of record ~~a party~~.

25 (Source: P.A. 87-966; 88-45.)



1 (225 ILCS 41/15-15)

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

3 Sec. 15-15. Complaints; investigations; hearings; summary  
4 suspension of license. The Department may investigate the  
5 actions of any applicant or of any person or persons rendering  
6 or offering to render services or any person holding or  
7 claiming to hold a license under this Code.

8 The Department shall, before revoking, suspending, placing  
9 on probation, reprimanding, or taking any other disciplinary  
10 action, at least 30 days before the date set for the hearing,  
11 (i) notify the accused in writing of the charges made and the  
12 time and place for the hearing on the charges, (ii) direct him  
13 or her to file a written answer to the charges under oath  
14 within 20 days after the service on him or her of the notice,  
15 and (iii) inform the accused that, if he or she fails to  
16 answer, default will be taken against him or her or that his or  
17 her license may be suspended, revoked, or placed on  
18 probationary status, or other disciplinary action taken with  
19 regard to the license, including limiting the scope, nature, or  
20 extent of his or her practice, as the Department may consider  
21 proper.

22 At the time and place fixed in the notice, the Department  
23 shall proceed to hear the charges and the parties or their  
24 counsel shall be accorded ample opportunity to present any  
25 pertinent statements, testimony, evidence, and arguments. The

1 Department may continue the hearing from time to time. In case  
2 the person, after receiving the notice, fails to file an  
3 answer, his or her license may, in the discretion of the  
4 Department, be suspended, revoked, or placed on probationary  
5 status, or the Department may take whatever disciplinary action  
6 it considers proper, including limiting the scope, nature, or  
7 extent of the person's practice or the imposition of a fine,  
8 without a hearing, if the act or acts charged constitute  
9 sufficient grounds for that action under this Code. The written  
10 notice may be served by personal delivery or by certified mail  
11 to the address specified by the accused in his or her last  
12 notification with the Department.

13 ~~The Department shall conduct regular inspections of all funeral~~  
14 ~~establishments to determine compliance with the provisions of~~  
15 ~~this Code. The Department may upon its own motion and shall~~  
16 ~~upon the verified complaint in writing of any person setting~~  
17 ~~forth facts that if proved would constitute grounds for~~  
18 ~~refusal, suspension, revocation, or other disciplinary action~~  
19 ~~investigate the action of any person holding or claiming to~~  
20 ~~hold a license under this Code. The Department shall report to~~  
21 ~~the Board, on at least a quarterly basis, the status or~~  
22 ~~disposition of all complaints against, and investigations of,~~  
23 ~~license holders. The Department shall, before refusing to issue~~  
24 ~~or renew, suspending, revoking, or taking any other~~  
25 ~~disciplinary action with respect to any license and at least 30~~  
26 ~~days before the date set for the hearing, notify in writing the~~

1 ~~licensee of any charges made and shall direct that person to~~  
2 ~~file a written answer to the Board under oath within 20 days~~  
3 ~~after the service of the notice and inform that person that~~  
4 ~~failure to file an answer may result in default being taken and~~  
5 ~~the person's license or certificate may be suspended, revoked,~~  
6 ~~placed on probationary status, or other disciplinary action may~~  
7 ~~be taken, including limiting the scope, nature or extent of~~  
8 ~~practice, as the Secretary may deem proper. The Department~~  
9 ~~shall afford the licensee an opportunity to be heard in person~~  
10 ~~or by counsel in reference to the charges. Written notice may~~  
11 ~~be served by personal delivery to the licensee or by mailing it~~  
12 ~~by registered mail to the last known business address of~~  
13 ~~licensee. In case the person fails to file an answer after~~  
14 ~~receiving notice, his or her license or certificate may, in the~~  
15 ~~discretion of the Department, be suspended, revoked, or placed~~  
16 ~~on probationary status, or the Department may take whatever~~  
17 ~~disciplinary action deemed proper, including limiting the~~  
18 ~~scope, nature, or extent of the person's practice or the~~  
19 ~~imposition of a fine, without a hearing, if the act or acts~~  
20 ~~charged constitute sufficient grounds for such action under~~  
21 ~~this Act. The hearing on the charges shall be at a time and~~  
22 ~~place as the Department shall prescribe. The Department may~~  
23 ~~appoint a hearing officer to conduct the hearing. The~~  
24 ~~Department shall notify the Board of the time and place of the~~  
25 ~~hearing and Board members shall be allowed to sit at the~~  
26 ~~hearing.~~

1           The Department has the power to subpoena and bring before  
2 it any person to take oral or written testimony and to compel  
3 the production of any books, papers, records, or other  
4 documents that the Secretary or his or her designee deems  
5 relevant or material to any investigation or hearing conducted  
6 by the Department, with the same fees and in the same manner as  
7 prescribed in civil cases. The Secretary, the designated  
8 hearing officer, and every member of the Board has the power to  
9 administer oaths to witnesses at any hearing that the  
10 Department is authorized to conduct, and any other oaths  
11 authorized in any Act or Code administered by the Department ~~in~~  
12 ~~this State, or take testimony of any person by deposition, with~~  
13 ~~the same fees and mileage, in the same manner as prescribed by~~  
14 ~~law in judicial proceedings in circuit courts of this State in~~  
15 ~~civil cases.~~

16           If the Department determines that any licensee is guilty of  
17 a violation of any of the provisions of this Code, disciplinary  
18 action shall be taken against the licensee. The Department may  
19 take disciplinary action without a formal hearing subject to  
20 Section 10-70 of the Illinois Administrative Procedure Act.

21           The Secretary may summarily suspend the license of any  
22 person licensed under this Code ~~Act~~ without a hearing,  
23 simultaneously with the institution of proceedings for a  
24 hearing provided for in this Section, if the Secretary finds  
25 that evidence in the possession of the Secretary indicates that  
26 the continuation of practice by the licensee would constitute

1 an imminent danger to the public. In the event that the  
2 Secretary summarily suspends the license of an individual  
3 without a hearing, a hearing must be held within 30 days after  
4 the suspension has occurred and concluded as expeditiously as  
5 practical.

6 (Source: P.A. 96-48, eff. 7-17-09.)

7 (225 ILCS 41/15-16 new)

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

9 Sec. 15-16. Appointment of a hearing officer. The Secretary  
10 has the authority to appoint any attorney licensed to practice  
11 law in the State of Illinois to serve as the hearing officer in  
12 any action for refusal to issue, restore, or renew a license or  
13 to discipline a licensee. The hearing officer has full  
14 authority to conduct the hearing. Any Board member may attend  
15 hearings.

16 (225 ILCS 41/15-17 new)

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

18 Sec. 15-17. Consent order. At any point in any  
19 investigation or disciplinary proceeding provided for in this  
20 Code, both parties may agree to a negotiated consent order. The  
21 consent order shall be final upon signature of the Secretary.

22 (225 ILCS 41/15-20)

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

1           Sec. 15-20. Transcript; record of proceedings; ~~rehearing~~.  
2           The Department, at its expense, shall ~~provide a stenographer to~~  
3           ~~take down the testimony and~~ preserve a record of all  
4           proceedings at the formal hearing of any case ~~where a license~~  
5           ~~is revoked, suspended or subjected to any other disciplinary~~  
6           ~~action~~. The notice of hearing, complaint and all other  
7           documents in the nature of pleadings and written motions filed  
8           in the proceedings, the transcript of testimony, the report of  
9           the Board or hearing officer, and the orders of the Department  
10          shall be the record of the proceedings. The Department shall  
11          furnish a transcript of the record to any person interested in  
12          the hearing upon payment of the actual cost of making the  
13          transcript.

14          ~~The record of all proceedings at the hearing shall be~~  
15          ~~submitted for review to the Board, which shall present to the~~  
16          ~~Director a written report of its findings and recommendations~~  
17          ~~based solely upon the record. The report of findings and~~  
18          ~~recommendations of the Board shall be the basis for the~~  
19          ~~Department's order unless the Director determines that the~~  
20          ~~Board findings and recommendations are contrary to the manifest~~  
21          ~~weight of the evidence. A copy of that report and the~~  
22          ~~Department's order shall be served upon the accused person,~~  
23          ~~either personally, or by registered or certified mail to the~~  
24          ~~address specified by the licensee in his last notification to~~  
25          ~~the Director. Within 20 days after service, the accused person~~  
26          ~~may present to the Department his or her motion in writing for~~

1 ~~a rehearing, which shall specify the particular grounds for~~  
2 ~~rehearing. If the accused person orders and pays for a~~  
3 ~~transcript of the record as provided in this Act, the time~~  
4 ~~elapsing thereafter and before the transcript is ready for~~  
5 ~~delivery shall not be counted as part of the 20 days.~~

6 ~~Whenever the Director is not satisfied that substantial~~  
7 ~~justice has been done, he or she may order a rehearing by the~~  
8 ~~same or another hearing officer. At the expiration of the time~~  
9 ~~specified for filing a motion for a rehearing the Director~~  
10 ~~shall have the right to take the action contained in the order.~~  
11 ~~Upon the suspension or revocation of a license, the licensee~~  
12 ~~shall be required to surrender the license to the Department,~~  
13 ~~and upon failure or refusal to do so, the Department has the~~  
14 ~~right to seize the license.~~

15 ~~At any time after the suspension or revocation of any~~  
16 ~~license, the Department may restore it to the accused person~~  
17 ~~without examination.~~

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

19 (225 ILCS 41/15-21 new)

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

21 Sec. 15-21. Findings and recommendations. At the  
22 conclusion of the hearing, the Board shall present to the  
23 Secretary a written report of its findings of fact, conclusions  
24 of law, and recommendations. The report shall contain a finding  
25 of whether or not the accused person violated this Code or its

1 rules or failed to comply with the conditions required in this  
2 Code or its rules. The Board shall specify the nature of any  
3 violations or failure to comply and shall make its  
4 recommendations to the Secretary. In making recommendations  
5 for any disciplinary action, the Board may take into  
6 consideration all facts and circumstances bearing upon the  
7 reasonableness of the conduct of the accused and the potential  
8 for future harm to the public, including, but not limited to,  
9 previous discipline of the accused by the Department, intent,  
10 degree of harm to the public and likelihood of harm in the  
11 future, any restitution made by the accused, and whether the  
12 incident or incidents contained in the complaint appear to be  
13 isolated or represent a continuing pattern of conduct. In  
14 making its recommendations for discipline, the Board shall  
15 endeavor to ensure that the severity of the discipline  
16 recommended is reasonably related to the severity of the  
17 violation.

18 The report of findings of fact, conclusions of law, and  
19 recommendation of the Board or hearing officer shall be the  
20 basis for the Department's order refusing to issue, restore, or  
21 renew a license, or otherwise disciplining a licensee. If the  
22 Secretary disagrees with the recommendations of the Board or  
23 hearing officer, the Secretary may issue an order in  
24 contravention of the Board or hearing officer's  
25 recommendations. The finding is not admissible in evidence  
26 against the person in a criminal prosecution brought for a



1 violation of this Code, but the hearing and finding are not a  
2 bar to a criminal prosecution brought for a violation of this  
3 Code.

4 (225 ILCS 41/15-22 new)

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

6 Sec. 15-22. Rehearing. At the conclusion of the hearing, a  
7 copy of the Board or hearing officer's report shall be served  
8 upon the applicant or licensee by the Department, either  
9 personally or as provided in this Code for the service of a  
10 notice of hearing. Within 20 days after service, the applicant  
11 or licensee may present to the Department a motion in writing  
12 for a rehearing, which shall specify the particular grounds for  
13 rehearing. The Department may respond to the motion for  
14 rehearing within 20 days after its service on the Department.  
15 If no motion for rehearing is filed, then upon the expiration  
16 of the time specified for filing such a motion, or if a motion  
17 for rehearing is denied, then upon denial, the Secretary may  
18 enter an order in accordance with the recommendations of the  
19 Board or hearing officer. If the applicant or licensee orders  
20 from the reporting service and pays for a transcript of the  
21 record within the time for filing a motion for rehearing, the  
22 20-day period within which a motion may be filed shall commence  
23 upon the delivery of the transcript to the applicant or  
24 licensee.

25 If the Secretary believes that substantial justice has not

1 been done in the revocation, suspension, or refusal to issue,  
2 restore, or renew a license, or other discipline of an  
3 applicant or licensee, he or she may order a rehearing by the  
4 same or other examiners.

5 (225 ILCS 41/15-30)

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

7 Sec. 15-30. Mental incompetence; suspension. The entry of a  
8 judgment by any court of competent jurisdiction establishing  
9 the mental incompetence of any person holding a license under  
10 this Code Act operates as a suspension of that person's  
11 license. The person may resume his or her practice only upon a  
12 finding by a court of competent jurisdiction that the person  
13 has recovered mental capacity.

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

15 (225 ILCS 41/15-35)

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

17 Sec. 15-35. Administrative Review Law.

18 (a) All final administrative decisions of the Department  
19 shall be subject to judicial review under the Administrative  
20 Review Law and its rules. The term "administrative decision" is  
21 defined as in Section 3-101 of the Code of Civil Procedure.

22 (b) Proceedings for judicial review shall be commenced in  
23 the circuit court of the county in which the party applying for  
24 review resides, but if the party is not a resident of Illinois,

1 then the venue shall be in Sangamon County.

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

3 (225 ILCS 41/15-40)

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

5 Sec. 15-40. Certification of record; receipt. The  
6 Department shall not be required to certify any record to the  
7 court, to file an answer in court, ~~or file any answer in court~~  
8 or otherwise to appear in any court in a judicial review  
9 proceeding unless and until the Department has received from  
10 the plaintiff payment of the costs of furnishing and certifying  
11 the record, which costs shall be determined by the Department  
12 ~~there is filed in the Court with the complaint a receipt from~~  
13 ~~the Department acknowledging payment of the costs of furnishing~~  
14 ~~and certifying the record.~~ Exhibits shall be certified without  
15 cost. Failure on the part of the Plaintiff to file a receipt in  
16 court shall be grounds for dismissal of the action.

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

18 (225 ILCS 41/15-41 new)

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

20 Sec. 15-41. Order or certified copy; prima facie proof. An  
21 order or certified copy thereof, over the seal of the  
22 Department and purporting to be signed by the Secretary, is  
23 prima facie proof that:

24 (1) the signature is the genuine signature of the

1           Secretary;

2           (2) the Secretary is duly appointed and qualified; and

3           (3) the hearing officer is qualified to act.

4           (225 ILCS 41/15-45)

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

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

8           (a) The practice of funeral directing and embalming or  
9 funeral directing by any person who has not been issued a  
10 license by the Department, whose license has been suspended or  
11 revoked, or whose license has not been renewed is hereby  
12 declared to be inimical to the public welfare and to constitute  
13 a public nuisance. The Secretary ~~Director of Professional~~  
14 ~~Regulation~~ may, in the name of the People of the State of  
15 Illinois through the Attorney General of the State of Illinois,  
16 or the State's Attorney of any county in the State of Illinois,  
17 apply for an injunction in the circuit court to enjoin any  
18 person who has not been issued a license or whose license has  
19 been suspended or revoked, or whose license has not been  
20 renewed, from practicing funeral directing and embalming or  
21 funeral directing. Upon the filing of a verified complaint in  
22 court, the court, if satisfied by affidavit or otherwise that  
23 the person is or has been practicing funeral directing and  
24 embalming or funeral directing without having been issued a  
25 license or after his or her license has been suspended,

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

19       (b) Whenever, in the opinion of the Department, any person  
20    or other entity violates any provision of this Code Act, the  
21    Department may issue a notice to show cause why an order to  
22    cease and desist should not be entered against that person or  
23    other entity. The rule shall clearly set forth the grounds  
24    relied upon by the Department and shall provide a period of 7  
25    days from the date of the rule to file an answer to the  
26    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 law,  
4 any person, sole proprietorship, professional service  
5 corporation, limited liability company, partnership, or other  
6 entity that violates Section 1-15 or 1-20 of this Code Act  
7 shall forfeit and pay to the General Professions Dedicated Fund  
8 a civil penalty in an amount determined by the Department ~~of~~  
9 not to exceed more than \$10,000 for each violation offense. The  
10 penalty shall be assessed in proceedings as provided in  
11 Sections 15-10 through 15-40 of this Code Act.

12 (d) In addition to the other penalties and remedies  
13 provided in this Code, the Department may bring a civil action  
14 in the county in which the funeral establishment is located  
15 against a licensee or any other person to enjoin any violation  
16 or threatened violation of this Code.

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

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

22 (225 ILCS 41/15-55)

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

24 Sec. 15-55. Preparation room. The Department shall require  
25 that each fixed place of practice or establishment devoted to

1 the care and preparation for burial or for transportation of  
2 deceased human bodies maintain a preparation room properly  
3 equipped with necessary drainage and ventilation facilities  
4 and containing instruments and supplies necessary for the  
5 preparation and embalming of deceased human bodies for burial  
6 or transportation. Branch operations of main funeral  
7 businesses having a preparation room and located in the State  
8 of Illinois are exempt from the requirements of this Section.  
9 The Department may adopt rules for all preparation room  
10 equipment and facility requirements.

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

12 (225 ILCS 41/15-65)

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

14 Sec. 15-65. Fees. The Department shall provide by rule for  
15 a schedule of fees for the administration and enforcement of  
16 this Code Act, including but not limited to original licensure,  
17 renewal, and restoration. The fees shall be nonrefundable.

18 All fees collected under this Code Act shall be deposited  
19 into the General Professions Dedicated Fund and shall be  
20 appropriated to the Department for the ordinary and contingent  
21 expenses of the Department in the administration of this Code  
22 Act.

23 (Source: P.A. 91-454, eff. 1-1-00.)

24 (225 ILCS 41/15-70)

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

2 Sec. 15-70. Returned checks; fines. Any person who delivers  
3 a check or other payment to the Department that is returned to  
4 the Department unpaid by the financial institution upon which  
5 it is drawn shall pay to the Department, in addition to the  
6 amount already owed to the Department, a fine of \$50. The fines  
7 imposed by this Section are in addition to any other discipline  
8 provided under this Code Act for unlicensed practice or  
9 practice on a nonrenewed license. The Department shall notify  
10 the person that payment of fees and fines shall be paid to the  
11 Department by certified check or money order within 30 calendar  
12 days of the notification. If, after the expiration of 30 days  
13 from the date of the notification, the person has failed to  
14 submit the necessary remittance, the Department shall  
15 automatically terminate the license or certificate or deny the  
16 application, without hearing. If, after termination or denial,  
17 the person seeks a license or certificate, he or she shall  
18 apply to the Department for restoration or issuance of the  
19 license or certificate and pay all fees and fines due to the  
20 Department. The Department may establish a fee for the  
21 processing of an application for restoration of a license or  
22 certificate to pay all expenses of processing this application.  
23 The Secretary Director may waive the fines due under this  
24 Section in individual cases where the Secretary Director finds  
25 that the fines would be unreasonable or unnecessarily  
26 burdensome.



1 (Source: P.A. 92-146, eff. 1-1-02.)

2 (225 ILCS 41/15-75)

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

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

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

9 (1) Practicing the profession of funeral directing and  
10 embalming or funeral directing, or attempting to practice  
11 the profession of funeral directing and embalming or  
12 funeral directing without a license as a ~~licensed~~ funeral  
13 director and embalmer or funeral director ~~or acting as a~~  
14 ~~customer service employee without a license as a customer~~  
15 ~~service employee issued by the Department.~~

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

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

23 (4) Permitting any person in one's employ, under one's  
24 control or in or under one's service to serve as a funeral  
25 director and embalmer, funeral director, or funeral

1 director and embalmer intern when the person does not have  
2 the appropriate license.

3 (5) Failing to display a license as required by this  
4 Code.

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

7 (b) The Department may refuse to issue or renew a license  
8 or may revoke, suspend, place on probation, reprimand, or take  
9 other disciplinary action as the Department may deem  
10 appropriate, including imposing fines not to exceed \$10,000 for  
11 each violation, with regard to any license under the Code for  
12 any one or combination of the following: ~~Each of the following~~  
13 ~~acts or actions is a violation of this Code for which the~~  
14 ~~Department may refuse to issue or renew, or may suspend or~~  
15 ~~revoke any license or may take any disciplinary action as the~~  
16 ~~Department may deem proper including fines not to exceed \$1,000~~  
17 ~~for each violation.~~

18 (1) Obtaining or attempting to obtain a license by  
19 fraud or misrepresentation.

20 (2) Conviction in this State or another state of any  
21 crime that is a felony or misdemeanor under the laws of  
22 this State or conviction of a felony or misdemeanor in a  
23 federal court.

24 (3) Violation of the laws of this State relating to the  
25 funeral, burial or disposal of deceased human bodies or of  
26 the rules and regulations of the Department, or the

1 Department of Public Health.

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

6 (5) Professional incompetence, gross malpractice,  
7 ~~Incompetence~~ or untrustworthiness in the practice of  
8 funeral directing and embalming or funeral directing.

9 (6) False or misleading advertising as a funeral  
10 director and embalmer or funeral director, or advertising  
11 or using the name of a person other than the holder of a  
12 license in connection with any service being rendered in  
13 the practice of funeral directing and embalming or funeral  
14 directing. Nothing in this paragraph shall prevent  
15 including the name of any owner, officer or corporate  
16 director of a funeral business who is not a licensee in any  
17 advertisement used by a funeral home with which the  
18 individual is affiliated if the advertisement specifies  
19 the individual's affiliation with the funeral home.

20 (7) Engaging in, promoting, selling, or issuing burial  
21 contracts, burial certificates, or burial insurance  
22 policies in connection with the profession as a funeral  
23 director and embalmer, funeral director, or funeral  
24 director and embalmer intern in violation of any laws of  
25 the State of Illinois.

26 (8) Refusing, without cause, to surrender the custody

1 of a deceased human body upon the proper request of the  
2 person or persons lawfully entitled to the custody of the  
3 body.

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

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

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

15 (12) Making or causing to be made any false or  
16 misleading statements about the laws concerning the  
17 disposal of human remains, including, but not limited to,  
18 the need to embalm, the need for a casket for cremation or  
19 the need for an outer burial container.

20 (13) (Blank). ~~Continued practice by a person having an~~  
21 ~~infectious or contagious disease.~~

22 (14) Embalming or attempting to embalm a deceased human  
23 body without express prior authorization of the person  
24 responsible for making the funeral arrangements for the  
25 body. This does not apply to cases where embalming is  
26 directed by local authorities who have jurisdiction or when

1           embalming is required by State or local law.

2           (15) Making a false statement on a Certificate of Death  
3           where the person making the statement knew or should have  
4           known that the statement was false.

5           (16) Soliciting human bodies after death or while death  
6           is imminent.

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

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

15          (19) Engaging in unethical or unprofessional conduct  
16          of a character likely to deceive, defraud or harm the  
17          public.

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

22          (21) Advertising in a false or misleading manner or  
23          advertising using the name of an unlicensed person in  
24          connection with any service being rendered in the practice  
25          of funeral directing or funeral directing and embalming.  
26          The use of any name of an unlicensed or unregistered person

1 in an advertisement so as to imply that the person will  
2 perform services is considered misleading advertising.  
3 Nothing in this paragraph shall prevent including the name  
4 of any owner, officer or corporate director of a funeral  
5 home, who is not a licensee, in any advertisement used by a  
6 funeral home with which the individual is affiliated, if  
7 the advertisement specifies the individual's affiliation  
8 with the funeral home.

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

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

14 (24) Treating any person differently to his detriment  
15 because of race, color, creed, gender, religion, or  
16 national origin.

17 (25) Knowingly making any false statements, oral or  
18 otherwise, of a character likely to influence, persuade or  
19 induce others in the course of performing professional  
20 services or activities.

21 (26) Knowingly making or filing false records or  
22 reports in the practice of funeral directing and embalming.

23 (27) Failing to acquire continuing education required  
24 under this Code.

25 (28) Violations of this Code or of the rules adopted  
26 pursuant to this Code.

1           (29) Aiding or assisting another person in violating  
2           any provision of this Code or rules adopted pursuant to  
3           this Code.

4           (30) Failing within 10 days, to provide information in  
5           response to a written request made by the Department.

6           (31) Discipline by another state, District of  
7           Columbia, territory, or foreign nation, if at least one of  
8           the grounds for the discipline is the same or substantially  
9           equivalent to those set forth in this Section.

10           (32) Directly or indirectly giving to or receiving from  
11           any person, firm, corporation, partnership, or association  
12           any fee, commission, rebate, or other form of compensation  
13           for professional services not actually or personally  
14           rendered.

15           (33) Inability to practice the profession with  
16           reasonable judgment, skill, or safety.

17           (34) Gross, willful, or continued overcharging for  
18           professional services, including filing false statements  
19           for collection of fees for which services are not rendered.

20           (35) A pattern of practice or other behavior that  
21           demonstrates incapacity or incompetence to practice under  
22           this Code.

23           (36) ~~(28)~~ Failing to comply with any of the following  
24           required activities:

25                   (A) When reasonably possible, a funeral director  
26                   licensee or funeral director and embalmer licensee or

1 anyone acting on his or her behalf shall obtain the  
2 express authorization of the person or persons  
3 responsible for making the funeral arrangements for a  
4 deceased human body prior to removing a body from the  
5 place of death or any place it may be or embalming or  
6 attempting to embalm a deceased human body, unless  
7 required by State or local law. This requirement is  
8 waived whenever removal or embalming is directed by  
9 local authorities who have jurisdiction. If the  
10 responsibility for the handling of the remains  
11 lawfully falls under the jurisdiction of a public  
12 agency, then the regulations of the public agency shall  
13 prevail.

14 (B) A licensee shall clearly mark the price of any  
15 casket offered for sale or the price of any service  
16 using the casket on or in the casket if the casket is  
17 displayed at the funeral establishment. If the casket  
18 is displayed at any other location, regardless of  
19 whether the licensee is in control of that location,  
20 the casket shall be clearly marked and the registrant  
21 shall use books, catalogues, brochures, or other  
22 printed display aids to show the price of each casket  
23 or service.

24 (C) At the time funeral arrangements are made and  
25 prior to rendering the funeral services, a licensee  
26 shall furnish a written statement of services to be



1 retained by the person or persons making the funeral  
2 arrangements, signed by both parties, that shall  
3 contain: (i) the name, address and telephone number of  
4 the funeral establishment and the date on which the  
5 arrangements were made; (ii) the price of the service  
6 selected and the services and merchandise included for  
7 that price; (iii) a clear disclosure that the person or  
8 persons making the arrangement may decline and receive  
9 credit for any service or merchandise not desired and  
10 not required by law or the funeral director or the  
11 funeral director and embalmer; (iv) the supplemental  
12 items of service and merchandise requested and the  
13 price of each item; (v) the terms or method of payment  
14 agreed upon; and (vi) a statement as to any monetary  
15 advances made by the registrant on behalf of the  
16 family. The licensee shall maintain a copy of the  
17 written statement of services in its permanent  
18 records. All written statements of services are  
19 subject to inspection by the Department.

20 (D) In all instances where the place of final  
21 disposition of a deceased human body or the cremated  
22 remains of a deceased human body is a cemetery, the  
23 licensed funeral director and embalmer, or licensed  
24 funeral director, who has been engaged to provide  
25 funeral or embalming services shall remain at the  
26 cemetery and personally witness the placement of the

1 human remains in their designated grave or the sealing  
2 of the above ground depository, crypt, or urn. The  
3 licensed funeral director or licensed funeral director  
4 and embalmer may designate a licensed funeral director  
5 and embalmer intern or representative of the funeral  
6 home to be his or her witness to the placement of the  
7 remains. If the cemetery authority, cemetery manager,  
8 or any other agent of the cemetery takes any action  
9 that prevents compliance with this paragraph (D), then  
10 the funeral director and embalmer or funeral director  
11 shall provide written notice to the Department within 5  
12 business days after failing to comply. If the  
13 Department receives this notice, then the Department  
14 shall not take any disciplinary action against the  
15 funeral director and embalmer or funeral director for a  
16 violation of this paragraph (D) unless the Department  
17 finds that the cemetery authority, manager, or any  
18 other agent of the cemetery did not prevent the funeral  
19 director and embalmer or funeral director from  
20 complying with this paragraph (D) as claimed in the  
21 written notice.

22 (E) A funeral director or funeral director and  
23 embalmer shall fully complete the portion of the  
24 Certificate of Death under the responsibility of the  
25 funeral director or funeral director and embalmer and  
26 provide all required information. In the event that any

1           reported information subsequently changes or proves  
2           incorrect, a funeral director or funeral director and  
3           embalmer shall immediately upon learning the correct  
4           information correct the Certificate of Death.

5           ~~(37) (29)~~ A finding by the Department that the license,  
6           after having his or her license placed on probationary  
7           status or subjected to conditions or restrictions,  
8           violated the terms of the probation or failed to comply  
9           with such terms or conditions.

10           ~~(38) (30)~~ Violation of any final administrative action  
11           of the Secretary ~~Director~~.

12           ~~(39) (31)~~ Being named as a perpetrator in an indicated  
13           report by the Department of Children and Family Services  
14           pursuant to the Abused and Neglected Child Reporting Act  
15           and, upon proof by clear and convincing evidence, being  
16           found to have caused a child to be an abused child or  
17           neglected child as defined in the Abused and Neglected  
18           Child Reporting Act.

19           (c) The Department may refuse to issue or renew, or may  
20           suspend, the license of any person who fails to file a return,  
21           to pay the tax, penalty or interest shown in a filed return, or  
22           to pay any final assessment of tax, penalty or interest as  
23           required by any tax Act administered by the Illinois Department  
24           of Revenue, until the time as the requirements of the tax Act  
25           are satisfied.

26           (d) No action may be taken under this Code against a person

1 licensed under this Code unless the action is commenced within  
2 5 years after the occurrence of the alleged violations. A  
3 continuing violation shall be deemed to have occurred on the  
4 date when the circumstances last existed that give rise to the  
5 alleged violation.

6 (Source: P.A. 96-863, eff. 3-1-10.)

7 (225 ILCS 41/15-77 new)

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

9 Sec. 15-77. Method of payment, receipt. No licensee shall  
10 require payment for any goods or services by cash only. Each  
11 licensee subject to this Section shall permit payment by at  
12 least one other option, including, but not limited to, personal  
13 check, cashier's check, money order, or credit or debit card.  
14 In addition to the statement of services, the licensee shall  
15 provide a receipt to the consumer upon payment in part or in  
16 full, whatever the case may be.

17 (225 ILCS 41/15-85)

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

19 Sec. 15-85. Duties of public institution; regulation by  
20 local government. No provision of this Code shall apply to, or  
21 in any way interfere with, the duties of any officer of any  
22 public institution; nor with the duties of any officer of a  
23 medical college, county medical society, anatomical  
24 association, college of embalming, or any other recognized

1 person carrying out the laws of the State of Illinois  
2 prescribing the conditions under which indigent dead human  
3 bodies are held subject for scientific or anatomical study; nor  
4 with the customs or rites of any religious sect in the burial  
5 of their dead.

6 ~~Nothing in this Code shall have the effect of limiting the~~  
7 ~~power of cities and villages to tax, license and regulate~~  
8 ~~funeral directors, undertakers and undertaking establishments~~  
9 ~~as may be authorized from time to time by general law.~~

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

11 (225 ILCS 41/15-100 new)

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

13 Sec. 15-100. Conflict of interest. No investigator may hold  
14 an active license issued pursuant to this Code, nor may an  
15 investigator have a financial interest in a business licensed  
16 under this Code. Any individual licensed under this Code who is  
17 employed by the Department shall surrender his or her license  
18 to the Department for the duration of that employment. The  
19 licensee shall be exempt from all renewal fees while employed  
20 by the Department.

21 (225 ILCS 41/15-105 new)

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

23 Sec. 15-105. Civil Administrative Code. The Department  
24 shall exercise the powers and duties prescribed by the Civil

1 Administrative Code of Illinois and shall exercise all other  
2 powers and duties set forth in this Code.

3 (225 ILCS 41/15-110 new)

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

5 Sec. 15-110. Rules. The Department may adopt rules for the  
6 administration and enforcement of this Code. The rules shall  
7 include standards for licensure, professional conduct, and  
8 discipline.

9 (225 ILCS 41/20-15)

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

11 Sec. 20-15. Home rule; ~~mandates.~~ The regulation and  
12 licensing provided for in this Code are exclusive powers and  
13 functions of the State. A home rule unit may not regulate or  
14 license funeral directors, funeral director and embalmers,  
15 customer service employees, or any activities relating to the  
16 services of funeral directing and embalming. This Section is a  
17 denial and limitation of home rule powers and functions under  
18 subsection (h) of Section 6 of Article VII of the Illinois  
19 Constitution. Nothing in this Code as initially enacted (i) is  
20 a denial or limitation on home rule powers where no denial or  
21 limitation existed under prior law or (ii) creates a State  
22 mandate under the State Mandates Act where no mandate existed  
23 under prior law.

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

1           (225 ILCS 41/Art. 12 rep.)

2           Section 10. The Funeral Directors and Embalmers Licensing

3           Code is amended by repealing the heading of Article 12."