



Rep. Michael J. Madigan

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1 AMENDMENT TO SENATE BILL 669

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 669 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Human Skeletal Remains Protection Act is  
5 amended by changing Section 1 as follows:

6 (20 ILCS 3440/1) (from Ch. 127, par. 2661)

7 Sec. 1. Definitions. For the purposes of this Act:

8 (a) "Human skeletal remains" include the bones and  
9 decomposed fleshy parts of a deceased human body.

10 (b) "Unregistered graves" are any graves or locations where  
11 a human body has been buried or deposited; is over 100 years  
12 old; and is not in a cemetery registered with or licensed by  
13 the State Comptroller under the Cemetery Care Act or under the  
14 authority of the Illinois Department of Financial and  
15 Professional Regulation pursuant to the Cemetery Oversight  
16 Act, whichever is applicable.

1 (c) "Grave artifacts" are any item of human manufacture or  
2 use that is associated with the human skeletal remains in an  
3 unregistered grave.

4 (d) "Grave markers" are any tomb, monument, stone,  
5 ornament, mound, or other item of human manufacture that is  
6 associated with an unregistered grave.

7 (e) "Person" means any natural individual, firm, trust,  
8 estate, partnership, association, joint stock company, joint  
9 venture, corporation or a receiver, trustee, guardian or other  
10 representatives appointed by order of any court, the Federal  
11 and State governments, including State Universities created by  
12 statute or any city, town, county or other political  
13 subdivision of this State.

14 (f) "Disturb" includes excavating, removing, exposing,  
15 defacing, mutilating, destroying, molesting, or desecrating in  
16 any way human skeletal remains, unregistered graves, and grave  
17 markers.

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

19 Section 10. The Missing Persons Identification Act is  
20 amended by adding Section 25 as follows:

21 (50 ILCS 722/25 new)

22 Sec. 25. Unidentified persons. The coroner or medical  
23 examiner shall obtain a DNA sample from any individual's  
24 remains that are unclaimed or from any individual whose remains

1 are not identifiable. The DNA sample shall be forwarded to the  
2 Department of State Police for inclusion in the State and  
3 National DNA Databases.

4 Prior to the burial or interment of any unknown  
5 individual's remains or any unknown individual's body part, the  
6 medical examiner or coroner in possession of the remains or  
7 body part must assign a DNA log number to the unknown  
8 individual or body part. The medical examiner or coroner shall  
9 place a tag that is stamped or inscribed with the DNA log  
10 number on the individual or body part. The DNA log number shall  
11 be stamped on the unidentified individual's toe tag, if  
12 possible.

13 Section 15. The Counties Code is amended by changing  
14 Section 3-3034 as follows:

15 (55 ILCS 5/3-3034) (from Ch. 34, par. 3-3034)

16 Sec. 3-3034. Disposition of body. After the inquest the  
17 coroner may deliver the body or human remains of the deceased  
18 to the family of the deceased or, if there are no family  
19 members to accept the body or the remains, then to friends of  
20 the deceased, if there be any, but if not, the coroner shall  
21 cause the body or the remains to be decently buried, cremated,  
22 or donated for medical science purposes, the expenses to be  
23 paid from the property of the deceased, if there is sufficient,  
24 if not, by the county. The coroner may not approve the

1 cremation or donation of the body if it is necessary to  
2 preserve the body for law enforcement purposes. If the State  
3 Treasurer, pursuant to the Uniform Disposition of Unclaimed  
4 Property Act, delivers human remains to the coroner, the  
5 coroner shall cause the human remains to be disposed of as  
6 provided in this Section. If the police department of any  
7 municipality or county investigates abandoned cremated  
8 remains, determines that they are human remains, and cannot  
9 locate the owner of the remains, then the police shall deliver  
10 the remains to the coroner, and the coroner shall cause the  
11 remains to be disposed of as provided in this Section.

12 (Source: P.A. 96-1339, eff. 7-27-10.)

13 Section 25. The Cemetery Oversight Act is amended by  
14 changing Sections 5-15, 5-20, 5-25, 10-5, 10-10, 10-15, 10-20,  
15 10-21, 10-23, 10-25, 10-45, 10-50, 10-55, 20-5, 20-6, 25-10,  
16 25-70, 25-105, 25-125, 75-50, and 75-55 and by adding Sections  
17 10-39, 20-35, 20-40, 20-45, 25-14.5, and 25-77 as follows:

18 (225 ILCS 411/5-15)

19 (Section scheduled to be repealed on January 1, 2021)

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

21 "Address of record" means the designated address recorded  
22 by the Department in the applicant's or licensee's application  
23 file or license file. It is the duty of the applicant or  
24 licensee to inform the Department of any change of address

1 within 14 days either through the Department's website or by  
2 contacting the Department's licensure maintenance unit. The  
3 address of record for a cemetery authority shall be the  
4 permanent street address of the cemetery.

5 "Applicant" means a person applying for licensure under  
6 this Act as a cemetery authority, cemetery manager, or customer  
7 service employee. Any applicant or any person who holds himself  
8 or herself out as an applicant is considered a licensee for  
9 purposes of enforcement, investigation, hearings, and the  
10 Illinois Administrative Procedure Act.

11 "Burial permit" means a permit for the disposition of a  
12 dead human body that is filed with the Illinois Department of  
13 Public Health.

14 "Care" means the maintenance of a cemetery and of the lots,  
15 graves, crypts, niches, family mausoleums, memorials, and  
16 markers therein, including: (i) the cutting and trimming of  
17 lawn, shrubs, and trees at reasonable intervals; (ii) keeping  
18 in repair the drains, water lines, roads, buildings, fences,  
19 and other structures, in keeping with a well-maintained  
20 cemetery as provided for in Section 20-5 of this Act and  
21 otherwise as required by rule; (iii) maintenance of machinery,  
22 tools, and equipment for such care; (iv) compensation of  
23 cemetery workers, any discretionary payment of insurance  
24 premiums, and any reasonable payments for workers' pension and  
25 other benefits plans; and (v) the payment of expenses necessary  
26 for such purposes and for maintaining necessary records of lot

1 ownership, transfers, and burials.

2 ~~"Care funds", as distinguished from receipts from annual~~  
3 ~~charges or gifts for current or annual care, means any realty~~  
4 ~~or personalty impressed with a trust by the terms of any gift,~~  
5 ~~grant, contribution, payment, legacy, or pursuant to contract,~~  
6 ~~accepted by any cemetery authority or by any trustee, licensee,~~  
7 ~~agent, or custodian for the same, under Article 15 of this Act,~~  
8 ~~and any income accumulated therefrom, where legally so directed~~  
9 ~~by the terms of the transaction by which the principal was~~  
10 ~~established.~~

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

14 ~~"Cemetery association" means an association of 6 or more~~  
15 ~~persons, and their successors in trust, who have received~~  
16 ~~articles of organization from the Secretary of State to operate~~  
17 ~~a cemetery; the articles of organization shall be in perpetuity~~  
18 ~~and in trust for the use and benefit of all persons who may~~  
19 ~~acquire burial lots in a cemetery.~~

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

22 "Cemetery manager" means an individual who is engaged in,  
23 or responsible for, or holding himself or herself out as  
24 engaged in, those activities involved in or incidental to  
25 supervising the following: the maintenance, operation,  
26 development, or improvement of a cemetery licensed under this

1 Act; the interment of human remains; or the care, preservation,  
2 and embellishment of cemetery property. This definition  
3 includes, without limitation, an employee, an individual that  
4 is an independent contractor, an individual employed or  
5 contracted by an independent contractor, a third-party vendor,  
6 or an individual employed or contracted by a third-party vendor  
7 who is engaged in, or holding himself or herself out as engaged  
8 in, those activities involved in or incidental to supervising  
9 the following: the maintenance, operation, development, or  
10 improvement of a cemetery licensed under this Act; the  
11 interment of human remains; or the care, preservation, and  
12 embellishment of cemetery property. This definition does not  
13 include a volunteer worker who receives no compensation, either  
14 directly or indirectly, for his or her work as a cemetery  
15 manager.

16 "Cemetery operation" means to engage or attempt to engage  
17 in the interment, inurnment, or entombment of human remains or  
18 to engage in or attempt to engage in the care of a cemetery.

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

22 "Cemetery worker" means an individual, including an  
23 independent contractor or third-party vendor, who performs any  
24 work at the cemetery that is customarily performed by one or  
25 more cemetery employees, including openings and closings of  
26 vaults and graves, stone settings, inurnments, interments,

1 entombments, administrative work, handling of any official  
2 burial records, the preparation of foundations for memorials,  
3 and routine cemetery maintenance. This definition does not  
4 include (i) a ~~uncompensated~~, volunteer worker who receives no  
5 compensation, either directly or indirectly, for his or her  
6 work or (ii) an individual performing work at the cemetery  
7 pursuant to a contract to which the cemetery authority is not a  
8 party workers.

9 "Certificate of organization" means the document received  
10 by a cemetery association from the Secretary of State that  
11 indicates that the cemetery association shall be deemed fully  
12 organized as a body corporate under the name adopted and in its  
13 corporate name may sue and be sued.

14 "Comptroller" means the Comptroller of the State of  
15 Illinois.

16 "Consumer" means a person, or the persons given priority  
17 for the disposition of an individual's remains under the  
18 Disposition of Remains Act, who purchases or is considering  
19 purchasing cemetery, burial, or cremation products or services  
20 from a cemetery authority or crematory authority, whether for  
21 themselves or for another person.

22 "Customer service employee" means an individual who has  
23 direct contact with consumers and explains cemetery  
24 merchandise or services or negotiates, develops, or finalizes  
25 contracts with consumers. This definition includes, without  
26 limitation, an employee, an individual that is an independent



1 contractor, an individual that is employed or contracted by an  
2 independent contractor, a third-party vendor, or an individual  
3 that is employed or contracted by a third-party vendor, who has  
4 direct contact with consumers and explains cemetery  
5 merchandise or services or negotiates, develops, or finalizes  
6 contracts with consumers. This definition does not include an  
7 employee, an individual that is an independent contractor or an  
8 individual that is employed or contracted by an independent  
9 contractor, a third party vendor, or an individual that is  
10 employed or contracted by a third party vendor, who merely  
11 provides a printed cemetery list to a consumer, processes  
12 payment from a consumer, or performs sales functions related  
13 solely to incidental merchandise like flowers, souvenirs, or  
14 other similar items. This definition does not include a  
15 volunteer who receives no compensation, either directly or  
16 indirectly, for his or her work as a customer service employee.

17 "Department" means the Department of Financial and  
18 Professional Regulation.

19 "Employee" means an individual who works for a cemetery  
20 authority where the cemetery authority has the right to control  
21 what work is performed and the details of how the work is  
22 performed regardless of whether federal or State payroll taxes  
23 are withheld.

24 "Entombment right" means the right to place individual  
25 human remains or individual cremated human remains in a  
26 specific mausoleum crypt or lawn crypt selected by a consumer

1 for use as a final resting place.

2 "Family burying ground" means a cemetery in which no lots,  
3 crypts, or niches are sold to the public and in which  
4 interments, inurnments, and entombments are restricted to the  
5 immediate family or a group of individuals related to each  
6 other by blood or marriage.

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

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

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

13 "Green burial or cremation disposition" means burial or  
14 cremation practices that reduce the greenhouse gas emissions,  
15 waste, and toxic chemicals ordinarily created in burial or  
16 cremation or, in the case of greenhouse gas emissions, mitigate  
17 or offset emissions. Such practices include any standards or  
18 method for burial or cremation ~~certified by the Green Burial~~  
19 ~~Council or any other organization or method~~ that the Department  
20 may name by rule.

21 "Immediate family" means the designated agent of a person  
22 or the persons given priority for the disposition of a person's  
23 remains under the Disposition of Remains Act and shall include  
24 a person's spouse, parents, grandparents, children,  
25 grandchildren and siblings.

26 ~~"Imputed value" means the retail price of comparable rights~~

1 ~~within the same or similar area of the cemetery.~~

2 "Independent contractor" means a person who performs work  
3 for a cemetery authority where the cemetery authority has the  
4 right to control or direct only the result of the work and not  
5 the means and methods of accomplishing the result.

6 "Individual" means a natural person.

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

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

14 ~~"Investment Company Act of 1940" means Title 15 of the~~  
15 ~~United States Code, Sections 80a 1 to 80a 64, inclusive, as~~  
16 ~~amended.~~

17 ~~"Investment company" means any issuer (a) whose securities~~  
18 ~~are purchasable only with care funds or trust funds, or both;~~  
19 ~~(b) that is an open and diversified management company as~~  
20 ~~defined in and registered under the Investment Company Act of~~  
21 ~~1940; and (c) that has entered into an agreement with the~~  
22 ~~Department containing such provisions as the Department by~~  
23 ~~regulation requires for the proper administration of this Act.~~

24 "Lawn crypt" means a permanent underground crypt installed  
25 in multiple units for the entombment ~~interment~~ of human  
26 remains.

1 "Licensee" means a person licensed under this Act as a  
2 cemetery authority, cemetery manager, or customer service  
3 employee. Anyone who holds himself or herself out as a licensee  
4 or who is accused of unlicensed practice is considered a  
5 licensee for purposes of enforcement, investigation, hearings,  
6 and the Illinois Administrative Procedure Act. This definition  
7 does not include a cemetery worker.

8 "Mausoleum crypt" means a grouping of spaces constructed of  
9 reinforced concrete of similar material constructed or  
10 assembled above the ground for entombing human remains ~~space in~~  
11 ~~a mausoleum used or intended to be used, above or underground,~~  
12 ~~to entomb human remains.~~

13 "Niche" means a space in a columbarium or mausoleum used,  
14 or intended to be used, for inurnment of cremated human  
15 remains.

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

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

23 "Person" means any individual, firm, partnership,  
24 association, corporation, limited liability company, trustee,  
25 government or political subdivision, or other entity.

26 "Public cemetery" means a cemetery owned, operated,

1 controlled, or managed by the federal government, by any state,  
2 county, city, village, incorporated town, township,  
3 multi-township, public cemetery district, or other municipal  
4 corporation, political subdivision, or instrumentality thereof  
5 authorized by law to own, operate, or manage a cemetery.

6 "Religious burying ground" means a cemetery in which no  
7 lots, crypts, or niches are sold and in which interments,  
8 inurnments, and entombments are restricted to a group of  
9 individuals all belonging to a religious order or granted  
10 burial rights by special consideration of the religious order.

11 "Religious cemetery" means a cemetery owned, operated,  
12 controlled, or managed by any recognized church, religious  
13 society, association, or denomination, or by any cemetery  
14 authority or any corporation administering, or through which is  
15 administered, the temporalities of any recognized church,  
16 religious society, association, or denomination.

17 "Secretary" means the Secretary of Financial and  
18 Professional Regulation.

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

23 "Trustee" means any person authorized to hold funds under  
24 this Act.

25 "Unique personal identifier" means the parcel  
26 identification number in addition to the term of burial in

1 years; the numbered level or depth in the grave, plot, crypt,  
2 or niche; and the year of death for human remains interred,  
3 entombed, or inurned after the effective date of this Act. The  
4 unique personal identifier is assigned by the Cemetery  
5 Oversight Database.

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

7 (225 ILCS 411/5-20)

8 (Section scheduled to be repealed on January 1, 2021)

9 Sec. 5-20. Exemptions.

10 (a) Full exemption. Except as provided in this subsection,  
11 ~~Notwithstanding any provision of law to the contrary,~~ this Act  
12 does not apply to (1) any cemetery authority operating as a  
13 family burying ground or religious burying ground, (2) any  
14 cemetery authority that has not engaged in an interment,  
15 inurnment, or entombment of human remains within the last 10  
16 years ~~and does not accept or maintain care funds~~, or (3) any  
17 cemetery authority that is less than 3 acres ~~2 acres and does~~  
18 ~~not accept or maintain care funds~~. For purposes of determining  
19 the applicability of this subsection, the number of interments,  
20 inurnments, and entombments shall be aggregated for each  
21 calendar year. A cemetery authority claiming a full exemption  
22 shall apply for exempt status as provided for in Section 10-20  
23 ~~Article 10~~ of this Act. A cemetery authority claiming a full  
24 exemption shall be subject to Sections 10-40, 10-55, and 10-60  
25 of this Act. A cemetery authority that performs activities that

1 would disqualify it from a full exemption is required to apply  
2 for licensure within one year following the date on which its  
3 activities would disqualify it for a full exemption. A cemetery  
4 authority that previously qualified for and maintained a full  
5 exemption that fails to timely apply for licensure shall be  
6 deemed to have engaged in unlicensed practice and shall be  
7 subject to discipline in accordance with Article 25 of this  
8 Act.

9 (b) Partial exemption. If a cemetery authority does not  
10 qualify for a full exemption and (1) engages in 25 or fewer  
11 interments, inurnments, or entombments of human remains for  
12 each of the preceding 2 calendar years, (2) operates as a  
13 public cemetery, or (3) operates as a religious cemetery, then  
14 the cemetery authority is partially exempt from this Act but  
15 shall be required to comply with Sections 10-23, 10-40, 10-55,  
16 10-60, subsections (a), (b), (b-5), (c), (d), and (h) of  
17 Section 20-5, Sections 20-6, 20-10, 20-11, 20-12, 20-30, 20-35,  
18 20-40, 20-45, 25-3, and 25-120, and Article 35 of this Act.  
19 ~~Notwithstanding any provision of law to the contrary, a~~  
20 ~~cemetery authority that does not qualify for a full exemption~~  
21 ~~that is operating as a cemetery authority (i) that engages in~~  
22 ~~25 or fewer interments, inurnments, or entombments of human~~  
23 ~~remains for each of the preceding 2 calendar years and does not~~  
24 ~~accept or maintain care funds, (ii) that is operating as a~~  
25 ~~public cemetery, or (iii) that is operating as a religious~~  
26 ~~cemetery is exempt from this Act, but is required to comply~~

1 ~~with Sections 20-5(a), 20-5(b), 20-5(b-5), 20-5(c), 20-5(d),~~  
2 ~~20-6, 20-8, 20-10, 20-11, 20-12, 20-30, 25-3, and 25-120 and~~  
3 ~~Article 35 of this Act.~~ Cemetery authorities claiming a partial  
4 exemption shall apply for the partial exemption as provided in  
5 Section 10-20 ~~Article 10~~ of this Act. A cemetery authority that  
6 changes to a status that would disqualify it from a partial  
7 exemption is required to apply for licensure within one year  
8 following the date on which it changes its status. A cemetery  
9 authority that maintains a partial exemption that fails to  
10 timely apply for licensure shall be deemed to have engaged in  
11 unlicensed practice and shall be subject to discipline in  
12 accordance with Article 25 of this Act.

13 (c) Nothing in this Act applies to the City of Chicago in  
14 its exercise of its powers under the O'Hare Modernization Act  
15 or limits the authority of the City of Chicago to acquire  
16 property or otherwise exercise its powers under the O'Hare  
17 Modernization Act, or requires the City of Chicago, or any  
18 person acting on behalf of the City of Chicago, to comply with  
19 the licensing, regulation, investigation, or mediation  
20 requirements of this Act in exercising its powers under the  
21 O'Hare Modernization Act.

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

23 (225 ILCS 411/5-25)

24 (Section scheduled to be repealed on January 1, 2021)

25 Sec. 5-25. Powers of the Department. Subject to the



1 provisions of this Act, the Department may exercise the  
2 following powers:

3 (1) Authorize certification programs ~~written examinations~~  
4 to ascertain the qualifications and fitness of applicants for  
5 licensing as a licensed cemetery manager or as a customer  
6 service employee to ascertain whether they possess the  
7 requisite level of knowledge for such position.

8 (2) Examine ~~and audit~~ a licensed cemetery authority's ~~care~~  
9 ~~funds,~~ records from any year, ~~and records of care funds from~~  
10 ~~any year,~~ or any other aspects of cemetery operation as the  
11 Department deems appropriate.

12 (3) Investigate any and all cemetery-related activity.

13 (4) Conduct hearings on proceedings to refuse to issue or  
14 renew licenses or to revoke, suspend, place on probation,  
15 reprimand, or otherwise discipline a license under this Act or  
16 take other non-disciplinary action.

17 (5) Adopt reasonable rules required for the administration  
18 of this Act.

19 (6) Prescribe forms to be issued for the administration and  
20 enforcement of this Act.

21 (7) Maintain rosters of the names and addresses of all  
22 licensees and all persons whose licenses have been suspended,  
23 revoked, denied renewal, or otherwise disciplined within the  
24 previous calendar year. These rosters shall be available upon  
25 written request and payment of the required fee as established  
26 by rule.

1       (8) Work with the Office of the Comptroller and the  
2 Department of Public Health Division of Vital Records to  
3 exchange information and request additional information  
4 relating to a licensed cemetery authority;

5       (9) Investigate cemetery contracts, grounds, or employee  
6 records.

7       (10) The Department may at any time investigate the  
8 cemetery business of any cemetery authority and shall have free  
9 access to the office and place of business and to such records  
10 the Department deems necessary to enforce this Act.

11       (11) Contract with third-parties for services necessary  
12 for the proper administration of this Act, including, without  
13 limitation, investigators with the proper knowledge, training,  
14 and skills to properly inspect cemeteries and investigate  
15 complaints under this Act.

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

17 (225 ILCS 411/10-5)

18 (Section scheduled to be repealed on January 1, 2021)

19 Sec. 10-5. Restrictions and limitations. No person shall,  
20 without a valid license issued by the Department, (i) hold  
21 himself or herself out in any manner to the public as a  
22 licensed cemetery authority, licensed cemetery manager, or  
23 customer service employee ~~or~~ (ii) attach the title "licensed  
24 cemetery authority", "licensed cemetery manager", or "licensed  
25 customer service employee" to his or her name. No person shall,

1 without a valid license or exemption from licensure from the  
2 Department,  ~~(iii) render or offer to render services~~  
3  ~~constituting the practice of cemetery operation; or (iv) accept~~  
4  ~~care funds within the meaning of this Act or otherwise hold~~  
5  ~~funds for care and maintenance unless such person is holding~~  
6  ~~and managing funds on behalf of a cemetery authority and is~~  
7  ~~authorized to conduct a trust business under the Corporate~~  
8  ~~Fiduciary Act or the federal National Bank Act.~~

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

10 (225 ILCS 411/10-10)

11 (Section scheduled to be repealed on January 1, 2021)

12 Sec. 10-10. Licenses. ~~Persons licensed under the Cemetery~~  
13 ~~Care Act or Cemetery Association Act. A person acting as a~~  
14 ~~licensed cemetery authority under the Cemetery Care Act or~~  
15 ~~Cemetery Association Act prior to their repeal on March 1, 2012~~  
16 ~~must comply with those Acts until the Department takes action~~  
17 ~~on the person's application for a cemetery authority license in~~  
18 ~~accordance with this Act.~~ The application for a cemetery  
19 authority license under this Article must be submitted to the  
20 Department within 6 months after the Department adopts rules  
21 under this Act ~~9 months after the effective date of this Act.~~  
22 If the person fails to submit the application within this  
23 period, then the person shall be considered to be engaged in  
24 unlicensed practice and shall be subject to discipline in  
25 accordance with Article 25 of this Act.

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

2 (225 ILCS 411/10-15)

3 (Section scheduled to be repealed on January 1, 2021)

4 Sec. 10-15. Licenses; cemetery authorities; cemetery  
5 managers; and customer service employees. ~~Persons not licensed~~  
6 ~~under the Cemetery Care Act or the Cemetery Association Act. A~~  
7 ~~cemetery manager, a customer service employee, or a person~~  
8 ~~acting as a cemetery authority who was not required to obtain~~  
9 ~~licensure prior to the effective date of this Act need not~~  
10 ~~comply with the licensure requirement in this Article until the~~  
11 ~~Department takes action on the person's application for a~~  
12 ~~license.~~ The application for a cemetery authority license must  
13 be submitted to the Department within 6 months after the  
14 Department adopts rules under this Act ~~the effective date of~~  
15 ~~this Act.~~ For cemetery managers already working for a cemetery  
16 authority at the time of cemetery authority application for  
17 licensure, the application for a cemetery manager license must  
18 be submitted at the same time as the original application for  
19 licensure as a cemetery authority ~~pursuant to this Section or~~  
20 ~~Section 10-10, whichever the case may be.~~ Any applicant for  
21 licensure as a cemetery manager of a cemetery authority that is  
22 already licensed under this Act or that has a pending  
23 application for licensure under this Act must submit his or her  
24 application to the Department on or before his or her first day  
25 of work. The application for a customer service employee

1 license must be submitted to the Department within 10 days  
2 after the cemetery authority for which he or she works becomes  
3 licensed under this Act or on or before his or her first day of  
4 work for a cemetery authority that is already licensed under  
5 this Act, whichever the case may be. If the person fails to  
6 submit the application within the required period, the person  
7 shall be considered to be engaged in unlicensed practice and  
8 shall be subject to discipline in accordance with Article 25 of  
9 this Act.

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

11 (225 ILCS 411/10-20)

12 (Section scheduled to be repealed on January 1, 2021)

13 Sec. 10-20. Application for original license or exemption.

14 (a) Applications for original licensure as a cemetery  
15 authority, cemetery manager, or customer service employee  
16 authorized by this Act, or application for exemption from  
17 licensure as a cemetery authority, shall be made to the  
18 Department on forms prescribed by the Department, which shall  
19 include the applicant's Social Security number or FEIN number,  
20 or both, and shall be accompanied by the required fee ~~as set by~~  
21 ~~rule~~. Applications for partial or full exemption from licensure  
22 as a cemetery authority shall be submitted to the Department  
23 within 6 months ~~12 months~~ after the Department adopts rules  
24 under this Act. If the person fails to submit the application  
25 for partial or full exemption within this period, the person

1 shall be subject to discipline in accordance with Article 25 of  
2 this Act. The process for renewing a full or partial exemption  
3 shall be set by rule. If a cemetery authority seeks to practice  
4 at more than one location, it shall meet all licensure  
5 requirements at each location as required by this Act and by  
6 rule, including submission of an application and fee. A person  
7 licensed as a cemetery manager or customer service employee  
8 need not submit a Worker's Statement in accordance with Section  
9 10-22 of this Act.

10 (b) If the application for licensure as a cemetery  
11 authority does not claim a full exemption or partial exemption,  
12 ~~then the cemetery authority license application shall be~~  
13 ~~accompanied by a fidelity bond, proof of self-insurance, or~~  
14 ~~letter of credit in the amount required by rule. Such bond,~~  
15 ~~self insurance, or letter of credit shall run to the Department~~  
16 ~~for the benefit of the care funds held by such cemetery~~  
17 ~~authority or by the trustee of the care funds of such cemetery~~  
18 ~~authority. If care funds of a cemetery authority are held by~~  
19 ~~any entity authorized to do a trust business under the~~  
20 ~~Corporate Fiduciary Act or held by an investment company, then~~  
21 ~~the Department shall waive the requirement of a bond,~~  
22 ~~self insurance, or letter of credit as established by rule. If~~  
23 ~~the Department finds at any time that the bond, self insurance~~  
24 ~~or letter of credit is insecure or exhausted or otherwise~~  
25 ~~doubtful, then an additional bond, form of self insurance, or~~  
26 ~~letter of credit in like amount to be approved by the~~

1 ~~Department shall be filed by the cemetery authority applicant~~  
2 ~~or licensee within 30 days after written demand is served upon~~  
3 ~~the applicant or licensee by the Department. In addition, if~~  
4 ~~the cemetery authority application does not claim a full~~  
5 ~~exemption or partial exemption,~~ then the license application  
6 shall be accompanied by proof of liability insurance, proof of  
7 self-insurance, or a letter of credit in the amount required by  
8 rule. ~~The procedure by which claims on the liability insurance,~~  
9 ~~self insurance, or letter of credit are made and paid shall be~~  
10 ~~determined by rule. Any bond obtained pursuant to this~~  
11 ~~subsection shall be issued by a bonding company authorized to~~  
12 ~~do business in this State.~~ Any letter of credit obtained  
13 pursuant to this subsection shall be issued by a financial  
14 institution authorized to do business in this State.  
15 Maintaining the insurance policy, ~~bonds,~~ self-insurance, or  
16 letters of credit required under this subsection is a  
17 continuing obligation for licensure. A ~~bonding company may~~  
18 ~~terminate a bond,~~ a financial institution may terminate a  
19 letter of credit, or an insurance company may terminate  
20 liability insurance and avoid further liability by filing a  
21 60-day notice of termination with the Department and at the  
22 same time sending the same notice to the cemetery authority.

23 (c) After initial licensure, if any person comes to obtain  
24 at least 51% of the ownership over the licensed cemetery  
25 authority, then the cemetery authority shall have to apply for  
26 a new license and receive licensure in the required time as set

1 by rule. The current license remains in effect until the  
2 Department takes action on the application for a new license.

3 (d) All applications shall contain the information that, in  
4 the judgment of the Department, will enable the Department to  
5 pass on the qualifications of the applicant for an exemption  
6 from licensure or for a license to practice as a cemetery  
7 authority, cemetery manager, or customer service employee as  
8 set by rule.

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

10 (225 ILCS 411/10-21)

11 (Section scheduled to be repealed on January 1, 2021)

12 Sec. 10-21. Qualifications for licensure.

13 (a) A cemetery authority shall apply for licensure on forms  
14 prescribed by the Department and pay the required fee. An  
15 applicant is qualified for licensure as a cemetery authority if  
16 the applicant meets all of the following qualifications:

17 (1) The applicant ~~is of good moral character and~~ has  
18 not committed any act or offense in any jurisdiction that  
19 would constitute the basis for discipline under this Act.  
20 When considering such license ~~In determining good moral~~  
21 ~~character,~~ the Department shall take into consideration  
22 the following:

23 (A) the applicant's record of compliance with the  
24 Code of Professional Conduct and Ethics, and whether  
25 the applicant has been found to have engaged in any



1 unethical or dishonest practices in the cemetery  
2 business;

3 (B) whether the applicant has been adjudicated,  
4 civilly or criminally, to have committed fraud or to  
5 have violated any law of any state involving unfair  
6 trade or business practices, has been convicted of a  
7 misdemeanor of which fraud is an essential element or  
8 which involves any aspect of the cemetery business, or  
9 has been convicted of any felony;

10 (C) whether the applicant has willfully violated  
11 any provision of this Act or a predecessor law or any  
12 regulations relating thereto;

13 (D) whether the applicant has been permanently or  
14 temporarily suspended, enjoined, or barred by any  
15 court of competent jurisdiction in any state from  
16 engaging in or continuing any conduct or practice  
17 involving any aspect of the cemetery or funeral  
18 business; and

19 (E) whether the applicant has ever had any license  
20 to practice any profession or occupation suspended,  
21 denied, fined, or otherwise acted against or  
22 disciplined by the applicable licensing authority.

23 ~~If the applicant is a corporation, limited liability~~  
24 ~~company, partnership, or other entity permitted by law,~~  
25 ~~then each principal, owner, member, officer, and~~  
26 ~~shareholder holding 25% or more of corporate stock is to be~~

1 ~~of good moral character. Good moral character is a~~  
2 ~~continuing requirement of licensure.~~

3 (2) If the applicant is a cemetery authority having a  
4 license from the Department under this Act or the  
5 Comptroller under the Cemetery Care Act on the date of  
6 application, then the applicant must provide a statement of  
7 its assets and liabilities to the Department. If the  
8 applicant is a cemetery authority without a license from  
9 the Department under this Act or the Comptroller under the  
10 Cemetery Care Act, then the applicant shall provide  
11 evidence satisfactory to the Department that the applicant  
12 has financial resources sufficient to comply with the  
13 requirements of this Act. ~~The applicant provides evidence~~  
14 ~~satisfactory to the Department that the applicant has~~  
15 ~~financial resources sufficient to comply with the~~  
16 ~~maintenance and record keeping provisions in Section 20-5~~  
17 ~~of this Act. Maintaining sufficient financial resources is~~  
18 ~~a continuing requirement for licensure.~~

19 (3) The applicant has not, within the preceding 10  
20 years, been convicted of or entered a plea of guilty or  
21 nolo contendere to (i) a Class X felony or (ii) a felony,  
22 an essential element of which was fraud or dishonesty under  
23 the laws of this State, another state, the United States,  
24 or a foreign jurisdiction. If the applicant is a  
25 corporation, limited liability company, partnership, or  
26 other entity permitted by law, then each principal, owner,

1 member, officer, and shareholder holding 25% or more of  
2 corporate stock has not, within the preceding 10 years,  
3 been convicted of or entered a plea of guilty or nolo  
4 contendere to (i) a Class X felony or (ii) a felony, an  
5 essential element of which was fraud or dishonesty under  
6 the laws of this State, another state, the United States,  
7 or a foreign jurisdiction.

8 (4) The applicant shall authorize the Department to  
9 conduct a criminal background check that does not involve  
10 fingerprinting. ~~The applicant submits his or her~~  
11 ~~fingerprints in accordance with subsection (c) of this~~  
12 ~~Section.~~

13 (5) The applicant has complied with all other  
14 requirements of this Act and the rules adopted for the  
15 implementation of this Act.

16 (b) The cemetery manager and customer service employees of  
17 a licensed cemetery authority shall apply for licensure as a  
18 cemetery manager or customer service employee on forms  
19 prescribed by the Department and pay the required fee. A person  
20 is qualified for licensure as a cemetery manager or customer  
21 service employee if he or she meets all of the following  
22 requirements:

23 (1) Is at least 18 years of age.

24 (2) Has acted in an ethical manner as set forth in  
25 Section 10-23 of this Act ~~is of good moral character. Good~~  
26 ~~moral character is a continuing requirement of licensure.~~

1 In determining qualifications of licensure ~~good moral~~  
2 ~~character~~, the Department shall take into consideration  
3 the factors outlined in item (1) of subsection (a) of this  
4 Section.

5 (3) Submits proof of successful completion of a high  
6 school education or its equivalent as established by rule.

7 (4) The applicant shall authorize the Department to  
8 conduct a criminal background check that does not involve  
9 fingerprinting ~~Submits his or her fingerprints in~~  
10 ~~accordance with subsection (c) of this Section.~~

11 (5) Has not committed a violation of this Act or any  
12 rules adopted under this Act that, in the opinion of the  
13 Department, renders the applicant unqualified to be a  
14 cemetery manager.

15 (6) Submits proof of successful completion of a  
16 certification course recognized by the Department for a  
17 cemetery manager or customer service employee, whichever  
18 the case may be ~~Successfully passes the examination~~  
19 ~~authorized by the Department for cemetery manager or~~  
20 ~~customer service employee, whichever is applicable.~~

21 (7) Has not, within the preceding 10 years, been  
22 convicted of or entered a plea of guilty or nolo contendere  
23 to (i) a Class X felony or (ii) a felony, an essential  
24 element of which was fraud or dishonesty under the laws of  
25 this State, another state, the United States, or a foreign  
26 jurisdiction.

1           (8) Can be reasonably expected to treat consumers  
2 professionally, fairly, and ethically.

3           (9) Has complied with all other requirements of this  
4 Act and the rules adopted for implementation of this Act.

5           (c) Each applicant for a cemetery authority, cemetery  
6 manager, or customer service employee license shall authorize  
7 the Department to conduct a criminal background check that does  
8 not involve fingerprinting. The Department shall adopt rules to  
9 implement this subsection (c). ~~Each applicant for a cemetery~~  
10 ~~authority, cemetery manager, or customer service employee~~  
11 ~~license shall have his or her fingerprints submitted to the~~  
12 ~~Department of State Police in an electronic format that~~  
13 ~~complies with the form and manner for requesting and furnishing~~  
14 ~~criminal history record information that is prescribed by the~~  
15 ~~Department of State Police. These fingerprints shall be checked~~  
16 ~~against the Department of State Police and Federal Bureau of~~  
17 ~~Investigation criminal history record databases. The~~  
18 ~~Department of State Police shall charge applicants a fee for~~  
19 ~~conducting the criminal history records check, which shall be~~  
20 ~~deposited in the State Police Services Fund and shall not~~  
21 ~~exceed the actual cost of the records check. The Department of~~  
22 ~~State Police shall furnish, pursuant to positive~~  
23 ~~identification, records of Illinois convictions to the~~  
24 ~~Department. The Department may require applicants to pay a~~  
25 ~~separate fingerprinting fee, either to the Department or~~  
26 ~~directly to a designated fingerprint vendor. The Department, in~~

1 ~~its discretion, may allow an applicant who does not have~~  
2 ~~reasonable access to a designated fingerprint vendor to provide~~  
3 ~~his or her fingerprints in an alternative manner. The~~  
4 ~~Department, in its discretion, may also use other procedures in~~  
5 ~~performing or obtaining criminal background checks of~~  
6 ~~applicants. Instead of submitting his or her fingerprints, an~~  
7 ~~individual may submit proof that is satisfactory to the~~  
8 ~~Department that an equivalent security clearance has been~~  
9 ~~conducted. If the applicant for a cemetery authority license is~~  
10 ~~a corporation, limited liability company, partnership, or~~  
11 ~~other entity permitted by law, then each principal, owner,~~  
12 ~~member, officer, and shareholder holding 25% or more of~~  
13 ~~corporate stock shall have his or her fingerprints submitted in~~  
14 ~~accordance with this subsection (c).~~

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

16 (225 ILCS 411/10-23)

17 (Section scheduled to be repealed on January 1, 2021)

18 Sec. 10-23. Code of Professional Conduct and Ethics.  
19 Licensed cemetery authorities and their licensed cemetery  
20 managers and customer service employees, and cemetery  
21 authorities maintaining a partial exemption and their cemetery  
22 managers and customer service employees shall:

23 (a) Refrain from committing any action that may violate  
24 Section 25-10 of this Act;

25 (b) Be aware of applicable federal and State laws and

1 regulations, adhere to those laws and regulations, and be able  
2 to explain them to families in an understandable manner;

3 (c) Treat all human remains with proper care and dignity,  
4 honoring known religious, ethnic, and personal beliefs;

5 (d) Protect all confidential information;

6 (e) Carry out all aspects of service in a competent and  
7 respectful manner;

8 (f) Fulfill all written and verbal agreements and  
9 contracts;

10 (g) Provide honest, factual, and complete information  
11 regarding all aspects of the services offered and provided;

12 (h) Not engage in advertising that is false, misleading, or  
13 otherwise prohibited by law;

14 (i) Not discriminate against any person because of race,  
15 creed, marital status, sex, national origin, sexual  
16 orientation, or color, except a religious cemetery may restrict  
17 its services to those of the same religious faith or creed. A  
18 cemetery authority operating any cemetery may designate parts  
19 of cemeteries or burial grounds for the specific use of persons  
20 whose religious code requires isolation;

21 (j) To have clear and specific cemetery rules and  
22 regulations, subject to other applicable law, including this  
23 Act, and to apply them equally to all families served;

24 (k) Report all violations of this Act and this Section to  
25 the Department. ~~The Department shall adopt a Code of~~  
26 ~~Professional Conduct and Ethics by rule. Cemetery authorities,~~

1 ~~cemetery managers, and customer service employees shall abide~~  
2 ~~by the Code of Professional Conduct and Ethics.~~

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

4 (225 ILCS 411/10-25)

5 (Section scheduled to be repealed on January 1, 2021)

6 Sec. 10-25. Certification Examination; failure or refusal  
7 ~~to take the examination.~~

8 (a) The Department shall authorize certification programs  
9 for examinations of cemetery manager and customer service  
10 employee applicants at such times and places as it may  
11 determine. The certification programs must consist of  
12 education and training in cemetery ethics, cemetery law, and  
13 cemetery practices and continuing education therein. Cemetery  
14 ethics shall include, without limitation, the Code of  
15 Professional Conduct and Ethics as set forth in Section 10-23  
16 of this Act. Cemetery law shall include, without limitation,  
17 the Cemetery Oversight Act, the Cemetery Care Act, the Cemetery  
18 Association Act, the Disposition of Remains Act, and the  
19 Cemetery Protection Act. Cemetery practices shall include,  
20 without limitation, treating the dead and their family members  
21 with dignity and respect. The certification program shall  
22 include an examination administered by the entity providing the  
23 certification. The examinations shall fairly test an  
24 applicant's qualifications to practice as cemetery manager or  
25 customer service employee, whatever the case may be, and



1 ~~knowledge of the theory and practice of cemetery operation and~~  
2 ~~management or cemetery customer service, whichever is~~  
3 ~~applicable. The examination shall further test the extent to~~  
4 ~~which the applicant understands and appreciates that the final~~  
5 ~~disposal of a deceased human body should be attended with~~  
6 ~~appropriate observance and understanding, having due regard~~  
7 ~~and respect for the reverent care of the human body and for~~  
8 ~~those bereaved and for the overall spiritual dignity of an~~  
9 ~~individual.~~

10 (a-5) An entity seeking to offer a certification program to  
11 cemetery manager applicants and customer service employee  
12 applicants must receive approval of its program from the  
13 Department in a manner and form prescribed by the Department.  
14 As part of this process, the entity must submit to the  
15 Department the examination it offers or intends to offer as  
16 part of its certification program ~~The examinations for cemetery~~  
17 ~~manager and customer service employee shall be appropriate for~~  
18 ~~cemetery professionals and shall not cover mortuary science.~~

19 (a-10) A cemetery manager applicant or customer service  
20 employee applicant may choose any entity that has been approved  
21 by the Department from which to obtain certification ~~The~~  
22 ~~examinations for cemetery manager and customer service~~  
23 ~~employee applicants shall be tiered, as determined by rule, to~~  
24 ~~account for the different amount of knowledge needed by such~~  
25 ~~applicants depending on their job duties and the number of~~  
26 ~~interments, inurnments, and entombments per year at the~~

1 ~~cemetary at which they work.~~

2       (b) Cemetery manager applicants and customer service  
3 employee applicants shall pay the fee for the certification  
4 program directly to the entity offering the program. ~~Applicants~~  
5 ~~for examinations shall pay, either to the Department or to the~~  
6 ~~designated testing service, a fee covering the cost of~~  
7 ~~providing the examination. Failure to appear for the~~  
8 ~~examination on the scheduled date at the time and place~~  
9 ~~specified after the application for examination has been~~  
10 ~~received and acknowledged by the Department or the designated~~  
11 ~~testing service shall result in forfeiture of the examination~~  
12 ~~fee.~~

13       (c) If the cemetary manager applicant or customer service  
14 employee applicant neglects, fails, or refuses to become  
15 certified ~~take an examination or fails to pass an examination~~  
16 ~~for a license under this Act~~ within one year after filing an  
17 application, then the application shall be denied. However, the  
18 applicant may thereafter submit a new application accompanied  
19 by the required fee. The applicant shall meet the requirements  
20 in force at the time of making the new application.

21       (d) A cemetery manager applicant or customer service  
22 employee applicant who has completed a certification program  
23 offered by an entity that has not received the Department's  
24 approval as required by this Section has not met the  
25 qualifications for licensure as set forth in Section 10-21 of  
26 this Act ~~The Department may employ consultants for the purpose~~

1 ~~of preparing and conducting examinations.~~

2       (e) The Department shall recognize any certification  
3 program that is conducted by a death care trade association in  
4 Illinois that has been in existence for more than 5 years that,  
5 in the determination of the Department, provides adequate  
6 education and training in cemetery law, cemetery ethics, and  
7 cemetery practices and administers an examination covering the  
8 same ~~The Department shall have the authority to adopt or~~  
9 ~~recognize, in part or in whole, examinations prepared,~~  
10 ~~administered, or graded by other organizations in the cemetery~~  
11 ~~industry that are determined appropriate to measure the~~  
12 ~~qualifications of an applicant for licensure.~~

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

14 (225 ILCS 411/10-39 new)

15 Sec. 10-39. Cemetery manager and customer service  
16 employee; display of certification and license. The cemetery  
17 manager and customer service employee must conspicuously  
18 display the certification and the license after it is received  
19 at the cemetery authority's place of business. Any person  
20 applying for original licensure as a cemetery manager without  
21 the required certification from a program approved by the  
22 Department shall have a reasonable period of time, not to  
23 exceed one year from the date of his or her original  
24 application, but not any second or subsequent application, to  
25 complete the program. In the interim, the cemetery manager

1 without certification may manage the cemetery if he or she (1)  
2 has submitted an application for licensure and (2) has received  
3 training from another person, as verified by an appropriate  
4 form approved by the Department, who has received the required  
5 certification from a program recognized by the Department. Any  
6 person applying for original licensure as a customer service  
7 employee without the required certification from a program  
8 approved by the Department shall have a reasonable period of  
9 time, not to exceed one year from the date of his or her  
10 original application, but not any second or subsequent  
11 application, to complete the program. In the interim, the  
12 customer service employee without certification may engage in  
13 the work of a customer service employee if he or she (1) has  
14 submitted an application for licensure and (2) has received  
15 training from another person, as verified by an appropriate  
16 form approved by the Department, who has received certification  
17 from a program recognized by the Department.

18 (225 ILCS 411/10-45)

19 (Section scheduled to be repealed on January 1, 2021)

20 Sec. 10-45. Transfer or sale, preservation of license,  
21 liability for shortage.

22 (a) (Blank). ~~In the case of a sale of any cemetery or any~~  
23 ~~part thereof or of any related personal property by a cemetery~~  
24 ~~authority to a purchaser or pursuant to foreclosure~~  
25 ~~proceedings, except the sale of burial rights, services, or~~

1 ~~merchandise to a person for his or her personal or family~~  
2 ~~burial or interment, the purchaser is liable for any shortages~~  
3 ~~existing before or after the sale in the care funds required to~~  
4 ~~be maintained in a trust pursuant to this Act and shall honor~~  
5 ~~all instruments issued under Article 15 of this Act for that~~  
6 ~~cemetery. Any shortages existing in the care funds constitute a~~  
7 ~~prior lien in favor of the trust for the total value of the~~  
8 ~~shortages and notice of such lien shall be provided in all~~  
9 ~~sales instruments.~~

10 (b) In the event of a sale or transfer of all or  
11 substantially all of the assets of the cemetery authority, the  
12 sale or transfer of the controlling interest of the corporate  
13 stock of the cemetery authority, if the cemetery authority is a  
14 corporation, or the sale or transfer of the controlling  
15 interest of the partnership, if the cemetery authority is a  
16 partnership, or the sale or transfer of the controlling  
17 membership, if the cemetery authority is a limited liability  
18 company, the cemetery authority shall, at least 30 days prior  
19 to the sale or transfer, notify the Department, in writing, of  
20 the pending date of sale or transfer ~~so as to permit the~~  
21 ~~Department to audit the books and records of the cemetery~~  
22 ~~authority. The audit must be commenced within 10 business days~~  
23 ~~of the receipt of the notification and completed within the~~  
24 ~~30-day notification period unless the Department notifies the~~  
25 ~~cemetery authority during that period that there is a basis for~~  
26 ~~determining a deficiency that will require additional time to~~

1 ~~finalize~~. The sale or transfer may not be completed by the  
2 cemetery authority unless and until:

3 (1) (Blank). ~~the Department has completed the audit of~~  
4 ~~the cemetery authority's books and records;~~

5 (2) (Blank). ~~any delinquency existing in the care funds~~  
6 ~~has been paid by the cemetery authority or arrangements~~  
7 ~~satisfactory to the Department have been made by the~~  
8 ~~cemetery authority on the sale or transfer for the payment~~  
9 ~~of any delinquency; and~~

10 (3) the Department issues a new cemetery authority  
11 license upon application of the newly controlled  
12 corporation or partnership, which license must be applied  
13 for at least 30 days prior to the anticipated date of the  
14 sale or transfer, ~~subject to the payment of any~~  
15 ~~delinquencies, if any, as stated in item (2) of this~~  
16 ~~subsection (b).~~

17 (c) In the event of a sale or transfer of any cemetery  
18 land, including any portion of cemetery land in which no human  
19 remains have been interred, a licensee shall, at least 45 days  
20 prior to the sale or transfer, notify the Department, in  
21 writing, of the pending sale or transfer. With the  
22 notification, the cemetery authority shall submit information  
23 to the Department, which may include a copy of a portion of the  
24 cemetery map showing the land to be sold or transferred, to  
25 enable the Department to determine whether any human remains  
26 are interred, inurned, or entombed within the land to be sold

1 or transferred and whether consumers have rights of interment,  
2 inurnment, or entombment within the land to be sold or  
3 transferred.

4 (d) For purposes of this Section, a person who acquires the  
5 cemetery through a real estate foreclosure shall be subject to  
6 the provisions of this Section pertaining to the purchaser,  
7 including licensure.

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

9 (225 ILCS 411/10-50)

10 (Section scheduled to be repealed on January 1, 2021)

11 Sec. 10-50. Dissolution. Where any licensed cemetery  
12 authority or any trustee thereof seeks ~~has accepted care funds~~  
13 ~~within the meaning of this Act, and dissolution is sought by~~  
14 ~~such cemetery authority~~ in any manner, by resolution of such  
15 cemetery authority, or the trustees thereof, notice shall be  
16 given to the Department of such intention to dissolve ~~and~~  
17 ~~proper disposition shall be made of the care funds so held for~~  
18 ~~the general benefit of such lot owners by or for the benefit of~~  
19 ~~such cemetery authority, as provided by law, or in accordance~~  
20 ~~with the trust provisions of any gift, grant, contribution,~~  
21 ~~payment, legacy, or pursuant to any contract whereby such funds~~  
22 ~~were created.~~ The Department, represented by the Attorney  
23 General, may apply to the circuit court for the appointment of  
24 a receiver, ~~trustee, successor in trust,~~ or for directions of  
25 such court as to the proper ~~disposition to be made of such care~~

1 ~~funds, to the end that the uses and purposes for which such~~  
2 ~~trust or care funds were created may be accomplished, and for~~  
3 ~~proper~~ continued operation of the cemetery.

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

5 (225 ILCS 411/10-55)

6 (Section scheduled to be repealed on January 1, 2021)

7 Sec. 10-55. Fees.

8 (a) Except as provided in subsection (b) of this Section,  
9 the fees for the administration and enforcement of this Act,  
10 including, but not limited to, original licensure, renewal, and  
11 restoration fees, shall be set by the Department by rule. The  
12 fees shall be reasonable and shall not be refundable.

13 (b) The fees for original licensure and exemption are as  
14 follows:

15 (1) The fee for an application as a cemetery authority  
16 seeking a full exemption is \$25.

17 (2) The fee for an application as a cemetery authority  
18 seeking a partial exemption:

19 (A) for cemeteries with fewer than 25 interments,  
20 inurnments, and entombments during the preceding  
21 calendar year is \$75;

22 (B) for cemeteries with 25 through 50 interments,  
23 inurnments, and entombments during the preceding  
24 calendar year is \$125;

25 (C) for cemeteries with 51 through 100 interments,



1 inurnments, and entombments during the preceding  
2 calendar year is \$200;

3 (D) for cemeteries with 101 through 150  
4 interments, inurnments, and entombments during the  
5 preceding calendar year is \$350; and

6 (E) for cemeteries with over 150 interments,  
7 inurnments, and entombments during the preceding  
8 calendar year is \$500.

9 (3) The fee for application as a cemetery authority not  
10 seeking a full or partial exemption:

11 (A) for cemeteries with fewer than 25 interments,  
12 inurnments, and entombments during the preceding  
13 calendar year is \$100;

14 (B) for cemeteries with 25 through 50 interments,  
15 inurnments, and entombments during the preceding  
16 calendar year is \$150;

17 (C) for cemeteries with 51 through 100 interments,  
18 inurnments, and entombments during the preceding  
19 calendar year is \$250;

20 (D) for cemeteries with 101 through 150  
21 interments, inurnments, and entombments during the  
22 preceding calendar year is \$500; and

23 (E) for cemeteries with over 150 interments,  
24 inurnments, and entombments during the preceding  
25 calendar year is \$750.

26 (4) The fee for application as a cemetery manager:

1           (A) for a cemetery manager working at a cemetery  
2           with fewer than 25 interments, inurnments, and  
3           entombments during the preceding calendar year is \$50;

4           (B) for a cemetery manager working at a cemetery  
5           with 25 through 50 interments, inurnments, and  
6           entombments during the preceding calendar year is \$50;

7           (C) for a cemetery manager working at a cemetery  
8           with 51 through 100 interments, inurnments, and  
9           entombments during the preceding calendar year is \$75;

10           (D) for a cemetery manager working at a cemetery  
11           with 101 through 150 interments, inurnments, and  
12           entombments during the preceding calendar year is  
13           \$100; and

14           (E) for a cemetery manager working at a cemetery  
15           with over 150 interments, inurnments, and entombments  
16           during the preceding calendar year is \$100.

17           (5) The fee for application as a cemetery customer  
18           service employee:

19           (A) for a cemetery customer service employee  
20           working at a cemetery with fewer than 25 interments,  
21           inurnments, and entombments during the preceding  
22           calendar year is \$50;

23           (B) for a cemetery customer service employee  
24           working at a cemetery with 25 through 50 interments,  
25           inurnments, and entombments during the preceding  
26           calendar year is \$50;

1           (C) for a cemetery customer service employee  
2           working at a cemetery with 51 through 100 interments,  
3           inurnments, and entombments during the preceding  
4           calendar year is \$75;

5           (D) for a cemetery customer service employee  
6           working at a cemetery with 101 through 150 interments,  
7           inurnments, and entombments during the preceding  
8           calendar year is \$100; and

9           (E) for a cemetery customer service employee  
10           working at a cemetery with over 150 interments,  
11           inurnments, and entombments during the preceding  
12           calendar year is \$100.

13           (c) The fees for renewal are as follows:

14           (1) for the renewal of a cemetery authority's full  
15           exemption is \$15.

16           (2) for the renewal of a cemetery authority's partial  
17           exemption:

18           (A) for cemeteries with fewer than 25 interments,  
19           inurnments, and entombments during the preceding  
20           calendar year is \$75;

21           (B) for cemeteries with 25 through 50 interments,  
22           inurnments, and entombments during the preceding  
23           calendar year is \$125;

24           (C) for cemeteries with 51 through 100 interments,  
25           inurnments, and entombments during the preceding  
26           calendar year is \$200;

1           (D) for cemeteries with 101 through 150  
2           interments, inurnments, and entombments during the  
3           preceding calendar year is \$350; and

4           (E) for cemeteries with over 150 interments,  
5           inurnments, and entombments during the preceding  
6           calendar year is \$500.

7           (3) for the renewal of a license as a cemetery  
8           authority not maintaining a full or partial exemption:

9           (A) for cemeteries with fewer than 25 interments,  
10           inurnments, and entombments during the preceding  
11           calendar year is \$100;

12           (B) for cemeteries with 25 through 50 interments,  
13           inurnments, and entombments during the preceding  
14           calendar year is \$150;

15           (C) for cemeteries with 51 through 100 interments,  
16           inurnments, and entombments during the preceding  
17           calendar year is \$250;

18           (D) for cemeteries with 101 through 150  
19           interments, inurnments, and entombments during the  
20           preceding calendar year is \$500; and

21           (E) for cemeteries with over 150 interments,  
22           inurnments, and entombments during the preceding  
23           calendar year is \$750.

24           (4) for the renewal of a license as a cemetery manager:

25           (A) for a cemetery manager working at a cemetery  
26           with fewer than 25 interments, inurnments, and

1 entombments during the preceding calendar year is \$50;

2 (B) for a cemetery manager working at a cemetery  
3 with 25 through 50 interments, inurnments, and  
4 entombments during the preceding calendar year is \$50;

5 (C) for a cemetery manager working at a cemetery  
6 with 51 through 100 interments, inurnments, and  
7 entombments during the preceding calendar year is \$75;

8 (D) for a cemetery manager working at a cemetery  
9 with 101 through 150 interments, inurnments, and  
10 entombments during the preceding calendar year is  
11 \$100; and

12 (E) for a cemetery manager working at a cemetery  
13 with over 150 interments, inurnments, and entombments  
14 during the preceding calendar year is \$100.

15 (5) for the renewal of a license as a cemetery customer  
16 service employee:

17 (A) for a cemetery customer service employee  
18 working at a cemetery with fewer than 25 interments,  
19 inurnments, and entombments during the preceding  
20 calendar year is \$50;

21 (B) for a cemetery customer service employee  
22 working at a cemetery with 25 through 50 interments,  
23 inurnments, and entombments during the preceding  
24 calendar year is \$50;

25 (C) for a cemetery customer service employee  
26 working at a cemetery with 51 through 100 interments,

1 inurnments, and entombments during the preceding  
2 calendar year is \$75;

3 (D) for a cemetery customer service employee  
4 working at a cemetery with 101 through 150 interments,  
5 inurnments, and entombments during the preceding  
6 calendar year is \$100; and

7 (E) for a cemetery customer service employee  
8 working at a cemetery with over 150 interments,  
9 inurnments, and entombments during the preceding  
10 calendar year is \$100.

11 (d) The Department may adjust the fees set forth in  
12 subsections (b) and (c) of this Section by rule in an amount  
13 not to exceed 1% of the total fee per annum.

14 (e) Cemetery manager applicants and customer service  
15 employee applicants shall pay any certification program fee  
16 directly to the entity offering the program.

17 (f) The Department may waive fees based upon hardship.

18 (g) Nothing shall prohibit a cemetery authority from  
19 paying, on behalf of its cemetery managers or customer service  
20 employees, the application fees required under items (4) and  
21 (5) of subsection (b) of this Section or items (4) and (5) of  
22 subsection (c) of this Section.

23 ~~(b) Applicants for examination shall be required to pay,~~  
24 ~~either to the Department or the designated testing service, a~~  
25 ~~fee covering the cost of providing the examination.~~

26 (h) ~~(e)~~ All fees and other moneys collected under this Act

1 shall be deposited in the Cemetery Oversight Licensing and  
2 Disciplinary Fund.

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

4 (225 ILCS 411/20-5)

5 (Section scheduled to be repealed on January 1, 2021)

6 Sec. 20-5. Maintenance and records.

7 (a) A cemetery authority shall provide reasonable  
8 maintenance of the cemetery property and of all lots, graves,  
9 crypts, and columbariums in the cemetery based on the type and  
10 size of the cemetery, topographic limitations, and contractual  
11 commitments with consumers. Subject to the provisions of this  
12 subsection (a), reasonable maintenance includes:

13 (1) the laying of seed, sod, or other suitable ground  
14 cover as soon as practical following an interment given the  
15 weather conditions, climate, and season and the  
16 interment's proximity to ongoing burial activity;

17 (2) the cutting of lawn throughout the cemetery at  
18 reasonable intervals to prevent an overgrowth of grass and  
19 weeds given the weather conditions, climate, and season;

20 (3) the trimming of shrubs to prevent excessive  
21 overgrowth;

22 (4) the trimming of trees to remove dead limbs;

23 (5) keeping in repair the drains, water lines, roads,  
24 buildings, fences, and other structures; and

25 (6) keeping the cemetery premises free of trash and

1 debris.

2 In determining whether a cemetery authority provides  
3 reasonable maintenance of the cemetery property, the  
4 Department shall consider:

5 (1) the cemetery authority's contractual obligations  
6 for care and maintenance;

7 (2) the size of the cemetery;

8 (3) the extent and use of the cemetery authority's  
9 financial resources;

10 (4) the standard of maintenance of one or more  
11 similarly situated cemeteries; in determining whether a  
12 cemetery is similarly situated the Department shall  
13 consider the cemetery's size, location, topography, and  
14 financial resources, and whether the cemetery is a  
15 fraternal cemetery, a religious cemetery, a public  
16 cemetery, a cemetery owned and operated by a cemetery  
17 association, or a licensed cemetery.

18 Reasonable maintenance by the cemetery authority shall not  
19 preclude the exercise of lawful rights by the owner of an  
20 interment, inurnment, or entombment right, or by the decedent's  
21 immediate family or other heirs, in accordance with reasonable  
22 rules and regulations of the cemetery or other agreement of the  
23 cemetery authority.

24 In the case of a cemetery dedicated as a nature preserve  
25 under the Illinois Natural Areas Preservation Act, reasonable  
26 maintenance by the cemetery authority shall be in accordance



1 with the rules and master plan governing the dedicated nature  
2 preserve.

3 ~~The Department shall adopt rules to provide greater detail~~  
4 ~~as to what constitutes the reasonable maintenance required~~  
5 ~~under this Section. The rules shall differentiate between~~  
6 ~~cemeteries based on, among other things, the size and financial~~  
7 ~~strength of the cemeteries. The rules shall also provide a~~  
8 ~~reasonable opportunity for a cemetery authority accused of~~  
9 ~~violating the provisions of this Section to cure any such~~  
10 ~~violation in a timely manner given the weather conditions,~~  
11 ~~climate, and season before the Department initiates formal~~  
12 ~~proceedings.~~

13 A cemetery authority accused of violating the reasonable  
14 maintenance standard set forth in this Section shall have a  
15 reasonable opportunity to cure the violation. The cemetery  
16 authority shall have 10 business days after receipt of notice  
17 to cure the violation. If a cemetery authority cannot cure the  
18 violation within 10 business days, then the cemetery authority  
19 may request a time extension in order to cure the violation.  
20 The request for an extension shall be made in writing to the  
21 Department and must be postmarked within 10 business days after  
22 receipt of the notice of the alleged violation. The request  
23 shall outline all reasons for the extension and an estimated  
24 date by which the cure will be accomplished. Acceptable reasons  
25 include, without limitation, delays caused by weather  
26 conditions, season or climate, equipment failures, or

1 acquisitions of materials or supplies being addressed by the  
2 authority in a timely manner, and unexpected temporary absences  
3 of personnel. The Department may approve or deny the extension.  
4 If the extension is denied, then the cemetery authority must  
5 cure the violation within 10 business days after the date of  
6 receipt of the Department's extension denial. If the extension  
7 is granted, then the cemetery authority must cure the violation  
8 within the extended period of time. A cemetery authority that  
9 does not cure the violation within the appropriate period of  
10 time shall be subject to discipline in accordance with Article  
11 25 of this Act.

12 (b) A cemetery authority, before commencing cemetery  
13 operations or within 6 months after the effective date of this  
14 Act, shall cause an overall map of its cemetery property,  
15 delineating all lots or plots, blocks, sections, avenues,  
16 walks, alleys, and paths and their respective designations, to  
17 be filed at its on-site office, or if it does not maintain an  
18 on-site office, at its principal place of business. The  
19 cemetery authority shall update its map and index described in  
20 subsection (b-5) within a reasonable time after any expansion  
21 or alteration of the cemetery property. A cemetery manager's  
22 certificate acknowledging, accepting, and adopting the map  
23 shall also be included with the map. The Department may order  
24 that the cemetery authority obtain a cemetery plat and that it  
25 be filed at its on-site office, or if it does not maintain an  
26 on-site office, at its principal place of business if only in

1 ~~the following circumstances:~~

2 ~~(1) the cemetery authority is expanding or altering the~~  
3 ~~cemetery grounds; or~~

4 ~~(2)~~ a human body that should have been interred,  
5 entombed, or inurned at the cemetery is missing, displaced,  
6 or dismembered and the cemetery map contains serious  
7 discrepancies.

8 In exercising this discretion, the Department shall  
9 consider whether the cemetery authority would experience an  
10 undue hardship as a result of obtaining the plat. The cemetery  
11 plat, as with all plats prepared under this Act, shall comply  
12 with the Illinois Professional Land Surveyor Act of 1989 and  
13 shall delineate, describe, and set forth all lots or plots,  
14 blocks, sections, avenues, walks, alleys, and paths and their  
15 respective designations. A cemetery manager's certificate  
16 acknowledging, accepting, and adopting the plat shall also be  
17 included with the plat.

18 (b-5) A cemetery authority shall maintain an index that  
19 associates the identity of deceased persons interred,  
20 entombed, or inurned after the effective date of this Act with  
21 their respective place of interment, entombment, or inurnment.

22 (c) The cemetery authority shall open the cemetery map or  
23 plat to public inspection. The cemetery authority shall make  
24 available a copy of the overall cemetery map or plat upon  
25 written request and shall, if practical, provide a copy of a  
26 segment of the cemetery plat where interment rights are located

1 upon the payment of reasonable photocopy fees. Any unsold lots,  
2 plots, or parts thereof, in which there are not human remains,  
3 may be resurveyed and altered in shape or size and properly  
4 designated on the cemetery map or plat. However, sold lots,  
5 plots, or parts thereof in which there are human remains may  
6 not be renumbered or renamed. Nothing contained in this  
7 subsection, however, shall prevent the cemetery authority from  
8 enlarging an interment right by selling to its owner the excess  
9 space next to the interment right and permitting interments  
10 therein, provided reasonable access to the interment right and  
11 to adjoining interment rights is not thereby eliminated.

12 (d) A cemetery authority shall keep a record of every  
13 interment, entombment, and inurnment completed after the  
14 effective date of this Act. The record shall include the  
15 deceased's name, age, date of burial, and the specific location  
16 of the interred, entombed, or inurned human remains. The  
17 specific location shall correspond to the map or plat  
18 maintained in accordance with subsection (b) of this Section  
19 ~~and parcel identification number identifying where the human~~  
20 ~~remains are interred, entombed, or inurned. The record shall~~  
21 ~~also include the unique personal identifier as may be further~~  
22 ~~defined by rule, which is the parcel identification number in~~  
23 ~~addition to the term of burial in years; the numbered level or~~  
24 ~~depth in the grave, plot, crypt, or niche; and the year of~~  
25 ~~death.~~

26 (e) (Blank).

1 (f) A cemetery authority shall make available for  
2 inspection and, upon reasonable request and the payment of a  
3 reasonable copying fee, provide a copy of its rules and  
4 regulations. A cemetery authority shall make available for  
5 viewing and provide a copy of its current prices of interment,  
6 inurnment, or entombment rights.

7 (g) A cemetery authority shall provide access to the  
8 cemetery under the cemetery authority's reasonable rules and  
9 regulations.

10 (h) A cemetery authority shall be responsible for the  
11 proper opening and closing of all graves, crypts, or niches for  
12 human remains in any cemetery property it owns.

13 (i) ~~A Any corporate or other business organization trustee~~  
14 ~~of the care funds of every licensed cemetery authority shall be~~  
15 ~~located in or a resident of this State. The~~ licensed cemetery  
16 authority ~~and the trustee of care funds~~ shall keep in this  
17 State and use in its business such ~~books, accounts, and~~ records  
18 as will enable the Department to determine whether such  
19 licensee or trustee is complying with the provisions of this  
20 Act and with the rules, regulations, and directions made by the  
21 Department under this Act. The licensed cemetery authority  
22 shall keep the ~~books, accounts, and~~ records in electronic or  
23 written format at the location identified in the license issued  
24 by the Department or as otherwise agreed by the Department in  
25 writing. The books, accounts, and records shall be accessible  
26 for review upon demand of the Department.

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

2 (225 ILCS 411/20-6)

3 (Section scheduled to be repealed on January 1, 2021)

4 Sec. 20-6. Cemetery Oversight Database.

5 (a) Within 10 business days after an interment, entombment,  
6 or inurnment of human remains, the cemetery manager shall cause  
7 a record of the interment, entombment, or inurnment to be  
8 entered into the Cemetery Oversight Database. The requirement  
9 of this subsection (a) also applies in any instance in which  
10 human remains are relocated.

11 (b) Within 9 months after the effective date of this Act,  
12 the Department shall certify a database as the Cemetery  
13 Oversight Database. Upon certifying the database, the  
14 Department shall:

15 (1) provide reasonable notice to cemetery authorities  
16 identifying the database; and

17 (2) immediately upon certification, require each  
18 cemetery authority to use the Cemetery Oversight Database  
19 as a means of complying with subsection (a).

20 (c) In certifying the Cemetery Oversight Database, the  
21 Department shall ensure that the database:

22 (1) provides real-time access through an Internet  
23 connection or, if real-time access through an Internet  
24 connection becomes unavailable due to technical problems  
25 with the Cemetery Oversight Database incurred by the

1 database provider or if obtaining use of an Internet  
2 connection would be an undue hardship on the cemetery  
3 authority, through alternative mechanisms, including, but  
4 not limited to, telephone;

5 (2) is accessible to the Department and to cemetery  
6 managers in order to ensure compliance with this Act and in  
7 order to provide any other information that the Department  
8 deems necessary;

9 (3) requires cemetery authorities to input whatever  
10 information required by the Department;

11 (4) maintains a real-time copy of the required  
12 reporting information that is available to the Department  
13 at all times and is the property of the Department; and

14 (5) contains safeguards to ensure that all information  
15 contained in the Cemetery Oversight Database is secure.

16 (d) A cemetery authority may rely on the information  
17 contained in the Cemetery Oversight Database as accurate and is  
18 not subject to any administrative penalty or liability as a  
19 result of relying on inaccurate information contained in the  
20 database.

21 (e) The Cemetery Oversight Database provider shall  
22 indemnify cemetery authorities against all claims and actions  
23 arising from illegal, willful, or wanton acts on the part of  
24 the Database provider. The Cemetery Oversight Database  
25 provider shall at all times maintain an electronic backup copy  
26 of the information it receives pursuant to subsection (a).

1       (f) The Cemetery Oversight Database provider may impose a  
2 fee upon the cemetery authority for each entry it makes into  
3 the database. If the provider imposes such a fee, it may not  
4 exceed \$10 per entry.

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

6       (225 ILCS 411/20-35 new)

7       Sec. 20-35. Burial or interment of an unknown individual or  
8 unknown body part.

9       (a) The stacking of caskets underground of any individual  
10 is limited to no more than 3 caskets in one grave space.

11       (b) Burials and internments of unknown individuals or  
12 unknown body parts must be entered into the Cemetery Oversight  
13 Database as provided in Section 20-6 of this Act.

14       (225 ILCS 411/20-40 new)

15       Sec. 20-40. Burial of multiple persons. A cemetery  
16 authority shall not bury human remains from multiple persons,  
17 known or unknown, in the same casket or grave space with the  
18 exception of (1) human remains that are placed in individual  
19 containers, (2) a mass casualty event, either natural or  
20 man-made, or (3) an arrangement made pursuant to a lawful  
21 contract with a consumer that complies with the requirements of  
22 Section 10-20 of this Act.

23       (225 ILCS 411/20-45 new)



1       Sec. 20-45. Local law enforcement; citations. The  
2 Department may enter into a written agreement with a local law  
3 enforcement agency or county sheriff's department for the  
4 purpose of enforcing provisions of this Act. Local law  
5 enforcement agencies or county sheriff's departments that  
6 enter into agreements with the Department shall have the  
7 authority to issue citations for violations of this Act that  
8 may be adjudicated in a circuit court with jurisdiction over  
9 the matter or by a hearing officer designated by the Secretary.

10       (225 ILCS 411/25-10)

11       (Section scheduled to be repealed on January 1, 2021)

12       Sec. 25-10. Grounds for disciplinary action.

13       (a) The Department may refuse to issue or renew a license  
14 or may revoke, suspend, place on probation, reprimand, or take  
15 other disciplinary action as the Department may deem  
16 appropriate, including imposing fines not to exceed \$8,000  
17 ~~\$10,000~~ for each violation, with regard to any license under  
18 this Act, for any one or combination of the following:

19           (1) Material misstatement in furnishing information to  
20 the Department.

21           (2) Violations of this Act, except for Section 20-8, or  
22 of the rules adopted under this Act.

23           (3) Conviction of, or entry of a plea of guilty or nolo  
24 contendere to, any crime within the last 10 years that is a  
25 Class X felony or higher or is a felony involving fraud and

1 dishonesty under the laws of the United States or any state  
2 or territory thereof.

3 (4) Making any misrepresentation for the purpose of  
4 obtaining licensure or violating any provision of this Act  
5 or the rules adopted under this Act.

6 (5) Professional incompetence.

7 (6) Gross malpractice.

8 (7) Aiding or assisting another person in violating any  
9 provision of this Act or rules adopted under this Act.

10 (8) Failing, within 10 business days, to provide  
11 information in response to a written request made by the  
12 Department.

13 (9) Engaging in dishonorable, unethical, or  
14 unprofessional conduct of a character likely to deceive,  
15 defraud, or harm the public.

16 (10) Inability to practice with reasonable judgment,  
17 skill, or safety as a result of habitual or excessive use  
18 of alcohol, narcotics, stimulants, or any other chemical  
19 agent or drug.

20 (11) Discipline by another agency, state, District of  
21 Columbia, territory, or foreign nation, if at least one of  
22 the grounds for the discipline is the same or substantially  
23 equivalent to those set forth in this Section.

24 (12) Directly or indirectly giving to or receiving from  
25 any person, firm, corporation, partnership, or association  
26 any fee, commission, rebate, or other form of compensation

1 for professional services not actually or personally  
2 rendered.

3 (13) A finding by the Department that the licensee,  
4 after having his or her license placed on probationary  
5 status, has violated the terms of probation.

6 (14) Willfully making or filing false records or  
7 reports in his or her practice, including, but not limited  
8 to, false records filed with any governmental agency or  
9 department.

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

12 (16) Failure to file an annual report ~~or to maintain in~~  
13 ~~effect the required bond~~ or to comply with an order,  
14 decision, or finding of the Department made pursuant to  
15 this Act.

16 (17) Directly or indirectly receiving compensation for  
17 any professional services not actually performed.

18 (18) Practicing under a false or, except as provided by  
19 law, an assumed name.

20 (19) Fraud or misrepresentation in applying for, or  
21 procuring, a license under this Act or in connection with  
22 applying for renewal of a license under this Act.

23 (20) Cheating on or attempting to subvert the licensing  
24 examination administered under this Act.

25 (21) Unjustified failure to honor its contracts.

26 (22) Negligent supervision of a cemetery manager,

1 customer service employee, cemetery worker, or independent  
2 contractor.

3 (23) A pattern of practice or other behavior which  
4 demonstrates incapacity or incompetence to practice under  
5 this Act.

6 (24) Allowing an individual who is not, but is required  
7 to be, licensed under this Act to perform work for the  
8 cemetery authority.

9 (25) Allowing an individual who has not, but is  
10 required to, submit a Worker's Statement in accordance with  
11 Section 10-22 of this Act to perform work at the cemetery.

12 (b) No action may be taken under this Act against a person  
13 licensed under this Act unless the action is commenced within 5  
14 years after the occurrence of the alleged violations, except  
15 for a violation of item (3) of subsection (a) of this Section.  
16 If a person licensed under this Act violates item (3) of  
17 subsection (a) of this Section, then the action may commence  
18 within 10 years after the occurrence of the alleged violation.

19 A continuing violation shall be deemed to have occurred on the  
20 date when the circumstances last existed that give rise to the  
21 alleged violation.

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

23 (225 ILCS 411/25-14.5 new)

24 Sec. 25-14.5. Comptroller report. The Comptroller shall  
25 annually provide to the Department the total amount of care

1 funds belonging to each reporting cemetery authority and  
2 provide information about a cemetery authority upon the request  
3 of the Department. Additionally, the Comptroller shall report  
4 to the Department any adverse action taken against a cemetery  
5 authority under the Cemetery Care Act.

6 (225 ILCS 411/25-70)

7 (Section scheduled to be repealed on January 1, 2021)

8 Sec. 25-70. Receivership. In the event a cemetery  
9 authority license is suspended or revoked or where an  
10 unlicensed person has conducted activities requiring cemetery  
11 authority licensure under this Act, the Department, through the  
12 Attorney General, may petition the circuit courts of this State  
13 for appointment of a receiver to ~~administer the care funds of~~  
14 ~~such licensee or unlicensed person or to~~ operate the cemetery.

15 (a) The court shall appoint a receiver if the court  
16 determines that a receivership is necessary or advisable:

17 (1) to ensure the orderly and proper conduct of a  
18 licensee's professional business and affairs during or in  
19 the aftermath of the administrative proceeding to revoke or  
20 suspend the cemetery authority's license;

21 (2) for the protection of the public's interest and  
22 rights in the business, premises, or activities of the  
23 person sought to be placed in receivership;

24 (3) upon a showing of actual or constructive  
25 abandonment of premises or business licensed or which was

1 not but should have been licensed under this Act;

2 (4) upon a showing of serious and repeated violations  
3 of this Act demonstrating an inability or unwillingness of  
4 a licensee to comply with the requirements of this Act;

5 (5) to prevent loss, wasting, dissipation, theft, or  
6 conversion of assets that should be marshaled and held  
7 available for the honoring of obligations under this Act;  
8 or

9 (6) upon proof of other grounds that the court deems  
10 good and sufficient for instituting receivership action  
11 concerning the respondent sought to be placed in  
12 receivership.

13 (b) A receivership under this Section may be temporary, or  
14 for the winding up and dissolution of the business, as the  
15 Department may request and the court determines to be necessary  
16 or advisable in the circumstances. Venue of receivership  
17 proceedings may be, at the Department's election, in Cook  
18 County or the county where the subject of the receivership is  
19 located. The appointed receiver shall be the Department or such  
20 person as the Department may nominate and the court shall  
21 approve.

22 (c) The Department may adopt rules for the implementation  
23 of this Section.

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

25 (225 ILCS 411/25-77 new)

1       Sec. 25-77. Grants to coroners and medical examiners. The  
2 Department is authorized to use moneys in the Cemetery  
3 Oversight Licensing and Disciplinary Fund to award grants to  
4 coroners and medical examiners experiencing hardship in  
5 complying with the DNA sampling mandate described in Section 25  
6 of the Missing Persons Identification Act.

7           (225 ILCS 411/25-105)

8           (Section scheduled to be repealed on January 1, 2021)

9       Sec. 25-105. Violations. Any person who is found to have  
10 violated any provision of this Act ~~or any applicant for~~  
11 ~~licensure who files with the Department the fingerprints of an~~  
12 ~~individual other than himself or herself is guilty of a Class A~~  
13 ~~misdemeanor. Upon conviction of a second or subsequent offense~~  
14 ~~the violator shall be guilty of a Class 4 felony. However,~~  
15 ~~whoever intentionally fails to deposit the required amounts~~  
16 ~~into a trust provided for in this Act or intentionally and~~  
17 ~~improperly withdraws or uses trust funds for his or her own~~  
18 ~~benefit shall be guilty of a Class 4 felony and each day such~~  
19 ~~provisions are violated shall constitute a separate offense.~~

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

21           (225 ILCS 411/25-125)

22           (Section scheduled to be repealed on January 1, 2021)

23       Sec. 25-125. Cemetery Oversight Board. The Cemetery  
24 Oversight Board is created and shall consist of the Secretary,

1 who shall serve as its chairperson, and 8 members appointed by  
2 the Secretary. Appointments shall be made within 90 days after  
3 the effective date of this Act. Three members shall represent  
4 the segment of the cemetery industry that does not maintain a  
5 partial exemption or full exemption, one member shall represent  
6 the segment of the cemetery industry that maintains a partial  
7 exemption as a public cemetery, one member shall represent the  
8 segment of the cemetery industry that maintains a partial  
9 exemption as a religious cemetery, 2 members shall be consumers  
10 as defined in this Act, and one member shall represent the  
11 general public. No member shall be a licensed professional from  
12 a non-cemetery segment of the death care industry. Board  
13 members shall serve 5-year terms and until their successors are  
14 appointed and qualified. The membership of the Board should  
15 reasonably reflect representation from the geographic areas in  
16 this State. No member shall be reappointed to the Board for a  
17 term that would cause his or her continuous service on the  
18 Board to be longer than 10 successive years. Appointments to  
19 fill vacancies shall be made in the same manner as original  
20 appointments, for the unexpired portion of the vacated term.  
21 Five members of the Board shall constitute a quorum. A quorum  
22 is required for Board decisions. The Secretary may remove any  
23 member of the Board for misconduct, incompetence, neglect of  
24 duty, or for reasons prescribed by law for removal of State  
25 officials. The Secretary may remove a member of the Board who  
26 does not attend 2 consecutive meetings. The Department may, at



1 any time, seek the expert advice and knowledge of the Board on  
2 any matter relating to the administration or enforcement of  
3 this Act. The Secretary shall consider the recommendations of  
4 the Board in the development of proposed rules under this Act  
5 and in the approval of entities seeking to offer certification  
6 programs to cemetery manager applicants and customer service  
7 employee applicants ~~and for establishing guidelines and~~  
8 ~~examinations as may be required under this Act.~~ Notice of any  
9 proposed rulemaking under this Act and applications submitted  
10 by entities seeking to offer certification programs shall be  
11 transmitted to the Board and the Department shall review the  
12 response of the Board and any recommendations made therein.

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

14 (225 ILCS 411/75-50)

15 (Section scheduled to be repealed on January 1, 2021)

16 Sec. 75-50. Burial permits. Notwithstanding any law to the  
17 contrary, ~~a cemetery authority shall ensure that~~ every burial  
18 permit shall contain ~~applicable to that cemetery authority~~  
19 ~~contains the decedent's parcel identification number or other~~  
20 information ~~as provided by rule~~ regarding the location of the  
21 interment, entombment, or inurnment of the deceased that would  
22 enable the Department to determine the precise location of the  
23 decedent.

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

1 (225 ILCS 411/75-55)

2 (Section scheduled to be repealed on January 1, 2021)

3 Sec. 75-55. Transition.

4 (a) (Blank). ~~Within 60 days after the effective date of~~  
5 ~~this Act, the Comptroller shall provide the Department copies~~  
6 ~~of records in the Comptroller's possession pertaining to the~~  
7 ~~Cemetery Care Act and the Crematory Regulation Act that are~~  
8 ~~necessary for the Department's immediate responsibilities~~  
9 ~~under this Act. All other records pertaining to the Cemetery~~  
10 ~~Care Act and the Crematory Regulation Act shall be transferred~~  
11 ~~to the Department by March 1, 2012. In the case of records that~~  
12 ~~pertain both to the administration of the Cemetery Care Act or~~  
13 ~~the Crematory Regulation Act and to a function retained by the~~  
14 ~~Comptroller, the Comptroller, in consultation with the~~  
15 ~~Department, shall determine, within 60 days after the repeal of~~  
16 ~~the Cemetery Care Act, whether the records shall be~~  
17 ~~transferred, copied, or left with the Comptroller; until this~~  
18 ~~determination has been made the transfer shall not occur.~~

19 (b) (Blank). ~~A person licensed under one of the Acts listed~~  
20 ~~in subsection (a) of this Section or regulated under the~~  
21 ~~Cemetery Association Act shall continue to comply with the~~  
22 ~~provisions of those Acts until such time as the person is~~  
23 ~~licensed under this Act or those Acts are repealed or the~~  
24 ~~amendatory changes made by this amendatory Act of the 96th~~  
25 ~~General Assembly take effect, as the case may be, whichever is~~  
26 ~~earlier.~~

1           (c) All cemetery authorities not maintaining a full  
2 exemption or partial exemption shall pay a one-time fee to the  
3 Department due no later than December 15, 2010 equal to \$20  
4 plus an additional charge of \$1 for each burial performed  
5 within the cemetery during calendar year 2009. ~~To support the~~  
6 ~~costs that may be associated with implementing and maintaining~~  
7 ~~a licensure and regulatory process for the licensure and~~  
8 ~~regulation of cemetery authorities, cemetery managers,~~  
9 ~~customer service employees, and cemetery workers, all cemetery~~  
10 ~~authorities not maintaining a full exemption or partial~~  
11 ~~exemption shall pay a one-time fee of \$20 to the Department~~  
12 ~~plus an additional charge of \$1 per burial unit per year within~~  
13 ~~the cemetery. The Department may establish forms for the~~  
14 ~~collection of the fee established under this subsection and~~  
15 ~~shall deposit such fee into the Cemetery Oversight Licensing~~  
16 ~~and Disciplinary Fund. The Department may begin to collect the~~  
17 ~~aforementioned fee after the effective date of this Act. In~~  
18 ~~addition, the Department may establish rules for the collection~~  
19 ~~process, which may include, but shall not be limited to, dates,~~  
20 ~~forms, enforcement, or other procedures necessary for the~~  
21 ~~effective collection, deposit, and overall process regarding~~  
22 ~~this Section.~~

23           (d) (Blank). ~~Any cemetery authority that fails to pay to~~  
24 ~~the Department the required fee or submits the incorrect amount~~  
25 ~~shall be subject to the penalties provided for in Section~~  
26 ~~25-110 of this Act.~~

1           (e) Except as otherwise specifically provided, all fees,  
2 fines, penalties, or other moneys received or collected  
3 pursuant to this Act shall be deposited in the Cemetery  
4 Oversight Licensing and Disciplinary Fund.

5           (f) (Blank). ~~All proportionate funds held in the~~  
6 ~~Comptroller's Administrative Fund related to unexpended moneys~~  
7 ~~collected under the Cemetery Care Act and the Crematory~~  
8 ~~Regulation Act shall be transferred to the Cemetery Oversight~~  
9 ~~Licensing and Disciplinary Fund within 60 days after the~~  
10 ~~effective date of the repeal of the Cemetery Care Act.~~

11           (g) (Blank). ~~Personnel employed by the Comptroller on~~  
12 ~~February 29, 2012, to perform the duties pertaining to the~~  
13 ~~administration of the Cemetery Care Act and the Crematory~~  
14 ~~Regulation Act, are transferred to the Department on March 1,~~  
15 ~~2012.~~

16           ~~The rights of State employees, the State, and its agencies~~  
17 ~~under the Comptroller Merit Employment Code and applicable~~  
18 ~~collective bargaining agreements and retirement plans are not~~  
19 ~~affected under this Act, except that all positions transferred~~  
20 ~~to the Department shall be subject to the Personnel Code~~  
21 ~~effective March 1, 2012.~~

22           ~~All transferred employees who are members of collective~~  
23 ~~bargaining units shall retain their seniority, continuous~~  
24 ~~service, salary, and accrued benefits. During the pendency of~~  
25 ~~the existing collective bargaining agreement, the rights~~  
26 ~~provided for under that agreement shall not be abridged.~~

1       ~~The Department shall continue to honor during their~~  
2 ~~pendency all bargaining agreements in effect at the time of the~~  
3 ~~transfer and to recognize all collective bargaining~~  
4 ~~representatives for the employees who perform or will perform~~  
5 ~~functions transferred by this Act. For all purposes with~~  
6 ~~respect to the management of the existing agreement and the~~  
7 ~~negotiation and management of any successor agreements, the~~  
8 ~~Department shall be deemed the employer of employees who~~  
9 ~~perform or will perform functions transferred to the Department~~  
10 ~~by this Act.~~

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

12               (225 ILCS 411/10-30 rep.)

13               (225 ILCS 411/20-8 rep.)

14               (225 ILCS 411/20-11 rep.)

15               (225 ILCS 411/Art. 15 rep.)

16               (225 ILCS 411/Art. 22 rep.)

17               (225 ILCS 411/90-90 rep.)

18               (225 ILCS 411/90-95 rep.)

19       Section 27. The Cemetery Oversight Act is amended by  
20 repealing Sections 10-30, 20-8, 20-11, 90-90, and 90-95 and  
21 Articles 15 and 22.

22       Section 30. The Crematory Regulation Act is amended by  
23 changing Sections 5, 7, 10, 11, 11.5, 13, 14, 20, 22, 25, 40,  
24 55, 60, 62, 62.5, 62.10, 62.15, 62.20, 65, 80, 85, 87, 88, 89,

1 90, 91, 92, and 94 as follows:

2 (410 ILCS 18/5)

3 (Text of Section before amendment by P.A. 96-863)

4 (Section scheduled to be repealed on January 1, 2021)

5 Sec. 5. Definitions. As used in this Act:

6 "Address of record" means the designated address recorded  
7 by the Comptroller in the applicant's or licensee's application  
8 file or license file. It is the duty of the applicant or  
9 licensee to inform the Comptroller of any change of address  
10 within 14 days, and such changes must be made either through  
11 the Comptroller's website or by contacting the Comptroller. The  
12 address of record shall be the permanent street address of the  
13 crematory.

14 "Alternative container" means a receptacle, other than a  
15 casket, in which human remains are transported to the crematory  
16 and placed in the cremation chamber for cremation. An  
17 alternative container shall be (i) composed of readily  
18 combustible or consumable materials suitable for cremation,  
19 (ii) able to be closed in order to provide a complete covering  
20 for the human remains, (iii) resistant to leakage or spillage,  
21 (iv) rigid enough for handling with ease, and (v) able to  
22 provide protection for the health, safety, and personal  
23 integrity of crematory personnel.

24 "Authorizing agent" means a person legally entitled to  
25 order the cremation and final disposition of specific human

1 remains.

2 "Body parts" means limbs or other portions of the anatomy  
3 that are removed from a person or human remains for medical  
4 purposes during treatment, surgery, biopsy, autopsy, or  
5 medical research; or human bodies or any portion of bodies that  
6 have been donated to science for medical research purposes.

7 "Burial transit permit" means a permit for disposition of a  
8 dead human body as required by Illinois law.

9 "Casket" means a rigid container that is designed for the  
10 encasement of human remains, is usually constructed of wood,  
11 metal, or like material and ornamented and lined with fabric,  
12 and may or may not be combustible.

13 ~~"Change of ownership" means a transfer of more than 50% of~~  
14 ~~the stock or assets of a crematory authority.~~

15 "Comptroller" means the Comptroller of the State of  
16 Illinois.

17 "Cremated remains" means all human remains recovered after  
18 the completion of the cremation, which may possibly include the  
19 residue of any foreign matter including casket material,  
20 bridgework, or eyeglasses, that was cremated with the human  
21 remains.

22 "Cremation" means the technical process, using heat and  
23 flame, or alkaline hydrolysis that reduces human remains to  
24 bone fragments. The reduction takes place through heat and  
25 evaporation or through hydrolysis. Cremation shall include the  
26 processing, and may include the pulverization, of the bone

1 fragments.

2 "Cremation chamber" means the enclosed space within which  
3 the cremation takes place.

4 "Cremation interment container" means a rigid outer  
5 container that, subject to a cemetery's rules and regulations,  
6 is composed of concrete, steel, fiberglass, or some similar  
7 material in which an urn is placed prior to being interred in  
8 the ground, and which is designed to withstand prolonged  
9 exposure to the elements and to support the earth above the  
10 urn.

11 "Cremation room" means the room in which the cremation  
12 chamber is located.

13 "Crematory" means the building or portion of a building  
14 that houses the cremation room and the holding facility.

15 "Crematory authority" means the legal entity which is  
16 licensed by the Comptroller to operate a crematory and to  
17 perform cremations.

18 ~~"Department" means the Illinois Department of Public~~  
19 ~~Health.~~

20 "Final disposition" means the burial, cremation, or other  
21 disposition of a dead human body or parts of a dead human body.

22 "Funeral director" means a person known by the title of  
23 "funeral director", "funeral director and embalmer", or other  
24 similar words or titles, licensed by the State to practice  
25 funeral directing or funeral directing and embalming.

26 "Funeral establishment" means a building or separate



1 portion of a building having a specific street address and  
2 location and devoted to activities relating to the shelter,  
3 care, custody, and preparation of a deceased human body and may  
4 contain facilities for funeral or wake services.

5 "Holding facility" means an area that (i) is designated for  
6 the retention of human remains prior to cremation, (ii)  
7 complies with all applicable public health law, (iii) preserves  
8 the health and safety of the crematory authority personnel, and  
9 (iv) is secure from access by anyone other than authorized  
10 persons. A holding facility may be located in a cremation room.

11 "Human remains" means the body of a deceased person,  
12 including any form of body prosthesis that has been permanently  
13 attached or implanted in the body.

14 "Licensee" means an entity licensed under this Act. An  
15 entity that holds itself as a licensee or that is accused of  
16 unlicensed practice is considered a licensee for purposes of  
17 enforcement, investigation, hearings, and the Illinois  
18 Administrative Procedure Act.

19 "Niche" means a compartment or cubicle for the  
20 memorialization and permanent placement of an urn containing  
21 cremated remains.

22 "Person" means any person, partnership, association,  
23 corporation, limited liability company, or other entity, and in  
24 the case of any such business organization, its officers,  
25 partners, members, or shareholders possessing 25% or more of  
26 ownership of the entity.

1 "Processing" means the reduction of identifiable bone  
2 fragments after the completion of the cremation process to  
3 unidentifiable bone fragments by manual or mechanical means.

4 "Pulverization" means the reduction of identifiable bone  
5 fragments after the completion of the cremation process to  
6 granulated particles by manual or mechanical means.

7 "Scattering area" means an area which may be designated by  
8 a cemetery and located on dedicated cemetery property where  
9 cremated remains, which have been removed from their container,  
10 can be mixed with, or placed on top of, the soil or ground  
11 cover.

12 "Temporary container" means a receptacle for cremated  
13 remains, usually composed of cardboard, plastic or similar  
14 material, that can be closed in a manner that prevents the  
15 leakage or spillage of the cremated remains or the entrance of  
16 foreign material, and is a single container of sufficient size  
17 to hold the cremated remains until an urn is acquired or the  
18 cremated remains are scattered.

19 "Urn" means a receptacle designed to encase the cremated  
20 remains.

21 (Source: P.A. 92-675, eff. 7-1-03.)

22 (Text of Section after amendment by P.A. 96-863)

23 (Section scheduled to be repealed on January 1, 2021)

24 Sec. 5. Definitions. As used in this Act:

25 "Address of record" means the designated address recorded

1 by the Comptroller ~~Department~~ in the applicant's or licensee's  
2 application file or license file. It is the duty of the  
3 applicant or licensee to inform the Comptroller ~~Department~~ of  
4 any change of address within 14 days, and such changes must be  
5 made either through the Comptroller's ~~Department's~~ website or  
6 by contacting the Comptroller ~~Department's~~ licensure  
7 ~~maintenance~~ unit. The address of record shall be the permanent  
8 street address of the crematory.

9 "Alternative container" means a receptacle, other than a  
10 casket, in which human remains are transported to the crematory  
11 and placed in the cremation chamber for cremation. An  
12 alternative container shall be (i) composed of readily  
13 combustible or consumable materials suitable for cremation,  
14 (ii) able to be closed in order to provide a complete covering  
15 for the human remains, (iii) resistant to leakage or spillage,  
16 (iv) rigid enough for handling with ease, and (v) able to  
17 provide protection for the health, safety, and personal  
18 integrity of crematory personnel.

19 "Authorizing agent" means a person legally entitled to  
20 order the cremation and final disposition of specific human  
21 remains.

22 "Body parts" means limbs or other portions of the anatomy  
23 that are removed from a person or human remains for medical  
24 purposes during treatment, surgery, biopsy, autopsy, or  
25 medical research; or human bodies or any portion of bodies that  
26 have been donated to science for medical research purposes.

1 "Burial transit permit" means a permit for disposition of a  
2 dead human body as required by Illinois law.

3 "Casket" means a rigid container that is designed for the  
4 encasement of human remains, is usually constructed of wood,  
5 metal, or like material and ornamented and lined with fabric,  
6 and may or may not be combustible.

7 "Comptroller" means the Comptroller of the State of  
8 Illinois.

9 "Cremated remains" means all human remains recovered after  
10 the completion of the cremation, which may possibly include the  
11 residue of any foreign matter including casket material,  
12 bridgework, or eyeglasses, that was cremated with the human  
13 remains.

14 "Cremation" means the technical process, using heat and  
15 flame, or alkaline hydrolysis that reduces human remains to  
16 bone fragments. The reduction takes place through heat and  
17 evaporation or through hydrolysis. Cremation shall include the  
18 processing, and may include the pulverization, of the bone  
19 fragments.

20 "Cremation chamber" means the enclosed space within which  
21 the cremation takes place.

22 "Cremation interment container" means a rigid outer  
23 container that, subject to a cemetery's rules and regulations,  
24 is composed of concrete, steel, fiberglass, or some similar  
25 material in which an urn is placed prior to being interred in  
26 the ground, and which is designed to withstand prolonged

1 exposure to the elements and to support the earth above the  
2 urn.

3 "Cremation room" means the room in which the cremation  
4 chamber is located.

5 "Crematory" means the building or portion of a building  
6 that houses the cremation room and the holding facility.

7 "Crematory authority" means the legal entity which is  
8 licensed by the Comptroller Department to operate a crematory  
9 and to perform cremations.

10 ~~"Department" means the Illinois Department of Financial  
11 and Professional Regulation.~~

12 "Final disposition" means the burial, cremation, or other  
13 disposition of a dead human body or parts of a dead human body.

14 "Funeral director" means a person known by the title of  
15 "funeral director", "funeral director and embalmer", or other  
16 similar words or titles, licensed by the State to practice  
17 funeral directing or funeral directing and embalming.

18 "Funeral establishment" means a building or separate  
19 portion of a building having a specific street address and  
20 location and devoted to activities relating to the shelter,  
21 care, custody, and preparation of a deceased human body and may  
22 contain facilities for funeral or wake services.

23 "Holding facility" means an area that (i) is designated for  
24 the retention of human remains prior to cremation, (ii)  
25 complies with all applicable public health law, (iii) preserves  
26 the health and safety of the crematory authority personnel, and

1 (iv) is secure from access by anyone other than authorized  
2 persons. A holding facility may be located in a cremation room.

3 "Human remains" means the body of a deceased person,  
4 including any form of body prosthesis that has been permanently  
5 attached or implanted in the body.

6 "Licensee" means an entity licensed under this Act. An  
7 entity that holds itself as a licensee or that is accused of  
8 unlicensed practice is considered a licensee for purposes of  
9 enforcement, investigation, hearings, and the Illinois  
10 Administrative Procedure Act.

11 "Niche" means a compartment or cubicle for the  
12 memorialization and permanent placement of an urn containing  
13 cremated remains.

14 "Person" means any person, partnership, association,  
15 corporation, limited liability company, or other entity, and in  
16 the case of any such business organization, its officers,  
17 partners, members, or shareholders possessing 25% or more of  
18 ownership of the entity.

19 "Processing" means the reduction of identifiable bone  
20 fragments after the completion of the cremation process to  
21 unidentifiable bone fragments by manual or mechanical means.

22 "Pulverization" means the reduction of identifiable bone  
23 fragments after the completion of the cremation process to  
24 granulated particles by manual or mechanical means.

25 "Scattering area" means an area which may be designated by  
26 a cemetery and located on dedicated cemetery property where

1 cremated remains, which have been removed from their container,  
2 can be mixed with, or placed on top of, the soil or ground  
3 cover.

4 ~~"Secretary" means the Secretary of Financial and~~  
5 ~~Professional Regulation.~~

6 "Temporary container" means a receptacle for cremated  
7 remains, usually composed of cardboard, plastic or similar  
8 material, that can be closed in a manner that prevents the  
9 leakage or spillage of the cremated remains or the entrance of  
10 foreign material, and is a single container of sufficient size  
11 to hold the cremated remains until an urn is acquired or the  
12 cremated remains are scattered.

13 "Urn" means a receptacle designed to encase the cremated  
14 remains.

15 (Source: P.A. 96-863, eff. 3-1-12.)

16 (410 ILCS 18/7)

17 (This Section may contain text from a Public Act with a  
18 delayed effective date)

19 (Section scheduled to be repealed on January 1, 2021)

20 Sec. 7. Powers and duties of the Comptroller ~~Department~~.  
21 Subject to the provisions of this Act, the Comptroller  
22 ~~Department~~ may exercise any of the following powers and duties:

23 (1) Authorize standards to ascertain the  
24 qualifications and fitness of applicants for licensing as  
25 licensed crematory authorities and pass upon the

1 qualifications of applicants for licensure.

2 (2) Examine and audit a licensed crematory authority's  
3 records, crematory, or any other aspects of crematory  
4 operation as the Comptroller ~~Department~~ deems appropriate.

5 (3) Investigate any and all unlicensed activity.

6 (4) Conduct hearings on proceedings to refuse to issue  
7 licenses or to revoke, suspend, place on probation,  
8 reprimand, or otherwise discipline licensees and to refuse  
9 to issue licenses or to revoke, suspend, place on  
10 probation, reprimand, or otherwise discipline licensees.

11 (5) Formulate rules required for the administration of  
12 this Act.

13 (6) Maintain rosters of the names and addresses of all  
14 licensees, and all entities whose licenses have been  
15 suspended, revoked, or otherwise disciplined. These  
16 rosters shall be available upon written request and payment  
17 of the required fee as established by rule.

18 (Source: P.A. 96-863, eff. 3-1-12.)

19 (410 ILCS 18/10)

20 (Text of Section before amendment by P.A. 96-863)

21 (Section scheduled to be repealed on January 1, 2021)

22 Sec. 10. Establishment of crematory and licensing of  
23 crematory authority.

24 (a) Any person doing business in this State, or any  
25 cemetery, funeral establishment, corporation, partnership,



1 joint venture, voluntary organization or any other entity, may  
2 erect, maintain, and operate a crematory in this State and  
3 provide the necessary appliances and facilities for the  
4 cremation of human remains in accordance with this Act.

5 (b) A crematory shall be subject to all local, State, and  
6 federal health and environmental protection requirements and  
7 shall obtain all necessary licenses and permits from the  
8 Department of Public Health, the federal Department of Health  
9 and Human Services, and the Illinois and federal Environmental  
10 Protection Agencies, or such other appropriate local, State, or  
11 federal agencies.

12 (c) A crematory may be constructed on or adjacent to any  
13 cemetery, on or adjacent to any funeral establishment, or at  
14 any other location consistent with local zoning regulations.

15 (d) An application for licensure as a crematory authority  
16 shall be in writing on forms furnished by the Comptroller.  
17 Applications shall be accompanied by a reasonable fee  
18 determined by rule ~~of \$50~~ and shall contain all of the  
19 following:

20 (1) The full name and address, both residence and  
21 business, of the applicant if the applicant is an  
22 individual; the full name and address of every member if  
23 the applicant is a partnership; the full name and address  
24 of every member of the board of directors if the applicant  
25 is an association; and the name and address of every  
26 officer, director, and shareholder holding more than 25% of

1 the corporate stock if the applicant is a corporation.

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

3 (3) A description of the type of structure and  
4 equipment to be used in the operation of the crematory,  
5 including the operating permit number issued to the  
6 cremation device by the Illinois Environmental Protection  
7 Agency.

8 (3.5) (Blank). ~~Attestation by the owner that cremation~~  
9 ~~services shall be by a person trained in accordance with~~  
10 ~~the requirements of Section 22 of this Act.~~

11 (3.10) (Blank). ~~A copy of the certification or~~  
12 ~~certifications issued by the certification program to the~~  
13 ~~person or persons who will operate the cremation device.~~

14 (4) Any further information that the Comptroller  
15 reasonably may require as established by rule.

16 (e) Each crematory authority shall file an annual report  
17 with the Comptroller, accompanied with a reasonable ~~\$25~~ fee as  
18 determined by rule, providing (i) an affidavit signed by the  
19 owner of the crematory authority that at the time of the report  
20 the cremation device was in proper operating condition, (ii)  
21 the total number of all cremations performed at the crematory  
22 during the past year, (iii) attestation by the licensee that  
23 all applicable permits and certifications are valid, ~~and~~ (iv)  
24 either (A) any changes required in the information provided  
25 under subsection (d) or (B) an indication that no changes have  
26 occurred, and (v) any other information that the Comptroller

1 may require as determined by rule. The annual report shall be  
2 filed by a crematory authority on or before March 15 of each  
3 calendar year, ~~in the Office of the Comptroller. If the fiscal~~  
4 ~~year of a crematory authority is other than on a calendar year~~  
5 ~~basis, then the crematory authority shall file the report~~  
6 ~~required by this Section within 75 days after the end of its~~  
7 ~~fiscal year. The Comptroller shall, for good cause shown, grant~~  
8 ~~an extension for the filing of the annual report upon the~~  
9 ~~written request of the crematory authority. An extension shall~~  
10 ~~not exceed 60 days.~~ If the fiscal year of a crematory authority  
11 is other than on a calendar year basis, then the crematory  
12 authority shall file the report required by this Section within  
13 75 days after the end of its fiscal year. If a crematory  
14 authority fails to submit an annual report to the Comptroller  
15 within the time specified in this Section, the Comptroller  
16 shall impose upon the crematory authority a penalty as provided  
17 by rule ~~of \$5~~ for each and every day the crematory authority  
18 remains delinquent in submitting the annual report. The  
19 Comptroller may abate all or part of the ~~\$5 daily~~ penalty for  
20 good cause shown.

21 (f) All records required to be maintained under this Act,  
22 including but not limited to those relating to the license and  
23 annual report of the crematory authority required to be filed  
24 under this Section, shall be subject to inspection by the  
25 Comptroller upon reasonable notice.

26 (g) The Comptroller may inspect crematory records at the

1 crematory authority's place of business to review the  
2 licensee's compliance with this Act. The inspection must  
3 include verification that:

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

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

8 (3) the cremation device has a current operating permit  
9 issued by the Illinois Environmental Protection Agency and  
10 the permit is conspicuously displayed in the crematory;

11 (4) the crematory authority is in compliance with local  
12 zoning requirements; ~~and~~

13 (5) the crematory authority license issued by the  
14 Comptroller is conspicuously displayed at the crematory;  
15 and-

16 (6) other details as determined by rule.

17 (h) The Comptroller shall issue licenses under this Act to  
18 the crematories that are registered with the Comptroller as of  
19 March 1, 2012 ~~July 1, 2003~~ without requiring the previously  
20 registered crematories to complete license applications.

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

22 (Text of Section after amendment by P.A. 96-863)

23 (Section scheduled to be repealed on January 1, 2021)

24 Sec. 10. Establishment of crematory and licensing of  
25 crematory authority.

1 (a) Any person doing business in this State, or any  
2 cemetery, funeral establishment, corporation, partnership,  
3 joint venture, voluntary organization or any other entity, may  
4 erect, maintain, and operate a crematory in this State and  
5 provide the necessary appliances and facilities for the  
6 cremation of human remains in accordance with this Act.

7 (b) A crematory shall be subject to all local, State, and  
8 federal health and environmental protection requirements and  
9 shall obtain all necessary licenses and permits from the  
10 Department of Financial and Professional Regulation, the  
11 Department of Public Health, the federal Department of Health  
12 and Human Services, and the Illinois and federal Environmental  
13 Protection Agencies, or such other appropriate local, State, or  
14 federal agencies.

15 (c) A crematory may be constructed on or adjacent to any  
16 cemetery, on or adjacent to any funeral establishment, or at  
17 any other location consistent with local zoning regulations.

18 (d) An application for licensure as a crematory authority  
19 shall be in writing on forms furnished by the Comptroller  
20 ~~Department~~. Applications shall be accompanied by a reasonable  
21 fee determined by rule and shall contain all of the following:

22 (1) The full name and address, both residence and  
23 business, of the applicant if the applicant is an  
24 individual; the full name and address of every member if  
25 the applicant is a partnership; the full name and address  
26 of every member of the board of directors if the applicant

1 is an association; and the name and address of every  
2 officer, director, and shareholder holding more than 25% of  
3 the corporate stock if the applicant is a corporation.

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

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

10 (4) Any further information that the Comptroller  
11 ~~Department~~ reasonably may require as established by rule.

12 (e) Each crematory authority shall file an annual report  
13 with the Comptroller ~~Department~~, accompanied with a reasonable  
14 fee determined by rule, providing (i) an affidavit signed by  
15 the owner of the crematory authority that at the time of the  
16 report the cremation device was in proper operating condition,  
17 (ii) the total number of all cremations performed at the  
18 crematory during the past year, (iii) attestation by the  
19 licensee that all applicable permits and certifications are  
20 valid, (iv) either (A) any changes required in the information  
21 provided under subsection (d) or (B) an indication that no  
22 changes have occurred, and (v) any other information that the  
23 Department may require as established by rule. The annual  
24 report shall be filed by a crematory authority on or before  
25 March 15 of each calendar year. If the fiscal year of a  
26 crematory authority is other than on a calendar year basis,

1 then the crematory authority shall file the report required by  
2 this Section within 75 days after the end of its fiscal year.  
3 If a crematory authority fails to submit an annual report to  
4 the Comptroller ~~Department~~ within the time specified in this  
5 Section, the Comptroller ~~Department~~ shall impose upon the  
6 crematory authority a penalty as provided for by rule for each  
7 and every day the crematory authority remains delinquent in  
8 submitting the annual report. The Comptroller ~~Department~~ may  
9 abate all or part of the penalty for good cause shown.

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

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

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

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

23 (3) the cremation device has a current operating permit  
24 issued by the Illinois Environmental Protection Agency and  
25 the permit is conspicuously displayed in the crematory;

26 (4) the crematory authority is in compliance with local

1 zoning requirements; and

2 (5) the crematory authority license issued by the  
3 Comptroller Department is conspicuously displayed at the  
4 crematory.

5 (6) other details as determined by rule.

6 (h) The Comptroller Department shall issue licenses under  
7 this Act to the crematories that are registered with the  
8 Comptroller as of on March 1, 2012 without requiring the  
9 previously registered crematories to complete license  
10 applications.

11 (Source: P.A. 96-863, eff. 3-1-12.)

12 (410 ILCS 18/11)

13 (Text of Section before amendment by P.A. 96-863)

14 (Section scheduled to be repealed on January 1, 2021)

15 Sec. 11. Grounds for denial or discipline ~~refusal of~~  
16 ~~license or suspension or revocation of license.~~

17 (a) In this Section, "applicant" means a person who has  
18 applied for a license under this Act, including those persons  
19 whose names are listed on a license application in Section 10  
20 of this Act.

21 (b) The Comptroller may refuse to issue a license, place on  
22 probation, reprimand, or take other appropriate disciplinary  
23 action that the Comptroller may deem appropriate, including  
24 finances not to exceed \$10,000 for each violation, with regard to  
25 any license under this Act, or may suspend or revoke a license



1 issued under this Act, on any of the following grounds:

2 (1) The applicant or licensee has made any  
3 misrepresentation or false statement or concealed any  
4 material fact in furnishing information to the Comptroller  
5 ~~in connection with a license application or licensure under~~  
6 ~~this Act.~~

7 (2) The applicant or licensee has been engaged in  
8 business practices that work a fraud.

9 (3) The applicant or licensee has refused to give  
10 information required under this Act to be disclosed to the  
11 Comptroller or failing, within 30 days, to provide  
12 information in response to a written request made by the  
13 Comptroller.

14 (4) Engaging in dishonorable, unethical, or  
15 unprofessional conduct of a character likely to deceive,  
16 defraud, or harm the public. ~~The applicant or licensee has~~  
17 ~~conducted or is about to conduct cremation business in a~~  
18 ~~fraudulent manner.~~

19 (5) As to any individual listed in the license  
20 application as required under Section 10, that individual  
21 has conducted or is about to conduct any cremation business  
22 on behalf of the applicant in a fraudulent manner or has  
23 been convicted of any felony or misdemeanor an essential  
24 element of which is fraud.

25 (6) The applicant or licensee has failed to make the  
26 annual report required by this Act or to comply with a

1 final order, decision, or finding of the Comptroller made  
2 under this Act.

3 (7) The applicant or licensee, including any member,  
4 officer, or director of the applicant or licensee if the  
5 applicant or licensee is a firm, partnership, association,  
6 or corporation and including any shareholder holding more  
7 than 25% of the corporate stock of the applicant or  
8 licensee, has violated any provision of this Act or any  
9 regulation or order made by the Comptroller under this Act.

10 (8) The Comptroller finds any fact or condition  
11 existing that, if it had existed at the time of the  
12 original application for a license under this Act, would  
13 have warranted the Comptroller in refusing the issuance of  
14 the license.

15 (9) Any violation of this Act or of the rules adopted  
16 under this Act.

17 (10) Incompetence.

18 (11) Gross malpractice.

19 (12) Discipline by another state, District of  
20 Columbia, territory, or foreign nation, if at least one of  
21 the grounds for the discipline is the same or substantially  
22 equivalent to those set forth in this Section.

23 (13) Directly or indirectly giving to or receiving from  
24 any person, firm, corporation, partnership, or association  
25 any fee, commission, rebate, or other form of compensation  
26 for professional services not actually or personally

1       rendered.

2       (14) A finding by the Comptroller that the licensee,  
3       after having its license placed on probationary status, has  
4       violated the terms of probation.

5       (15) Willfully making or filing false records or  
6       reports, including, but not limited to, false records filed  
7       with State agencies or departments.

8       (16) Gross, willful, or continued overcharging for  
9       professional services, including filing false statements  
10       for collection of fees for which services are not rendered.

11       (17) Practicing under a false or, except as provided by  
12       law, an assumed name.

13       (18) Cheating on or attempting to subvert this Act's  
14       licensing application process.

15       (Source: P.A. 92-675, eff. 7-1-03.)

16       (Text of Section after amendment by P.A. 96-863)

17       (Section scheduled to be repealed on January 1, 2021)

18       Sec. 11. Grounds for denial or discipline.

19       (a) In this Section, "applicant" means a person who has  
20       applied for a license under this Act including those persons  
21       whose names are listed on a license application in Section 10  
22       of this Act.

23       (b) The Comptroller ~~Department~~ may refuse to issue a  
24       license, place on probation, reprimand, or take other  
25       disciplinary action that the Comptroller ~~Department~~ may deem

1 appropriate, including imposing fines not to exceed \$10,000 for  
2 each violation, with regard to any license under this Act, or  
3 may suspend or revoke a license issued under this Act, on any  
4 of the following grounds:

5 (1) The applicant or licensee has made any  
6 misrepresentation or false statement or concealed any  
7 material fact in furnishing information to the Comptroller  
8 ~~Department~~.

9 (2) The applicant or licensee has been engaged in  
10 business practices that work a fraud.

11 (3) The applicant or licensee has refused to give  
12 information required under this Act to be disclosed to the  
13 Comptroller ~~Department~~ or failing, within 30 days, to  
14 provide information in response to a written request made  
15 by the Comptroller ~~Department~~.

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

19 (5) As to any individual listed in the license  
20 application as required under Section 10, that individual  
21 has conducted or is about to conduct any cremation business  
22 on behalf of the applicant in a fraudulent manner or has  
23 been convicted of any felony or misdemeanor an essential  
24 element of which is fraud.

25 (6) The applicant or licensee has failed to make the  
26 annual report required by this Act or to comply with a

1 final order, decision, or finding of the Comptroller  
2 ~~Department~~ made under this Act.

3 (7) The applicant or licensee, including any member,  
4 officer, or director of the applicant or licensee if the  
5 applicant or licensee is a firm, partnership, association,  
6 or corporation and including any shareholder holding more  
7 than 25% of the corporate stock of the applicant or  
8 licensee, has violated any provision of this Act or any  
9 regulation or order made by the Comptroller ~~Department~~  
10 under this Act.

11 (8) The Comptroller ~~Department~~ finds any fact or  
12 condition existing that, if it had existed at the time of  
13 the original application for a license under this Act,  
14 would have warranted the Comptroller in refusing the  
15 issuance of the license.

16 (9) Any violation of this Act or of the rules adopted  
17 under this Act.

18 (10) Incompetence.

19 (11) Gross malpractice.

20 (12) Discipline by another state, District of  
21 Columbia, territory, or foreign nation, if at least one of  
22 the grounds for the discipline is the same or substantially  
23 equivalent to those set forth in this Section.

24 (13) Directly or indirectly giving to or receiving from  
25 any person, firm, corporation, partnership, or association  
26 any fee, commission, rebate, or other form of compensation

1 for professional services not actually or personally  
2 rendered.

3 (14) A finding by the Comptroller ~~Department~~ that the  
4 licensee, after having its license placed on probationary  
5 status, has violated the terms of probation.

6 (15) Willfully making or filing false records or  
7 reports, including, but not limited to, false records filed  
8 with State agencies or departments.

9 (16) Gross, willful, or continued overcharging for  
10 professional services, including filing false statements  
11 for collection of fees for which services are not rendered.

12 (17) Practicing under a false or, except as provided by  
13 law, an assumed name.

14 (18) Cheating on or attempting to subvert this Act's  
15 licensing application process.

16 (Source: P.A. 96-863, eff. 3-1-12.)

17 (410 ILCS 18/11.5)

18 (Text of Section before amendment by P.A. 96-863)

19 (Section scheduled to be repealed on January 1, 2021)

20 Sec. 11.5. License revocation or suspension; surrender of  
21 license.

22 (a) (Blank). ~~Upon determining that grounds exist for the~~  
23 ~~revocation or suspension of a license issued under this Act,~~  
24 ~~the Comptroller, if appropriate, may revoke or suspend the~~  
25 ~~license issued to the licensee.~~

1 (b) Upon the revocation or suspension of a license issued  
2 under this Act, the licensee must immediately surrender the  
3 license to the Comptroller. If the licensee fails to do so, the  
4 Comptroller may seize the license.

5 (Source: P.A. 92-675, eff. 7-1-03.)

6 (Text of Section after amendment by P.A. 96-863)

7 (Section scheduled to be repealed on January 1, 2021)

8 Sec. 11.5. License revocation or suspension; surrender of  
9 license.

10 (a) (Blank).

11 (b) Upon the revocation or suspension of a license issued  
12 under this Act, the licensee must immediately surrender the  
13 license to the Comptroller ~~Department~~. If the licensee fails to  
14 do so, the Comptroller ~~Department~~ may seize the license.

15 (Source: P.A. 96-863, eff. 3-1-12.)

16 (410 ILCS 18/13)

17 (Text of Section before amendment by P.A. 96-863)

18 (Section scheduled to be repealed on January 1, 2021)

19 Sec. 13. License; display; transfer; duration.

20 (a) Every license issued under this Act must state the  
21 number of the license, the business name and address of the  
22 licensee's principal place of business, and the licensee's  
23 parent company, if any. The license must be conspicuously  
24 posted in the place of business operating under the license.

1           (b) After initial licensure, if any person comes to obtain  
2 at least 51% of the ownership over the licensed crematory  
3 authority, then the crematory authority shall apply for a new  
4 license in the required time as set out by rule. ~~No license is~~  
5 ~~transferable or assignable without the express written consent~~  
6 ~~of the Comptroller. A transfer of more than 50% of the~~  
7 ~~ownership of any business licensed under this Act shall be~~  
8 ~~deemed to be an attempted assignment of the license originally~~  
9 ~~issued to the licensee for whom consent of the Comptroller is~~  
10 ~~required.~~

11           (c) Every license issued under this Act shall remain in  
12 force until it has been surrendered, suspended, or revoked in  
13 accordance with this Act. Upon the request of an interested  
14 person or on the Comptroller's own motion, the Comptroller may  
15 issue a new license to a licensee whose license has been  
16 revoked under this Act if no factor or condition then exists  
17 which would have warranted the Comptroller in originally  
18 refusing the issuance of the license.

19           (Source: P.A. 92-675, eff. 7-1-03.)

20           (Text of Section after amendment by P.A. 96-863)

21           (Section scheduled to be repealed on January 1, 2021)

22           Sec. 13. License; display; transfer; duration.

23           (a) Every license issued under this Act must state the  
24 number of the license, the business name and address of the  
25 licensee's principal place of business, and the licensee's



1 parent company, if any. The license must be conspicuously  
2 posted in the place of business operating under the license.

3 (b) After initial licensure, if any person comes to obtain  
4 at least 51% ~~25%~~ of the ownership over the licensed crematory  
5 authority, then the crematory authority shall ~~have to~~ apply for  
6 a new license ~~and receive licensure~~ in the required time as set  
7 out by rule.

8 (c) Every license issued under this Act shall remain in  
9 force until it has been surrendered, suspended, or revoked in  
10 accordance with this Act. Upon the request of an interested  
11 person or on the Comptroller's ~~Department's~~ own motion, the  
12 Comptroller ~~Department~~ may issue a new license to a licensee  
13 whose license has been revoked under this Act if no factor or  
14 condition then exists which would have warranted the  
15 Comptroller ~~Department~~ in originally refusing the issuance of  
16 the license.

17 (Source: P.A. 96-863, eff. 3-1-12.)

18 (410 ILCS 18/14)

19 (Section scheduled to be repealed on January 1, 2021)

20 Sec. 14. Display of cremation device permit. A crematory  
21 authority must conspicuously display in its place of business  
22 the operating permit issued to its cremation device by the  
23 Illinois Environmental Protection Agency and the license  
24 issued by the Comptroller under this Act. All rulemaking  
25 authority in connection with ~~such~~ operating permits issued by

1 the Illinois Environmental Protection Agency shall be vested  
2 with the Illinois Environmental Protection Agency and all  
3 rulemaking authority in connection with licenses issued by the  
4 Comptroller under this Act shall be vested with the  
5 Comptroller.

6 (Source: P.A. 92-675, eff. 7-1-03.)

7 (410 ILCS 18/20)

8 (Text of Section before amendment by P.A. 96-863)

9 (Section scheduled to be repealed on January 1, 2021)

10 Sec. 20. Authorization to cremate.

11 (a) A crematory authority shall not cremate human remains  
12 until it has received all of the following:

13 (1) A cremation authorization form signed by an  
14 authorizing agent. The cremation authorization form shall  
15 be provided by the crematory authority and shall contain,  
16 at a minimum, the following information:

17 (A) The identity of the human remains and the time  
18 and date of death.

19 (B) The name of the funeral director and ~~or~~ funeral  
20 establishment, if applicable, that obtained the  
21 cremation authorization.

22 (C) Notification as to whether the death occurred  
23 from a disease declared by the Department of Health to  
24 be infectious, contagious, communicable, or dangerous  
25 to the public health.

1           (D) The name of the authorizing agent and the  
2 relationship between the authorizing agent and the  
3 decedent.

4           (E) A representation that the authorizing agent  
5 does in fact have the right to authorize the cremation  
6 of the decedent, and that the authorizing agent is not  
7 aware of any living person who has a superior priority  
8 right to that of the authorizing agent, as set forth in  
9 Section 15. In the event there is another living person  
10 who has a superior priority right to that of the  
11 authorizing agent, the form shall contain a  
12 representation that the authorizing agent has made all  
13 reasonable efforts to contact that person, has been  
14 unable to do so, and has no reason to believe that the  
15 person would object to the cremation of the decedent.

16           (F) Authorization for the crematory authority to  
17 cremate the human remains.

18           (G) A representation that the human remains do not  
19 contain a pacemaker or any other material or implant  
20 that may be potentially hazardous or cause damage to  
21 the cremation chamber or the person performing the  
22 cremation.

23           (H) The name of the person authorized to receive  
24 the cremated remains from the crematory authority.

25           (I) The manner in which final disposition of the  
26 cremated remains is to take place, if known. If the

1 cremation authorization form does not specify final  
2 disposition in a grave, crypt, niche, or scattering  
3 area, then the form may indicate that the cremated  
4 remains will be held by the crematory authority for 30  
5 days before they are released, unless they are picked  
6 up from the crematory authority prior to that time, in  
7 person, by the authorizing agent. At the end of the 30  
8 days the crematory authority may return the cremated  
9 remains to the authorizing agent if no final  
10 disposition arrangements are made; or at the end of 60  
11 days the crematory authority may dispose of the  
12 cremated remains in accordance with subsection (d) of  
13 Section 40.

14 (J) A listing of any items of value to be delivered  
15 to the crematory authority along with the human  
16 remains, and instructions as to how the items should be  
17 handled.

18 (K) A specific statement as to whether the  
19 authorizing agent has made arrangements for any type of  
20 viewing of the decedent before cremation, or for a  
21 service with the decedent present before cremation in  
22 connection with the cremation, and if so, the date and  
23 time of the viewing or service and whether the  
24 crematory authority is authorized to proceed with the  
25 cremation upon receipt of the human remains.

26 (L) The signature of the authorizing agent,

1           attesting to the accuracy of all representations  
2           contained on the cremation authorization form, except  
3           as set forth in paragraph (M) of this subsection.

4           (M) If a cremation authorization form is being  
5           executed on a pre-need basis, the cremation  
6           authorization form shall contain the disclosure  
7           required by subsection (b) of Section 140 65.

8           (N) The cremation authorization form, other than  
9           pre-need cremation forms, shall also be signed by a  
10          funeral director or other representative of the  
11          funeral establishment that obtained the cremation  
12          authorization. That individual shall merely execute  
13          the cremation authorization form as a witness and shall  
14          not be responsible for any of the representations made  
15          by the authorizing agent, unless the individual has  
16          actual knowledge to the contrary. The information  
17          requested by items (A), (B), (C) and (G) of this  
18          subsection, however, shall be considered to be  
19          representations of the authorizing agent. In addition,  
20          the funeral director or funeral establishment shall  
21          warrant to the crematory that the human remains  
22          delivered to the crematory authority are the human  
23          remains identified on the cremation authorization  
24          form.

25          (2) A completed and executed burial transit permit  
26          indicating that the human remains are to be cremated.

1           (3) Any other documentation required by this State.

2           (b) If an authorizing agent is not available to execute a  
3 cremation authorization form in person, that person may  
4 delegate that authority to another person in writing, or by  
5 sending the crematory authority a facsimile transmission that  
6 contains the name, address, and relationship of the sender to  
7 the decedent and the name and address of the individual to whom  
8 authority is delegated. Upon receipt of the written document,  
9 or facsimile transmission, telegram, or other electronic  
10 telecommunications transmission which specifies the individual  
11 to whom authority has been delegated, the crematory authority  
12 shall allow this individual to serve as the authorizing agent  
13 and to execute the cremation authorization form. The crematory  
14 authority shall be entitled to rely upon the cremation  
15 authorization form without liability.

16           (c) An authorizing agent who signs a cremation  
17 authorization form shall be deemed to warrant the truthfulness  
18 of any facts set forth on the cremation authorization form,  
19 including that person's authority to order the cremation;  
20 except for the information required by items (C) and (G) of  
21 paragraph (1) of subsection (a) of this Section, unless the  
22 authorizing agent has actual knowledge to the contrary. An  
23 authorizing agent signing a cremation authorization form shall  
24 be personally and individually liable for all damages  
25 occasioned by and resulting from authorizing the cremation.

26           (d) A crematory authority shall have authority to cremate

1 human remains upon the receipt of a cremation authorization  
2 form signed by an authorizing agent. There shall be no  
3 liability for a crematory authority that cremates human remains  
4 according to an authorization, or that releases or disposes of  
5 the cremated remains according to an authorization, except for  
6 a crematory authority's gross negligence, provided that the  
7 crematory authority performs its functions in compliance with  
8 this Act.

9 (e) After an authorizing agent has executed a cremation  
10 authorization form, the authorizing agent may revoke the  
11 authorization and instruct the crematory authority to cancel  
12 the cremation and to release or deliver the human remains to  
13 another crematory authority or funeral establishment. The  
14 instructions shall be provided to the crematory authority in  
15 writing. A crematory authority shall honor any instructions  
16 given to it by an authorizing agent under this Section if it  
17 receives the instructions prior to beginning the cremation of  
18 the human remains.

19 (Source: P.A. 87-1187.)

20 (Text of Section after amendment by P.A. 96-863)

21 (Section scheduled to be repealed on January 1, 2021)

22 Sec. 20. Authorization to cremate.

23 (a) A crematory authority shall not cremate human remains  
24 until it has received all of the following:

25 (1) A cremation authorization form signed by an

1 authorizing agent. The cremation authorization form shall  
2 be provided by the crematory authority and shall contain,  
3 at a minimum, the following information:

4 (A) The identity of the human remains and the time  
5 and date of death.

6 (B) The name of the funeral director and funeral  
7 establishment, if applicable, that obtained the  
8 cremation authorization.

9 (C) Notification as to whether the death occurred  
10 from a disease declared by the Department of Health to  
11 be infectious, contagious, communicable, or dangerous  
12 to the public health.

13 (D) The name of the authorizing agent and the  
14 relationship between the authorizing agent and the  
15 decedent.

16 (E) A representation that the authorizing agent  
17 does in fact have the right to authorize the cremation  
18 of the decedent, and that the authorizing agent is not  
19 aware of any living person who has a superior priority  
20 right to that of the authorizing agent, as set forth in  
21 Section 15. In the event there is another living person  
22 who has a superior priority right to that of the  
23 authorizing agent, the form shall contain a  
24 representation that the authorizing agent has made all  
25 reasonable efforts to contact that person, has been  
26 unable to do so, and has no reason to believe that the



1 person would object to the cremation of the decedent.

2 (F) Authorization for the crematory authority to  
3 cremate the human remains.

4 (G) A representation that the human remains do not  
5 contain a pacemaker or any other material or implant  
6 that may be potentially hazardous or cause damage to  
7 the cremation chamber or the person performing the  
8 cremation.

9 (H) The name of the person authorized to receive  
10 the cremated remains from the crematory authority.

11 (I) The manner in which final disposition of the  
12 cremated remains is to take place, if known. If the  
13 cremation authorization form does not specify final  
14 disposition in a grave, crypt, niche, or scattering  
15 area, then the form may indicate that the cremated  
16 remains will be held by the crematory authority for 30  
17 days before they are released, unless they are picked  
18 up from the crematory authority prior to that time, in  
19 person, by the authorizing agent. At the end of the 30  
20 days the crematory authority may return the cremated  
21 remains to the authorizing agent if no final  
22 disposition arrangements are made; or at the end of 60  
23 days the crematory authority may dispose of the  
24 cremated remains in accordance with subsection (d) of  
25 Section 40.

26 (J) A listing of any items of value to be delivered

1 to the crematory authority along with the human  
2 remains, and instructions as to how the items should be  
3 handled.

4 (K) A specific statement as to whether the  
5 authorizing agent has made arrangements for any type of  
6 viewing of the decedent before cremation, or for a  
7 service with the decedent present before cremation in  
8 connection with the cremation, and if so, the date and  
9 time of the viewing or service and whether the  
10 crematory authority is authorized to proceed with the  
11 cremation upon receipt of the human remains.

12 (L) The signature of the authorizing agent,  
13 attesting to the accuracy of all representations  
14 contained on the cremation authorization form, except  
15 as set forth in paragraph (M) of this subsection.

16 (M) If a cremation authorization form is being  
17 executed on a pre-need basis, the cremation  
18 authorization form shall contain the disclosure  
19 required by subsection (b) of Section 140.

20 (N) The cremation authorization form, other than  
21 pre-need cremation forms, shall also be signed by a  
22 funeral director or other representative of the  
23 funeral establishment that obtained the cremation  
24 authorization. That individual shall merely execute  
25 the cremation authorization form as a witness and shall  
26 not be responsible for any of the representations made

1 by the authorizing agent, unless the individual has  
2 actual knowledge to the contrary. The information  
3 requested by items (A), (B), (C) and (G) of this  
4 subsection, however, shall be considered to be  
5 representations of the authorizing agent. In addition,  
6 the funeral director or funeral establishment shall  
7 warrant to the crematory that the human remains  
8 delivered to the crematory authority are the human  
9 remains identified on the cremation authorization  
10 form.

11 (2) A completed and executed burial transit permit  
12 indicating that the human remains are to be cremated.

13 (3) Any other documentation required by this State.

14 (b) If an authorizing agent is not available to execute a  
15 cremation authorization form in person, that person may  
16 delegate that authority to another person in writing, or by  
17 sending the crematory authority a facsimile transmission that  
18 contains the name, address, and relationship of the sender to  
19 the decedent and the name and address of the individual to whom  
20 authority is delegated. Upon receipt of the written document,  
21 or facsimile transmission, telegram, or other electronic  
22 telecommunications transmission which specifies the individual  
23 to whom authority has been delegated, the crematory authority  
24 shall allow this individual to serve as the authorizing agent  
25 and to execute the cremation authorization form. The crematory  
26 authority shall be entitled to rely upon the cremation

1 authorization form without liability.

2 (c) An authorizing agent who signs a cremation  
3 authorization form shall be deemed to warrant the truthfulness  
4 of any facts set forth on the cremation authorization form,  
5 including that person's authority to order the cremation;  
6 except for the information required by items (C) and (G) of  
7 paragraph (1) of subsection (a) of this Section, unless the  
8 authorizing agent has actual knowledge to the contrary. An  
9 authorizing agent signing a cremation authorization form shall  
10 be personally and individually liable for all damages  
11 occasioned by and resulting from authorizing the cremation.

12 (d) A crematory authority shall have authority to cremate  
13 human remains upon the receipt of a cremation authorization  
14 form signed by an authorizing agent. There shall be no  
15 liability for a crematory authority that cremates human remains  
16 according to an authorization, or that releases or disposes of  
17 the cremated remains according to an authorization, except for  
18 a crematory authority's gross negligence, provided that the  
19 crematory authority performs its functions in compliance with  
20 this Act.

21 (e) After an authorizing agent has executed a cremation  
22 authorization form, the authorizing agent may revoke the  
23 authorization and instruct the crematory authority to cancel  
24 the cremation and to release or deliver the human remains to  
25 another crematory authority or funeral establishment. The  
26 instructions shall be provided to the crematory authority in

1 writing. A crematory authority shall honor any instructions  
2 given to it by an authorizing agent under this Section if it  
3 receives the instructions prior to beginning the cremation of  
4 the human remains.

5 (Source: P.A. 96-863, eff. 3-1-12.)

6 (410 ILCS 18/22)

7 (Text of Section before amendment by P.A. 96-863)

8 (Section scheduled to be repealed on January 1, 2021)

9 Sec. 22. Performance of cremation service; training. A  
10 person may not perform a cremation service in this State unless  
11 he or she has completed training in performing cremation  
12 services and received certification by a program recognized by  
13 the Comptroller. The crematory authority must conspicuously  
14 display the certification at the crematory authority's place of  
15 business. Any new employee shall have a reasonable time period,  
16 as determined by rule ~~not to exceed one year~~, to attend a  
17 recognized training program. In the interim, the new employee  
18 may perform a cremation service if he or she has received  
19 training from another person who has received certification by  
20 a program recognized by the Comptroller and is under the  
21 supervision of the trained person. For purposes of this Act,  
22 the Comptroller may ~~shall~~ recognize any training program that  
23 provides training in the operation of a cremation device, in  
24 the maintenance of a clean facility, and in the proper handling  
25 of human remains. The Comptroller may ~~shall~~ recognize any

1 course that is conducted by a death care trade association in  
2 Illinois or the United States or by a manufacturer of a  
3 cremation unit that is consistent with the standards provided  
4 in this Act or as otherwise determined by rule.

5 (Source: P.A. 92-675, eff. 7-1-03.)

6 (Text of Section after amendment by P.A. 96-863)

7 (Section scheduled to be repealed on January 1, 2021)

8 Sec. 22. Performance of cremation service; training. A  
9 person may not perform a cremation service in this State unless  
10 he or she has completed training in performing cremation  
11 services and received certification by a program recognized by  
12 the Comptroller ~~Department~~. The crematory authority must  
13 conspicuously display the certification at the crematory  
14 authority's place of business. Any new employee shall have a  
15 reasonable time period, as determined by rule, to attend a  
16 recognized training program. In the interim, the new employee  
17 may perform a cremation service if he or she has received  
18 training from another person who has received certification by  
19 a program recognized by the Comptroller ~~Department~~ and is under  
20 the supervision of the trained person. For purposes of this  
21 Act, the Comptroller ~~Department~~ may recognize any training  
22 program that provides training in the operation of a cremation  
23 device, in the maintenance of a clean facility, and in the  
24 proper handling of human remains. The Comptroller ~~Department~~  
25 may recognize any course that is conducted by a death care

1 trade association in Illinois or the United States or by a  
2 manufacturer of a cremation unit that is consistent with the  
3 standards provided in this Act or as otherwise determined by  
4 rule.

5 (Source: P.A. 96-863, eff. 3-1-12.)

6 (410 ILCS 18/25)

7 (Text of Section before amendment by P.A. 96-863)

8 (Section scheduled to be repealed on January 1, 2021)

9 Sec. 25. Recordkeeping.

10 (a) The crematory authority shall furnish to the person who  
11 delivers human remains to the crematory authority a receipt  
12 signed at the time of delivery by both the crematory authority  
13 and the person who delivers the human remains, showing the date  
14 and time of the delivery, the type of casket or alternative  
15 container that was delivered, the name of the person from whom  
16 the human remains were received and the name of the funeral  
17 establishment or other entity with whom the person is  
18 affiliated, the name of the person who received the human  
19 remains on behalf of the crematory authority, and the name of  
20 the decedent. The crematory shall retain a copy of this receipt  
21 in its permanent records.

22 (b) Upon its release of cremated remains, the crematory  
23 authority shall furnish to the person who receives the cremated  
24 remains from the crematory authority a receipt signed by both  
25 the crematory authority and the person who receives the

1 cremated remains, showing the date and time of the release, the  
2 name of the person to whom the cremated remains were released  
3 and the name of the funeral establishment, cemetery, or other  
4 entity with whom the person is affiliated, the name of the  
5 person who released the cremated remains on behalf of the  
6 crematory authority, and the name of the decedent. The  
7 crematory shall retain a copy of this receipt in its permanent  
8 records.

9 (c) A crematory authority shall maintain at its place of  
10 business a permanent record of each cremation that took place  
11 at its facility which shall contain the name of the decedent,  
12 the date of the cremation, and the final disposition of the  
13 cremated remains.

14 (d) The crematory authority shall maintain a record of all  
15 cremated remains disposed of by the crematory authority in  
16 accordance with subsection (d) of Section 40.

17 (e) Upon completion of the cremation, the crematory  
18 authority shall file the burial transit permit as required by  
19 the Illinois Vital Records Act and rules adopted under that Act  
20 and the Illinois Counties Code law, and transmit a photocopy of  
21 the burial transit permit along with the cremated remains to  
22 whoever receives the cremated remains from the authorizing  
23 agent unless the cremated remains are to be interred, entombed,  
24 inurned, or placed in a scattering area, in which case the  
25 crematory authority shall retain a copy of the burial transit  
26 permit and shall send the permit, along with the cremated



1 remains, to the cemetery, which shall file the permit with the  
2 designated agency after the interment, entombment, inurnment,  
3 or scattering has taken place.

4 (f) All cemeteries shall maintain a record of all cremated  
5 remains that are disposed of on their property, provided that  
6 the cremated remains were properly transferred to the cemetery  
7 and the cemetery issued a receipt acknowledging the transfer of  
8 the cremated remains.

9 (Source: P.A. 87-1187.)

10 (Text of Section after amendment by P.A. 96-863)

11 (Section scheduled to be repealed on January 1, 2021)

12 Sec. 25. Recordkeeping.

13 (a) The crematory authority shall furnish to the person who  
14 delivers human remains to the crematory authority a receipt  
15 signed at the time of delivery by both the crematory authority  
16 and the person who delivers the human remains, showing the date  
17 and time of the delivery, the type of casket or alternative  
18 container that was delivered, the name of the person from whom  
19 the human remains were received and the name of the funeral  
20 establishment or other entity with whom the person is  
21 affiliated, the name of the person who received the human  
22 remains on behalf of the crematory authority, and the name of  
23 the decedent. The crematory shall retain a copy of this receipt  
24 in its permanent records.

25 (b) Upon its release of cremated remains, the crematory

1 authority shall furnish to the person who receives the cremated  
2 remains from the crematory authority a receipt signed by both  
3 the crematory authority and the person who receives the  
4 cremated remains, showing the date and time of the release, the  
5 name of the person to whom the cremated remains were released  
6 and the name of the funeral establishment, cemetery, or other  
7 entity with whom the person is affiliated, the name of the  
8 person who released the cremated remains on behalf of the  
9 crematory authority, and the name of the decedent. The  
10 crematory shall retain a copy of this receipt in its permanent  
11 records.

12 (c) A crematory authority shall maintain at its place of  
13 business a permanent record of each cremation that took place  
14 at its facility which shall contain the name of the decedent,  
15 the date of the cremation, and the final disposition of the  
16 cremated remains.

17 (d) The crematory authority shall maintain a record of all  
18 cremated remains disposed of by the crematory authority in  
19 accordance with subsection (d) of Section 40.

20 (e) Upon completion of the cremation, the crematory  
21 authority shall file the burial transit permit as required by  
22 the Illinois Vital Records Act and rules adopted under that Act  
23 and the Illinois Counties Code, and transmit a photocopy of the  
24 burial transit permit along with the cremated remains to  
25 whoever receives the cremated remains from the authorizing  
26 agent unless the cremated remains are to be interred, entombed,

1 inurned, or placed in a scattering area, in which case the  
2 crematory authority shall retain a copy of the burial transit  
3 permit and shall send the permit, along with the cremated  
4 remains, to the cemetery, which shall file the permit with the  
5 designated agency after the interment, entombment, inurnment,  
6 or scattering has taken place.

7 (f) All cemeteries shall maintain a record of all cremated  
8 remains that are disposed of on their property, provided that  
9 the cremated remains were properly transferred to the cemetery  
10 and the cemetery issued a receipt acknowledging the transfer of  
11 the cremated remains.

12 (Source: P.A. 96-863, eff. 3-1-12.)

13 (410 ILCS 18/40)

14 (Text of Section before amendment by P.A. 96-863)

15 (Section scheduled to be repealed on January 1, 2021)

16 Sec. 40. Disposition of cremated remains.

17 (a) The authorizing agent shall be responsible for the  
18 final disposition of the cremated remains.

19 (b) Cremated remains may be disposed of by placing them in  
20 a grave, crypt, or niche, by scattering them in a scattering  
21 area as defined in this Act, or in any manner whatever on the  
22 private property of a consenting owner.

23 (c) Upon the completion of the cremation process, and  
24 except as provided for in item (I) ~~(J)~~ of paragraph (1) of  
25 subsection (a) of Section 20, if the crematory authority has

1 not been instructed to arrange for the interment, entombment,  
2 inurnment, or scattering of the cremated remains, the crematory  
3 authority shall deliver the cremated remains to the individual  
4 specified on the cremation authorization form, or if no  
5 individual is specified then to the authorizing agent. The  
6 delivery may be made in person or by registered mail. Upon  
7 receipt of the cremated remains, the individual receiving them  
8 may transport them in any manner in this State without a  
9 permit, and may dispose of them in accordance with this  
10 Section. After delivery, the crematory authority shall be  
11 discharged from any legal obligation or liability concerning  
12 the cremated remains.

13 (d) If, after a period of 60 days from the date of the  
14 cremation, the authorizing agent or the agent's designee has  
15 not instructed the crematory authority to arrange for the final  
16 disposition of the cremated remains or claimed the cremated  
17 remains, the crematory authority may dispose of the cremated  
18 remains in any manner permitted by this Section. The crematory  
19 authority, however, shall keep a permanent record identifying  
20 the site of final disposition. The authorizing agent shall be  
21 responsible for reimbursing the crematory authority for all  
22 reasonable expenses incurred in disposing of the cremated  
23 remains. Upon disposing of the cremated remains, the crematory  
24 authority shall be discharged from any legal obligation or  
25 liability concerning the cremated remains. Any person who was  
26 in possession of cremated remains prior to the effective date

1 of this Act may dispose of them in accordance with this  
2 Section.

3 (e) Except with the express written permission of the  
4 authorizing agent, no person shall:

5 (1) Dispose of cremated remains in a manner or in a  
6 location so that the cremated remains are commingled with  
7 those of another person. This prohibition shall not apply  
8 to the scattering of cremated remains at sea, by air, or in  
9 an area located in a dedicated cemetery and used  
10 exclusively for those purposes.

11 (2) Place cremated remains of more than one person in  
12 the same temporary container or urn.

13 (Source: P.A. 87-1187.)

14 (Text of Section after amendment by P.A. 96-863)

15 (Section scheduled to be repealed on January 1, 2021)

16 Sec. 40. Disposition of cremated remains.

17 (a) The authorizing agent shall be responsible for the  
18 final disposition of the cremated remains.

19 (b) Cremated remains may be disposed of by placing them in  
20 a grave, crypt, or niche, by scattering them in a scattering  
21 area as defined in this Act, or in any manner whatever on the  
22 private property of a consenting owner.

23 (c) Upon the completion of the cremation process, and  
24 except as provided for in item (I) of paragraph (1) of  
25 subsection (a) of Section 20, if the crematory authority has

1 not been instructed to arrange for the interment, entombment,  
2 inurnment, or scattering of the cremated remains, the crematory  
3 authority shall deliver the cremated remains to the individual  
4 specified on the cremation authorization form, or if no  
5 individual is specified then to the authorizing agent. The  
6 delivery may be made in person or by registered mail. Upon  
7 receipt of the cremated remains, the individual receiving them  
8 may transport them in any manner in this State without a  
9 permit, and may dispose of them in accordance with this  
10 Section. After delivery, the crematory authority shall be  
11 discharged from any legal obligation or liability concerning  
12 the cremated remains.

13 (d) If, after a period of 60 days from the date of the  
14 cremation, the authorizing agent or the agent's designee has  
15 not instructed the crematory authority to arrange for the final  
16 disposition of the cremated remains or claimed the cremated  
17 remains, the crematory authority may dispose of the cremated  
18 remains in any manner permitted by this Section. The crematory  
19 authority, however, shall keep a permanent record identifying  
20 the site of final disposition. The authorizing agent shall be  
21 responsible for reimbursing the crematory authority for all  
22 reasonable expenses incurred in disposing of the cremated  
23 remains. Upon disposing of the cremated remains, the crematory  
24 authority shall be discharged from any legal obligation or  
25 liability concerning the cremated remains. Any person who was  
26 in possession of cremated remains prior to the effective date

1 of this Act may dispose of them in accordance with this  
2 Section.

3 (e) Except with the express written permission of the  
4 authorizing agent, no person shall:

5 (1) Dispose of cremated remains in a manner or in a  
6 location so that the cremated remains are commingled with  
7 those of another person. This prohibition shall not apply  
8 to the scattering of cremated remains at sea, by air, or in  
9 an area located in a dedicated cemetery and used  
10 exclusively for those purposes.

11 (2) Place cremated remains of more than one person in  
12 the same temporary container or urn.

13 (Source: P.A. 96-863, eff. 3-1-12.)

14 (410 ILCS 18/55)

15 (Text of Section before amendment by P.A. 96-863)

16 (Section scheduled to be repealed on January 1, 2021)

17 Sec. 55. Penalties.

18 Violations of this Act shall be punishable as follows:

19 (1) Performing a cremation without receipt of a  
20 cremation authorization form signed by an authorizing  
21 agent shall be a Class 4 felony.

22 (2) Signing a cremation authorization form with the  
23 actual knowledge that the form contains false or incorrect  
24 information shall be a Class 4 felony.

25 (3) A Violation of any cremation procedure set forth in

1 Section 35 shall be a Class 4 felony.

2 (4) Holding oneself out to the public as a crematory  
3 authority, or the operation of a building or structure  
4 within this State as a crematory, without being licensed  
5 under this Act, shall be a Class A misdemeanor.

6 (4.5) Performance of a cremation service by a person  
7 who has not completed a training program as defined in  
8 Section 22 of this Act shall be a Class A misdemeanor.

9 (4.10) Any person who intentionally violates a  
10 provision of this Act or a final order of the Comptroller  
11 is liable for a civil penalty not to exceed \$10,000 ~~\$5,000~~  
12 per violation.

13 (4.15) Any person who knowingly acts without proper  
14 legal authority and who willfully and knowingly destroys or  
15 damages the remains of a deceased human being or who  
16 desecrates human remains is guilty of a Class 3 felony.

17 (5) A violation of any other provision of this Act  
18 shall be a Class B misdemeanor.

19 (Source: P.A. 92-675, eff. 7-1-03.)

20 (Text of Section after amendment by P.A. 96-863)

21 (Section scheduled to be repealed on January 1, 2021)

22 Sec. 55. Penalties. Violations of this Act shall be  
23 punishable as follows:

24 (1) Performing a cremation without receipt of a  
25 cremation authorization form signed by an authorizing



1 agent shall be a Class 4 felony.

2 (2) Signing a cremation authorization form with the  
3 actual knowledge that the form contains false or incorrect  
4 information shall be a Class 4 felony.

5 (3) A Violation of any cremation procedure set forth in  
6 Section 35 shall be a Class 4 felony.

7 (4) Holding oneself out to the public as a crematory  
8 authority, or the operation of a building or structure  
9 within this State as a crematory, without being licensed  
10 under this Act, shall be a Class A misdemeanor.

11 (4.5) Performance of a cremation service by a person  
12 who has not completed a training program as defined in  
13 Section 22 of this Act shall be a Class A misdemeanor.

14 (4.10) Any person who intentionally violates a  
15 provision of this Act or a final order of the Comptroller  
16 ~~Department~~ is liable for a civil penalty not to exceed  
17 \$10,000 per violation.

18 (4.15) Any person who knowingly acts without proper  
19 legal authority and who willfully and knowingly destroys or  
20 damages the remains of a deceased human being or who  
21 desecrates human remains is guilty of a Class 3 felony.

22 (5) A violation of any other provision of this Act  
23 shall be a Class B misdemeanor.

24 (Source: P.A. 96-863, eff. 3-1-12.)

25 (410 ILCS 18/60)

1 (Text of Section before amendment by P.A. 96-863)

2 (Section scheduled to be repealed on January 1, 2021)

3 Sec. 60. Failure to file annual report. Whenever a  
4 crematory authority refuses or neglects to file its annual  
5 report in violation of Section 10 of this Act, or fails to  
6 otherwise comply with the requirements of this Act, the  
7 Comptroller shall impose a penalty as provided for by rule for  
8 each and every day the licensee remains delinquent in  
9 submitting the annual report. Such report shall be made under  
10 oath and shall be in a form determined by the Comptroller ~~may~~  
11 ~~commence an administrative proceeding as authorized by this Act~~  
12 ~~or may communicate the facts to the Attorney General of the~~  
13 ~~State of Illinois who shall thereupon institute such~~  
14 ~~proceedings against the crematory authority or its officers as~~  
15 ~~the nature of the case may require.~~

16 (Source: P.A. 92-675, eff. 7-1-03.)

17 (Text of Section after amendment by P.A. 96-863)

18 (Section scheduled to be repealed on January 1, 2021)

19 Sec. 60. Failure to file annual report. Whenever a  
20 crematory authority refuses or neglects to file its annual  
21 report in violation of Section 10 of this Act, or fails to  
22 otherwise comply with the requirements of this Act, the  
23 Comptroller ~~Department~~ shall impose a penalty as provided for  
24 by rule for each and every day the licensee remains delinquent  
25 in submitting the annual report. Such report shall be made

1 under oath and shall be in a form determined by the Comptroller  
2 Department.

3 (Source: P.A. 96-863, eff. 3-1-12.)

4 (410 ILCS 18/62)

5 (Text of Section before amendment by P.A. 96-863)

6 (Section scheduled to be repealed on January 1, 2021)

7 Sec. 62. Injunctive action; cease and desist order  
8 Investigation of unlawful practices.

9 (a) If any person violates the provisions of this Act, the  
10 Comptroller, in the name of the People of the State of  
11 Illinois, through the Attorney General or the State's Attorney  
12 of the county in which the violation is alleged to have  
13 occurred, may petition for an order enjoining the violation or  
14 for an order enforcing compliance with this Act. Upon the  
15 filing of a verified petition, the court with appropriate  
16 jurisdiction may issue a temporary restraining order, without  
17 notice or bond, and may preliminarily and permanently enjoin  
18 the violation. If it is established that the person has  
19 violated or is violating the injunction, the court may punish  
20 the offender for contempt of court. Proceedings under this  
21 Section are in addition to, and not in lieu of, all other  
22 remedies and penalties provided by this Act.

23 (b) Whenever, in the opinion of the Comptroller, a person  
24 violates any provision of this Act, the Comptroller may issue a  
25 rule to show cause why an order to cease and desist should not

1 be entered against that person. The rule shall clearly set  
2 forth the grounds relied upon by the Comptroller and shall  
3 allow at least 7 days from the date of the rule to file an  
4 answer satisfactory to the Comptroller. Failure to answer to  
5 the satisfaction of the Comptroller shall cause an order to  
6 cease and desist to be issued.

7 ~~If the Comptroller has good cause to believe that a person has~~  
8 ~~engaged in, is engaging in, or is about to engage in any~~  
9 ~~practice in violation of this Act, the Comptroller may do any~~  
10 ~~one or more of the following:~~

11 ~~(1) Require that person to file, on terms the~~  
12 ~~Comptroller prescribes, a statement or report in writing,~~  
13 ~~under oath or otherwise, containing all information that~~  
14 ~~the Comptroller considers necessary to ascertain whether a~~  
15 ~~licensee is in compliance with this Act, or whether an~~  
16 ~~unlicensed person is engaging in activities for which a~~  
17 ~~license is required under this Act.~~

18 ~~(2) Examine under oath any person in connection with~~  
19 ~~the books and records required to be maintained under this~~  
20 ~~Act.~~

21 ~~(3) Examine any books and records of a licensee that~~  
22 ~~the Comptroller considers necessary to ascertain~~  
23 ~~compliance with this Act.~~

24 ~~(4) Require the production of a copy of any record,~~  
25 ~~book, document, account, or paper that is produced in~~  
26 ~~accordance with this Act and retain it in the Comptroller's~~

1 ~~possession until the completion of all proceedings in~~  
2 ~~connection with which it is produced.~~

3 (Source: P.A. 92-675, eff. 7-1-03.)

4 (Text of Section after amendment by P.A. 96-863)

5 (Section scheduled to be repealed on January 1, 2021)

6 Sec. 62. Injunctive action; cease and desist order.

7 (a) If any person violates the provisions of this Act, the  
8 Comptroller Secretary, in the name of the People of the State  
9 of Illinois, through the Attorney General or the State's  
10 Attorney of the county in which the violation is alleged to  
11 have occurred, may petition for an order enjoining the  
12 violation or for an order enforcing compliance with this Act.  
13 Upon the filing of a verified petition, the court with  
14 appropriate jurisdiction may issue a temporary restraining  
15 order, without notice or bond, and may preliminarily and  
16 permanently enjoin the violation. If it is established that the  
17 person has violated or is violating the injunction, the court  
18 may punish the offender for contempt of court. Proceedings  
19 under this Section are in addition to, and not in lieu of, all  
20 other remedies and penalties provided by this Act.

21 (b) Whenever, in the opinion of the Comptroller Department,  
22 a person violates any provision of this Act, the Comptroller  
23 ~~Department~~ may issue a rule to show cause why an order to cease  
24 and desist should not be entered against that person. The rule  
25 shall clearly set forth the grounds relied upon by the

1 ~~Comptroller Department~~ and shall allow at least 7 days from the  
2 date of the rule to file an answer satisfactory to the  
3 ~~Comptroller Department~~. Failure to answer to the satisfaction  
4 of the ~~Comptroller Department~~ shall cause an order to cease and  
5 desist to be issued.

6 (Source: P.A. 96-863, eff. 3-1-12.)

7 (410 ILCS 18/62.5)

8 (Text of Section before amendment by P.A. 96-863)

9 (Section scheduled to be repealed on January 1, 2021)

10 Sec. 62.5. Service of notice. Service by the Comptroller of  
11 any notice requiring a person to file a statement or report  
12 under this Act shall be made: (1) personally by delivery of a  
13 duly executed copy of the notice to the person to be served or,  
14 if that person is not a natural person, in the manner provided  
15 in the Civil Practice Law when a complaint is filed; or (2) by  
16 mailing by certified mail a duly executed copy of the notice to  
17 the person at his or her address of record ~~to be served at his~~  
18 ~~or her last known abode or principal place of business within~~  
19 ~~this State.~~

20 (Source: P.A. 92-675, eff. 7-1-03.)

21 (Text of Section after amendment by P.A. 96-863)

22 (Section scheduled to be repealed on January 1, 2021)

23 Sec. 62.5. Service of notice. Service by the Comptroller  
24 ~~Department~~ of any notice requiring a person to file a statement

1 or report under this Act shall be made: (1) personally by  
2 delivery of a duly executed copy of the notice to the person to  
3 be served or, if that person is not a natural person, in the  
4 manner provided in the Civil Practice Law when a complaint is  
5 filed; or (2) by mailing by certified mail a duly executed copy  
6 of the notice to the person at his or her address of record.

7 (Source: P.A. 96-863, eff. 3-1-12.)

8 (410 ILCS 18/62.10)

9 (Text of Section before amendment by P.A. 96-863)

10 (Section scheduled to be repealed on January 1, 2021)

11 Sec. 62.10. Investigations; notice and hearing  
12 Investigation of actions; hearing.

13 The Comptroller may at any time investigate the actions of  
14 any applicant or of any person, persons, or entity rendering or  
15 offering to render cremation services or any person or entity  
16 holding or claiming to hold a license as a licensed crematory.  
17 The Comptroller shall, before revoking, suspending, placing on  
18 probation, reprimanding, or taking any other disciplinary  
19 action under Section 11 of this Act, at least 30 days before  
20 the date set for the hearing, (i) notify the accused in writing  
21 of the charges made and the time and place for the hearing on  
22 the charges, (ii) direct the accused applicant or licensee to  
23 file a written answer to the charges with the Comptroller under  
24 oath within 20 days after the service on him or her of the  
25 notice, and (iii) inform the accused that, if he or she fails

1 to answer, default will be taken against him or her or that his  
2 or her license may be suspended, revoked, placed on  
3 probationary status, or other disciplinary action taken with  
4 regard to the license, including limiting the scope, nature, or  
5 extent of his or her practice, as the Comptroller may consider  
6 proper.

7 At the time and place fixed in the notice, the Comptroller  
8 shall proceed to hear the charges and the parties or their  
9 counsel shall be accorded ample opportunity to present any  
10 pertinent statements, testimony, evidence, and arguments. The  
11 Comptroller shall have the authority to appoint an attorney  
12 duly licensed to practice law in the State of Illinois to serve  
13 as the hearing officer in any disciplinary action with regard  
14 to a license. The hearing officer shall have full authority to  
15 conduct the hearing. The Comptroller may continue the hearing  
16 from time to time. In case the person, after receiving the  
17 notice, fails to file an answer, his or her license may, in the  
18 discretion of the Comptroller, be suspended, revoked, placed on  
19 probationary status, or the Comptroller may take whatever  
20 disciplinary action considered proper, including limiting the  
21 scope, nature, or extent of the person's practice or the  
22 imposition of a fine, without a hearing, if the act or acts  
23 charged constitute sufficient grounds for that action under  
24 this Act. The written notice may be served by personal delivery  
25 or by certified mail to the address specified by the accused in  
26 his or her last notification with the Comptroller.



1       ~~(a) The Comptroller shall make an investigation upon~~  
2 ~~discovering facts that, if proved, would constitute grounds for~~  
3 ~~refusal, suspension, or revocation of a license under this Act.~~

4       ~~(b) Before refusing to issue, and before suspending or~~  
5 ~~revoking, a license under this Act, the Comptroller shall hold~~  
6 ~~a hearing to determine whether the applicant for a license or~~  
7 ~~the licensee ("the respondent") is entitled to hold such a~~  
8 ~~license. At least 10 days before the date set for the hearing,~~  
9 ~~the Comptroller shall notify the respondent in writing that (i)~~  
10 ~~on the designated date a hearing will be held to determine the~~  
11 ~~respondent's eligibility for a license and (ii) the respondent~~  
12 ~~may appear in person or by counsel. The written notice may be~~  
13 ~~served on the respondent personally, or by registered or~~  
14 ~~certified mail sent to the respondent's business address as~~  
15 ~~shown in the respondent's latest notification to the~~  
16 ~~Comptroller. The notice must include sufficient information to~~  
17 ~~inform the respondent of the general nature of the reason for~~  
18 ~~the Comptroller's action.~~

19       ~~(c) At the hearing, both the respondent and the complainant~~  
20 ~~shall be accorded ample opportunity to present in person or by~~  
21 ~~counsel such statements, testimony, evidence, and argument as~~  
22 ~~may be pertinent to the charge or to any defense to the charge.~~  
23 ~~The Comptroller may reasonably continue the hearing from time~~  
24 ~~to time. The Comptroller may subpoena any person or persons in~~  
25 ~~this State and take testimony orally, by deposition, or by~~  
26 ~~exhibit, in the same manner and with the same fees and mileage~~

1 ~~as prescribed in judicial proceedings in civil cases. Any~~  
2 ~~authorized agent of the Comptroller may administer oaths to~~  
3 ~~witnesses at any hearing that the Comptroller is authorized to~~  
4 ~~conduct.~~

5 ~~(d) The Comptroller, at the Comptroller's expense, shall~~  
6 ~~provide a certified shorthand reporter to take down the~~  
7 ~~testimony and preserve a record of every proceeding at the~~  
8 ~~hearing of any case involving the refusal to issue a license~~  
9 ~~under this Act, the suspension or revocation of such a license,~~  
10 ~~the imposition of a monetary penalty, or the referral of a case~~  
11 ~~for criminal prosecution. The record of any such proceeding~~  
12 ~~shall consist of the notice of hearing, the complaint, all~~  
13 ~~other documents in the nature of pleadings and written motions~~  
14 ~~filed in the proceeding, the transcript of testimony, and the~~  
15 ~~report and orders of the Comptroller. Copies of the transcript~~  
16 ~~of the record may be purchased from the certified shorthand~~  
17 ~~reporter who prepared the record or from the Comptroller.~~

18 (Source: P.A. 92-675, eff. 7-1-03.)

19 (Text of Section after amendment by P.A. 96-863)

20 (Section scheduled to be repealed on January 1, 2021)

21 Sec. 62.10. Investigations; notice and hearing. The  
22 Comptroller Department may at any time investigate the actions  
23 of any applicant or of any person, persons, or entity rendering  
24 or offering to render cremation services or any person or  
25 entity holding or claiming to hold a license as a licensed

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

16 At the time and place fixed in the notice, the Comptroller  
17 ~~Department~~ shall proceed to hear the charges and the parties or  
18 their counsel shall be accorded ample opportunity to present  
19 any pertinent statements, testimony, evidence, and arguments.  
20 The Comptroller ~~Secretary~~ shall have the authority to appoint  
21 an attorney duly licensed to practice law in the State of  
22 Illinois to serve as the hearing officer in any disciplinary  
23 action with regard to a license. The hearing officer shall have  
24 full authority to conduct the hearing. The Comptroller  
25 ~~Department~~ may continue the hearing from time to time. In case  
26 the person, after receiving the notice, fails to file an

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

12 (Source: P.A. 96-863, eff. 3-1-12.)

13 (410 ILCS 18/62.15)

14 (Text of Section before amendment by P.A. 96-863)

15 (Section scheduled to be repealed on January 1, 2021)

16 Sec. 62.15. Compelling testimony Court order. Any circuit  
17 court, upon application of the Comptroller or designated  
18 hearing officer may enter an order requiring the attendance of  
19 witnesses and their testimony, and the production of documents,  
20 papers, files, books, and records in connection with any  
21 hearing or investigation. The court may compel obedience to its  
22 order by proceedings for contempt. Upon the application of the  
23 Comptroller or of the applicant or licensee against whom  
24 proceedings under Section 62.10 are pending, any circuit court  
25 may enter an order requiring witnesses to attend and testify

1 ~~and requiring the production of documents, papers, files,~~  
2 ~~books, and records in connection with any hearing in any~~  
3 ~~proceeding under that Section. Failure to obey such a court~~  
4 ~~order may result in contempt proceedings.~~

5 (Source: P.A. 92-675, eff. 7-1-03.)

6 (Text of Section after amendment by P.A. 96-863)

7 (Section scheduled to be repealed on January 1, 2021)

8 Sec. 62.15. Compelling testimony. Any circuit court, upon  
9 application of the Comptroller ~~Department~~ or designated  
10 hearing officer may enter an order requiring the attendance of  
11 witnesses and their testimony, and the production of documents,  
12 papers, files, books, and records in connection with any  
13 hearing or investigation. The court may compel obedience to its  
14 order by proceedings for contempt.

15 (Source: P.A. 96-863, eff. 3-1-12.)

16 (410 ILCS 18/62.20)

17 (Text of Section before amendment by P.A. 96-863)

18 (Section scheduled to be repealed on January 1, 2021)

19 Sec. 62.20. Administrative review; venue; certification of  
20 record; costs ~~Judicial review.~~

21 (a) All final administrative decisions of the Comptroller  
22 are subject to judicial review under the Administrative Review  
23 Law and its rules. The term "administrative decision" is  
24 defined as in Section 3-101 of the Code of Civil Procedure.

1       (b) Proceedings for judicial review shall be commenced in  
2 the circuit court of the county in which the party applying for  
3 review resides, but if the party is not a resident of Illinois,  
4 the venue shall be in Sangamon County.

5       (c) The Comptroller shall not be required to certify any  
6 record of the court, file an answer in court, or to otherwise  
7 appear in any court in a judicial review proceeding unless and  
8 until the Comptroller has received from the plaintiff payment  
9 of the costs of furnishing and certifying the record, which  
10 costs shall be determined by the Comptroller. Failure on the  
11 part of the plaintiff to make such payment to the Comptroller  
12 is grounds for dismissal of the action.

13       ~~(a) Any person affected by a final administrative decision~~  
14 ~~of the Comptroller under this Act may have the decision~~  
15 ~~reviewed judicially by the circuit court of the county where~~  
16 ~~the person resides or, in the case of a corporation, where the~~  
17 ~~corporation's registered office is located. If the plaintiff in~~  
18 ~~the judicial review proceeding is not a resident of this State,~~  
19 ~~venue shall be in Sangamon County. The provisions of the~~  
20 ~~Administrative Review Law and any rules adopted under it govern~~  
21 ~~all proceedings for the judicial review of final administrative~~  
22 ~~decisions of the Comptroller under this Act. The term~~  
23 ~~"administrative decision" is defined as in the Administrative~~  
24 ~~Review Law.~~

25       ~~(b) The Comptroller is not required to certify the record~~  
26 ~~of the proceeding unless the plaintiff in the review proceeding~~

1 ~~has purchased a copy of the transcript from the certified~~  
2 ~~shorthand reporter who prepared the record or from the~~  
3 ~~Comptroller. Exhibits shall be certified without cost.~~

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

5 (Text of Section after amendment by P.A. 96-863)

6 (Section scheduled to be repealed on January 1, 2021)

7 Sec. 62.20. Administrative review; venue; certification of  
8 record; costs.

9 (a) All final administrative decisions of the Comptroller  
10 ~~Department~~ are subject to judicial review under the  
11 Administrative Review Law and its rules. The term  
12 "administrative decision" is defined as in Section 3-101 of the  
13 Code of Civil Procedure.

14 (b) Proceedings for judicial review shall be commenced in  
15 the circuit court of the county in which the party applying for  
16 review resides, but if the party is not a resident of Illinois,  
17 the venue shall be in Sangamon County.

18 (c) The Comptroller ~~Department~~ shall not be required to  
19 certify any record of the court, file an answer in court, or to  
20 otherwise appear in any court in a judicial review proceeding  
21 unless and until the Comptroller ~~Department~~ has received from  
22 the plaintiff payment of the costs of furnishing and certifying  
23 the record, which costs shall be determined by the Comptroller  
24 ~~Department~~. Failure on the part of the plaintiff to make such  
25 payment to the Comptroller ~~Department~~ is grounds for dismissal

1 of the action.

2 (Source: P.A. 96-863, eff. 3-1-12.)

3 (410 ILCS 18/65)

4 (Text of Section before amendment by P.A. 96-863)

5 (Section scheduled to be repealed on January 1, 2021)

6 Sec. 65. Pre-need cremation arrangements.

7 (a) Any person, or anyone who has legal authority to act on  
8 behalf of a person, on a pre-need basis, may authorize his or  
9 her own cremation and the final disposition of his or her  
10 cremated remains by executing, as the authorizing agent, a  
11 cremation authorization form on a pre-need basis. A copy of  
12 this form shall be provided to the person. Any person shall  
13 have the right to transfer or cancel this authorization at any  
14 time prior to death by destroying the executed cremation  
15 authorization form and providing written notice to the  
16 crematory authority.

17 (b) Any cremation authorization form that is being executed  
18 by an individual as his or her own authorizing agent on a  
19 pre-need basis shall contain the following disclosure, which  
20 shall be completed by the authorizing agent:

21 "( ) I do not wish to allow any of my survivors the option  
22 of cancelling my cremation and selecting alternative  
23 arrangements, regardless of whether my survivors deem  
24 a change to be appropriate.

25 ( ) I wish to allow only the survivors whom I have



1 designated below the option of cancelling my cremation  
2 and selecting alternative arrangements, if they deem a  
3 change to be appropriate:....."

4 (c) Except as provided in subsection (b) of this Section,  
5 at the time of the death of a person who has executed, as the  
6 authorizing agent, a cremation authorization form on a pre-need  
7 basis, any person in possession of an executed form and any  
8 person charged with making arrangements for the final  
9 disposition of the decedent who has knowledge of the existence  
10 of an executed form, shall use their best efforts to ensure  
11 that the decedent is cremated and that the final disposition of  
12 the cremated remains is in accordance with the instructions  
13 contained on the cremation authorization form. If a crematory  
14 authority (i) is in possession of a completed cremation  
15 authorization form that was executed on a pre-need basis, (ii)  
16 is in possession of the designated human remains, and (iii) has  
17 received payment for the cremation of the human remains and the  
18 final disposition of the cremated remains or is otherwise  
19 assured of payment, then the crematory authority shall be  
20 required to cremate the human remains and dispose of the  
21 cremated remains according to the instructions contained on the  
22 cremation authorization form, and may do so without any  
23 liability.

24 (d) ~~(e)~~ Any pre-need contract sold by, or pre-need  
25 arrangements made with, a cemetery, funeral establishment,  
26 crematory authority, or any other party that includes a

1 cremation shall specify the final disposition of the cremated  
2 remains, in accordance with Section 40. In the event that no  
3 different or inconsistent instructions are provided to the  
4 crematory authority by the authorizing agent at the time of  
5 death, the crematory authority shall be authorized to release  
6 or dispose of the cremated remains as indicated in the pre-need  
7 agreement. Upon compliance with the terms of the pre-need  
8 agreement, the crematory authority shall be discharged from any  
9 legal obligation concerning the cremated remains. The pre-need  
10 agreement shall be kept as a permanent record by the crematory  
11 authority.

12 (e) ~~(f)~~ This Section shall not apply to any cremation  
13 authorization form or pre-need contract executed prior to the  
14 effective date of this Act. Any cemetery, funeral  
15 establishment, crematory authority, or other party, however,  
16 with the written approval of the authorizing agent or person  
17 who executed the pre-need contract, may designate that the  
18 cremation authorization form or pre-need contract shall be  
19 subject to this Act.

20 (Source: P.A. 87-1187.)

21 (Text of Section after amendment by P.A. 96-863)

22 (Section scheduled to be repealed on January 1, 2021)

23 Sec. 65. Pre-need cremation arrangements.

24 (a) Any person, or anyone who has legal authority to act on  
25 behalf of a person, on a pre-need basis, may authorize his or

1 her own cremation and the final disposition of his or her  
2 cremated remains by executing, as the authorizing agent, a  
3 cremation authorization form on a pre-need basis. A copy of  
4 this form shall be provided to the person. Any person shall  
5 have the right to transfer or cancel this authorization at any  
6 time prior to death by destroying the executed cremation  
7 authorization form and providing written notice to the  
8 crematory authority.

9 (b) Any cremation authorization form that is being executed  
10 by an individual as his or her own authorizing agent on a  
11 pre-need basis shall contain the following disclosure, which  
12 shall be completed by the authorizing agent:

13 "( ) I do not wish to allow any of my survivors the option  
14 of cancelling my cremation and selecting alternative  
15 arrangements, regardless of whether my survivors deem  
16 a change to be appropriate.

17 ( ) I wish to allow only the survivors whom I have  
18 designated below the option of cancelling my cremation  
19 and selecting alternative arrangements, if they deem a  
20 change to be appropriate:....."

21 (c) Except as provided in subsection (b) of this Section,  
22 at the time of the death of a person who has executed, as the  
23 authorizing agent, a cremation authorization form on a pre-need  
24 basis, any person in possession of an executed form and any  
25 person charged with making arrangements for the final  
26 disposition of the decedent who has knowledge of the existence

1 of an executed form, shall use their best efforts to ensure  
2 that the decedent is cremated and that the final disposition of  
3 the cremated remains is in accordance with the instructions  
4 contained on the cremation authorization form. If a crematory  
5 authority (i) is in possession of a completed cremation  
6 authorization form that was executed on a pre-need basis, (ii)  
7 is in possession of the designated human remains, and (iii) has  
8 received payment for the cremation of the human remains and the  
9 final disposition of the cremated remains or is otherwise  
10 assured of payment, then the crematory authority shall be  
11 required to cremate the human remains and dispose of the  
12 cremated remains according to the instructions contained on the  
13 cremation authorization form, and may do so without any  
14 liability.

15 (d) Any pre-need contract sold by, or pre-need arrangements  
16 made with, a cemetery, funeral establishment, crematory  
17 authority, or any other party that includes a cremation shall  
18 specify the final disposition of the cremated remains, in  
19 accordance with Section 40. In the event that no different or  
20 inconsistent instructions are provided to the crematory  
21 authority by the authorizing agent at the time of death, the  
22 crematory authority shall be authorized to release or dispose  
23 of the cremated remains as indicated in the pre-need agreement.  
24 Upon compliance with the terms of the pre-need agreement, the  
25 crematory authority shall be discharged from any legal  
26 obligation concerning the cremated remains. The pre-need

1 agreement shall be kept as a permanent record by the crematory  
2 authority.

3 (e) This Section shall not apply to any cremation  
4 authorization form or pre-need contract executed prior to the  
5 effective date of this Act. Any cemetery, funeral  
6 establishment, crematory authority, or other party, however,  
7 with the written approval of the authorizing agent or person  
8 who executed the pre-need contract, may designate that the  
9 cremation authorization form or pre-need contract shall be  
10 subject to this Act.

11 (Source: P.A. 96-863, eff. 3-1-12.)

12 (410 ILCS 18/80)

13 (Text of Section before amendment by P.A. 96-863)

14 (Section scheduled to be repealed on January 1, 2021)

15 Sec. 80. Record of proceedings; transcript ~~Home Rule~~. The  
16 Comptroller, at its expense, shall preserve a record of all  
17 proceedings at the formal hearing of any case. Any notice of  
18 hearing, complaint, all other documents in the nature of  
19 pleadings, written motions filed in the proceedings, the  
20 transcripts of testimony, the report of the hearing officer,  
21 and orders of the Comptroller shall be in the record of the  
22 proceeding. The Comptroller shall furnish a transcript of such  
23 record to any person interested in such hearing upon payment of  
24 a fee to be established by rule. ~~The regulation of crematories~~  
25 ~~and crematory authorities as set forth in this Act is an~~

1 ~~exclusive power and function of the State. A home rule unit may~~  
2 ~~not regulate crematories or crematory authorities. This~~  
3 ~~Section is a denial and limitation of home rule powers and~~  
4 ~~functions under subsection (h) of Section 6 of Article VII of~~  
5 ~~the Illinois Constitution.~~

6 (Source: P.A. 91-357, eff. 7-29-99.)

7 (Text of Section after amendment by P.A. 96-863)

8 (Section scheduled to be repealed on January 1, 2021)

9 Sec. 80. Record of proceedings; transcript. The  
10 Comptroller Department, at its expense, shall preserve a record  
11 of all proceedings at the formal hearing of any case. Any  
12 notice of hearing, complaint, all other documents in the nature  
13 of pleadings, written motions filed in the proceedings, the  
14 transcripts of testimony, the report of the hearing officer,  
15 and orders of the Comptroller Department shall be in the record  
16 of the proceeding. The Comptroller Department shall furnish a  
17 transcript of such record to any person interested in such  
18 hearing upon payment of a fee to be established by rule ~~the fee~~  
19 ~~required under Section 2105-115 of the Department of~~  
20 ~~Professional Regulation Law.~~

21 (Source: P.A. 96-863, eff. 3-1-12.)

22 (410 ILCS 18/85)

23 (This Section may contain text from a Public Act with a  
24 delayed effective date)

1 (Section scheduled to be repealed on January 1, 2021)

2 Sec. 85. Subpoenas; depositions; oaths. The Comptroller  
3 ~~Department~~ has the power to subpoena documents, books, records  
4 or other materials and to bring before it any person and to  
5 take testimony either orally or by deposition, or both, with  
6 the same fees and mileage and in the same manner as prescribed  
7 in civil cases in the courts of this State. The Comptroller  
8 ~~Secretary~~, the designated hearing officer, or any qualified  
9 person the Comptroller ~~Department~~ may designate has the power  
10 to administer oaths to witnesses at any hearing that the  
11 Comptroller ~~Department~~ is authorized to conduct, and any other  
12 oaths authorized in any Act administered by the Comptroller  
13 ~~Department~~.

14 Every person having taken an oath or affirmation in any  
15 proceeding or matter wherein an oath is required by this Act,  
16 who shall swear willfully, corruptly and falsely in a matter  
17 material to the issue or point in question, or shall suborn any  
18 other person to swear as aforesaid, shall be guilty of perjury  
19 or subornation of perjury, as the case may be and shall be  
20 punished as provided by State law relative to perjury and  
21 subornation of perjury.

22 (Source: P.A. 96-863, eff. 3-1-12.)

23 (410 ILCS 18/87)

24 (This Section may contain text from a Public Act with a  
25 delayed effective date)

1 (Section scheduled to be repealed on January 1, 2021)

2 Sec. 87. Findings and recommendations. At the conclusion of  
3 the hearing, the hearing officer shall present to the  
4 Comptroller Secretary a written report of its findings of fact,  
5 conclusions of law, and recommendations. The report shall  
6 contain a finding whether or not the accused person violated  
7 this Act or its rules or failed to comply with the conditions  
8 required in this Act or its rules. The hearing officer shall  
9 specify the nature of any violations or failure to comply and  
10 shall make recommendations to the Comptroller Secretary. In  
11 making recommendations for any disciplinary actions, the  
12 hearing officer may take into consideration all facts and  
13 circumstances bearing upon the reasonableness of the conduct of  
14 the accused and the potential for future harm to the public,  
15 including but not limited to, previous discipline of the  
16 accused by the Comptroller Department, intent, degree of harm  
17 to the public and likelihood of harm in the future, any  
18 restitution made by the accused, and whether the incident or  
19 incidents contained in the complaint appear to be isolated or  
20 represent a continuing pattern of conduct. In making its  
21 recommendations for discipline, the hearing officer shall  
22 endeavor to ensure that the severity of the discipline  
23 recommended is reasonably related to the severity of the  
24 violation. The report of findings of fact, conclusions of law,  
25 and recommendation of the hearing officer shall be the basis  
26 for the Comptroller's Department's order refusing to issue,



1 restore, place on probation, fine, suspend, revoke a license,  
2 or otherwise disciplining a licensee. If the Comptroller  
3 ~~Secretary~~ disagrees with the recommendations of the hearing  
4 officer, the Comptroller ~~Secretary~~ may issue an order in  
5 contravention of the hearing officer's recommendations. The  
6 finding is not admissible in evidence against the person in a  
7 criminal prosecution brought for a violation of this Act, but  
8 the hearing and finding are not a bar to a criminal prosecution  
9 brought for a violation of this Act.

10 (Source: P.A. 96-863, eff. 3-1-12.)

11 (410 ILCS 18/88)

12 (This Section may contain text from a Public Act with a  
13 delayed effective date)

14 (Section scheduled to be repealed on January 1, 2021)

15 Sec. 88. Rehearing. At the conclusion of the hearing, a  
16 copy of the hearing officer's report shall be served upon the  
17 applicant or licensee by the Comptroller ~~Department~~, either  
18 personally or as provided in this Act. Within 20 days after  
19 service, the applicant or licensee may present to the  
20 Department a motion in writing for a rehearing, which shall  
21 specify the particular grounds for rehearing. The Comptroller  
22 ~~Department~~ may respond to the motion for rehearing within 20  
23 days after its service on the Comptroller ~~Department~~. If no  
24 motion for rehearing is filed, then upon the expiration of the  
25 time specified for filing such a motion, or if a motion for

1 rehearing is denied, then upon denial, the Comptroller  
2 ~~Secretary~~ may enter an order in accordance with recommendations  
3 of the hearing officer except as provided in Section 89 of this  
4 Act.

5 If the applicant or licensee orders from the reporting  
6 service and pays for a transcript of the record within the time  
7 for filing a motion for rehearing, the 20-day period within  
8 which a motion may be filed shall commence upon the delivery of  
9 the transcript to the applicant or licensee.

10 (Source: P.A. 96-863, eff. 3-1-12.)

11 (410 ILCS 18/89)

12 (This Section may contain text from a Public Act with a  
13 delayed effective date)

14 (Section scheduled to be repealed on January 1, 2021)

15 Sec. 89. Comptroller ~~Secretary~~; rehearing. Whenever the  
16 Comptroller ~~Secretary~~ believes that substantial justice has  
17 not been done in the revocation, suspension, or refusal to  
18 issue or restore a license or other discipline of an applicant  
19 or licensee, he or she may order a rehearing by the same or  
20 other hearing officers.

21 (Source: P.A. 96-863, eff. 3-1-12.)

22 (410 ILCS 18/90)

23 (This Section may contain text from a Public Act with a  
24 delayed effective date)

1 (Section scheduled to be repealed on January 1, 2021)

2 Sec. 90. Order or certified copy; prima facie proof. An  
3 order or certified copy thereof, over the seal of the  
4 Comptroller Department and purporting to be signed by the  
5 Comptroller Secretary, is prima facie proof that:

6 (a) the signature is the genuine signature of the  
7 Comptroller Secretary;

8 (b) the Comptroller Secretary is duly appointed and  
9 qualified; and

10 (c) the hearing officer is qualified to act.

11 (Source: P.A. 96-863, eff. 3-1-12.)

12 (410 ILCS 18/91)

13 (This Section may contain text from a Public Act with a  
14 delayed effective date)

15 (Section scheduled to be repealed on January 1, 2021)

16 Sec. 91. Civil action and civil penalties. In addition to  
17 the other penalties and remedies provided in this Act, the  
18 Comptroller Department may bring a civil action in the county  
19 of residence of the licensee or any other person to enjoin any  
20 violation or threatened violation of this Act. In addition to  
21 any other penalty provided by law, any person who violates this  
22 Act shall forfeit and pay a civil penalty to the Comptroller  
23 Department in an amount not to exceed \$10,000 for each  
24 violation as determined by the Comptroller Department. The  
25 civil penalty shall be assessed by the Comptroller Department

1 in accordance with the provisions of this Act.

2 Any civil penalty shall be paid within 60 days after the  
3 effective date of the order imposing the civil penalty. The  
4 order shall constitute a judgment and may be filed and  
5 execution had thereon in the same manner as any judgment from  
6 any court of record. All moneys collected under this Section  
7 shall be deposited with the Comptroller ~~into the Cemetery~~  
8 ~~Oversight Licensing and Disciplinary Fund.~~

9 (Source: P.A. 96-863, eff. 3-1-12.)

10 (410 ILCS 18/92)

11 (This Section may contain text from a Public Act with a  
12 delayed effective date)

13 (Section scheduled to be repealed on January 1, 2021)

14 Sec. 92. Consent order. At any point in any investigation  
15 or disciplinary proceedings as provided in this Act, both  
16 parties may agree to a negotiated consent order. The consent  
17 order shall be final upon signature of the Comptroller  
18 ~~Secretary.~~

19 (Source: P.A. 96-863, eff. 3-1-12.)

20 (410 ILCS 18/94)

21 (This Section may contain text from a Public Act with a  
22 delayed effective date)

23 (Section scheduled to be repealed on January 1, 2021)

24 Sec. 94. Summary suspension of a license. The Comptroller

1 ~~Secretary~~ may summarily suspend a license of a licensed  
2 crematory without a hearing, simultaneously with the  
3 institution of proceedings for a hearing provided for in this  
4 Act, if the Comptroller ~~Secretary~~ finds that evidence in the  
5 Comptroller's ~~Secretary's~~ possession indicates that the  
6 licensee's continued practice would constitute an imminent  
7 danger to the public. In the event that the Comptroller  
8 ~~Secretary~~ summarily suspends the license of a licensed  
9 crematory without a hearing, a hearing must be commenced within  
10 30 days after the suspension has occurred and concluded as  
11 expeditiously as practical. In the event of a summary  
12 suspension, the county coroner or medical examiner responsible  
13 for the area where the crematory is located shall make  
14 arrangements to dispose of any bodies in the suspended  
15 licensee's possession after consulting with the authorizing  
16 agents for those bodies.

17 (Source: P.A. 96-863, eff. 3-1-12.)

18 Section 35. The Vital Records Act is amended by changing  
19 Sections 11 and 25 as follows:

20 (410 ILCS 535/11) (from Ch. 111 1/2, par. 73-11)

21 Sec. 11. Information required on forms.

22 (a) The form of certificates, reports, and other returns  
23 required by this Act or by regulations adopted under this Act  
24 shall include as a minimum the items recommended by the federal

1 agency responsible for national vital statistics, subject to  
2 approval of and modification by the Department. All forms shall  
3 be prescribed and furnished by the State Registrar of Vital  
4 Records.

5 (b) On and after the effective date of this amendatory Act  
6 of 1983, all forms used to collect information under this Act  
7 which request information concerning the race or ethnicity of  
8 an individual by providing spaces for the designation of that  
9 individual as "white" or "black", or the semantic equivalent  
10 thereof, shall provide an additional space for a designation as  
11 "Hispanic".

12 (c) Effective November 1, 1990, the social security numbers  
13 of the mother and father shall be collected at the time of the  
14 birth of the child. These numbers shall not be recorded on the  
15 certificate of live birth. The numbers may be used only for  
16 those purposes allowed by Federal law.

17 (d) The social security number of a person who has died  
18 shall be entered on the death certificate; however, failure to  
19 enter the social security number of the person who has died on  
20 the death certificate does not invalidate the death  
21 certificate.

22 (e) If the place of disposition of a dead human body or  
23 cremated remains is in a cemetery, the burial permit shall  
24 include the place of disposition. The place of disposition  
25 shall include the lot, block, section, and plot or niche, and  
26 depth, if applicable, where the dead human body or cremated

1 remains are located. This subsection does not apply to cremated  
2 remains scattered in a cemetery.

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

4 (410 ILCS 535/25) (from Ch. 111 1/2, par. 73-25)

5 Sec. 25. In accordance with Section 24 of this Act, and the  
6 regulations adopted pursuant thereto:

7 (1) The State Registrar of Vital Records shall search the  
8 files of birth, death, and fetal death records, upon receipt of  
9 a written request and a fee of \$10 from any applicant entitled  
10 to such search. A search fee shall not be required for  
11 commemorative birth certificates issued by the State  
12 Registrar. If, upon search, the record requested is found, the  
13 State Registrar shall furnish the applicant one certification  
14 of such record, under the seal of such office. If the request  
15 is for a certified copy of the record an additional fee of \$5  
16 shall be required. If the request is for a certified copy of a  
17 death certificate or a fetal death certificate, an additional  
18 fee of \$2 is required. The additional fee shall be deposited  
19 into the Death Certificate Surcharge Fund. A further fee of \$2  
20 shall be required for each additional certification or  
21 certified copy requested. If the requested record is not found,  
22 the State Registrar shall furnish the applicant a certification  
23 attesting to that fact, if so requested by the applicant. A  
24 further fee of \$2 shall be required for each additional  
25 certification that no record has been found.

1 Any local registrar or county clerk shall search the files  
2 of birth, death and fetal death records, upon receipt of a  
3 written request from any applicant entitled to such search. If  
4 upon search the record requested is found, such local registrar  
5 or county clerk shall furnish the applicant one certification  
6 or certified copy of such record, under the seal of such  
7 office, upon payment of the applicable fees. If the requested  
8 record is not found, the local registrar or county clerk shall  
9 furnish the applicant a certification attesting to that fact,  
10 if so requested by the applicant and upon payment of applicable  
11 fee. The local registrar or county clerk must charge a \$2 fee  
12 for each certified copy of a death certificate. The fee is in  
13 addition to any other fees that are charged by the local  
14 registrar or county clerk. The additional fees must be  
15 transmitted to the State Registrar monthly and deposited into  
16 the Death Certificate Surcharge Fund. The local registrar or  
17 county clerk may charge fees for providing other services for  
18 which the State Registrar may charge fees under this Section.

19 A request to any custodian of vital records for a search of  
20 the death record indexes for genealogical research shall  
21 require a fee of \$10 per name for a 5 year search. An  
22 additional fee of \$1 for each additional year searched shall be  
23 required. If the requested record is found, one uncertified  
24 copy shall be issued without additional charge.

25 Any fee received by the State Registrar pursuant to this  
26 Section which is of an insufficient amount may be returned by



1 the State Registrar upon his recording the receipt of such fee  
2 and the reason for its return. The State Registrar is  
3 authorized to maintain a 2 signature, revolving checking  
4 account with a suitable commercial bank for the purpose of  
5 depositing and withdrawing-for-return cash received and  
6 determined insufficient for the service requested.

7 No fee imposed under this Section may be assessed against  
8 an organization chartered by Congress that requests a  
9 certificate for the purpose of death verification.

10 Any custodian of vital records, whether it may be the  
11 Department of Public Health, a local registrar, or a county  
12 clerk shall charge an additional \$2 for each certified copy of  
13 a death certificate and that additional fee shall be collected  
14 on behalf of the Department of Financial and Professional  
15 Regulation for deposit into the Cemetery Oversight Licensing  
16 and Disciplinary Fund.

17 (2) The certification of birth may contain only the name,  
18 sex, date of birth, and place of birth, of the person to whom  
19 it relates, the name, age and birthplace of the parents, and  
20 the file number; and none of the other data on the certificate  
21 of birth except as authorized under subsection (5) of this  
22 Section.

23 (3) The certification of death shall contain only the name,  
24 Social Security Number, sex, date of death, and place of death  
25 of the person to whom it relates, and file number; and none of  
26 the other data on the certificate of death except as authorized

1 under subsection (5) of this Section.

2 (4) Certification or a certified copy of a certificate  
3 shall be issued:

4 (a) Upon the order of a court of competent  
5 jurisdiction; or

6 (b) In case of a birth certificate, upon the specific  
7 written request for a certification or certified copy by  
8 the person, if of legal age, by a parent or other legal  
9 representative of the person to whom the record of birth  
10 relates, or by a person having a genealogical interest; or

11 (c) Upon the specific written request for a  
12 certification or certified copy by a department of the  
13 state or a municipal corporation or the federal government;  
14 or

15 (d) In case of a death or fetal death certificate, upon  
16 specific written request for a certified copy by a person,  
17 or his duly authorized agent, having a genealogical,  
18 personal or property right interest in the record.

19 A genealogical interest shall be a proper purpose with  
20 respect to births which occurred not less than 75 years and  
21 deaths which occurred not less than 20 years prior to the date  
22 of written request. Where the purpose of the request is a  
23 genealogical interest, the custodian shall stamp the  
24 certification or copy with the words, FOR GENEALOGICAL PURPOSES  
25 ONLY.

26 (5) Any certification or certified copy issued pursuant to

1 this Section shall show the date of registration; and copies  
2 issued from records marked "delayed," "amended," or "court  
3 order" shall be similarly marked and show the effective date.

4 (6) Any certification or certified copy of a certificate  
5 issued in accordance with this Section shall be considered as  
6 prima facie evidence of the facts therein stated, provided that  
7 the evidentiary value of a certificate or record filed more  
8 than one year after the event, or a record which has been  
9 amended, shall be determined by the judicial or administrative  
10 body or official before whom the certificate is offered as  
11 evidence.

12 (7) Any certification or certified copy issued pursuant to  
13 this Section shall be issued without charge when the record is  
14 required by the United States Veterans Administration or by any  
15 accredited veterans organization to be used in determining the  
16 eligibility of any person to participate in benefits available  
17 from such organization. Requests for such copies must be in  
18 accordance with Sections 1 and 2 of "An Act to provide for the  
19 furnishing of copies of public documents to interested  
20 parties," approved May 17, 1935, as now or hereafter amended.

21 (8) The National Vital Statistics Division, or any agency  
22 which may be substituted therefor, may be furnished such copies  
23 or data as it may require for national statistics; provided  
24 that the State shall be reimbursed for the cost of furnishing  
25 such data; and provided further that such data shall not be  
26 used for other than statistical purposes by the National Vital

1 Statistics Division, or any agency which may be substituted  
2 therefor, unless so authorized by the State Registrar of Vital  
3 Records.

4 (9) Federal, State, local, and other public or private  
5 agencies may, upon request, be furnished copies or data for  
6 statistical purposes upon such terms or conditions as may be  
7 prescribed by the Department.

8 (10) The State Registrar of Vital Records, at his  
9 discretion and in the interest of promoting registration of  
10 births, may issue, without fee, to the parents or guardian of  
11 any or every child whose birth has been registered in  
12 accordance with the provisions of this Act, a special notice of  
13 registration of birth.

14 (11) No person shall prepare or issue any certificate which  
15 purports to be an original, certified copy, or certification of  
16 a certificate of birth, death, or fetal death, except as  
17 authorized in this Act or regulations adopted hereunder.

18 (12) A computer print-out of any record of birth, death or  
19 fetal record that may be certified under this Section may be  
20 used in place of such certification and such computer print-out  
21 shall have the same legal force and effect as a certified copy  
22 of the document.

23 (13) The State Registrar may verify from the information  
24 contained in the index maintained by the State Registrar the  
25 authenticity of information on births, deaths, marriages and  
26 dissolution of marriages provided to a federal agency or a

1 public agency of another state by a person seeking benefits or  
2 employment from the agency, provided the agency pays a fee of  
3 \$10.

4 (14) The State Registrar may issue commemorative birth  
5 certificates to persons eligible to receive birth certificates  
6 under this Section upon the payment of a fee to be determined  
7 by the State Registrar.

8 (Source: P.A. 91-382, eff. 7-30-99; 92-141, eff. 7-24-01.)

9 Section 40. The Cemetery Protection Act is amended by  
10 changing Section .01 as follows:

11 (765 ILCS 835/.01) (from Ch. 21, par. 14.01)

12 Sec. .01. For the purposes of this Act, the term:

13 "Cemetery authority" means an individual or legal entity  
14 that owns or controls cemetery lands or property.

15 "Cemetery manager" means an individual who is engaged in,  
16 or holding himself or herself out as engaged in, those  
17 activities involved in or incidental to supervising the  
18 following: the maintenance, operation, development, or  
19 improvement of a cemetery licensed under this Act; the  
20 interment of human remains; or the care, preservation, and  
21 embellishment of cemetery property. This definition also  
22 includes, without limitation, an individual that is an  
23 independent contractor or individuals employed or contracted  
24 by an independent contractor who is engaged in, or holding

1 himself or herself out as engaged in, those activities involved  
2 in or incidental to supervising the following: the maintenance,  
3 operation, development, or improvement of a cemetery licensed  
4 under this Act; the interment of human remains; or the care,  
5 preservation, and embellishment of cemetery property.

6 "Community mausoleum" means a mausoleum owned and operated  
7 by a cemetery authority that contains multiple entombment  
8 rights sold to the public.

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

10 Section 95. No acceleration or delay. Where this Act makes  
11 changes in a statute that is represented in this Act by text  
12 that is not yet or no longer in effect (for example, a Section  
13 represented by multiple versions), the use of that text does  
14 not accelerate or delay the taking effect of (i) the changes  
15 made by this Act or (ii) provisions derived from any other  
16 Public Act.

17 Section 99. Effective date. This Act takes effect upon  
18 becoming law."