



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB2616

Introduced 2/21/2013, by Rep. Jil Tracy

SYNOPSIS AS INTRODUCED:

225 ILCS 41/1-15

Amends the Funeral Directors and Embalmers Licensing Code. Provides that the Act shall not preclude an owner, as defined within the Act, from having personal contact with consumers while a licensed funeral director is present. Effective immediately.

LRB098 10148 MGM 40307 b

1 AN ACT concerning regulation.

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

4 Section 5. The Funeral Directors and Embalmers Licensing
5 Code is amended by changing Section 1-15 as follows:

6 (225 ILCS 41/1-15)

7 (Section scheduled to be repealed on January 1, 2023)

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

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

21 (b) The practice of operating a place for preparing for
22 the disposition of deceased human bodies or for caring for
23 deceased human bodies before their disposition. Nothing in

1 this Code shall prohibit the ownership and management of
2 such a place by an unlicensed owner if the place is
3 operated in accordance with this Code and the unlicensed
4 owner does not engage in any form of funeral directing.

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

1 not be immediate or direct.

2 (d) The administering and conducting of, or assuming
3 responsibility for administering and conducting of, at
4 need funeral arrangements.

5 (e) The assuming custody of, transportation, providing
6 shelter, protection and care and disposition of deceased
7 human remains and the furnishing of necessary funeral
8 services, facilities and equipment.

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

14 Within the existing scope of the practice of funeral
15 directing or funeral directing and embalming, only a licensed
16 funeral director, a licensed funeral director and embalmer, or
17 a licensed funeral director and embalmer intern under the
18 restrictions provided for in this Code, and not any other
19 person employed or contracted by the licensee, may engage in
20 the following activities at-need: (1) have direct contact with
21 consumers and explain funeral or burial merchandise or services
22 or (2) negotiate, develop, or finalize contracts with
23 consumers. This paragraph shall not be construed or enforced in
24 such a manner as to limit the functions of persons regulated
25 under the Illinois Funeral or Burial Funds Act, the Illinois
26 Pre-Need Cemetery Sales Act, the Cemetery Oversight Act, the

1 Cemetery Care Act, the Cemetery Association Act, the Illinois
2 Insurance Code, or any other related professional regulatory
3 Act nor shall it preclude an owner, as defined within this Act,
4 from having personal contact with consumers while a licensed
5 funeral director is present.

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

12 The making of funeral arrangements, at need, shall be done
13 only by licensed funeral directors or licensed funeral
14 directors and embalmers. Licensed funeral director and
15 embalmer interns may, however, assist or participate in the
16 arrangements under the direct supervision of a licensed funeral
17 director or licensed funeral director and embalmer.

18 (Source: P.A. 96-1463, eff. 1-1-11; 97-1130, eff. 8-28-12.)

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.