

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7 (Section scheduled to be repealed on January 1, 2023)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. An  
5           unlicensed owner may interact with consumers while a  
6           licensed funeral director is present in accordance with  
7           this Section.

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

1 facility that shares common ownership with the  
2 transporting funeral home may be performed under the  
3 general supervision of a licensee, but the supervision need  
4 not be immediate or direct.

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

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

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

17 Within the existing scope of the practice of funeral  
18 directing or funeral directing and embalming, only a licensed  
19 funeral director, a licensed funeral director and embalmer, or  
20 a licensed funeral director and embalmer intern under the  
21 restrictions provided for in this Code, and not any other  
22 person employed or contracted by the licensee, may engage in  
23 the following activities at-need: (1) have direct contact with  
24 consumers and explain funeral or burial merchandise or services  
25 or (2) negotiate, develop, or finalize contracts with  
26 consumers. This paragraph shall not be construed or enforced in

1 such a manner as to limit the functions of persons regulated  
2 under the Illinois Funeral or Burial Funds Act, the Illinois  
3 Pre-Need Cemetery Sales Act, the Cemetery Oversight Act, the  
4 Cemetery Care Act, the Cemetery Association Act, the Illinois  
5 Insurance Code, or any other related professional regulatory  
6 Act.

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

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

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