

1 AN ACT in relation to the cremation of animals.

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

4 Section 1. Short title. This Act may be cited as the
5 Animal Cremation Act.

6 Section 5. Definitions. For the purposes of this Act:

7 "Provider of animal cremation services" or "provider"
8 means a person, company, or other entity engaging in the
9 business of cremating deceased animals (other than human
10 beings) in Illinois.

11 References to the "owner" of a deceased animal include
12 any person making arrangements on the owner's behalf.

13 Commingling of "significant amounts" of ashes from
14 different animals means that the ashes attributed to one
15 animal contain more than 0.1% by weight of ashes from one or
16 more other animals.

17 A person or business entity is deemed to refer owners or
18 bring business to a provider "on a regular basis" if the
19 person or entity (i) has a contractual or agency relationship
20 with the provider relating to the cremation of animals, (ii)
21 receives any compensation or consideration from the provider
22 or the owners of deceased animals relating to the cremation
23 of animals by the provider, or (iii) refers or brings to the
24 provider the business of more than 5 animal owners in an
25 average month.

26 Section 10. Written explanation of services.

27 (a) A provider of animal cremation services must prepare
28 a written explanation of the services offered, which may but
29 need not be in the form of a brochure. The written
30 explanation of services must include a detailed explanation

1 of each service offered. For each type or level of cremation
2 service offered, the written explanation of services shall
3 disclose:

4 (1) the specific services to be provided;

5 (2) whether the ashes of the cremated animal will
6 be returned to the deceased animal's owner and, if not,
7 the method of disposal;

8 (3) whether more than one animal will be cremated
9 at the same time, and if so (i) the approximate number of
10 animals to be cremated at the same time, (ii) whether the
11 conditions of cremation will result in the certain or
12 likely commingling of significant amounts of ashes from
13 different animals, and (iii) whether the conditions of
14 cremation will prevent the incidental commingling of
15 significant amounts of ashes from different animals;

16 (4) whether any part of the deceased animal will be
17 removed, used, or sold by the provider before or after
18 the cremation; and

19 (5) whether the provider of cremation services is
20 engaged in any other business relating to the use or
21 disposal of animals, animal parts, or animal by-products.

22 (b) The written explanation of services must not include
23 any false or misleading information. A written explanation
24 of services is misleading if:

25 (1) it fails to include a detailed explanation of
26 the cremation services offered or fails to include, for
27 each type or level of cremation service offered, the
28 disclosures required under subsection (a);

29 (2) it uses the term "private" or "individual" with
30 respect to a cremation procedure that will cremate more
31 than one animal at the same time or is certain or likely
32 to allow commingling of significant amounts of ashes from
33 different animals;

34 (3) it uses the term "separate" with respect to a

1 cremation procedure that will cremate more than one
2 animal at the same time or is certain or likely to allow
3 commingling of significant amounts of ashes from
4 different animals, without clearly and specifically
5 indicating that the procedure will cremate more than one
6 animal at the same time or is certain or likely to allow
7 commingling of significant amounts of ashes from
8 different animals; or

9 (4) it includes any text, picture, illustration, or
10 combination thereof, or uses any layout, typography, or
11 color scheme, in a way that is likely to lead a person of
12 normal intelligence to misunderstand the nature of the
13 services to be provided or to fail to read or understand
14 certain parts of the written explanation of services.

15 (c) A provider of animal cremation services shall
16 distribute the written explanation of services, without
17 charge:

18 (1) to the owner of each deceased animal with whom
19 the provider agrees to provide cremation services;

20 (2) to all veterinarians, pet shops, and other
21 persons or entities who refer animal owners or bring
22 deceased animals to the provider on a regular basis, in
23 quantities sufficient for distribution by those persons
24 or entities to the animal owners whose business is being
25 referred or brought to the provider;

26 (3) to the Office of the Attorney General, at least
27 annually; and

28 (4) to any other person upon request.

29 (d) The preparation or distribution by a provider of a
30 written explanation of services that the provider knows or
31 should know to be false or misleading constitutes a business
32 offense, punishable by a fine of at least \$1,001 but not more
33 than \$1,500 for a first offense and at least \$2,000 but not
34 more than \$2,500 for each subsequent offense.

1 A knowing failure to prepare or distribute a written
2 explanation of services as required by this Section
3 constitutes a business offense, punishable by a fine of at
4 least \$1,001 but not more than \$1,500 for a first offense and
5 at least \$2,000 but not more than \$2,500 for each subsequent
6 offense.

7 Section 15. Persons referring or bringing business to a
8 provider.

9 (a) A veterinarian, pet shop, or other person or
10 business entity that (i) refers owners of deceased animals to
11 a provider of animal cremation services on a regular basis or
12 (ii) accepts the remains of deceased animals from their
13 owners for cremation through services obtained from a
14 provider on a regular basis shall make available a copy of
15 the provider's written explanation of benefits to each animal
16 owner to whom the services of the provider are offered.

17 (b) It is sufficient for compliance with this subsection
18 that a copy of the written explanation of services is:

19 (1) given to the animal owner at the time the
20 services are offered;

21 (2) on display to the public and available for
22 taking in the waiting room, pet shop, or other place
23 where the person or entity does business; or

24 (3) posted in a conspicuous and accessible location
25 on the premises where the person or entity does business.

26 (c) Publishing or otherwise disseminating advertising
27 for a provider of animal cremation services does not, in
28 itself, constitute referring or bringing business to that
29 provider for the purposes of this Section.

30 Section 20. Certification; penalty for false
31 certification.

32 (a) Whenever a provider of animal cremation services

1 undertakes to provide services that include the return of the
2 ashes of the cremated animal to its owner, the provider shall
3 include a certification along with the returned ashes,
4 declaring to the best of the provider's knowledge and belief:

5 (1) that the cremation and any other services
6 specified were provided in accordance with the
7 representations of the provider in the applicable
8 portions of the provider's written explanation of
9 services; and

10 (2) whether the ashes of the cremated animal were
11 commingled with a significant amount of the ashes of
12 different animals, either purposefully, incidentally, or
13 as a predictable result of the cremation process used.

14 (b) To knowingly make a false certification under
15 subsection (a) is a business offense, punishable by a fine of
16 at least \$1,001 but not more than \$1,500 for a first offense
17 and at least \$2,000 but not more than \$2,500 for each
18 subsequent offense.

19 Section 95. The Consumer Fraud and Deceptive Business
20 Practices Act is amended by adding Section 2KK as follows:

21 (815 ILCS 505/2KK new)

22 Sec. 2KK. Animal cremation services. It is an unlawful
23 practice within the meaning of this Act for a provider of
24 animal cremation services (1) to fail to prepare or
25 distribute a written explanation of services as required by
26 the Animal Cremation Act; (2) to prepare or distribute a
27 written explanation of services that the provider knows or
28 should know to be false or misleading; or (3) to knowingly
29 make a false certification under Section 20 of that Act.