

1 AN ACT in relation to the cremation of companion 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 Companion Animal Cremation Act.

6 Section 5. Definitions. For the purposes of this Act,  
7 unless the context indicates otherwise:

8 "Companion animal" or "animal" means a deceased animal  
9 that had a companion or pet relationship with an owner at the  
10 time of the animal's death.

11 "Provider of companion animal cremation services" or  
12 "provider" means a person, company, or other entity engaging  
13 in the business of cremating deceased companion animals in  
14 Illinois.

15 "Cremation remains" means the material remaining after  
16 the cremation of an animal, which may include ashes, skeletal  
17 remains, and other residue resulting from the incineration  
18 process, and may be pulverized or otherwise processed by the  
19 provider of cremation services.

20 "Individually partitioned cremation" means a cremation  
21 process in which either (i) only one companion animal at a  
22 time is cremated in the incinerator or (ii) more than one  
23 companion animal is cremated in the incinerator at the same  
24 time, but each of the animals is completely separated from  
25 the others by partitions during the cremation process; and in  
26 which the commingling of significant amounts of cremation  
27 remains from different animals is unlikely to occur.

28 "Communal cremation" means a cremation process in which  
29 companion animals are cremated together without effective  
30 partitions or separation during the cremation process, and in  
31 which the commingling of significant amounts of cremation

1 remains from different animals is likely or certain to occur.

2 "Commingling of significant amounts of cremation remains  
3 from different animals" means that specific cremation remains  
4 cannot be attributed to a particular animal, or that the  
5 cremation remains attributed to one companion animal contain  
6 more than 1% by weight of cremation remains from one or more  
7 other companion animals. The presence, in the cremation  
8 remains of a companion animal, of the remains of any creature  
9 that was contained within the body of that animal at the time  
10 of cremation (including parasites, insects, and food or  
11 creatures eaten by that companion animal) does not constitute  
12 "commingling" for the purposes of this Act.

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

22 Section 10. Written explanation of services.

23 (a) A provider of companion animal cremation services  
24 must prepare a written explanation of the services offered,  
25 which may but need not be in the form of a brochure.

26 The written explanation of services must include a  
27 detailed explanation of each service offered. For each type  
28 or level of cremation service offered, the written  
29 explanation of services shall disclose the specific services  
30 to be provided.

31 If any part of the deceased companion animal will be  
32 removed, used, or sold by the provider before or after the  
33 cremation, the written explanation of services must disclose

1 that fact.

2 (b) The written explanation of services must not include  
3 any false or misleading information. A written explanation  
4 of services is misleading if:

5 (1) it fails to include a detailed explanation of  
6 the cremation services offered or fails to include, for  
7 each type or level of cremation service offered, any of  
8 the disclosures required under subsection (a);

9 (2) it uses the term "private" or "individual" with  
10 respect to any communal cremation procedure or with  
11 respect to an individually partitioned cremation  
12 procedure that will cremate more than one companion  
13 animal at the same time;

14 (3) it uses the term "individually partitioned" or  
15 "separate" with respect to a communal cremation process;  
16 or

17 (4) it includes any text, picture, illustration, or  
18 combination thereof, or uses any layout, typography, or  
19 color scheme, in a way that is likely to lead a person of  
20 normal intelligence to misunderstand the nature of the  
21 services to be provided or to fail to read or understand  
22 certain parts of the written explanation of services.

23 (c) A provider of companion animal cremation services  
24 shall provide the written explanation of services, without  
25 charge:

26 (1) to the owner of each deceased animal with whom  
27 the provider agrees to provide cremation services, or the  
28 person making cremation arrangements on the owner's  
29 behalf;

30 (2) to all veterinarians, pet shops, and other  
31 persons or entities known to the provider who refer  
32 animal owners or bring deceased animals to the provider  
33 on a regular basis, in quantities sufficient for  
34 distribution by those persons or entities to the animal

1 owners whose business is being referred or brought to the  
2 provider;

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

5 (4) to any other person upon request.

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

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

18 Section 15. Persons referring or bringing business to a  
19 provider.

20 (a) A veterinarian, pet shop, or other person or  
21 business entity that refers owners of deceased animals, or  
22 persons making arrangements on an owner's behalf, to a  
23 provider on a regular basis shall make available a copy of  
24 the provider's written explanation of services to the animal  
25 owner, or person making arrangements on the owner's behalf,  
26 at the time of the referral.

27 (b) A veterinarian, pet shop, or other person or  
28 business entity that accepts deceased companion animals for  
29 cremation through services obtained from a provider on a  
30 regular basis shall make available a copy of the provider's  
31 written explanation of services to each animal owner, or  
32 person making arrangements on the owner's behalf, from whom a  
33 deceased companion animal is accepted.

1 (c) It is sufficient for compliance with this Section  
 2 that a copy of the written explanation of services is given  
 3 to the animal owner, or the person making arrangements on the  
 4 owner's behalf, at the time the services are offered.

5 (d) Publishing or otherwise disseminating advertising  
 6 for a provider of companion animal cremation services does  
 7 not, in itself, constitute referring or bringing business to  
 8 that provider for the purposes of this Section.

9 Section 20. Certification; penalty for false  
 10 certification.

11 (a) Whenever a provider of companion animal cremation  
 12 services undertakes to provide services that include the  
 13 return of the cremation remains of the cremated animal, the  
 14 provider shall include a certification along with the  
 15 returned cremation remains, declaring to the best of the  
 16 provider's knowledge and belief that, except as otherwise  
 17 specifically indicated in the certificate, the cremation and  
 18 any other services specified were provided in accordance with  
 19 the representations of the provider in the applicable  
 20 portions of the provider's written explanation of services.

21 (b) To knowingly make a false certification under  
 22 subsection (a) is a business offense, punishable by a fine of  
 23 at least \$1,001 but not more than \$1,500 for a first offense  
 24 and at least \$2,000 but not more than \$2,500 for each  
 25 subsequent offense.

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

28 (815 ILCS 505/2KK new)

29 Sec. 2KK. Animal cremation services. It is an unlawful  
 30 practice within the meaning of this Act for a provider of  
 31 companion animal cremation services (1) to fail to prepare or

1 distribute a written explanation of services as required by  
2 the Companion Animal Cremation Act; (2) to prepare or  
3 distribute a written explanation of services under that Act  
4 that the provider knows or should know to be false or  
5 misleading; or (3) to knowingly make a false certification  
6 under Section 20 of that Act.