

AN ACT concerning professional regulation.

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

Section 5. The Funeral Directors and Embalmers Licensing Code is amended by changing Sections 1-10, 1-15, 1-20, 5-10, 5-15, 5-25, 10-5, 10-10, 10-15, 10-30, 10-35, 15-5, 15-45, 15-55, 15-75, and 15-80 as follows:

(225 ILCS 41/1-10)

(Section scheduled to be repealed on January 1, 2013)

Sec. 1-10. Definitions. As used in this Code:

"Applicant" means any person making application for a license or certificate of registration.

"Board" means the Funeral Directors and Embalmers Licensing and disciplinary Board.

"Department" means the Department of Professional Regulation.

"Director" means the Director of Professional Regulation.

"Funeral director and embalmer" means a person who is licensed and qualified to practice funeral directing and to prepare, disinfect and preserve dead human bodies by the injection or external application of antiseptics, disinfectants or preservative fluids and materials and to use derma surgery or plastic art for the restoring of mutilated features. It further means a person who restores the remains of a person for the purpose of funeralization whose organs or bone or tissue has been donated for anatomical purposes.

"Funeral director and embalmer intern trainee" means a person licensed by the State who is qualified to render assistance to a funeral director and embalmer in carrying out the practice of funeral directing and embalming under the supervision of the funeral director and embalmer.

"Embalming" means the process of sanitizing and chemically treating a deceased human body in order to reduce the presence and growth of microorganisms, to retard organic decomposition, to render the remains safe to handle while retaining naturalness of tissue, and to restore an acceptable physical appearance for funeral viewing purposes.

"Funeral director" means a person, known by the title of "funeral director" or other similar words or titles, licensed by the State who practices funeral directing.

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

"Owner" means the individual, partnership, corporation, association, trust, estate, or agent thereof, or other person or combination of persons who owns a funeral establishment or funeral business.

"Person" means any individual, partnership, association, firm, corporation, trust or estate, or other entity.

(Source: P.A. 87-966.)

(225 ILCS 41/1-15)

(Section scheduled to be repealed on January 1, 2013)

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

(a) The practice of preparing, otherwise than by embalming, for the burial, cremation, or disposal and directing and supervising the burial or disposal of deceased human remains or performing any act or service

in connection with the preparing of dead human bodies. Preparation, direction, and supervision shall not be construed to mean those functions normally performed by cemetery and crematory personnel.

(b) The practice of operating a place for preparing for the disposition of deceased human bodies or for caring for deceased human bodies before their disposition. Nothing in this Code shall prohibit the ownership and management of such a place by an unlicensed owner if the place is operated in accordance with this Code and the unlicensed owner does not engage in any form of funeral directing.

(c) The removal of a deceased human body from its place of death, institution or other location. The licensed funeral director may engage others who are not licensed funeral directors to assist in the removal if the funeral director directs and instructs them in handling and precautionary procedures and accompanies them on all calls. The transportation of deceased human remains to a cemetery, crematory or other place of final disposition shall be under the immediate direct supervision of a licensee unless otherwise permitted by this Section. The transportation of deceased human remains that are embalmed or otherwise prepared and enclosed in an appropriate container to some other place that is not the place of final disposition, such as another funeral home or common carrier, or to a facility that shares common ownership with the transporting funeral home may be performed under the general supervision of a licensee, but the supervision need not be immediate or direct.

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

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

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

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

The making of funeral arrangements, at need, shall be done only by licensed funeral directors or licensed funeral directors and embalmers.

(Source: P.A. 87-966.)

(225 ILCS 41/1-20)

(Section scheduled to be repealed on January 1, 2013)

Sec. 1-20. Funeral directing and embalming; definition.

"The practice of funeral directing and embalming" means:

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

(b) The practice of operating a place for preparing for the disposition of deceased human bodies or for

caring for deceased human bodies before their disposition. Nothing in this Code shall prohibit the ownership and management of such a place by an unlicensed owner if the place is operated in accordance with this Code and the unlicensed owner does not engage in any form of funeral directing and embalming.

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

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

(e) The assuming custody of, transportation, providing shelter, protection and care and disposition of

deceased human remains and the furnishing of necessary funeral services, facilities and equipment.

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

(g) The embalming or representing or holding out oneself as engaged in the practice of embalming of deceased human bodies or the transportation of human bodies deceased of a contagious or infectious disease.

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

The making of funeral arrangements, at need, shall be done only by licensed funeral directors or licensed funeral directors and embalmers. Licensed funeral director and embalmer interns trainees may, however, assist or participate in the arrangements.

(Source: P.A. 87-966.)

(225 ILCS 41/5-10)

(Section scheduled to be repealed on January 1, 2013)

Sec. 5-10. Funeral director license; display.

Every holder of a license as a funeral director shall display it in a conspicuous place in the licensee's holder's place of practice or in the place of practice in which the licensee holder is employed or, in case the licensee holder is engaged in funeral directing at more than one place of

practice, then in the licensee's holder's principal place of practice or the principal place of practice of the licensee's holder's employer.

(Source: P.A. 87-966.)

(225 ILCS 41/5-15)

(Section scheduled to be repealed on January 1, 2013)

Sec. 5-15. Expiration and renewal; inactive status; continuing education. The expiration date and renewal period for each license issued under this Article shall be set by rule. The holder of a license as a licensed funeral director may renew the license during the month preceding the expiration date of the license by paying the required fee. A licensed funeral director whose license has expired may have the license reinstated within 5 years from the date of expiration upon payment of the required reinstatement fee. The reinstatement shall be effective as of the date of reissuance of the license.

Any licensed funeral director whose license has been expired for more than 5 years may have the license restored only by fulfilling the requirements of the Department's rules and by paying the required restoration fee. However, any licensed funeral director whose license has expired while he or she has been engaged (1) in federal service on active duty with the Army of the United States, the United States Navy, the Marine Corps, the Air Force, the Coast Guard, or the State Militia called into the service or training of the United States of America or (2) in training or education under the supervision of the United States preliminary to induction into the military service may have his or her license restored without paying any lapsed renewal fees or restoration fee or without passing any examination if, within 2 years after termination of the service, training or education other than by dishonorable discharge, he or she

furnishes the Department with an affidavit to the effect that he or she has been so engaged and that his or her service, training or education has been so terminated.

In addition to any other requirement for renewal of a license or reinstatement of an expired license, ~~beginning with licenses renewed or reinstated in 1993,~~ as a condition for the renewal or reinstatement of a license as a licensed funeral director, each licensee shall provide evidence to the Department of completion of at least 12 hours of continuing education during the 24 months preceding the expiration date of the license, or in the case of reinstatement, during the 24 months preceding application for reinstatement. The continuing education sponsors shall be approved by the Board. In addition, any qualified continuing education course for funeral directors offered by a college, university, the Illinois Funeral Directors Association, Funeral Directors Services Association of Greater Chicago, Cook County Association of Funeral Home Owners, Inc., Illinois Selected Morticians Association, Inc., Illinois Cemetery and Funeral Home Association, National Funeral Directors Association, Selected Independent Funeral Homes National--Foundation--of Funeral---Service,--National--Selected--Morticians, National Funeral Directors and Morticians Association, Inc., International Order of the Golden Rule, or an Illinois school of mortuary science shall be accepted toward satisfaction of the continuing education requirements.

The Department shall establish by rule a means for verification of completion of the continuing education required by this Section. This verification may be accomplished through audits of records maintained by licensees, by requiring the filing of continued education certificates with the Department or a qualified organization selected by the Department to maintain these records, or by other means established by the Department.

A person who is licensed as a funeral director under this Act and who has engaged in the practice of funeral directing for at least 40 years shall be exempt from the continuing education requirements of this Section. In addition, the Department shall establish by rule an exemption or exception for funeral directors who, by reason of advanced age, health or other extreme condition should reasonably be excused from the continuing education requirement upon explanation to the Board, the approval of the Director, or both. Those persons, identified above, who cannot attend on-site classes, shall have the opportunity to comply by completing home study courses designed for them by sponsors.

Any funeral director who notifies the Department in writing on forms prescribed by the Department may elect to place his or her license on an inactive status and shall be excused from completion of continuing education requirements until he or she notifies the Department in writing of an intent to restore the license to active status. Any licensee requesting restoration from inactive status shall notify the Department as provided by rule of the Department and pay the fee required by the Department for restoration of the license. Any licensee whose license is on inactive status shall not practice in the State of Illinois.

Practice on a license that has lapsed or been placed in inactive status is practicing without a license and a violation of this Code Act.

(Source: P.A. 92-641, eff. 7-11-02.)

(225 ILCS 41/5-25)

(Section scheduled to be repealed on January 1, 2013)

Sec. 5-25. Prohibition of new licenses. The Department shall not issue any new licenses as funeral directors or funeral director trainees. Any person issued a license as a funeral director before June 1, 1991 may renew the license

after that date under the provisions of this Article and that person may continue to renew or restore the license during his or her lifetime, subject only to the renewal or restoration requirements for the license under this Code. ~~Any person issued a license as a funeral director trainee before June 17, 1991 may not renew or restore that license.~~

~~Notwithstanding any other provision of this Code or any predecessor Act, the Department shall issue a license as a funeral director to every person:~~

~~(1) who has graduated from a program of mortuary science;~~

~~(2) who passed the examination for licensing as a funeral director under the Funeral Directors and Embalmers Licensing Act of 1935 on or after June 17, 1988 but before June 27, 1991;~~

~~(3) who has completed one calendar year of training as a licensed funeral director and embalmer trainee under the supervision of a licensed funeral director and embalmer; and~~

~~(4) who has on file or files an application for a license as a funeral director within 30 days after the effective date of this amendatory Act of 1994.~~

(Source: P.A. 87-966; 88-659.)

(225 ILCS 41/10-5)

(Section scheduled to be repealed on January 1, 2013)

Sec. 10-5. License requirement. It is unlawful for any person to practice or attempt to practice funeral directing and embalming without being licensed by the Department.

No person shall practice funeral directing and embalming who does not have a fixed place of practice or establishment in Illinois devoted to the care and preparation for burial or for transportation of deceased human bodies, or who is not regularly employed in a fixed place of practice or

establishment.

No person shall practice funeral directing and embalming independently at the fixed place of practice or establishment of another licensee unless his or her name shall be published and displayed at all times in connection therewith.

No licensed intern trainee shall independently practice funeral directing and embalming; however, a licensed funeral director and embalmer intern trainee may under the immediate personal supervision of a licensed funeral director and embalmer assist a licensed funeral director and embalmer in the practice of funeral directing and embalming.

No person shall practice as a funeral director and embalmer intern trainee unless he or she possesses a valid license in good standing to do so in the State of Illinois.

(Source: P.A. 87-966.)

(225 ILCS 41/10-10)

(Section scheduled to be repealed on January 1, 2013)

Sec. 10-10. License qualifications. A person who meets all of the following requirements is qualified to receive a license as a funeral director and embalmer:

(a) Is at least 18 years of age.

(b) Has successfully completed one academic year in a college or university and has successfully completed a course of instruction of at least one year duration in a professional school or college teaching the practice of funeral directing and embalming that is recognized and approved by the Department.

(c) Has studied funeral directing and embalming in this State under a funeral director and embalmer, licensed under this Code or any prior Act, for at least one year. Nevertheless, no credit shall be given for the study of funeral directing and embalming in this State as an intern trainee unless the applicant during the period of study was a

licensed funeral director and embalmer intern trainee.

(d) Is satisfactorily versed in approved measures used by the practice for the prevention and against the spread of disease and has the skills reasonably involved, and is adequately and properly protected against communicable diseases by means usually adopted and approved by medical science.

(e) Has passed an examination developed or acquired by the Department and conducted by the Department or its designee to determine the fitness of an applicant to receive a license as a licensed funeral director and embalmer.

(Source: P.A. 89-387, eff. 8-20-95.)

(225 ILCS 41/10-15)

(Section scheduled to be repealed on January 1, 2013)

Sec. 10-15. Intern Trainee license qualifications. A person who meets all of the following requirements is qualified to receive a license as a licensed funeral director and embalmer intern trainee:

(a) Is at least 18 years of age.

(b) Has successfully completed one academic year in a college or university and has successfully completed a course of instruction of at least one year duration in a professional school or college teaching the practice of funeral directing and embalming that is recognized and approved by the Department.

(c) Has been accepted for internship training in funeral directing and embalming by an Illinois licensed funeral director and embalmer.

(d) Is satisfactorily versed in approved measures used by the profession for the prevention and against the spread of disease and has the skills reasonably involved, and is adequately protected against communicable diseases by means usually adopted by medical science.

(Source: P.A. 89-387, eff. 8-20-95.)

(225 ILCS 41/10-30)

(Section scheduled to be repealed on January 1, 2013)

Sec. 10-30. Issuance, display of license. Whenever an applicant has met the requirements of this Code, the Department shall issue to the applicant a license as a licensed funeral director and embalmer or licensed funeral director and embalmer intern trainee, as the case may be.

Every holder of a license shall display it in a conspicuous place in the licensee's place of practice or in the place of practice in which the licensee is employed. In case the licensee is engaged in funeral directing and embalming at more than one place of practice, then the license shall be displayed in the licensee's principal place of practice or the principal place of practice of the licensee's employer.

(Source: P.A. 87-966.)

(225 ILCS 41/10-35)

(Section scheduled to be repealed on January 1, 2013)

Sec. 10-35. Renewal; reinstatement; restoration; continuing education. The expiration date and renewal period for each license issued under this Article shall be set by rule. The holder of a license as a licensed funeral director and embalmer or funeral director and embalmer intern trainee may renew the license during the month preceding the expiration date of the license by paying the required fee. A licensed funeral director and embalmer or licensed funeral director and embalmer trainee whose license has expired may have the license reinstated within 5 years from the date of expiration upon payment of the required reinstatement fee and fulfilling the requirements of the Department's rules. The reinstatement of the license is effective as of the date of

the reissuance of the license.

Any licensed funeral director and embalmer whose license has been expired for more than 5 years may have the license restored only by fulfilling the requirements set forth in the Department's rules and by paying the required restoration fee. However, any licensed funeral director and embalmer or licensed funeral director and embalmer intern trainee whose license has expired while he or she has been engaged (1) in federal service on active duty with the Army of the United States, the United States Navy, the Marine Corps, the Air Force, the Coast Guard, or the State Militia called into the service or training of the United States of America or (2) in training or education under the supervision of the United States preliminary to induction into the military service, may have his or her the license restored without paying any lapsed renewal fees or restoration fee or without passing any examination if, within 2 years after termination of the service, training or education other than by dishonorable discharge, he or she the licensee furnishes the Department with an affidavit to the effect that he or she has been so engaged and that his or her service, training or education has been so terminated.

No license of a funeral director and embalmer intern trainee shall be renewed more than twice.

In addition to any other requirement for renewal of a license or reinstatement of an expired license, ~~beginning with--licenses--renewed-or-reinstated-in-1993-and-thereafter,~~ as a condition for the renewal or reinstatement of a license as a licensed funeral director and embalmer, each licensee shall provide evidence to the Department of completion of at least 24 hours of continuing education during the 24 months preceding the expiration date of the license, or in the case of reinstatement, within the 24 months preceding the application for reinstatement. The continuing education

sponsors shall be approved by the Board. In addition, any qualified continuing education course for funeral directors and embalmers offered by a college, university, the Illinois Funeral Directors Association, Funeral Directors Services Association of Greater Chicago, Cook County Association of Funeral Home Owners, Inc., Illinois Selected Morticians Associations, Inc., Illinois Cemetery and Funeral Home Association, National Funeral Directors Association, Selected Independent Funeral Homes National--Foundation--of--Funeral Service,---National--Selected--Morticians, National Funeral Directors and Morticians Association, Inc., International Order of the Golden Rule, or an Illinois school of mortuary science shall be accepted toward satisfaction of the continuing education requirements.

The Department shall establish by rule a means for verification of completion of the continuing education required by this Section. This verification may be accomplished through audits of records maintained by licensees, by requiring the filing of continued education certificates with the Department or a qualified organization selected by the Department to maintain the records, or by other means established by the Department.

A person who is licensed as a funeral director and embalmer under this Act and who has engaged in the practice of funeral directing and embalming for at least 40 years shall be exempt from the continuing education requirements of this Section. In addition, the Department shall establish by rule an exemption or exception for funeral directors and embalmers who, by reason of advanced age, health or other extreme condition, should reasonably be excused from the continuing education requirement upon explanation to the Board, the approval of the Director, or both. Those persons, identified above, who cannot attend on-site classes, shall have the opportunity to comply by completing home study

courses designed for them by sponsors.

Any funeral director and embalmer who notifies the Department in writing on forms prescribed by the Department, may elect to place his or her license on an inactive status and shall be excused from completion of continuing education requirements until he or she notifies the Department in writing of an intent to restore the license to active status. While on inactive status, the licensee shall only be required to pay a single fee, established by the Department, to have the license placed on inactive status. Any licensee requesting restoration from inactive status shall notify the Department as provided by rule of the Department and pay the fee required by the Department for restoration of the license. Any licensee whose license is on inactive status shall not practice in the State of Illinois.

Practice on a license that has lapsed or been placed in inactive status is practicing without a license and a violation of this Code.

(Source: P.A. 90-50, eff. 1-1-98.)

(225 ILCS 41/15-5) (from Ch. 111, par. 2825)

(Section scheduled to be repealed on January 1, 2013)

Sec. 15-5. Funeral Directors and Embalmers Licensing and Disciplinary Board. A Funeral Directors and Embalmers Licensing and Disciplinary Board is created and shall consist of 7 persons, 6 of whom are licensed to practice funeral directing and embalming in this State, and one who is a knowledgeable public member. Each member shall be appointed by the Director of the Department. The persons so appointed shall hold their offices for 4 years and until a qualified successor is appointed. All vacancies occurring shall be filled by the Director for the unexpired portion of the term rendered vacant. No member shall be eligible to serve for more than 2 full consecutive terms. Any appointee may be

removed by the Director when in his or her discretion he or she finds removal to be in the public interest. The cause for removal must be set forth in writing. The Board shall annually select a chairman from its membership. The members of the Board shall be reimbursed for all legitimate and necessary expenses incurred in attending meetings of the Board. The Board may meet as often as necessary to perform its duties under this Code, and shall meet at least once a year in Springfield, Illinois.

~~The members of the Board appointed and serving under the Funeral Directors and Embalmers Licensing Act of 1935 shall continue to serve under the Funeral Directors and Embalmers Licensing Code and until the expiration of their appointed terms. These members may be reappointed if eligible under this Section.~~

The Department may seek the advice and recommendations of the Board on any matter relating to the administration and enforcement of this Code.

The Department shall seek the advice and recommendations of the Board in connection with any rulemaking or disciplinary actions, including applications for restoration of revoked licenses. The Board shall have 60 days to respond to a Department request for advice and recommendations. If the Department fails to adopt, in whole or in part, a Board recommendation in connection with any rulemaking or disciplinary action, it shall provide a written explanation of its specific reasons for not adopting the Board recommendation. The written explanations shall be made available for public inspection.

The Department shall adopt all necessary and reasonable rules and regulations for the effective administration of this Code, and without limiting the foregoing, the Department shall adopt rules and regulations:

- (1) prescribing a method of examination of

candidates;

(2) defining what shall constitute a school, college, university, department of a university or other institution to determine the reputability and good standing of these institutions by reference to a compliance with the rules and regulations; however, no school, college, university, department of a university or other institution that refuses admittance to applicants, solely on account of race, color, creed, sex or national origin shall be considered reputable and in good standing;

(3) establishing expiration dates and renewal periods for all licenses;

(4) prescribing a method of handling complaints and conducting hearings on proceedings to take disciplinary action under this Code; and

(5) providing for licensure by reciprocity.

(Source: P.A. 91-827, eff. 6-13-00.)

(225 ILCS 41/15-45)

(Section scheduled to be repealed on January 1, 2013)

Sec. 15-45. Practice without license; injunction; cease and desist order; civil penalties.

(a) The practice of funeral directing and embalming or funeral directing by any person who has not been issued a license by the Department, whose license has been suspended or revoked, or whose license has not been renewed is hereby declared to be inimical to the public welfare and to constitute a public nuisance. The Director of Professional Regulation may, in the name of the People of the State of Illinois through the Attorney General of the State of Illinois, or the State's Attorney of any county in the State of Illinois, apply for an injunction in the circuit court to enjoin any person who has not been issued a license or whose

license has been suspended or revoked, or whose license has not been renewed, from practicing funeral directing and embalming or funeral directing. Upon the filing of a verified complaint in court, the court, if satisfied by affidavit or otherwise that the person is or has been practicing funeral directing and embalming or funeral directing without having been issued a license or after his or her license has been suspended, revoked, or not renewed, may issue a temporary restraining order or preliminary injunction, without notice or bond, enjoining the defendant from further practicing funeral directing and embalming or funeral directing. A copy of the verified complaint shall be served upon the defendant and the proceedings shall thereafter be conducted as in other civil cases. If it is established that the defendant has been or is practicing funeral directing and embalming or funeral directing without having been issued a license or has been or is practicing funeral directing and embalming or funeral directing after his or her license has been suspended, revoked, or not renewed, the court may enter a judgment perpetually enjoining the defendant from further practicing funeral directing and embalming or funeral directing. In case of violation of any injunction entered under this Section, the court may summarily try and punish the offender for contempt of court. Any injunction proceeding shall be in addition to, and not in lieu of, all penalties and other remedies in this Code.

(b) Whenever, in the opinion of the Department, any person or other entity violates any provision of this Act, the Department may issue a notice to show cause why an order to cease and desist should not be entered against that person or other entity. The rule shall clearly set forth the grounds relied upon by the Department and shall provide a period of 7 days from the date of the rule to file an answer to the satisfaction of the Department. Failure to answer to the

satisfaction of the Department shall cause an order to cease and desist to be issued immediately.

(c) (1) In addition to any other penalty provided by law, any person, sole proprietorship, professional service corporation, limited liability company, partnership, or other entity that violates Section 1-15 or 1-20 of this Act shall forfeit and pay to the General Professions Dedicated Fund a civil penalty in an amount determined by the Department of not more than \$10,000 for each offense. The penalty shall be assessed in proceedings as provided in Sections 15-10 through 15-40 of this Act.

(2) Unless the amount of the penalty is paid within 60 days after the order becomes final, the order shall constitute a judgement and shall be filed and execution issued thereon in the same manner as the judgement of a court of record.

(Source: P.A. 87-966.)

(225 ILCS 41/15-55)

(Section scheduled to be repealed on January 1, 2013)

Sec. 15-55. Preparation room. The Department shall require that each fixed place of practice or establishment devoted to the care and preparation for burial or for transportation of deceased human bodies maintain a preparation room properly equipped with necessary drainage and ventilation facilities and containing instruments and supplies necessary for the preparation and embalming of deceased human bodies for burial or transportation. Branch operations of main funeral businesses having a preparation room and located in the State of Illinois are exempt from the requirements of this Section.

(Source: P.A. 87-966.)

(225 ILCS 41/15-75)

(Section scheduled to be repealed on January 1, 2013)

Sec. 15-75. Violations; grounds for discipline; penalties.

(a) Each of the following acts is a Class A misdemeanor for the first offense, and a Class 4 felony for each subsequent offense. These penalties shall also apply to unlicensed owners of funeral homes.

(1) Practicing the profession of funeral directing and embalming or funeral directing, or attempting to practice the profession of funeral directing and embalming or funeral directing without a license as a licensed funeral director and embalmer or funeral director.

(2) Serving as an intern a-trainee under a licensed funeral director and embalmer or attempting to serve as an intern a-trainee under a licensed funeral director and embalmer without a license as a licensed funeral director and embalmer intern trainee.

(3) Obtaining or attempting to obtain a license, practice or business, or any other thing of value, by fraud or misrepresentation.

(4) Permitting any person in one's employ, under one's control or in or under one's service to serve as a funeral director and embalmer, funeral director, or funeral director and embalmer intern trainee when the person does not have the appropriate license.

(5) Failing to display a license as required by this Code.

(6) Giving false information or making a false oath or affidavit required by this Code.

(b) Each of the following acts or actions is a violation of this Code for which the Department may refuse to issue or renew, or may suspend or revoke any license or may take any

disciplinary action as the Department may deem proper including fines not to exceed \$1,000 for each violation.

(1) Obtaining or attempting to obtain a license by fraud or misrepresentation.

(2) Conviction in this State or another state of any crime that is a felony or misdemeanor under the laws of this State or conviction of a felony or misdemeanor in a federal court.

(3) Violation of the laws of this State relating to the funeral, burial or disposal of deceased human bodies or of the rules and regulations of the Department, or the Department of Public Health.

(4) Directly or indirectly paying or causing to be paid any sum of money or other valuable consideration for the securing of business or for obtaining authority to dispose of any deceased human body.

(5) Incompetence or untrustworthiness in the practice of funeral directing and embalming or funeral directing.

(6) False or misleading advertising as a funeral director and embalmer or funeral director, or advertising or using the name of a person other than the holder of a license in connection with any service being rendered in the practice of funeral directing and embalming or funeral directing. Nothing in this paragraph shall prevent including the name of any owner, officer or corporate director of a funeral business home who is not a licensee in any advertisement used by a funeral home with which the individual is affiliated if the advertisement specifies the individual's affiliation with the funeral home.

(7) Engaging in, promoting, selling, or issuing burial contracts, burial certificates, or burial insurance policies in connection with the profession as a

funeral director and embalmer, funeral director, or funeral director and embalmer intern trainee in violation of any laws of the State of Illinois.

(8) Refusing, without cause, to surrender the custody of a deceased human body upon the proper request of the person or persons lawfully entitled to the custody of the body.

(9) Taking undue advantage of a client or clients as to amount to the perpetration of fraud.

(10) Engaging in funeral directing and embalming or funeral directing without a license.

(11) Encouraging, requesting, or suggesting by a licensee or some person working on his behalf and with his consent for compensation that a person utilize the services of a certain funeral director and embalmer, funeral director, or funeral establishment unless that information has been expressly requested by the person. This does not prohibit general advertising or pre-need solicitation.

(12) Making or causing to be made any false or misleading statements about the laws concerning the disposal of human remains, including, but not limited to, the need to embalm, the need for a casket for cremation or the need for an outer burial container.

(13) Continued practice by a person having an infectious or contagious disease.

(14) Embalming or attempting to embalm a deceased human body without express prior authorization of the person responsible for making the funeral arrangements for the body. This does not apply to cases where embalming is directed by local authorities who have jurisdiction or when embalming is required by State or local law.

(15) Making a false statement on a Certificate of

Death where the person making the statement knew or should have known that the statement was false.

(16) Soliciting human bodies after death or while death is imminent.

(17) Performing any act or practice that is a violation of this Code, the rules for the administration of this Code, or any federal, State or local laws, rules, or regulations governing the practice of funeral directing or embalming.

(18) Performing any act or practice that is a violation of Section 2 of the Consumer Fraud and Deceptive Business Practices Act.

(19) Engaging in unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public ~~in--the--course--of--providing--professional services-or-activities.~~

(20) Taking possession of a dead human body without having first obtained express permission from next of kin or a public agency legally authorized to direct, control or permit the removal of deceased human bodies.

(21) Advertising in a false or misleading manner or advertising using the name of an unlicensed person in connection with any service being rendered in the practice of funeral directing or funeral directing and embalming. The use of any name of an unlicensed or unregistered person in an advertisement so as to imply that the person will perform services is considered misleading advertising. Nothing in this paragraph shall prevent including the name of any owner, officer or corporate director of a funeral home, who is not a licensee, in any advertisement used by a funeral home with which the individual is affiliated, if the advertisement specifies the individual's affiliation with the funeral home.

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

(23) Failing to account for or remit any monies, documents, or personal property that belongs to others that comes into a licensee's possession.

(24) Treating any person differently to his detriment because of race, color, creed, gender sex, religion, or national origin.

(25) Knowingly making any false statements, oral or otherwise, of a character likely to influence, persuade or induce others in the course of performing professional services or activities.

(26) Knowingly making or filing false records or reports in the practice of funeral directing and embalming.

(27) Failing to acquire continuing education required under this Code.

(28) Failing to comply with any of the following required activities:

(A) When reasonably possible, a licensee or anyone acting on his or her behalf shall obtain the express authorization of the person or persons responsible for making the funeral arrangements for a deceased human body prior to removing a body from the place of death or any place it may be or embalming or attempting to embalm a deceased human body, unless required by State or local law. This requirement is waived whenever removal or embalming is directed by local authorities who have jurisdiction. If the responsibility for the handling of the remains lawfully falls under the jurisdiction of a public agency, then the regulations of the public agency shall prevail.

(B) A licensee shall clearly mark the price of

any casket offered for sale or the price of any service using the casket on or in the casket if the casket is displayed at the funeral establishment. If the casket is displayed at any other location, regardless of whether the licensee is in control of that location, the casket shall be clearly marked and the registrant shall use books, catalogues, brochures, or other printed display aids to show the price of each casket or service.

(C) At the time funeral arrangements are made and prior to rendering the funeral services, a licensee shall furnish a written statement to be retained by the person or persons making the funeral arrangements, signed by both parties, that shall contain: (i) the name, address and telephone number of the funeral establishment and the date on which the arrangements were made; (ii) the price of the service selected and the services and merchandise included for that price; (iii) a clear disclosure that the person or persons making the arrangement may decline and receive credit for any service or merchandise not desired and not required by law or the funeral director or the funeral director and embalmer; (iv) the supplemental items of service and merchandise requested and the price of each item; (v) the terms or method of payment agreed upon; and (vi) a statement as to any monetary advances made by the registrant on behalf of the family.

(29) A finding by the Department that the licensee, after having his or her license placed on probationary status or subjected to conditions or restrictions, violated the terms of the probation or failed to comply with such terms or conditions.

(30) Violation of any final administrative action

of the Director.

(31) Being named as a perpetrator in an indicated report by the Department of Children and Family Services pursuant to the Abused and Neglected Child Reporting Act and, upon proof by clear and convincing evidence, being found to have caused a child to be an abused child or neglected child as defined in the Abused and Neglected Child Reporting Act.

(c) The Department may refuse to issue or renew, or may suspend, the license of any person who fails to file a return, to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest as required by any tax Act administered by the Illinois Department of Revenue, until the time as the requirements of the tax Act are satisfied.

(Source: P.A. 87-966.)

(225 ILCS 41/15-80)

(Section scheduled to be repealed on January 1, 2013)

Sec. 15-80. Statement of place of practice; roster. Each applicant for a funeral director and embalmer's license shall with his or her application submit a statement of the place of practice, ownership, names and license numbers of all funeral directors and embalmers and funeral directors associated with the applicant. The Department shall keep a record, which shall be open to public inspection at all reasonable times, of its proceedings relating to the issuance, refusal, renewal, suspension and revocation of licenses. This record shall also contain the name, known place of practice and residence, and the date and number of the license of every licensed funeral director and embalmer, licensed funeral director, and licensed funeral director and embalmer intern trainee in this State.

The Department shall publish an annual list of the names

and addresses of all licensees registered by it under the provisions of this Code, and of all persons whose licenses have been suspended or revoked within the past year, together with other information relative to the enforcement of the provisions of this Code as it may deem of interest to the public. One list shall be mailed to each local registrar of vital statistics upon request by the registrar. Lists shall also be mailed by the Department to any person in the State upon request.

(Source: P.A. 87-966.)

(225 ILCS 41/15-90 rep.)

(225 ILCS 41/20-10 rep.)

Section 10. The Funeral Directors and Embalmers Licensing Code is amended by repealing Sections 15-90 and 20-10.

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