

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 1. Short title. This Act may be cited as the
5 Natural Organic Reduction Regulation Act.

6 Section 5. Legislative intent. The practice of natural
7 organic reduction in the State is declared to be a practice
8 affecting the public health, safety, and welfare and subject
9 to regulation and control in the public interest. It is
10 further declared to be a matter of public interest and concern
11 that the preparation, care, and final disposition of a
12 deceased human body be attended with appropriate observance
13 and understanding, having due regard and respect for the
14 reverent care of the human body and for those bereaved and for
15 the overall spiritual dignity of the human. It is further a
16 matter of public interest that the practice of natural organic
17 reduction, as defined in this Act, be done only by qualified
18 persons authorized by this Act. This Act shall be liberally
19 construed to best carry out these subjects and purposes.

20 Section 10. Definitions. As used in this Act:

21 "Address of record" means the designated address recorded
22 by the Comptroller in the applicant's or licensee's

1 application file or license file. The address of record shall
2 be the permanent street address of the natural organic
3 reduction facility.

4 "Alternative container" means a receptacle or
5 biodegradable external wrapping, other than a casket, in which
6 human remains are transported to the natural organic reduction
7 facility. An alternative container shall be: (i) able to be
8 closed in order to provide a complete covering for the human
9 remains; (ii) resistant to leakage or spillage; (iii) rigid
10 enough for handling with ease; and (iv) able to provide
11 protection for the health, safety, and personal integrity of
12 the natural organic reduction facilities personnel.

13 "Authorizing agent" means a person legally entitled to
14 order the natural organic reduction and final disposition of
15 specific human remains.

16 "Body parts" means limbs or other portions of the anatomy
17 that are removed from a person or human remains for medical
18 purposes during treatment, surgery, biopsy, autopsy, or
19 medical research or human bodies or any portion of human
20 bodies that have been donated to science for medical research
21 purposes.

22 "Burial transit permit" means a permit for disposition of
23 a dead human body as required by State law.

24 "Casket" means a container that is designed for the
25 encasement of human remains that is usually constructed of
26 wood, metal, or like material and ornamented and lined with

1 fabric, and may or may not be combustible.

2 "Comptroller" means the Comptroller of the State.

3 "Disposition authority" means the legal entity which is
4 licensed by the Comptroller to operate a natural organic
5 reduction facility and to perform natural organic reductions.

6 "Final disposition" means the burial, cremation, natural
7 organic reduction, or other disposition of human remains or
8 parts of human remains.

9 "Funeral director" means a person known by the title of
10 "funeral director", "funeral director and embalmer", or other
11 similar words or titles and licensed by the State to practice
12 funeral directing or funeral directing and embalming.

13 "Funeral establishment" means a building or separate
14 portion of a building that has a specific street address and
15 location and that is devoted to activities relating to the
16 shelter, care, custody, and preparation of a deceased human
17 body. A funeral establishment may contain facilities for
18 funeral or wake services.

19 "Holding facility" means an area that: (i) is designated
20 for the retention of human remains prior to natural organic
21 reduction; (ii) complies with all applicable public health
22 law; (iii) preserves the health and safety of the natural
23 organic reduction facilities personnel; and (iv) is secure
24 from access by anyone other than authorized persons. A holding
25 facility may be located in the natural organic reduction room,
26 consistent with the refrigeration requirements of this Act.

1 "Human remains" means the body of a deceased person,
2 including any form of body prosthesis that has been
3 permanently attached or implanted in the body.

4 "Integrate into the soil" means the authorized addition
5 and mixing of reduced human remains with existing soil in a
6 defined area within a dedicated cemetery, conservation area,
7 or property where the person who has control over the
8 disposition of the reduced human remains has obtained written
9 permission of the property owner.

10 "Licensee" means an entity licensed under this Act. An
11 entity that holds itself as a licensee or that is accused of
12 unlicensed practice is considered a licensee for purposes of
13 enforcement, investigation, hearings, and the Illinois
14 Administrative Procedure Act.

15 "Natural organic reduction" means the process of
16 transforming a human body into soil using the natural
17 decomposition process, accelerated with the addition of
18 organic materials through the following steps:

19 (1) The body of a deceased person is mixed together
20 with natural materials and air, eventually resulting in
21 the body's reduction to a soil material.

22 (2) Large tanks, containers, or similar vessels hold
23 human remains together with straw, wood chips, or other
24 natural materials until the process is complete. Any such
25 tank, container, or similar vessel shall be stainless
26 steel, leakproof, promote aerobic reduction, and provide

1 for continuous monitoring of the natural organic reduction
2 process.

3 (3) The processing of the remains after removal from
4 the reduction chamber.

5 "Natural organic reduction authorization" means the
6 natural organic reduction form authorizing a natural organic
7 reduction which is signed by the next of kin or authorizing
8 agent. This natural organic reduction form must be a separate
9 document and cannot be a part of another form or document.

10 "Natural organic reduction facility" means the building or
11 portions of a building that houses the natural organic
12 reduction room and the holding facility. The facility shall
13 have a ventilation system that ventilates from the tank,
14 container, or similar vessel to a biofiltration system.

15 "Natural organic reduction room" means the room in which
16 the reduction chambers are located.

17 "Niche" means a compartment or cubicle for the
18 memorialization and permanent placement of an urn containing
19 reduced remains.

20 "Person" means any person, partnership, association,
21 corporation, limited liability company, or other entity, and
22 in the case of such a business organization, its officers,
23 partners, members, or shareholders possessing 25% or more of
24 ownership of the entity.

25 "Processing" means the removal of foreign objects as well
26 as, but not limited to, grinding, crushing, and pulverizing of

1 the remaining teeth and bones for the reduced human remains to
2 be integrated into the soil.

3 "Pulverization" means the reduction of identifiable bone
4 fragments after the completion of the natural organic
5 reduction process to granulated particles by manual or
6 mechanical means.

7 "Reduction chamber" means the enclosed space within which
8 individual human remains are reduced and any other attached,
9 non-enclosed mechanical components that are necessary for the
10 safe and proper functioning of the equipment. A reduction
11 chamber shall reach a minimum of 131 degrees Fahrenheit for 72
12 consecutive hours.

13 "Reduced human remains" means the remains of a human body
14 that have been reduced to soil through a process of reduction.
15 "Reduced human remains" does not include foreign materials,
16 pacemakers, or prostheses.

17 "Reduced human remains interment container" means a rigid
18 outer container that is subject to a cemetery's rules and
19 regulations.

20 "Scattering area" means an area which may be designated by
21 a cemetery and located on dedicated cemetery property, or an
22 area designated as a scattering area on private land or a
23 privately owned nature preserve, where reduced human remains,
24 which have been removed from the reduced human remains
25 interment container, can be mixed with, or placed on top of,
26 the soil or ground cover.

1 "Temporary container" means a receptacle for reduced human
2 remains, usually composed of cardboard, plastic, or similar
3 material, that can be closed in a manner that prevents the
4 leakage or spillage of the reduced human remains and the
5 entrance of foreign material and that is a single container of
6 sufficient size to hold the reduced human remains until an urn
7 is acquired or the reduced human remains are scattered.

8 "Urn" means a receptacle designed to encase a portion of
9 the reduced human remains.

10 Section 15. Powers and duties of the Comptroller. Subject
11 to the provisions of this Act, the Comptroller may exercise
12 any of the following powers and duties:

13 (1) authorize standards to ascertain the
14 qualifications and fitness of applicants for licensing as
15 licensed natural organic reduction authorities and pass
16 upon the qualifications of applicants for licensure;

17 (2) examine and audit a licensed disposition
18 authority's record, a natural organic reduction facility,
19 or any other aspects of the natural organic reduction
20 operations as the Comptroller deems appropriate;

21 (3) investigate any and all unlicensed activity;

22 (4) conduct hearings on proceedings to refuse to issue
23 licenses or to revoke, suspend, place on probation,
24 reprimand, or otherwise discipline licensees and to refuse
25 to issue licenses or to revoke, suspend, place on

1 probation, reprimand, or otherwise discipline licensees;

2 (5) formulate rules required for the administration of
3 this Act; and

4 (6) maintain rosters of the names and addresses of all
5 licensees and all entities whose licenses have been
6 suspended, revoked, or otherwise disciplined. These
7 rosters shall be available upon written request and
8 payment of the required fee.

9 Section 20. Establishment of a natural organic reduction
10 facility and licensing of a disposition authority.

11 (a) Any person doing business in this State, or any
12 cemetery, crematory, funeral establishment, corporation,
13 partnership, joint venture, voluntary organization, or any
14 other entity, may erect, maintain, and operate a natural
15 organic reduction facility in this State and provide the
16 necessary appliances and facilities for the natural organic
17 reduction of human remains in accordance with this Act.

18 (b) A natural organic reduction facility shall be subject
19 to all local, State, and federal health and environmental
20 protection requirements and shall obtain all necessary
21 licenses and permits from the Department of Financial and
22 Professional Regulation, the Department of Public Health, the
23 federal Department of Health and Human Services, and the State
24 and federal Environmental Protection Agencies, or other
25 appropriate local, State, or federal agencies.

1 (c) A natural organic reduction facility may be
2 constructed on or adjacent to any cemetery or crematory, on or
3 adjacent to any funeral establishment, or at any other
4 location consistent with local zoning regulations.

5 (d) An application for licensure as a disposition
6 authority shall be in writing on forms furnished by the
7 Comptroller. Applications shall be accompanied by a fee of
8 \$100 and shall contain all of the following:

9 (1) the full name and address, both residential and
10 business, of the applicant if the applicant is an
11 individual; the full name and address of every member if
12 the applicant is a partnership; the full name and address
13 of every member of the board of directors if the applicant
14 is an association; and the name and address of every
15 officer, director, and shareholder holding more than 25%
16 of the corporate stock if the applicant is a corporation;

17 (2) the address and location of the natural organic
18 reduction facility;

19 (3) a description of the type of structure, equipment,
20 and technical process to be used in the operation of the
21 natural organic reduction facility; and

22 (4) any further information that the Comptroller
23 reasonably may require.

24 (e) Each disposition authority shall file an annual report
25 with the Comptroller, accompanied with a \$25 fee plus \$5 for
26 each natural organic reduction performed that calendar year,

1 providing (i) an affidavit signed by the owner of the natural
2 organic reduction facility that at the time of the report the
3 natural organic reduction device was in proper operating
4 condition and all annual recommended maintenance by the
5 manufacturer was performed, (ii) the total number of all
6 natural organic reductions performed at the natural organic
7 reduction facility during the past year, (iii) attestation by
8 the licensee that all applicable permits and certifications
9 are valid, (iv) either (A) any changes required in the
10 information provided under subsection (d) or (B) an indication
11 that no changes have occurred, and (v) any other information
12 that the Comptroller may require. The annual report shall be
13 filed by a disposition authority on or before March 15 of each
14 calendar year. If the fiscal year of a disposition authority
15 is not on a calendar year basis, then the disposition
16 authority shall file the report required by this Section
17 within 75 days after the end of its fiscal year. If a
18 disposition authority fails to submit an annual report to the
19 Comptroller within the time specified in this Section, the
20 Comptroller shall impose upon a disposition authority a
21 penalty of \$5 for each and every day the disposition authority
22 remains delinquent in submitting the annual report. The
23 Comptroller may abate all or part of the \$5 daily penalty for
24 good cause shown. The \$25 annual report fee shall be deposited
25 into the Comptroller's Administrative Fund. The \$5 fee for
26 each natural organic reduction performed shall be deposited

1 into the Cemetery Consumer Protection Fund.

2 (f) All records required to be maintained under this Act,
3 including, but not limited to, those relating to the license
4 and annual report of the disposition authority required to be
5 filed under this Section, shall be subject to inspection by
6 the Comptroller upon reasonable notice.

7 (g) The Comptroller may inspect a natural organic
8 reduction facility record at a licensed disposition
9 authority's place of business to review the licensee's
10 compliance with this Act. The Comptroller may charge a fee of
11 \$100 for the inspection to the licensee. The inspection must
12 include verification that:

13 (1) the disposition authority has complied with the
14 recordkeeping requirements of this Act;

15 (2) a natural organic reduction device operator's
16 certification of training and the required continuing
17 education certification is conspicuously displayed at the
18 natural organic reduction facility;

19 (3) the disposition authority is in compliance with
20 local zoning requirements;

21 (4) the disposition authority license issued by the
22 Comptroller is conspicuously displayed at the natural
23 organic reduction facility; and

24 (5) other details as determined by rule.

25 (h) Every license issued under this Act shall be renewed
26 every 5 years for a renewal fee of \$100. The renewal fee shall

1 be deposited into the Comptroller's Administrative Fund. The
2 Comptroller, upon the request of an interested person or on
3 his or her own motion, may issue new licenses to a licensee
4 whose license or licenses have been revoked, if no factor or
5 condition then exists which would have warranted the
6 Comptroller to originally refuse the issuance of the license.

7 Section 25. Grounds for denial or discipline.

8 (a) In this Section, "applicant" means a person who has
9 applied for a license under this Act, including those persons
10 whose names are listed on a license application in Section 20
11 of this Act.

12 (b) The Comptroller may refuse to issue a license, place
13 on probation, reprimand, or take other disciplinary action
14 that the Comptroller may deem appropriate, including imposing
15 fines not to exceed \$5,000 for each violation, with regard to
16 any license under this Act, or may suspend or revoke a license
17 issued under this Act, on any of the following grounds:

18 (1) The applicant or licensee has made any
19 misrepresentation or false statement or concealed any
20 material fact in furnishing information to the
21 Comptroller.

22 (2) The applicant or licensee has been engaged in
23 fraudulent business practices.

24 (3) The applicant or licensee has refused to give
25 information required under this Act to be disclosed to the

1 Comptroller or fails, within 30 days, to provide
2 information in response to a written request made by the
3 Comptroller.

4 (4) Engaging in dishonorable, unethical, or
5 unprofessional conduct of a character likely to deceive,
6 defraud, or harm the public.

7 (5) For any individual listed in the license
8 application as required under Section 20, that individual
9 has conducted or is about to conduct any natural organic
10 reduction business on behalf of the applicant in a
11 fraudulent manner or has been convicted of any felony or
12 misdemeanor an essential element of which is fraud.

13 (6) The applicant or licensee has failed to make the
14 annual report required by this Act or to comply with a
15 final order, decision, or finding of the Comptroller made
16 under this Act.

17 (7) The applicant or licensee, including any member,
18 officer, or director of the applicant or licensee if the
19 applicant or licensee is a firm, partnership, association,
20 or corporation and any shareholder holding more than 25%
21 of the corporate stock of the applicant or licensee, has
22 violated any provision of this Act or any regulation or
23 order made by the Comptroller under this Act.

24 (8) The Comptroller finds any fact or condition
25 existing that, if it had existed at the time of the
26 original application for a license under this Act, would

1 have warranted the Comptroller refusing the issuance of
2 the license.

3 (9) Any violation of this Act or of the rules adopted
4 under this Act.

5 (10) Incompetence.

6 (11) Gross malpractice.

7 (12) Discipline by another state, District of
8 Columbia, territory, or foreign nation, if at least one of
9 the grounds for the discipline is the same or
10 substantially equivalent to those set forth in this
11 Section.

12 (13) Directly or indirectly giving to or receiving
13 from any person, firm, corporation, partnership, or
14 association any fee, commission, rebate, or other form of
15 compensation for professional services not actually or
16 personally rendered.

17 (14) A finding by the Comptroller that the licensee,
18 after having its license placed on probationary status,
19 has violated the terms of probation.

20 (15) Willfully making or filing false records or
21 reports, including, but not limited to, false records
22 filed with State agencies or departments.

23 (16) Gross, willful, or continued overcharging for
24 professional services, including filing false statements
25 for collection of fees for which services are not
26 rendered.

1 (17) Practicing under a false or, except as provided
2 by law, an assumed name.

3 (18) Cheating on or attempting to subvert this Act's
4 licensing application process.

5 Section 30. License revocation or suspension; surrender of
6 license. Upon the revocation or suspension of a license issued
7 under this Act, the licensee must immediately surrender the
8 license to the Comptroller. If the licensee fails to do so, the
9 Comptroller may seize the license.

10 Section 35. Surrender of license; effect on licensee's
11 liability. A licensee may surrender a license issued under
12 this Act by delivering to the Comptroller a written notice
13 stating that the licensee thereby surrenders the license, but
14 such a surrender does not affect the licensee's civil or
15 criminal liability for acts committed before the surrender.

16 Section 40. License; display; transfer; duration.

17 (a) Every license issued under this Act must state the
18 number of the license, the business name and address of the
19 licensee's principal place of business, and the licensee's
20 parent company, if any. The license must be conspicuously
21 posted in the place of business operating under the license.

22 (b) After initial licensure, if any person comes to obtain
23 at least 51% of the ownership over the natural organic

1 reduction facility, then the disposition authority shall apply
2 for a new license in the required time as set out by rule.

3 (c) Every license issued under this Act shall remain in
4 force until it has been surrendered, suspended, or revoked in
5 accordance with this Act. Upon the request of an interested
6 person or on the Comptroller's own motion, the Comptroller may
7 issue a new license to a licensee whose license has been
8 revoked under this Act if no factor or condition then exists
9 which would have warranted the Comptroller in originally
10 refusing the issuance of the license.

11 Section 45. Authorizing agent. The priority of the person
12 or persons who have the right to serve as the authorizing agent
13 for natural organic reduction is in the same priority as
14 listed in Section 5 of the Disposition of Remains Act.

15 Section 50. Natural organic reduction only in a natural
16 organic reduction facility. An individual or a person,
17 cemetery, crematory, funeral establishment, corporation,
18 partnership, joint venture, voluntary organization, or other
19 entity may reduce human remains only in a natural organic
20 reduction facility operated by a disposition authority
21 licensed for this purpose and only under the limitations
22 provided in this Act.

23 Section 55. Authorization for natural organic reduction.

1 (a) A disposition authority shall not reduce human remains
2 by natural organic reduction until it has received all of the
3 following:

4 (1) a natural organic reduction authorization form
5 signed by the authorizing agent. The natural organic
6 reduction authorization form shall be provided by the
7 disposition authority and shall contain, at a minimum, the
8 following information:

9 (A) the identity of the human remains and the time
10 and date of death;

11 (B) the name of the funeral director and funeral
12 establishment, if applicable, that obtained the
13 natural organic reduction authorization;

14 (C) notification as to whether the death occurred
15 from a disease declared by the Department of Public
16 Health to be infectious, contagious, communicable, or
17 dangerous to the public health, whether the deceased
18 was treated with nuclear medicine, and whether any of
19 the following apply:

20 (i) a prion disease infection, mycobacterium
21 tuberculosis infection, or Ebola virus disease
22 infection;

23 (ii) a contagious disease infection which may
24 be a public health hazard as identified by the
25 local health officer or medical examiner;

26 (iii) a radioactive seed implant within 30

1 days of death until such time that 30 days have
2 elapsed or the organ containing the seed or seeds
3 has been removed;

4 (iv) containing a nuclear pacemaker until such
5 time that the nuclear pacemaker is removed; or

6 (v) perishing as a result of a radiologic
7 incident or accident, unless a written release is
8 provided by the Illinois Emergency Management
9 Agency and Office of Homeland Security or other
10 State or federal agency in charge of the response
11 to the radiological incident or accident.

12 (D) the name of the authorizing agent and the
13 relationship between the authorizing agent and the
14 decedent;

15 (E) a representation that the authorizing agent
16 does in fact have the right to authorize the natural
17 organic reduction of the decedent and that the
18 authorizing agent is not aware of any living person
19 who has a superior priority right to that of the
20 authorizing agent, as set forth in Section 45. In the
21 event there is another living person who has a
22 superior priority right to that of the authorizing
23 agent, the form shall contain a representation that
24 the authorizing agent has made all reasonable efforts
25 to contact that person, has been unable to do so, and
26 has no reason to believe that the person would object

1 to the natural organic reduction of the decedent;

2 (F) authorization for the disposition authority to
3 reduce the human remains by natural organic reduction;

4 (G) a representation that the human remains do not
5 contain any other material or implant that may be
6 potentially hazardous or cause damage to the natural
7 organic reduction chamber or the person performing the
8 natural organic reduction;

9 (H) the name of the person authorized to receive
10 the reduced remains from the disposition authority;

11 (I) the manner in which final disposition of the
12 reduced human remains is to take place, if known. If
13 the reduction authorization form does not specify
14 final disposition in a grave, crypt, niche, or
15 scattering area, then the form may indicate that the
16 reduced human remains will be held by the disposition
17 authority for 30 days before they are released, unless
18 they are picked up from the disposition authority
19 prior to that time, in person, by the authorizing
20 agent with prior consent from the authorizing agent.
21 At the end of the 60 days, the disposition authority
22 may return the reduced human remains to the
23 authorizing agent if no final disposition arrangements
24 are made; or, at the end of 60 days, the disposition
25 authority may dispose of the reduced human remains in
26 accordance with subsection (e) of Section 75;

1 (J) a listing of any items of value to be delivered
2 to the disposition authority along with the human
3 remains and instructions as to how the items should be
4 handled;

5 (K) a specific statement as to whether the
6 authorizing agent has made arrangements for any type
7 of viewing of the decedent before natural organic
8 reduction or for a service with the decedent present
9 before natural organic reduction in connection with
10 the natural organic reduction and, if so, the date and
11 time of the viewing or service and whether the
12 disposition authority is authorized to proceed with
13 the natural organic reduction upon receipt of the
14 human remains;

15 (L) the signature of the authorizing agent,
16 attesting to the accuracy of all representations
17 contained on the natural organic reduction
18 authorization form, except as set forth in paragraph
19 (M) of this subsection;

20 (M) if a natural organic reduction form is being
21 executed on a preneed basis, the natural organic
22 reduction authorization form shall contain the
23 disclosure required by subsection (b) of Section 125;
24 and

25 (N) the natural organic reduction authorization
26 form, other than a preneed natural organic reduction

1 form, shall also be signed by a funeral director or
2 other representative of the disposition authority that
3 obtained the natural organic reduction authorization.
4 That individual shall merely execute the natural
5 organic reduction authorization form and shall not be
6 responsible for any of the representations made by the
7 authorizing agent, unless the individual has actual
8 knowledge to the contrary. The information requested
9 by subparagraphs (A), (B), (C), and (G) of this
10 subsection, however, shall be considered to be
11 representations of the authorizing agent. The funeral
12 director or funeral establishment shall warrant to the
13 natural organic reduction facility that the human
14 remains delivered to the disposition authority are the
15 human remains identified on the natural organic
16 reduction authorization form;

17 (2) a completed and executed burial transit permit
18 indicating that the human remains are to be reduced; and

19 (3) any other documentation required by this State.

20 (b) If an authorizing agent is not available to execute a
21 natural organic reduction authorization form in person, that
22 person may use an electronic signature. The disposition
23 authority, funeral director, and funeral establishment shall
24 be entitled to rely upon the natural organic reduction
25 authorization form without liability.

26 (c) An authorizing agent who signs a natural organic

1 reduction authorization form shall be deemed to warrant the
2 truthfulness of any facts set forth on the natural organic
3 reduction authorization form, including that person's
4 authority to order the natural organic reduction, except for
5 the information required by subparagraphs (C) and (G) of
6 paragraph (1) of subsection (a), unless the authorizing agent
7 has actual knowledge to the contrary. An authorizing agent
8 signing a natural organic reduction authorization form shall
9 be personally and individually liable for all damages
10 occasioned by and resulting from authorizing the natural
11 organic reduction.

12 (d) After an authorizing agent has executed a natural
13 organic reduction authorization form and before the natural
14 organic reduction process has started, the authorizing agent
15 may revoke the authorization and instruct the disposition
16 authority to cancel the natural organic reduction and to
17 release or deliver the human remains to another disposition
18 authority or funeral establishment. The instructions shall be
19 provided to the disposition authority in writing. A
20 disposition authority shall honor any instructions given to it
21 by an authorizing agent under this Section if it receives the
22 instructions prior to beginning the reduction of the human
23 remains.

24 Section 60. Performance of natural organic reduction
25 services; training. The handling of the human remains upon

1 arrival at a disposition authority, including placement into
2 the natural organic reduction chamber, and until the reduction
3 inside the chamber is complete shall be under the immediate
4 direct supervision of a licensed funeral director or licensed
5 funeral director and embalmer. Natural organic reduction
6 operators who have received training and received
7 certification by a program recognized by the Comptroller may
8 handle remains after completed reduction, including
9 processing, pulverization, and placement of soil into an urn.
10 The disposition authority must conspicuously display the
11 certification at the disposition authority's place of
12 business. A continuing education natural organic reduction
13 course of at least 2 hours in length from a recognized provider
14 must be completed every 5 years by each person performing a
15 natural organic reduction service. For the purposes of this
16 Act, the Comptroller may recognize any training program that
17 provides training in the operation of a natural organic
18 reduction device, in the maintenance of a clean facility, and
19 in the proper handling of human remains. The Comptroller may
20 recognize any course that is conducted by a death care trade
21 association in the State or the United States for natural
22 organic reduction or by a manufacturer of a natural organic
23 reduction unit that is consistent with the standards provided
24 in this Act or as otherwise determined by rule.

25 Section 65. Recordkeeping.

1 (a) The disposition authority shall furnish to the funeral
2 director a receipt signed at the time of delivery by both the
3 disposition authority and the funeral director who oversaw the
4 delivery of the human remains, showing the date and time of the
5 delivery, the type of alternative container or external
6 wrapping that was delivered, the name of the person from whom
7 the human remains were received and the name of the funeral
8 establishment or other entity with whom the person is
9 affiliated, the name of the person who received the human
10 remains on behalf of the disposition authority, and the name
11 of the decedent. The disposition authority shall retain a copy
12 of this receipt in its permanent records.

13 (b) Upon its release of the reduced human remains, the
14 disposition authority shall furnish to the person who receives
15 the reduced human remains from the disposition authority a
16 receipt signed by both the disposition authority and the
17 person who receives the natural organic reduction remains
18 showing the date and time of the release, the name of the
19 person to whom the reduced human remains were released and the
20 name of the funeral establishment, cemetery, or other entity
21 with whom the person is affiliated, the name of the person who
22 released the reduced human remains on behalf of the
23 disposition authority, the name of the decedent, and the
24 estimated volume of reduced human remains. The natural organic
25 reduction facility shall retain a copy of this receipt in its
26 permanent records.

1 (c) A disposition authority shall maintain at its place of
2 business a permanent record of each natural organic reduction
3 that took place at its facility, which shall contain the name
4 of the decedent, the date of the natural organic reduction,
5 the estimated weight of the reduced human remains, and the
6 final disposition of the reduced human remains.

7 (d) The disposition authority shall maintain a record of
8 all reduced human remains disposed of by the disposition
9 authority in accordance with subsection (d) of Section 75.

10 (e) Upon completion of the natural organic reduction, the
11 disposition authority shall file the burial transit permit, as
12 required by the Vital Records Act and rules adopted under that
13 Act and the Counties Code, and transmit a photocopy of the
14 burial transit permit along with the reduced human remains to
15 whoever receives the reduced human remains from the
16 authorizing agent unless the reduced human remains are to be
17 interred, entombed, inurned, or placed in a scattering area,
18 in which case the disposition authority shall retain a copy of
19 the burial transit permit and shall send the permit, along
20 with the reduced human remains, to the cemetery, which shall
21 file the permit with the designated agency after the
22 interment, entombment, inurnment, or scattering has taken
23 place.

24 (f) All cemeteries shall maintain a record of all reduced
25 human remains that are disposed of on their property, provided
26 that the reduced human remains were properly transferred to

1 the cemetery and the cemetery issued a receipt acknowledging
2 the transfer of the reduced human remains.

3 Section 70. Natural organic reduction procedures.

4 (a) Human remains shall not be reduced within 24 hours
5 after the time of death, as indicated on the Medical
6 Examiner's or Coroner's Certificate of Death. In any death,
7 the human remains shall not be reduced by the disposition
8 authority until a natural organic reduction permit has been
9 received from the coroner or medical examiner of the county in
10 which the death occurred and the disposition authority has
11 received a natural organic reduction authorization form,
12 executed by an authorizing agent, in accordance with the
13 provisions of Section 55 of this Act. In no instance, however,
14 shall the lapse of time between the death and the natural
15 organic reduction be less than 24 hours, unless the lapse of
16 time is because of a religious requirement.

17 (b) Except as set forth in subsection (a), a disposition
18 authority shall have the right to schedule the natural organic
19 reduction to be performed at its own convenience, at any time
20 after the human remains have been delivered to the disposition
21 authority, unless the disposition authority has received
22 specific instructions to the contrary on the natural organic
23 reduction authorization form.

24 (c) No disposition authority shall reduce human remains
25 when it has actual knowledge that human remains contain

1 materials or implants that may be potentially hazardous to the
2 person performing the natural organic reduction.

3 (d) No disposition authority shall accept embalmed remains
4 or remains that were treated with nuclear medicine for natural
5 organic reduction. No disposition authority should reduce
6 human remains if the human remains are confirmed to have or
7 suspected of having one or more of the following conditions:

8 (1) a prion disease infection, mycobacterium
9 tuberculosis infection, or Ebola virus disease infection;

10 (2) a contagious disease infection which may be a
11 public health hazard as identified by the Department of
12 Public Health, local health officer, or medical examiner;

13 (3) a radioactive seed implant within 30 days of death
14 until such time that 30 days have elapsed or the organ
15 containing the seed or seeds has been removed;

16 (4) containing a nuclear pacemaker until such time
17 that the nuclear pacemaker is removed;

18 (5) perishing as a result of a radiologic incident or
19 accident, unless a written release is provided by the
20 Illinois Emergency Management Agency and Office of
21 Homeland Security or other State or federal agency in
22 charge of the response to the radiological incident or
23 accident; or

24 (6) embalmed.

25 (e) Whenever a disposition authority is unable or
26 unauthorized to reduce human remains immediately upon taking

1 custody of the remains, the disposition authority shall place
2 the human remains in an operable refrigeration unit with
3 cleanable, noncorrosive interior and exterior finishes. The
4 unit must be capable of maintaining a temperature of less than
5 40 degrees Fahrenheit or below and of holding at least 3
6 bodies. The disposition authority must notify the authorizing
7 agent of the reasons for delay in the natural organic
8 reduction if a properly authorized natural organic reduction
9 is not performed within any time period expressly contemplated
10 in the authorization.

11 For purposes of this Section, "immediately upon taking
12 custody" means within 24 hours of taking custody.

13 (f) A disposition authority shall not accept an
14 alternative container or external wrapping from which there is
15 any evidence of the leakage of body fluids.

16 (g) A disposition authority shall not reduce the remains
17 of more than one person at the same time and in the same
18 reduction chamber or introduce the remains of a second person
19 into the reduction chamber until the reduction of preceding
20 remains has been terminated and reasonable efforts have been
21 employed to remove all fragments of preceding remains. The
22 fact that there is residue in the reduction chamber or other
23 equipment or a container used in a prior reduction does not
24 violate this Section.

25 (h) No unauthorized person shall be permitted in the
26 holding facility or natural organic reduction room while any

1 human remains are being held there awaiting natural organic
2 reduction, being reduced, or being removed from the reduction
3 chamber.

4 (i) A disposition authority shall not remove any dental
5 gold, body parts, organs, or any item of value prior to or
6 subsequent to a natural organic reduction without previously
7 having received specific written authorization from the
8 authorizing agent and written instructions for the delivery of
9 these items to the authorizing agent. Under no circumstances
10 shall a disposition authority profit from removing or
11 assisting in any removal of valuables.

12 (j) In instances when the remains of deceased human beings
13 are to be delivered to a natural organic reduction facility in
14 a casket that is not to be organically reduced with the
15 deceased, timely disclosure thereof must be made by the person
16 making the funeral arrangements to the natural organic
17 reduction facility that prior to the natural organic reduction
18 the remains of the deceased human being shall be transferred
19 to an alternative container. The signed acknowledgment of the
20 authorizing person that the timely disclosure has been made
21 shall be retained by the natural organic reduction facility in
22 its permanent records.

23 (k) A disposition authority shall:

24 (1) ensure that the material in the natural organic
25 reduction chamber naturally reaches and maintains a
26 minimum temperature of 131 degrees Fahrenheit for a

1 minimum of 72 consecutive hours during the process of
 2 natural organic reduction;

3 (2) analyze each instance of the reduced human remains
 4 for physical contaminants, including, but not limited to,
 5 intact bone, dental fillings, and medical implants, and
 6 ensure reduced human remains have less than 0.01 mg/kg dry
 7 weight of any physical contaminants;

8 (3) collect material samples for analysis that are
 9 representative of each instance of natural organic
 10 reduction, using a sampling method such as those described
 11 in the U.S. Composting Council 2002 Test Methods for the
 12 Examination of Composting and Compost, method 02.01-A
 13 through E;

14 (4) develop and use a natural organic reduction
 15 process in which the reduced human remains from the
 16 process do not exceed the following limits:

| | | |
|----|--------------------------|-----------------------------|
| 17 | | |
| 18 | Metals and other testing | Limit (mg/kg dry weight), |
| 19 | parameters | unless otherwise specified |
| 20 | Fecal coliform | Less than 1,000 Most total |
| 21 | | Probable Number per gram of |
| 22 | | solids (dry weight) |
| 23 | Salmonella | Less than 3 Most Probable |
| 24 | | Number per 4 grams of total |
| 25 | | solids (dry weight) |

| | | |
|---|----------|-------------------------------|
| 1 | Arsenic | Less than or equal to 11 ppm |
| 2 | Cadmium | Less than or equal to 7.1 ppm |
| 3 | Lead | Less than or equal to 150 ppm |
| 4 | Mercury | Less than or equal to 5 ppm |
| 5 | Selenium | Less than or equal to 18 ppm; |

6 (5) analyze, using a third-party laboratory accredited
7 by the Illinois Environmental Laboratory Accreditation
8 Program or an STA Compost-Certified Laboratory, the
9 natural organic reduction facility's material samples of
10 reduced human remains according to the following schedule:

11 (A) the natural organic reduction facility must
12 analyze each of the first 20 instances of reduced
13 human remains for the parameters in paragraph (4) of
14 this subsection (k);

15 (B) if any of the first 20 instances of reduced
16 human remains yield results exceeding the limits in
17 paragraph (4) of this subsection (k), the natural
18 organic reduction facility must conduct appropriate
19 processes to correct the levels of the substances in
20 paragraph (4) and have the resultant remains tested to
21 ensure they fall within the identified limits;

22 (C) if any of the first 20 instances of reduced
23 human remains yield results exceeding the limits in
24 paragraph (4) of this subsection (k), the natural
25 organic reduction facility must analyze each

1 additional instance of reduced human remains for the
2 parameters in paragraph (4) until a total of 20
3 samples, not including those from remains that were
4 reprocessed as required in subparagraph (B) of this
5 paragraph (5), have yielded results within the limits
6 in paragraph (4) on initial testing;

7 (D) after 20 material samples of reduced human
8 remains have met the limits in paragraph (4) of this
9 subsection (k), the natural organic reduction facility
10 must analyze at least 25% of the natural organic
11 reduction facility's monthly instances of reduced
12 human remains for the parameters in paragraph (4)
13 until 80 total material samples of reduced remains are
14 found to meet the limits in paragraph (4), not
15 including any samples that required reprocessing to
16 meet those limits; and

17 (E) after 80 material samples of reduced human
18 remains are found to meet the limits in paragraph (4)
19 of this subsection (k), the natural organic reduction
20 facility must analyze at least one randomly chosen
21 instance of reduced human remains each month for the
22 parameters in paragraph (4). If fecal coliform or
23 salmonella in the tested reduced human remains exceeds
24 the limit for that substance in paragraph (4), the
25 natural organic reduction facility must analyze each
26 subsequent instance of reduced human remains for fecal

1 coliform or salmonella until 10 total material samples
2 are found to meet the limits for those substances in
3 paragraph (4) on initial testing, demonstrating the
4 natural organic reduction process was effectively
5 corrected;

6 (6) comply with any testing requirements established
7 by the Comptroller or local health department for content
8 parameters in addition to those specified in paragraph (4)
9 of this subsection (k);

10 (7) not release any reduced human remains that exceed
11 the limits in paragraph (4) of this subsection (k); and

12 (8) prepare, maintain, and provide to the Comptroller
13 a report for each calendar year detailing the natural
14 organic reduction facility's activities during the
15 previous calendar year. The report must include the
16 following information:

17 (A) the name and address of the natural organic
18 reduction facility;

19 (B) the calendar year covered by the report;

20 (C) the annual quantity of reduced human remains;

21 (D) the results of any laboratory analyses of
22 reduced human remains, including an affirmation that
23 the analysis was prepared in accordance with this
24 subsection (k); and

25 (E) any additional information required by the
26 Comptroller, Department of Public Health, or local

1 health department.

2 (l) Upon the completion of each natural organic reduction,
3 all of the recoverable residue of the reduction process shall
4 be removed from the reduction chamber.

5 (m) If all of the recovered reduced human remains will not
6 fit within the receptacle that has been selected, the
7 remainder of the reduced human remains shall be disposed of in
8 accordance with subsection (e) of Section 75.

9 (n) A disposition authority shall not knowingly represent
10 to an authorizing agent or the agent's designee that a
11 temporary container or urn contains the reduced remains of a
12 specific decedent when it does not.

13 (o) Reduced human remains shall be shipped only by a
14 method that has an internal tracing system available and that
15 provides a receipt signed by the person accepting delivery.

16 (p) A disposition authority shall maintain an
17 identification system that shall ensure that it shall be able
18 to identify the human remains in its possession throughout all
19 phases of the natural organic reduction process.

20 (q) A disposition authority shall not reduce via natural
21 organic reduction the remains as specified in Section 55.

22 (r) In the case of an event where the health of the public
23 may be at risk or there are signs at a facility of a potential
24 health hazard, the Department of Public Health may be
25 consulted to assess the natural organic reduction facility's
26 compliance with this Act.

1 Section 75. Disposition of reduced human remains.

2 (a) The authorizing agent shall be responsible for the
3 final disposition of the reduced human remains delivered to
4 the authorizing agent. The reduced human remains delivered to
5 the authorizing agent may be disposed of by placing them in a
6 grave, crypt, or niche or by scattering them in a scattering
7 area.

8 (b) Reduced human remains delivered to the authorizing
9 agent may be integrated into the soil in an area where no local
10 prohibition exists if the reduced human remains are not
11 distinguishable to the public, are not in a container, and
12 that the person who has control over disposition of the
13 reduced human remains has obtained written permission of the
14 property owner or governing agency to integrate into soil on
15 the property.

16 (c) A State or local agency may adopt an ordinance,
17 regulation, or policy, as appropriate, authorizing or
18 specifically prohibiting the integration of reduced human
19 remains into the soil on lands under the agency's
20 jurisdiction. The integration into the soil of the reduced
21 human remains of more than one person in one location pursuant
22 to this Section does not create a cemetery.

23 (d) Upon the completion of the natural organic reduction
24 process, and except as provided for in subparagraph (I) of
25 paragraph (1) of subsection (a) of Section 55, if the

1 disposition authority has not been instructed to arrange for
2 the interment, entombment, inurnment, or scattering of the
3 reduced human remains, the disposition authority shall deliver
4 the reduced human remains to the individual specified on the
5 natural organic reduction authorization form or, if no
6 individual is specified, then to the authorizing agent. Upon
7 receipt of the reduced human remains, the individual receiving
8 them may transport them in any manner in this State without a
9 permit and may dispose of them in accordance with this
10 Section.

11 (e) If, after a period of 60 days from the date the natural
12 organic reduction process is complete, the authorizing agent
13 or the agent's designee has not instructed the disposition
14 authority to arrange for the final disposition of the reduced
15 human remains, claimed the reduced human remains, or claimed
16 only a portion of the reduced human remains, the disposition
17 authority may dispose of the reduced human remains in a
18 cemetery or on conservation land, which is land that is
19 protected and cannot be built on and that is only used for the
20 conservation of nature. The disposition authority, however,
21 shall keep a permanent record identifying the site of final
22 disposition and the estimated volume of human remains. The
23 authorizing agent shall be responsible for reimbursing the
24 disposition authority for all reasonable expenses incurred in
25 disposing of the reduced human remains.

26 (f) Except with the express written permission of the

1 authorizing agent, no person shall:

2 (1) dispose of reduced human remains in a manner or in
3 a location so that the reduced human remains are
4 commingled with those of another person; this prohibition
5 shall not apply to the scattering of reduced remains in an
6 area located in a dedicated cemetery or conservation land,
7 which is land that is protected, cannot be built on, and is
8 only used for the conservation of nature; or

9 (2) place reduced human remains of more than one
10 person in the same temporary container or urn.

11 (g) No person shall sell the soil resulting from reduced
12 human remains for commercial purposes.

13 (h) No person shall use the soil resulting from reduced
14 human remains to grow food for human or livestock consumption.

15 Section 80. Hazardous implants. If an authorizing agent
16 informs the funeral director and the disposition authority on
17 the natural organic reduction authorization form of the
18 presence of hazardous implants in the human remains, then the
19 funeral director shall be responsible for ensuring that all
20 necessary steps have been taken to remove the hazardous
21 implants before delivering the human remains to the natural
22 organic reduction facility for natural organic reduction. If
23 the funeral director who delivers the human remains to the
24 natural organic reduction facility fails to ensure that the
25 hazardous implants have been removed from the human remains

1 prior to delivery, and should the human remains be reduced,
2 then the funeral director who delivered the human remains to
3 the natural organic reduction facility and anyone else covered
4 by this Section shall be liable for all resulting damages. The
5 funeral director shall bear no liability for any hazardous
6 implants or materials present in the human remains that were
7 not disclosed by the authorizing agent on the natural organic
8 reduction authorization form.

9 Section 85. Penalties. Violations of this Act shall be
10 punishable as follows:

11 (1) Performing a natural organic reduction without
12 receipt of a natural organic reduction authorization form
13 signed, in either paper or electronic format, by an
14 authorizing agent shall be a Class 4 felony.

15 (2) Signing, in either paper or electronic format, a
16 natural organic reduction authorization form with the
17 actual knowledge that the form contains false or incorrect
18 information shall be a Class 4 felony.

19 (3) A violation of any natural organic reduction
20 procedure set forth in Section 70 shall be a Class 4
21 felony.

22 (4) Holding oneself out to the public as a disposition
23 authority, or the operation of a building or structure
24 within this State as a natural organic reduction facility,
25 without being licensed under this Act shall be a Class A

1 misdemeanor.

2 (5) Performance of natural organic reduction service
3 by a person who has not completed a training program as
4 defined in Section 60 shall be a Class A misdemeanor.

5 (6) Any person who intentionally violates a provision
6 of this Act or a final order of the Comptroller is liable
7 for a civil penalty not to exceed \$5,000 per violation.

8 (7) Any person who knowingly acts without proper legal
9 authority and who willfully and knowingly destroys or
10 damages the remains of a deceased human being or who
11 desecrates human remains is guilty of a Class 3 felony.

12 (8) A violation of any other provision of this Act
13 shall be a Class B misdemeanor.

14 Section 90. Failure to file annual report. Whenever a
15 disposition authority refuses or neglects to file its annual
16 report in violation of Section 20 of this Act or fails to
17 otherwise comply with the requirements of this Act, the
18 Comptroller shall impose a penalty as provided for by rule for
19 each and every day the licensee remains delinquent in
20 submitting the annual report. The report shall be made under
21 oath and shall be in a form determined by the Comptroller.

22 Section 95. Injunctive action; cease and desist order.

23 (a) If any person violates the provisions of this Act, the
24 Comptroller, in the name of the People of the State, through

1 the Attorney General or the State's Attorney of the county in
2 which the violation is alleged to have occurred, may petition
3 for an order enjoining the violation or for an order enforcing
4 compliance with this Act. Upon the filing of a verified
5 petition, the court with appropriate jurisdiction may issue a
6 temporary restraining order, without notice or bond, and may
7 preliminarily and permanently enjoin the violation. If it is
8 established that the person has violated or is violating the
9 injunction, the court may punish the offender for contempt of
10 court. Proceedings under this Section are in addition to, and
11 not in lieu of, all other remedies and penalties provided by
12 this Act.

13 (b) Whenever, in the opinion of the Comptroller, a person
14 violates any provision of this Act, the Comptroller may issue
15 a rule to show cause why an order to cease and desist should
16 not be entered against that person. The rule shall clearly set
17 forth the grounds relied upon by the Comptroller and shall
18 allow at least 7 days from the date of the rule to file an
19 answer satisfactory to the Comptroller. Failure to answer to
20 the satisfaction of the Comptroller shall cause an order to
21 cease and desist to be issued.

22 Section 100. Service of notice. Service by the Comptroller
23 of any notice requiring a person to file a statement or report
24 under this Act shall be made: (1) personally by delivery of a
25 duly executed copy of the notice to the person to be served or,

1 if that person is not a natural person, in the manner provided
2 in the Civil Practice Article of the Code of Civil Procedure
3 when a complaint is filed; or (2) by mailing by certified mail
4 a duly executed copy of the notice to the person at his or her
5 address of record.

6 Section 105. Investigations; notice and hearing. The
7 Comptroller may at any time investigate the actions of any
8 applicant or of any person, persons, or entity rendering or
9 offering natural organic reduction services or any person or
10 entity holding or claiming to hold a license as a licensed
11 natural organic reduction facility. The Comptroller shall,
12 before revoking, suspending, placing on probation,
13 reprimanding, or taking any other disciplinary action under
14 Section 25 of this Act, at least 30 days before the date set
15 for the hearing: (i) notify the accused in writing of the
16 charges made and the time and place for the hearing on the
17 charges; (ii) direct the accused applicant or licensee to file
18 a written answer to the charges with the Comptroller under
19 oath within 20 days after the service on the accused of the
20 notice; and (iii) inform the accused that, if the accused
21 fails to answer, default will be taken against the accused or
22 that the accused's license may be suspended, revoked, placed
23 on probationary status, or other disciplinary action with
24 regard to the license, including limiting the scope, nature,
25 or extent of the accused's practice, as the Comptroller may

1 consider proper.

2 At the time and place fixed in the notice, the Comptroller
3 shall proceed to hear the charges and the parties, or their
4 counsel, shall be accorded ample opportunity to present any
5 pertinent statements, testimony, evidence, and arguments. The
6 Comptroller shall have the authority to appoint an attorney
7 duly licensed to practice law in the State to serve as the
8 hearing officer in any disciplinary action with regard to a
9 license. The hearing officer shall have full authority to
10 conduct the hearing. The Comptroller may continue the hearing
11 from time to time. If the person, after receiving the notice,
12 fails to file an answer, the person's license may, in the
13 discretion of the Comptroller, be suspended, revoked, placed
14 on probationary status, or the Comptroller may take whatever
15 disciplinary action is considered proper, including limiting
16 the scope, nature, or extent of the person's practice or the
17 imposition of a fine, without a hearing, if the act or acts
18 charged constitute sufficient grounds for that action under
19 this Act. The written notice may be served by personal
20 delivery or by certified mail to the address specified by the
21 accused in the accused's last notification with the
22 Comptroller.

23 Section 110. Compelling testimony. Any circuit court, upon
24 application of the Comptroller or designated hearing officer,
25 may enter an order requiring the attendance of witnesses and

1 their testimony and the production of documents, papers,
2 files, books, and records in connection with any hearing or
3 investigation. The court may compel obedience to its order by
4 proceedings for contempt.

5 Section 115. Administrative review; venue; certification
6 of record; costs.

7 (a) All final administrative decisions, as defined in
8 Section 3-101 of the Code of Civil Procedure, of the
9 Comptroller are subject to judicial review under the
10 Administrative Review Law and its rules.

11 (b) Proceedings for judicial review shall be commenced in
12 the circuit court of the county in which the party applying for
13 review resides, but if the party is not a resident of Illinois,
14 the venue shall be in Cook or Sangamon County.

15 (c) The Comptroller shall not be required to certify any
16 record of the court, file an answer in court, or to otherwise
17 appear in any court in a judicial review proceeding unless and
18 until the Comptroller has received from the plaintiff payment
19 of the costs of furnishing and certifying the record, which
20 costs shall be determined by the Comptroller. Failure on the
21 part of the plaintiff to make the payment to the Comptroller is
22 grounds for dismissal of the action.

23 Section 120. Preneed of natural organic reduction
24 arrangements.

1 (a) Any person, or anyone who has legal authority to act on
2 behalf of a person, on a preneed basis, may authorize the
3 person's own natural organic reduction and the final
4 disposition of the person's reduced remains by executing, as
5 the authorizing agent, a natural organic reduction
6 authorization form. A copy of this form shall be provided to
7 the person. Any person shall have the right to transfer or
8 cancel this authorization at any time prior to death by
9 destroying the executed natural organic reduction
10 authorization form and providing written notice to the
11 disposition authority named in the preneed form.

12 (b) Any natural organic authorization form that is being
13 executed by an individual as the individual's own authorizing
14 agent on a preneed basis shall contain the following
15 disclosure, which shall be completed by the authorizing agent:

16 "() I do not wish to allow any of my survivors the option
17 of cancelling my natural organic reduction and selecting
18 alternative arrangements, regardless of whether my survivors
19 deem a change to be appropriate.

20 () I wish to allow only the survivors whom I have
21 designated below the option of cancelling my natural organic
22 reduction and selecting alternative arrangements, if they deem
23 a change to be appropriate."

24 (c) Except as provided in subsection (b) of this Section,
25 at the time of the death of a person who has executed, as the
26 authorizing agent, a natural organic reduction authorization

1 form on a preneed basis, any person in possession of an
2 executed form and any person charged with making arrangements
3 for the final disposition of the decedent who has knowledge of
4 the existence of an executed form shall use the person's best
5 efforts to ensure that the decedent is reduced and that the
6 final disposition of the reduced human remains is in
7 accordance with the instructions contained on the natural
8 organic reduction authorization form. If a disposition
9 authority (i) is in possession of a completed natural organic
10 reduction authorization form that was executed on a preneed
11 basis, (ii) is in possession of the designated human remains,
12 and (iii) has received payment for the natural organic
13 reduction of the human remains and the final disposition of
14 the reduced human remains or is otherwise assured of payment,
15 then the disposition authority shall be required to reduce the
16 human remains and dispose of the reduced human remains
17 according to the instructions contained on the natural organic
18 reduction authorization form and may do so without any
19 liability.

20 (d) Any preneed contract sold by, or preneed arrangements
21 made with, a cemetery, funeral establishment, disposition
22 authority, or any other party that includes a natural organic
23 reduction shall specify the final disposition of the reduced
24 human remains, in accordance with Section 75. If no different
25 or inconsistent instructions are provided to the disposition
26 authority by the authorizing agent at the time of death, the

1 disposition authority shall be authorized to release or
2 dispose of the reduced human remains as indicated in the
3 preneed agreement. Upon compliance with the terms of the
4 preneed agreement, the disposition authority shall be
5 discharged from any legal obligation concerning the reduced
6 human remains. The preneed agreement shall be kept as a
7 permanent record by the disposition authority.

8 (e) This Section shall not apply to any natural organic
9 reduction authorization form or preneed contract executed
10 prior to the effective date of this Act. Any cemetery, funeral
11 establishment, disposition authority, or other party, however,
12 with the written approval of the authorizing agent or person
13 who executed the preneed contract, may designate that the
14 natural organic reduction authorization form or preneed
15 contract is subject to this Act.

16 Section 125. Employment of funeral director by a
17 disposition authority. A disposition authority shall employ or
18 enter into a contract with a funeral director for the purpose
19 of arranging natural organic reduction on an at-need basis
20 with the general public, transporting human remains to the
21 natural organic reduction facility, and processing all
22 necessary paperwork.

23 Section 130. Scope of Act. This Act shall be construed and
24 interpreted as a comprehensive natural organic reduction

1 statute, and the provisions of this Act shall take precedence
2 over any existing laws containing provisions applicable to
3 natural organic reduction but that do not specifically or
4 comprehensively address natural organic reduction.

5 Section 135. Record of proceedings; transcript. The
6 Comptroller, at its expense, shall preserve a record of all
7 proceedings at the formal hearing of any case. Any notice of
8 hearing, complaint, other documents in the nature of
9 pleadings, written motions filed in the proceedings,
10 transcripts of testimony, report of the hearing officer, and
11 orders of the Comptroller shall be in the record of the
12 proceeding. The Comptroller shall furnish a transcript of the
13 record to any person interested in the hearing upon payment of
14 a reasonable fee.

15 Section 140. Subpoenas; depositions; oaths. The
16 Comptroller has the power to subpoena documents, books,
17 records, or other materials and to bring before it any person
18 and to take testimony either orally or by deposition, or both,
19 with the same fees and mileage and in the same manner as
20 prescribed in civil cases in the courts of this State. The
21 Comptroller, the designated hearing officer, or any qualified
22 person the Comptroller may designate has the power to
23 administer oaths to witnesses at any hearing that the
24 Comptroller is authorized to conduct and any other oaths

1 authorized in any Act administered by the Comptroller. Every
2 person having taken an oath or affirmation in any proceeding
3 or matter wherein an oath is required by this Act, who shall
4 swear willfully, corruptly, and falsely in a matter material
5 to the issue or point in question, or shall suborn any other
6 person to swear as aforesaid, shall be guilty of perjury or
7 subornation of perjury, as the case may be, and shall be
8 punished as provided by State law relative to perjury and
9 subornation of perjury.

10 Section 145. Findings and recommendations. At the
11 conclusion of the hearing, the hearing officer shall present
12 to the Comptroller a written report of its findings of fact,
13 conclusions of law, and recommendations. The report shall
14 contain a finding whether or not the accused person violated
15 this Act or its rules or failed to comply with the conditions
16 required in this Act or its rules. The hearing officer shall
17 specify the nature of any violation or failure to comply and
18 shall make recommendations to the Comptroller. In making
19 recommendations for any disciplinary actions, the hearing
20 officer may take into consideration all facts and
21 circumstances bearing upon the reasonableness of the conduct
22 of the accused and the potential for future harm to the public,
23 including, but not limited to, previous discipline of the
24 accused by the Comptroller, intent, degree of harm to the
25 public and likelihood of harm in the future, any restitution

1 made by the accused, and whether the incident or incidents
2 contained in the complaint appear to be isolated or represent
3 a continuing pattern of conduct. In making its recommendations
4 for discipline, the hearing officer shall endeavor to ensure
5 that the severity of the discipline recommended is reasonably
6 related to the severity of the violation. The report of
7 findings of fact, conclusions of law, and recommendations of
8 the hearing officer shall be the basis for the Comptroller's
9 order refusing to issue, restore, place on probation, fine,
10 suspend, revoke a license, or otherwise discipline a licensee.
11 If the Comptroller disagrees with the recommendations of the
12 hearing officer, the Comptroller may issue an order in
13 contravention of the hearing officer's recommendations. The
14 finding is not admissible in evidence against the person in a
15 criminal prosecution brought for a violation of this Act, but
16 the hearing and finding are not a bar to a criminal prosecution
17 brought for a violation of this Act.

18 Section 150. Rehearing. At the conclusion of the hearing,
19 a copy of the hearing officer's report shall be served upon the
20 applicant or licensee by the Comptroller, either personally or
21 as provided in this Act. Within 20 days after service, the
22 applicant or licensee may present to the Comptroller a motion
23 in writing for a rehearing, which shall specify the particular
24 grounds for rehearing. The Comptroller may respond to the
25 motion for rehearing within 20 days after its service on the

1 Comptroller. If no motion for rehearing is filed, then upon
2 the expiration of the time specified for filing such a motion,
3 or if a motion for rehearing is denied, then upon denial, the
4 Comptroller may enter an order in accordance with
5 recommendations of the hearing officer except as provided in
6 Section 160.

7 If the applicant or licensee orders from the reporting
8 service and pays for a transcript of the record within the
9 20-day period for filing a motion for rehearing, the 20-day
10 period within which a motion may be filed shall restart upon
11 the delivery of the transcript to the applicant or licensee.

12 Section 155. Comptroller. Whenever the Comptroller
13 believes that substantial justice has not been done in the
14 revocation, suspension, or refusal to issue or restore a
15 license or other discipline of an applicant or licensee, he or
16 she may order a rehearing by the same or other hearing
17 officers.

18 Section 160. Order or certified copy; prima facie proof.
19 An order or certified copy thereof, over the seal of the
20 Comptroller and purporting to be signed by the Comptroller, is
21 prima facie proof that:

22 (1) the signature is the genuine signature of the
23 Comptroller;

24 (2) the Comptroller is duly appointed and qualified;

1 and

2 (3) the hearing officer is qualified to act.

3 Section 165. Civil action and civil penalties. In addition
4 to the other penalties and remedies provided in this Act, the
5 Comptroller may bring a civil action in the county of
6 residence of the licensee or any other person to enjoin any
7 violation or threatened violation of this Act. In addition to
8 any other penalty provided by law, any person who violates
9 this Act shall forfeit and pay a civil penalty to the
10 Comptroller in an amount not to exceed \$5,000 for each
11 violation as determined by the Comptroller. The civil penalty
12 shall be assessed by the Comptroller in accordance with the
13 provisions of this Act.

14 Any civil penalty shall be paid within 60 days after the
15 effective date of the order imposing the civil penalty. The
16 order shall constitute a judgment and may be filed and
17 execution had thereon in the same manner as any judgment from
18 any court of record. All moneys collected under this Section
19 shall be deposited with the Comptroller.

20 Section 170. Consent order. At any point in any
21 investigation or disciplinary proceedings as provided in this
22 Act, both parties may agree to a negotiated consent order. The
23 consent order shall be final upon signature of the
24 Comptroller.

1 Section 175. Illinois Administrative Procedure Act;
2 application. The Illinois Administrative Procedure Act is
3 expressly adopted and incorporated in this Act as if all of the
4 provisions of that Act were included in this Act, except that
5 the provision of paragraph (d) of Section 10-65 of the
6 Illinois Administrative Procedure Act, which provides that at
7 hearings the licensee has the right to show compliance with
8 all lawful requirements for retention or continuation of the
9 license, is specifically excluded. For the purpose of this
10 Act, the notice required under Section 10-25 of the Illinois
11 Administrative Procedure Act is considered sufficient when
12 mailed to the address of record.

13 Section 180. Summary suspension of a license. The
14 Comptroller may summarily suspend a license of a licensed
15 natural organic reduction facility without a hearing and
16 simultaneously commence proceedings for a hearing provided for
17 in this Act if the Comptroller finds that evidence in the
18 Comptroller's possession indicates that the licensee's
19 continued practice would constitute an imminent danger to the
20 public. If the Comptroller summarily suspends the license of a
21 licensed natural organic reduction facility without a hearing,
22 a hearing must be commenced within 30 days after the
23 suspension has occurred and concluded as expeditiously as
24 practical. In the event of a summary suspension, the county

1 coroner or medical examiner responsible for the area where the
2 natural organic reduction facility is located shall make
3 arrangements to dispose of any bodies in the suspended
4 licensee's possession after consulting with the authorizing
5 agents for those bodies.

6 Section 999. Effective date. This Act takes effect June 1,
7 2026.