

SB3596



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB3596

Introduced 2/5/2026, by Sen. Meg Loughran Cappel

SYNOPSIS AS INTRODUCED:

815 ILCS 390/14

from Ch. 21, par. 214

Amends the Illinois Pre-Need Cemetery Sales Act. Provides that a written sales contract shall contain a description of any additional costs that will be incurred by the person, if known, who is to receive the cemetery merchandise, cemetery services, or the completed interment, entombment, or inurnment spaces under the contract at the time of burial and that are not contemplated within the contract.

LRB104 20049 SPS 33500 b

A BILL FOR

1 AN ACT concerning business.

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

4 Section 5. The Illinois Pre-Need Cemetery Sales Act is
5 amended by changing Section 14 as follows:

6 (815 ILCS 390/14) (from Ch. 21, par. 214)

7 Sec. 14. Contract required.

8 (a) It is unlawful for any person doing business within
9 this State to accept sales proceeds, either directly or
10 indirectly, by any means unless the seller enters into a
11 pre-need sales contract with the purchaser which meets the
12 following requirements:

13 (1) A written sales contract shall be executed in at
14 least 11 point type in duplicate for each pre-need sale
15 made by a licensee, and a signed copy given to the
16 purchaser. Each completed contract shall be numbered and
17 shall contain: (i) the name and address of the purchaser,
18 the principal office of the licensee, and the parent
19 company of the licensee; (ii) the name of the person, if
20 known, who is to receive the cemetery merchandise,
21 cemetery services or the completed interment, entombment
22 or inurnment spaces under the contract; ~~and~~ (iii) specific
23 identification of such merchandise, services or spaces to

1 be provided, if a specific space or spaces are contracted
2 for, and the price of the merchandise, services, or space
3 or spaces; and (iv) a description of any additional costs
4 that will be incurred by the person, if known, who is to
5 receive the cemetery merchandise, cemetery services, or
6 the completed interment, entombment, or inurnment spaces
7 under the contract at the time of burial and that are not
8 contemplated within the contract.

9 (2) In addition, such contracts must contain a
10 provision in distinguishing typeface as follows:

11 "Notwithstanding anything in this contract to the
12 contrary, you are afforded certain specific rights of
13 cancellation and refund under the Illinois Pre-Need
14 Cemetery Sales Act, enacted by the 84th General Assembly
15 of the State of Illinois".

16 (3) All pre-need sales contracts shall be sold on a
17 guaranteed price basis. At the time of performance of the
18 service or delivery of the merchandise, the seller shall
19 be prohibited from assessing the purchaser or his heirs or
20 assigns or duly authorized representative any additional
21 charges for the specific merchandise and services listed
22 on the pre-need sales contract.

23 (4) Each contract shall clearly disclose that the
24 price of the merchandise or services is guaranteed and
25 shall contain the following statement in 12 point bold
26 type:

1 "THIS CONTRACT GUARANTEES THE BENEFICIARY THE SPECIFIC
2 GOODS, SERVICES, INTERMENT SPACES, ENTOMBMENT SPACES, AND
3 INURNMENT SPACES CONTRACTED FOR. NO ADDITIONAL CHARGES MAY
4 BE REQUIRED FOR DESIGNATED GOODS, SERVICES, AND SPACES.
5 ADDITIONAL CHARGES MAY BE INCURRED FOR UNEXPECTED
6 EXPENSES."

7 (5) The pre-need sales contract shall provide that if
8 the particular cemetery services, cemetery merchandise, or
9 spaces specified in the pre-need contract are unavailable
10 at the time of delivery, the seller shall be required to
11 furnish services, merchandise, and spaces similar in style
12 and at least equal in quality of material and workmanship.

13 (6) The pre-need contract shall also disclose any
14 specific penalties to be incurred by the purchaser as a
15 result of failure to make payments; and penalties to be
16 incurred or moneys or refunds to be received as a result of
17 cancellation of the contract.

18 (7) The pre-need contract shall disclose the nature of
19 the relationship between the provider and the seller.

20 (8) Each pre-need contract that authorizes the
21 delivery of cemetery merchandise to a licensed and bonded
22 warehouse shall provide that prior to or upon delivery of
23 the merchandise to the warehouse the title to the
24 merchandise and a warehouse receipt shall be delivered to
25 the purchaser or beneficiary. The pre-need contract shall
26 contain the following statement in 12 point bold type:

1 "THIS CONTRACT AUTHORIZES THE DELIVERY OF MERCHANDISE TO A
2 LICENSED AND BONDED WAREHOUSE FOR STORAGE OF THE
3 MERCHANDISE UNTIL THE MERCHANDISE IS NEEDED BY THE
4 BENEFICIARY. DELIVERY OF THE MERCHANDISE IN THIS MANNER
5 MAY PRECLUDE REFUND OF SALE PROCEEDS THAT ARE ATTRIBUTABLE
6 TO THE DELIVERED MERCHANDISE."

7 The purchaser shall initial the statement at the time
8 of entry into the pre-need contract.

9 (9) Each pre-need contract that authorizes the
10 placement of cemetery merchandise at the site of its
11 ultimate use prior to the time that the merchandise is
12 needed by the beneficiary shall contain the following
13 statement in 12 point bold type:

14 "THIS CONTRACT AUTHORIZES THE PLACEMENT OF MERCHANDISE AT
15 THE SITE OF ITS ULTIMATE USE PRIOR TO THE TIME THAT THE
16 MERCHANDISE IS NEEDED BY THE BENEFICIARY. DELIVERY OF THE
17 MERCHANDISE IN THIS MANNER MAY PRECLUDE REFUND OF SALE
18 PROCEEDS THAT ARE ATTRIBUTABLE TO THE DELIVERED
19 MERCHANDISE."

20 The purchaser shall initial the statement at the time
21 of entry into the pre-need contract.

22 (10) Each pre-need contract that is funded by a trust
23 shall clearly identify the trustee's name and address and
24 the primary state or federal regulator of the trustee as a
25 corporate fiduciary.

26 (b) Every pre-need sales contract must be in writing. The

1 Comptroller may by rule develop a model pre-need sales
2 contract form that meets the requirements of this Act.

3 (c) To the extent the Rule is applicable, every pre-need
4 sales contract is subject to the Federal Trade Commission Rule
5 concerning the Cooling-Off Period for Door-to-Door Sales (16
6 CFR Part 429).

7 (d) No pre-need sales contract may be entered into in this
8 State unless there is a provider for the cemetery merchandise,
9 cemetery services, and undeveloped interment, inurnment, and
10 entombment spaces being sold. If the seller is not the
11 provider, then the seller must have a binding agreement with a
12 provider, and the identity of the provider and the nature of
13 the agreement between the seller and the provider must be
14 disclosed in the pre-need sales contract at the time of sale
15 and before the receipt of any sale proceeds. The failure to
16 disclose the identity of the provider, the nature of the
17 agreement between the seller and the provider, or any changes
18 thereto to the purchaser and beneficiary, or the failure to
19 make the disclosures required by this Section constitutes an
20 intentional violation of this Act.

21 (e) No pre-need contract may be entered into in this State
22 unless it is accompanied by a funding mechanism permitted
23 under this Act and unless the seller is licensed by the
24 Comptroller as provided in this Act. Nothing in this Act is
25 intended to relieve providers or sellers of pre-need contracts
26 from being licensed under any other Act required for their

1 profession or business or from being subject to the rules
2 promulgated to regulate their profession or business,
3 including rules on solicitation and advertisement.

4 (f) No pre-need contract may be entered into in this State
5 unless the seller explains to the purchaser the terms of the
6 pre-need contract prior to the purchaser signing and the
7 purchaser initials a statement in the contract confirming that
8 the seller has explained the terms of the contract prior to the
9 purchaser signing.

10 (g) The State Comptroller shall develop a booklet for
11 consumers in plain English describing the scope, application,
12 and consumer protections of this Act. After the booklet is
13 developed, no pre-need contract may be sold in this State
14 unless the seller distributes to the purchaser prior to the
15 sale a booklet developed or approved for use by the State
16 Comptroller.

17 (Source: P.A. 96-879, eff. 2-2-10.)