



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

SB4024

Introduced 2/6/2026, by Sen. Ram Villivalam

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Funeral Directors and Embalmers Licensing Code. Provides that "funeral establishment", "funeral chapel", "funeral home", or "mortuary", when used in reference to transfer care specialists, means a building or a separate portion of a building having a specific street address or location devoted to activities relating to the shelter, care, custody and preparation of a deceased human body that contains facilities for funeral and wake services and operates from a fixed place of business. Defines "general supervision", "immediate and direct supervision", and "transfer care specialist". Requires a funeral establishment, funeral chapel, funeral home, or mortuary to operate from a fixed place of business. Creates the Transfer Care Specialists Article under the Code. Sets forth provisions concerning license requirements; address of record and email address of record; license qualifications; applications; the issuance and display of transfer care specialist licenses; renewal, reinstatement, and restoration of a license; the applicability of the Article; and rulemaking authority of the Department of Financial and Professional Regulation. In provisions concerning practicing without a license, provides that the practice of removing a deceased human body from its place of death, institution, or other location as a transfer care specialist 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. In provisions concerning grounds for discipline, provides that engaging in practice as a transfer care specialist without a license is a Class A misdemeanor. Makes other changes.

LRB104 19608 AAS 33057 b

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 5. The Funeral Directors and Embalmers Licensing  
5 Code is amended by changing Sections 1-10, 1-15, 1-20, 15-30,  
6 15-45, 15-72, and 15-75 and by adding Article 11 and Sections  
7 1-21, 1-22, and 1-23 as follows:

8 (225 ILCS 41/1-10)

9 (Section scheduled to be repealed on January 1, 2028)

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

11 "Address of record" means the designated address recorded  
12 by the Department in the applicant's or licensee's application  
13 file or license file.

14 "Applicant" means any person making application for a  
15 license. Any applicants or people who hold themselves out as  
16 applicants are considered licensees for purposes of  
17 enforcement, investigation, hearings, and the Illinois  
18 Administrative Procedure Act.

19 "Board" means the Funeral Directors and Embalmers  
20 Licensing and Disciplinary Board.

21 "Certificate of Death" means a certificate of death as  
22 referenced in the Illinois Vital Records Act.

23 "Chain of custody record" means a record that establishes

1 the continuous control of a uniquely identified body, body  
2 parts, or human remains.

3 "Department" means the Department of Financial and  
4 Professional Regulation.

5 "Email address of record" means the designated email  
6 address recorded by the Department in the applicant's  
7 application file or the licensee's license file as maintained  
8 by the Department's licensure maintenance unit.

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

18 "Funeral director and embalmer intern" means a person  
19 licensed by the Department who is qualified to render  
20 assistance to a funeral director and embalmer in carrying out  
21 the practice of funeral directing and embalming under the  
22 supervision of the funeral director and embalmer.

23 "Embalming" means the process of sanitizing and chemically  
24 treating a deceased human body in order to reduce the presence  
25 and growth of microorganisms, to retard organic decomposition,  
26 to render the remains safe to handle while retaining

1 naturalness of tissue, and to restore an acceptable physical  
2 appearance for funeral viewing purposes.

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

6 "Funeral establishment", "funeral chapel", "funeral home",  
7 or "mortuary", except when used in reference to transfer care  
8 specialists, means a building or separate portion of a  
9 building having a specific street address or location and  
10 devoted to activities relating to the shelter, care, custody  
11 and preparation of a deceased human body and which may contain  
12 facilities for funeral or wake services. "Funeral  
13 establishment", "funeral chapel", "funeral home", or  
14 "mortuary", when used in reference to transfer care  
15 specialists, means a building or a separate portion of a  
16 building having a specific street address or location devoted  
17 to activities relating to the shelter, care, custody and  
18 preparation of a deceased human body that contains facilities  
19 for funeral and wake services and operates from a fixed place  
20 of business.

21 "General supervision" means oversight of an activity  
22 provided by a licensed funeral director or licensed funeral  
23 director and embalmer who has authorized the activity to be  
24 performed, is responsible for the conduct and outcome of the  
25 activity, and is available for consultation and direction on  
26 the activity as needed, but who is not required to be

1 physically present at the location where the activity is  
2 performed.

3 "Immediate and direct supervision" means oversight of an  
4 activity provided by a licensed funeral director or licensed  
5 funeral director and embalmer who is physically present to  
6 observe the activity and, as necessary, correct the  
7 performance of a licensed funeral director and embalmer intern  
8 or a licensed transfer care specialist. "Immediate and direct  
9 supervision" does not include supervision provided by  
10 telephone, electronic communication, or periodic review after  
11 the activity has occurred.

12 "Licensee" means a person licensed under this Code as a  
13 funeral director, funeral director and embalmer, ~~or~~ funeral  
14 director and embalmer intern, or transfer care specialist.  
15 Anyone who holds himself or herself out as a licensee or who is  
16 accused of unlicensed practice is considered a licensee for  
17 purposes of enforcement, investigation, hearings, and the  
18 Illinois Administrative Procedure Act.

19 "Owner" means the individual, partnership, corporation,  
20 limited liability company, association, trust, estate, or  
21 agent thereof, or other person or combination of persons who  
22 owns a funeral establishment or funeral business.

23 "Person" means any individual, partnership, association,  
24 firm, corporation, limited liability company, trust or estate,  
25 or other entity. "Person" includes both natural persons and  
26 legal entities.

1 "Secretary" means the Secretary of Financial and  
2 Professional Regulation.

3 "Transfer care specialist" means a person who is licensed  
4 and qualified to perform the removal of a deceased human body  
5 from its place of death, institution, or other location under  
6 the supervision of a licensed funeral director or a licensed  
7 funeral director and embalmer.

8 "Uniquely identified" means providing the deceased with  
9 individualized identification.

10 (Source: P.A. 102-881, eff. 1-1-23; 103-907, eff. 1-1-25.)

11 (225 ILCS 41/1-15)

12 (Section scheduled to be repealed on January 1, 2028)

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

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

1       that include direct physical contact with deceased human  
2       remains or the direction or supervision of the disposition  
3       of deceased human remains beyond the act of burial or  
4       cremation.

5           (b) The practice of operating a place for preparing  
6       for the disposition of deceased human bodies or for caring  
7       for deceased human bodies before their disposition.  
8       Nothing in this Code shall prohibit the ownership and  
9       management of such a place by an unlicensed owner if the  
10      place is operated in accordance with this Code and the  
11      unlicensed owner does not engage in any form of funeral  
12      directing. An unlicensed owner may interact with consumers  
13      while a licensed funeral director is present in accordance  
14      with this Section.

15           (c) The removal of a deceased human body from its  
16      place of death, institution, or other location. A licensed  
17      funeral director and embalmer intern or a licensed  
18      transfer care specialist may remove a deceased human body  
19      from its place of death, institution, or other location  
20      without a licensed funeral director ~~another licensee~~ being  
21      present. The licensed funeral director may engage others  
22      who are not licensed funeral directors, licensed funeral  
23      director and embalmers, ~~or~~ licensed funeral director and  
24      embalmer interns, or licensed transfer care specialists to  
25      assist in the removal if the funeral director directs and  
26      instructs them in handling and precautionary procedures

1 and accompanies them on all calls. The transportation of  
2 deceased human remains to a cemetery, crematory or other  
3 place of final disposition shall be under the immediate  
4 direct supervision of a licensed funeral director ~~licensee~~  
5 unless otherwise permitted by this Section. The  
6 transportation of deceased human remains that are embalmed  
7 or otherwise prepared and enclosed in an appropriate  
8 container to some other place that is not the place of  
9 final disposition, such as another funeral home or common  
10 carrier, or to a facility that shares common ownership  
11 with the transporting funeral home may be performed under  
12 the general supervision of a licensed funeral director  
13 ~~licensee~~, but the supervision need not be immediate and ~~or~~  
14 direct.

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

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

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

1           Within the existing scope of the practice of funeral  
2 directing or funeral directing and embalming, only a licensed  
3 funeral director, a licensed funeral director and embalmer, or  
4 a licensed funeral director and embalmer intern under the  
5 restrictions provided for in this Code, and not any other  
6 person employed or contracted by the licensee, may engage in  
7 the following activities at-need: (1) have direct contact with  
8 consumers and explain funeral or burial merchandise or  
9 services or (2) negotiate, develop, or finalize contracts with  
10 consumers. This paragraph shall not be construed or enforced  
11 in such a manner as to limit the functions of persons regulated  
12 under the Illinois Funeral or Burial Funds Act, the Illinois  
13 Pre-Need Cemetery Sales Act, the Cemetery Oversight Act, the  
14 Cemetery Care Act, the Cemetery Association Act, the Illinois  
15 Insurance Code, or any other related professional regulatory  
16 Act.

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

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

1 arrangements under the direct supervision of a licensed  
2 funeral director or licensed funeral director and embalmer.

3 (Source: P.A. 102-881, eff. 1-1-23.)

4 (225 ILCS 41/1-20)

5 (Section scheduled to be repealed on January 1, 2028)

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

7 "The practice of funeral directing and embalming" means:

8 (a) The practice of preparing, otherwise than by  
9 embalming, for the burial, cremation, or disposition and  
10 directing and supervising the burial or disposition of  
11 deceased human remains or performing any act or service in  
12 connection with the preparing of dead human bodies.  
13 Preparation, direction, and supervision shall not be  
14 construed to mean those functions normally performed by  
15 cemetery and crematory personnel, except for functions  
16 that include direct physical contact with deceased human  
17 remains or the direction or supervision of the disposition  
18 of deceased human remains beyond the act of burial or  
19 cremation.

20 (b) The practice of operating a place for preparing  
21 for the disposition of deceased human bodies or for caring  
22 for deceased human bodies before their disposition.  
23 Nothing in this Code shall prohibit the ownership and  
24 management of such a place by an unlicensed owner if the  
25 place is operated in accordance with this Code and the

1 unlicensed owner does not engage in any form of funeral  
2 directing and embalming.

3 (c) The removal of a deceased human body from its  
4 place of death, institution or other location. A licensed  
5 funeral director and embalmer intern or a licensed  
6 transfer care specialist may remove a deceased human body  
7 from its place of death, institution, or other location  
8 without a licensed funeral director and embalmer ~~another~~  
9 ~~licensee~~ being present. The licensed funeral director and  
10 embalmer may engage others who are not licensed funeral  
11 directors and embalmers, licensed funeral directors, ~~or~~  
12 licensed funeral director and embalmer interns, or  
13 licensed transfer care specialists to assist in the  
14 removal if the funeral director and embalmer directs and  
15 instructs them in handling and precautionary procedures  
16 and accompanies them on all calls. The transportation of  
17 deceased human remains to a cemetery, crematory, or other  
18 place of final disposition shall be under the immediate,  
19 direct supervision of a licensed funeral director and  
20 embalmer ~~licensee~~ unless otherwise permitted by this  
21 Section. The transportation of deceased human remains that  
22 are embalmed or otherwise prepared and enclosed in an  
23 appropriate container to some other place that is not the  
24 place of final disposition, such as another funeral home  
25 or common carrier, or to a facility that shares common  
26 ownership with the transporting funeral home may be

1 performed under the general supervision of a licensed  
2 funeral director and embalmer licensee, but the  
3 supervision need not be immediate and ~~or~~ direct  
4 supervision.

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

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

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

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

23 Within the existing scope of the practice of funeral  
24 directing or funeral directing and embalming, only a licensed  
25 funeral director, a licensed funeral director and embalmer, or  
26 a licensed funeral director and embalmer intern under the

1 restrictions provided for in this Code, and not any other  
2 person employed or contracted by the licensee, may engage in  
3 the following activities at-need: (1) have direct contact with  
4 consumers and explain funeral or burial merchandise or  
5 services or (2) negotiate, develop, or finalize contracts with  
6 consumers. This paragraph shall not be construed or enforced  
7 in such a manner as to limit the functions of persons regulated  
8 under the Illinois Funeral or Burial Funds Act, the Illinois  
9 Pre-Need Cemetery Sales Act, the Cemetery Oversight Act, the  
10 Cemetery Care Act, the Cemetery Association Act, the Illinois  
11 Insurance Code, or any other related professional regulatory  
12 Act.

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

19 The making of funeral arrangements, at need, shall be done  
20 only by licensed funeral directors or licensed funeral  
21 directors and embalmers. Licensed funeral director and  
22 embalmer interns may, however, assist or participate in the  
23 arrangements under the direct supervision of a licensed  
24 funeral director or licensed funeral director and embalmer.

25 (Source: P.A. 96-1463, eff. 1-1-11; 97-1130, eff. 8-28-12.)

1 (225 ILCS 41/1-21 new)

2 Sec. 1-21. Funeral establishment, funeral chapel, funeral  
3 home, or mortuary. A funeral establishment, funeral chapel,  
4 funeral home, or mortuary shall operate from a fixed place of  
5 business. A funeral establishment, funeral chapel, funeral  
6 home, or mortuary that is under different ownership from or  
7 that does not share a common financial or business interest  
8 with another funeral establishment, funeral chapel, funeral  
9 home, or mortuary shall not operate from the same address,  
10 location, or fixed place of business as that funeral  
11 establishment, funeral chapel, funeral home, or mortuary.

12 (225 ILCS 41/1-22 new)

13 Sec. 1-22. General supervision. General supervision may be  
14 provided through periodic review, written protocols, or  
15 electronic or telephonic communication. A supervising licensed  
16 funeral director or licensed funeral director and embalmer  
17 shall be accountable for the actions of the licensed funeral  
18 director and embalmer intern or the licensed transfer care  
19 specialist being supervised throughout the duration of the  
20 training and supervision. The supervising licensed funeral  
21 director or licensed funeral director and embalmer shall also  
22 be accountable for any violations of law or rule committed in  
23 the performance of duties by the licensed funeral director and  
24 embalmer intern or licensed transfer care specialist being  
25 supervised.

1 (225 ILCS 41/1-23 new)

2 Sec. 1-23. Immediate and direct supervision. A supervising  
3 licensed funeral director or licensed funeral director and  
4 embalmer shall be accountable for the actions of the licensed  
5 funeral director and embalmer intern or the licensed transfer  
6 care specialist being supervised throughout the duration of  
7 the training and supervision. The supervising licensed funeral  
8 director or licensed funeral director and embalmer shall also  
9 be accountable for any violations of law or rule committed in  
10 the performance of duties by the licensed funeral director and  
11 embalmer intern or licensed transfer care specialist being  
12 supervised.

13 (225 ILCS 41/Art. 11 heading new)

14 ARTICLE 11. TRANSFER CARE SPECIALISTS

15 (225 ILCS 41/11-1 new)

16 Sec. 11-1. Applicability. This Article does not apply to  
17 Cook County, DuPage County, Lake County, and McHenry County.

18 (225 ILCS 41/11-5 new)

19 Sec. 11-5. License requirement. It is unlawful for any  
20 person to practice or attempt to practice as a transfer care  
21 specialist without being licensed by the Department.

22 No licensed transfer care specialist shall engage in the

1 independent practice of removing a deceased human body from  
2 its place of death, institution, or other location. A licensed  
3 transfer care specialist may perform such removal only while  
4 acting under the general supervision of a licensed funeral  
5 director or a licensed funeral director and embalmer who is on  
6 record with the Department as the sponsor of the licensed  
7 transfer care specialist.

8 No person shall practice as a licensed transfer care  
9 specialist unless he or she is employed by a funeral  
10 establishment, funeral chapel, funeral home, or mortuary. The  
11 supervising licensed funeral director or licensed funeral  
12 director and embalmer who is on record with the Department as  
13 the sponsor of the licensed transfer care specialist shall  
14 also be employed by the same funeral establishment, funeral  
15 chapel, funeral home, or mortuary as the licensed transfer  
16 care specialist.

17 No licensed transfer care specialist shall perform the  
18 removal of a deceased human body from its place of death,  
19 institution, or other location on behalf of any funeral  
20 establishment other than the funeral establishment that is on  
21 record with the Department as the employer of both the  
22 licensed transfer care specialist and the supervising licensed  
23 funeral director or licensed funeral director and embalmer who  
24 is the sponsor of the licensed transfer care specialist.

25 No licensed transfer care specialist shall transport a  
26 deceased human body from a place of death to any funeral

1 establishment or other location other than the funeral  
2 establishment that is on record with the Department as the  
3 employer of both the licensed transfer care specialist and the  
4 supervising licensed funeral director or licensed funeral  
5 director and embalmer who is the sponsor of the licensed  
6 transfer care specialist.

7 No licensed transfer care specialist shall practice  
8 funeral directing and embalming.

9 (225 ILCS 41/11-10 new)

10 Sec. 11-10. Address of record; email address of record.  
11 All applicants and licensees shall:

12 (1) provide a valid address and email address to the  
13 Department, which shall serve as the address of record and  
14 email address of record, respectively, at the time of  
15 application for licensure, renewal, or restoration of a  
16 license; and

17 (2) inform the Department of any changes of address  
18 within 14 days after the change of address of record or  
19 email address of record, either through the Department's  
20 website or by contacting the Department's licensure  
21 maintenance unit.

22 (225 ILCS 41/11-15 new)

23 Sec. 11-15. License qualifications.

24 (a) A person who meets all of the following requirements

1 is qualified to receive a license as a transfer care  
2 specialist:

3 (1) is at least 18 years of age.

4 (2) has successfully completed a Department-approved  
5 certification course prior to submitting an application  
6 for licensure. The certification course shall be at least  
7 8 hours in length, shall be conducted in person and on  
8 site, and shall include instruction, at a minimum, in the  
9 following subject areas:

10 (A) all relevant State and federal laws and  
11 regulations related to the removal of a deceased human  
12 body from its place of death and the transportation of  
13 a deceased human body;

14 (B) ethical care, handling, and transportation  
15 procedures for deceased human bodies;

16 (C) scene safety, hazard recognition, and the use  
17 of personal protective equipment;

18 (D) Occupational Safety and Health Administration  
19 (OSHA) infection control and bloodborne pathogen  
20 safety training, including the use of universal  
21 precautions and other reasonable measures to minimize  
22 the risk of transmitting communicable diseases;

23 (E) health and safety concerns for the public and  
24 the individual performing the transfer of the deceased  
25 human body;

26 (F) basic human anatomy and postmortem

1 physiological changes related to the handling of  
2 deceased human bodies;

3 (G) proper lifting techniques, body mechanics, and  
4 the use of equipment for the safe and dignified  
5 removal and transport of deceased human bodies;

6 (H) removal procedures for residential and  
7 institutional places of death;

8 (I) transportation safety and vehicle operations  
9 related to the transfer of deceased human bodies;

10 (J) communication with family members, health care  
11 personnel, law enforcement, and medical examiner or  
12 coroner staff; and

13 (K) documentation and recordkeeping requirements  
14 related to the removal and transfer of a deceased  
15 human body.

16 (3) is employed by a funeral establishment that is  
17 authorized to employ a licensed transfer care specialist.

18 The employment of licensed transfer care specialists at a  
19 funeral establishment shall be limited to no more than 2  
20 licensed transfer care specialists for any funeral  
21 establishment under common ownership or common interest  
22 that is located within a 30-mile geographic radius of  
23 another funeral establishment under the same common  
24 ownership or common interest.

25 (4) has been accepted by a licensed funeral director  
26 or licensed funeral director and embalmer who will be

1 responsible for supervising the practice of the licensed  
2 transfer care specialist. The supervising licensed funeral  
3 director or licensed funeral director and embalmer must be  
4 authorized to supervise a licensed transfer care  
5 specialist and must be on record with the Department as  
6 the sponsor of the licensed transfer care specialist. A  
7 licensed funeral director or licensed funeral director and  
8 embalmer shall sponsor or supervise no more than 2  
9 licensed transfer care specialists at any time.

10 (5) is satisfactorily versed in approved measures used  
11 by the practice for the prevention and against the spread  
12 of disease and has the skills reasonably involved, and is  
13 adequately and properly protected against communicable  
14 diseases by means usually adopted and approved by medical  
15 science.

16 (b) In addition to completing a certification course, an  
17 applicant shall complete no less than 12 removals of deceased  
18 human bodies that are performed under the immediate and direct  
19 supervision of a licensed funeral director or licensed funeral  
20 director and embalmer. The required supervised removals shall  
21 include, but are not limited to, at least 4 removals from a  
22 residential place of death and at least 4 removals from an  
23 institutional place of death.

24 (c) An applicant for licensure shall submit proof of  
25 completion of a certification course and proof of the  
26 applicant's completion of supervised removals with the

1 applicant's license application on forms that have been  
2 prescribed by the Department or verified by a qualified  
3 organization that has been selected by the Department to  
4 maintain such records.

5 (d) The Department may adopt rules to implement this  
6 Section, including rules concerning standards for course  
7 approval, supervision, documentation, minimum competencies,  
8 and record retention.

9 (225 ILCS 41/11-20 new)

10 Sec. 11-20. Application. Every person who desires to  
11 obtain a license as a transfer care specialist shall apply to  
12 the Department in writing on forms or electronically as  
13 prescribed by the Department. An application shall contain  
14 proof of the particular qualifications that are required of  
15 the applicant, shall be certified by the applicant, the  
16 funeral establishment, and the licensed funeral director or  
17 licensed funeral director and embalmer sponsor, and shall be  
18 accompanied by the required fee that shall not be refundable.

19 (225 ILCS 41/11-25 new)

20 Sec. 11-25. Issuance and display of transfer care  
21 specialist license.

22 (a) Whenever an applicant has met the requirements of this  
23 Code, the Department may issue a license to the applicant as a  
24 transfer care specialist.

1       (b) Every holder of a license as a transfer care  
2 specialist shall display the license, or a copy of the  
3 license, in a conspicuous place in the funeral establishment,  
4 funeral chapel, funeral home, or mortuary in which the  
5 licensee is employed. Every displayed license shall have the  
6 license number visible.

7           (225 ILCS 41/11-30 new)

8       Sec. 11-30. Renewal; reinstatement; restoration.

9       (a) Transfer care specialist licenses shall expire on May  
10 31 of every odd-numbered year. The holder of a license as a  
11 transfer care specialist may renew the license during the  
12 month preceding the expiration date of the license by paying  
13 the required fee. Any licensed transfer care specialist whose  
14 license has been expired for more than 2 years may have the  
15 license restored only by fulfilling the requirements set forth  
16 by the Department by rule and by paying the required  
17 restoration fee. However, any transfer care specialist whose  
18 license has expired while he or she has been engaged (i) in  
19 federal service on active duty with the United States Army,  
20 Navy, Marine Corps, Air Force, Space Force, or Coast Guard, or  
21 the State Militia, called into the service or training of the  
22 United States of America, or (ii) in training or education  
23 under the supervision of the United States preliminary to  
24 induction into the military service, may have his or her  
25 license restored without paying any lapsed renewal fees or

1 restoration fee and without passing any examination if, within  
2 2 years after termination of the service, training, or  
3 education other than by dishonorable discharge, he or she  
4 furnishes the Department with an affidavit to the effect that  
5 he or she has been so engaged and that his or her service,  
6 training, or education has been so terminated.

7 (b) In addition to any other requirement for renewal of a  
8 license or the reinstatement or restoration of an expired  
9 license, as a condition for the renewal, reinstatement, or  
10 restoration of a license as a transfer care specialist, each  
11 licensee shall provide evidence to the Department of  
12 completion of at least 6 hours of continuing education during  
13 the 24 months preceding the expiration date of the license or,  
14 in the case of reinstatement or restoration, within the 24  
15 months preceding the application for reinstatement or  
16 restoration. Any continuing education sponsors shall be  
17 approved by the Board. In addition, any qualified continuing  
18 education course for licensed transfer care specialists  
19 offered by a college, university, the Illinois Funeral  
20 Directors Association, Funeral Directors Services Association  
21 of Greater Chicago, Cook County Association of Funeral Home  
22 Owners, Inc., Illinois Selected Morticians Associations, Inc.,  
23 Illinois Cemetery and Funeral Home Association, National  
24 Funeral Directors Association, Selected Independent Funeral  
25 Homes, National Funeral Directors and Morticians Association,  
26 Inc., International Order of the Golden Rule, or an Illinois

1 school of mortuary science shall be accepted toward the  
2 satisfaction of the continuing education requirements under  
3 this Section.

4 (c) The Department shall establish by rule a means for the  
5 verification of the completion of the continuing education  
6 required under this Section. The verification may be  
7 accomplished through audits of records maintained by  
8 licensees, by requiring the filing of continued education  
9 certificates with the Department or a qualified organization  
10 that has been selected by the Department to maintain the  
11 records, or by other means established by the Department.

12 (d) Any transfer care specialist whose license is in  
13 nonrenewed status shall not engage in the practice of the  
14 removal of a deceased human body from its place of death,  
15 institution, or other location in this State or use the title  
16 or advertise that he or she performs the services of a licensed  
17 transfer care specialist. Any person who violates this Section  
18 shall be considered to be practicing without a license and  
19 shall be subject to the disciplinary provisions of this Code.

20 (e) This Section is repealed on January 1, 2030.

21 (225 ILCS 41/11-40 new)

22 Sec. 11-40. Rulemaking. The Department shall adopt rules  
23 to implement and administer this Article in accordance with  
24 the Illinois Administrative Procedure Act.

1 (225 ILCS 41/15-30)

2 (Section scheduled to be repealed on January 1, 2028)

3 Sec. 15-30. Unlicensed practice; violations; civil  
4 penalty.

5 (a) Any person who practices, offers to practice, attempts  
6 to practice, or holds one's self out as a funeral director or a  
7 funeral director and embalmer, ~~or~~ a funeral director and  
8 embalmer intern, or a transfer care specialist as provided in  
9 this Code without being licensed or exempt under this Code  
10 shall, in addition to any other penalty provided by law, pay a  
11 civil penalty to the Department in an amount not to exceed  
12 \$10,000 for each offense, as determined by the Department. The  
13 civil penalty shall be assessed by the Department after a  
14 hearing is held in accordance with Section 15-75.

15 (b) The Department may investigate any actual, alleged, or  
16 suspected unlicensed activity.

17 (c) The civil penalty shall be paid within 60 days after  
18 the effective date of the order imposing the civil penalty.  
19 The order shall constitute a judgment and may be filed and  
20 execution had thereon in the same manner as any judgment from  
21 any court of record.

22 (d) A person or entity not licensed under this Code who has  
23 violated any provision of this Code or its rules is guilty of a  
24 Class A misdemeanor for the first offense and a Class 4 felony  
25 for a second and subsequent offenses.

26 (Source: P.A. 102-881, eff. 1-1-23.)

1 (225 ILCS 41/15-45)

2 (Section scheduled to be repealed on January 1, 2028)

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

5 (a) The practice of funeral directing and embalming or  
6 funeral directing by any person who has not been issued a  
7 license by the Department, whose license has been suspended or  
8 revoked, or whose license has not been renewed is hereby  
9 declared to be inimical to the public welfare and to  
10 constitute a public nuisance. The Secretary may, in the name  
11 of the People of the State of Illinois through the Attorney  
12 General of the State of Illinois, or the State's Attorney of  
13 any county in which the violation is alleged to have occurred  
14 in the State of Illinois, apply for an injunction in the  
15 circuit court to enjoin any person who has not been issued a  
16 license or whose license has been suspended or revoked, or  
17 whose license has not been renewed, from practicing funeral  
18 directing and embalming or funeral directing. Upon the filing  
19 of a verified complaint in court, the court, if satisfied by  
20 affidavit or otherwise that the person is or has been  
21 practicing funeral directing and embalming or funeral  
22 directing without having been issued a license or after his or  
23 her license has been suspended, revoked, or not renewed, may  
24 issue a temporary restraining order or preliminary injunction,  
25 without notice or bond, enjoining the defendant from further

1 practicing funeral directing and embalming or funeral  
2 directing. A copy of the verified complaint shall be served  
3 upon the defendant and the proceedings shall thereafter be  
4 conducted as in other civil cases. If it is established that  
5 the defendant has been or is practicing funeral directing and  
6 embalming or funeral directing without having been issued a  
7 license or has been or is practicing funeral directing and  
8 embalming or funeral directing after his or her license has  
9 been suspended, revoked, or not renewed, the court may enter a  
10 judgment perpetually enjoining the defendant from further  
11 practicing funeral directing and embalming or funeral  
12 directing. In case of violation of any injunction entered  
13 under this Section, the court may summarily try and punish the  
14 offender for contempt of court. Any injunction proceeding  
15 shall be in addition to, and not in lieu of, all penalties and  
16 other remedies in this Code.

17 (a-5) The practice of removing a deceased human body from  
18 its place of death, institution, or other location as a  
19 transfer care specialist by any person who has not been issued  
20 a license by the Department, whose license has been suspended  
21 or revoked, or whose license has not been renewed is hereby  
22 declared to be inimical to the public welfare and to  
23 constitute a public nuisance. The Secretary may, in the name  
24 of the People of the State of Illinois through the Attorney  
25 General or the State's Attorney of any county in this State in  
26 which the violation is alleged to have occurred, apply for an

1 injunction in the circuit court to enjoin any person who has  
2 not been issued a license, whose license has been suspended or  
3 revoked, or whose license has not been renewed, from  
4 practicing the removal of a deceased human body from its place  
5 of death, institution, or other location as a transfer care  
6 specialist. Upon the filing of a verified complaint in court,  
7 the court, if satisfied by affidavit or otherwise that the  
8 person is or has been practicing the removal of a deceased  
9 human body from its place of death, institution, or other  
10 location as a transfer care specialist without having been  
11 issued a license or after his or her license has been  
12 suspended, revoked, or not renewed, may issue a temporary  
13 restraining order or preliminary injunction, without notice or  
14 bond, enjoining the defendant from further practicing the  
15 removal of a deceased human body from its place of death,  
16 institution, or other location as a transfer care specialist.  
17 A copy of the verified complaint shall be served upon the  
18 defendant and the proceedings shall thereafter be conducted as  
19 proceedings in other civil cases. If it is established that  
20 the defendant has been or is practicing the removal of a  
21 deceased human body from its place of death, institution, or  
22 other location as a transfer care specialist without having  
23 been issued a license or has been or is practicing the removal  
24 of a deceased human body from its place of death, institution,  
25 or other location as a transfer care specialist after his or  
26 her license has been suspended, revoked, or not renewed, the

1 court may enter a judgment perpetually enjoining the defendant  
2 from further practicing the removal of a deceased human body  
3 from its place of death, institution, or other location as a  
4 transfer care specialist. In case of the violation of any  
5 injunction entered pursuant to this Section, the court may  
6 summarily try and punish the offender for contempt of court.  
7 Any injunction proceeding shall be in addition to, and not in  
8 lieu of, all penalties and other remedies in this Code.

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

19 (c) (Blank).

20 (Source: P.A. 96-1463, eff. 1-1-11; 97-333, eff. 8-12-11;  
21 97-1130, eff. 8-28-12.)

22 (225 ILCS 41/15-72)

23 Sec. 15-72. Applicant convictions.

24 (a) When reviewing a conviction by plea of guilty or nolo  
25 contendere, finding of guilt, jury verdict, or entry of

1 judgment or by sentencing of an initial applicant, the  
2 Department may only deny a license based upon consideration of  
3 mitigating factors provided in subsection (c) of this Section  
4 for a felony directly related to the practice of funeral  
5 directing and embalming.

6 (b) The following crimes or similar offenses in any other  
7 jurisdiction are hereby deemed directly related to the  
8 practice of funeral directing and embalming and the practice  
9 of removing a deceased human body from its place of death,  
10 institution, or other location as a transfer care specialist:

- 11 (1) first degree murder;
- 12 (2) second degree murder;
- 13 (3) drug induced homicide;
- 14 (4) unlawful restraint;
- 15 (5) aggravated unlawful restraint;
- 16 (6) forcible detention;
- 17 (7) involuntary servitude;
- 18 (8) involuntary sexual servitude of a minor;
- 19 (9) predatory criminal sexual assault of a child;
- 20 (10) aggravated criminal sexual assault;
- 21 (11) criminal sexual assault;
- 22 (12) criminal sexual abuse;
- 23 (13) aggravated kidnaping;
- 24 (14) aggravated robbery;
- 25 (15) armed robbery;
- 26 (16) kidnapping;

- 1 (17) aggravated battery;
- 2 (18) aggravated vehicular hijacking;
- 3 (19) terrorism;
- 4 (20) causing a catastrophe;
- 5 (21) possession of a deadly substance;
- 6 (22) making a terrorist threat;
- 7 (23) material support for terrorism;
- 8 (24) hindering prosecution of terrorism;
- 9 (25) armed violence;
- 10 (26) any felony based on consumer fraud or deceptive
- 11 business practices under the Consumer Fraud and Deceptive
- 12 Business Practices Act;
- 13 (27) any felony requiring registration as a sex
- 14 offender under the Sex Offender Registration Act;
- 15 (28) attempt of any the offenses set forth in
- 16 paragraphs (1) through (27) of this subsection (b); and
- 17 (29) convictions set forth in Section 15-75 of this
- 18 Code.

19 (c) The Department shall consider any mitigating factors

20 contained in the record, when determining the appropriate

21 disciplinary sanction, if any, to be imposed. In addition to

22 those set forth in Section 2105-130 of the Department of

23 Professional Regulation Law of the Civil Administrative Code

24 of Illinois, mitigating factors shall include the following:

- 25 (1) the bearing, if any, the criminal offense or
- 26 offenses for which the person was previously convicted

1 will have on his or her fitness or ability to perform one  
2 or more such duties and responsibilities;

3 (2) the time that has elapsed since the criminal  
4 conviction; and

5 (3) the age of the person at the time of the criminal  
6 conviction.

7 (d) The Department shall issue an annual report by January  
8 31, 2018 and by January 31 each year thereafter, indicating  
9 the following:

10 (1) the number of initial applicants for a license  
11 under this Code within the preceding calendar year;

12 (2) the number of initial applicants for a license  
13 under this Code within the previous calendar year who had  
14 a conviction;

15 (3) the number of applicants with a conviction who  
16 were granted a license under this Code within the previous  
17 year;

18 (4) the number of applicants denied a license under  
19 this Code within the preceding calendar year; and

20 (5) the number of applicants denied a license under  
21 this Code solely on the basis of a conviction within the  
22 preceding calendar year.

23 (e) Nothing in this Section shall prevent the Department  
24 taking disciplinary or non-disciplinary action against a  
25 license as set forth in paragraph (2) of subsection (b) of  
26 Section 15-175 of this Code.

1 (Source: P.A. 99-876, eff. 1-1-17.)

2 (225 ILCS 41/15-75)

3 (Section scheduled to be repealed on January 1, 2028)

4 Sec. 15-75. Grounds for discipline; penalties.

5 (a) (Blank).

6 (a-5) Violations of this Code shall be punishable as  
7 follows:

8 (1) Intentionally or knowingly making a false  
9 statement on a Certificate of Death is a Class 4 felony.

10 (2) Intentionally or knowingly making or filing false  
11 records or reports in the practice of funeral directing  
12 and embalming, including, but not limited to, false  
13 records filed with State agencies or departments is a  
14 Class 4 felony.

15 (3) Intentionally or knowingly violating the chain of  
16 custody record requirements set forth in Section 15-56 is  
17 a Class 4 felony.

18 (4) Intentionally or knowingly violating the  
19 preparation rooms procedures and rules outlined in Section  
20 15-55 is a Class 4 felony.

21 (5) Engaging in funeral directing or embalming without  
22 a license is a Class A misdemeanor.

23 (6) Engaging in practice as a transfer care specialist  
24 without a license is a Class A misdemeanor.

25 (b) The Department may refuse to issue or renew, revoke,

1 suspend, place on probation or administrative supervision,  
2 reprimand, or take other disciplinary or non-disciplinary  
3 action as the Department may deem appropriate, including fines  
4 not to exceed \$10,000 for each violation, with regard to any  
5 license under this Code for any one or combination of the  
6 following:

7 (1) Fraud or any misrepresentation in applying for or  
8 procuring a license under this Code or in connection with  
9 applying for renewal of a license under this Code.

10 (2) For licenses, conviction by plea of guilty or nolo  
11 contendere, finding of guilt, jury verdict, or entry of  
12 judgment or by sentencing of any crime, including, but not  
13 limited to, convictions, preceding sentences of  
14 supervision, conditional discharge, or first offender  
15 probation, under the laws of any jurisdiction of the  
16 United States: (i) that is a felony or (ii) that is a  
17 misdemeanor, an essential element of which is dishonesty,  
18 or that is directly related to the practice of the  
19 profession and, for initial applicants, convictions set  
20 forth in Section 15-72 of this Code.

21 (3) (Blank).

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

26 (5) Professional incompetence, gross negligence,

1 malpractice, or untrustworthiness in the practice of  
2 funeral directing and embalming or funeral directing or in  
3 practice as a transfer care specialist.

4 (6) (Blank).

5 (7) Engaging in, promoting, selling, or issuing burial  
6 contracts, burial certificates, or burial insurance  
7 policies in connection with the profession as a funeral  
8 director and embalmer, funeral director, or funeral  
9 director and embalmer intern in violation of any laws of  
10 the State of Illinois.

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

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

17 (10) (Blank).

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

26 (12) Making or causing to be made any false or

1 misleading statements about the laws concerning the  
2 disposition of human remains, including, but not limited  
3 to, the need to embalm, the need for a casket for cremation  
4 or the need for an outer burial container.

5 (13) (Blank).

6 (14) Embalming or attempting to embalm a deceased  
7 human body without express prior authorization of the  
8 person responsible for making the funeral arrangements for  
9 the body. This does not apply to cases where embalming is  
10 directed by local authorities who have jurisdiction or  
11 when embalming is required by State or local law. A  
12 licensee may embalm without express prior authorization if  
13 a good faith effort has been made to contact family  
14 members and has been unsuccessful and the licensee has no  
15 reason to believe the family opposes embalming.

16 (15) (Blank).

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

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

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

1           (19) Engaging in dishonorable, unethical, or  
2 unprofessional conduct of a character likely to deceive,  
3 defraud or harm the public.

4           (20) Taking possession of a dead human body without  
5 having first obtained express permission from the person  
6 holding the right to control the disposition in accordance  
7 with Section 5 of the Disposition of Remains Act or a  
8 public agency legally authorized to direct, control or  
9 permit the removal of deceased human bodies.

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

23          (22) Charging for professional services not rendered,  
24 including filing false statements for the collection of  
25 fees for which services are not rendered.

26          (23) Failing to account for or remit any monies,

1 documents, or personal property that belongs to others  
2 that comes into a licensee's possession.

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

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

10 (26) (Blank).

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

13 (28) (Blank).

14 (29) Aiding or assisting another person in violating  
15 any provision of this Code or rules adopted pursuant to  
16 this Code.

17 (30) Failing within 10 days, to provide information in  
18 response to a written request made by the Department.

19 (31) Discipline by another state, District of  
20 Columbia, territory, foreign nation, or governmental  
21 agency, if at least one of the grounds for the discipline  
22 is the same or substantially equivalent to those set forth  
23 in this Section.

24 (32) (Blank).

25 (33) Mental illness or disability which results in the  
26 inability to practice the profession with reasonable

1 judgment, skill, or safety.

2 (34) Gross, willful, or continued overcharging for  
3 professional services, including filing false statements  
4 for collection of fees for which services are not  
5 rendered.

6 (35) Physical illness, including, but not limited to,  
7 deterioration through the aging process or loss of motor  
8 skill which results in a licensee's inability to practice  
9 under this Code with reasonable judgment, skill, or  
10 safety.

11 (36) Failing to comply with any of the following  
12 required activities:

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

1 shall prevail.

2 (B) A licensee shall clearly mark the price of any  
3 casket offered for sale or the price of any service  
4 using the casket on or in the casket if the casket is  
5 displayed at the funeral establishment. If the casket  
6 is displayed at any other location, regardless of  
7 whether the licensee is in control of that location,  
8 the casket shall be clearly marked and the registrant  
9 shall use books, catalogues, brochures, or other  
10 printed display aids to show the price of each casket  
11 or service.

12 (C) At the time funeral arrangements are made and  
13 prior to rendering the funeral services, a licensee  
14 shall furnish a written statement of services to be  
15 retained by the person or persons making the funeral  
16 arrangements, signed by both parties, that shall  
17 contain: (i) the name, address and telephone number of  
18 the funeral establishment and the date on which the  
19 arrangements were made; (ii) the price of the service  
20 selected and the services and merchandise included for  
21 that price; (iii) a clear disclosure that the person  
22 or persons making the arrangement may decline and  
23 receive credit for any service or merchandise not  
24 desired and not required by law or the funeral  
25 director or the funeral director and embalmer; (iv)  
26 the supplemental items of service and merchandise

1 requested and the price of each item; (v) the terms or  
2 method of payment agreed upon; and (vi) a statement as  
3 to any monetary advances made by the registrant on  
4 behalf of the family. The licensee shall maintain a  
5 copy of the written statement of services in its  
6 permanent records. All written statements of services  
7 are subject to inspection by the Department.

8 (D) In all instances where the place of final  
9 disposition of a deceased human body or the cremated  
10 remains of a deceased human body is a cemetery, the  
11 licensed funeral director and embalmer, or licensed  
12 funeral director, who has been engaged to provide  
13 funeral or embalming services shall remain at the  
14 cemetery and personally witness the placement of the  
15 human remains in their designated grave or the sealing  
16 of the above ground depository, crypt, or urn. The  
17 licensed funeral director or licensed funeral director  
18 and embalmer may designate a licensed funeral director  
19 and embalmer intern or representative of the funeral  
20 home to be his or her witness to the placement of the  
21 remains. If, at a time after the funeral home has  
22 released the cremated remains, arrangements are made  
23 for the placement of the cremated remains in a  
24 designated grave, above-ground depository, crypt, or  
25 urn, and the licensed funeral director or licensed  
26 funeral director and embalmer was not contracted to be

1           present for the burial or placement of the cremated  
2           remains, the licensed funeral director or licensed  
3           funeral director and embalmer is not required to be  
4           present at the cemetery to witness the burial or  
5           placement of the cremated remains. If the cemetery  
6           authority, cemetery manager, or any other agent of the  
7           cemetery takes any action that prevents compliance  
8           with this paragraph (D), then the funeral director and  
9           embalmer or funeral director shall provide written  
10          notice to the Department within 5 business days after  
11          failing to comply. If the Department receives this  
12          notice, then the Department shall not take any  
13          disciplinary action against the funeral director and  
14          embalmer or funeral director for a violation of this  
15          paragraph (D) unless the Department finds that the  
16          cemetery authority, manager, or any other agent of the  
17          cemetery did not prevent the funeral director and  
18          embalmer or funeral director from complying with this  
19          paragraph (D) as claimed in the written notice.

20                 (E) A funeral director or funeral director and  
21          embalmer shall fully complete the portion of the  
22          Certificate of Death under the responsibility of the  
23          funeral director or funeral director and embalmer and  
24          provide all required information. In the event that  
25          any reported information subsequently changes or  
26          proves incorrect, a funeral director or funeral

1 director and embalmer shall immediately upon learning  
2 the correct information correct the Certificate of  
3 Death.

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

9 (38) (Blank).

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

17 (40) Habitual or excessive use or abuse of drugs  
18 defined in law as controlled substances, alcohol, or any  
19 other substance which results in the inability to practice  
20 with reasonable judgment, skill, or safety.

21 (41) Practicing under a false or, except as provided  
22 by law, an assumed name.

23 (42) Cheating on or attempting to subvert the  
24 licensing examination administered under this Code.

25 (c) The Department may refuse to issue or renew or may  
26 suspend without a hearing, as provided for in the Department

1 of Professional Regulation Law of the Civil Administrative  
2 Code of Illinois, the license of any person who fails to file a  
3 return, to pay the tax, penalty or interest shown in a filed  
4 return, or to pay any final assessment of tax, penalty or  
5 interest as required by any tax Act administered by the  
6 Illinois Department of Revenue, until the time as the  
7 requirements of the tax Act are satisfied in accordance with  
8 subsection (g) of Section 2105-15 of the Department of  
9 Professional Regulation Law of the Civil Administrative Code  
10 of Illinois.

11 (d) No action may be taken under this Code against a person  
12 licensed under this Code unless the action is commenced within  
13 5 years after the occurrence of the alleged violations. A  
14 continuing violation shall be deemed to have occurred on the  
15 date when the circumstances last existed that give rise to the  
16 alleged violation.

17 (e) Nothing in this Section shall be construed or enforced  
18 to give a funeral director and embalmer, or his or her  
19 designees, authority over the operation of a cemetery or over  
20 cemetery employees. Nothing in this Section shall be construed  
21 or enforced to impose duties or penalties on cemeteries with  
22 respect to the timing of the placement of human remains in  
23 their designated grave or the sealing of the above ground  
24 depository, crypt, or urn due to patron safety, the allocation  
25 of cemetery staffing, liability insurance, a collective  
26 bargaining agreement, or other such reasons.

1 (f) All fines imposed under this Section shall be paid 60  
2 days after the effective date of the order imposing the fine.

3 (g) (Blank).

4 (h) In cases where the Department of Healthcare and Family  
5 Services has previously determined a licensee or a potential  
6 licensee is more than 30 days delinquent in the payment of  
7 child support and has subsequently certified the delinquency  
8 to the Department, the Department may refuse to issue or renew  
9 or may revoke or suspend that person's license or may take  
10 other disciplinary action against that person based solely  
11 upon the certification of delinquency made by the Department  
12 of Healthcare and Family Services in accordance with item (5)  
13 of subsection (a) of Section 2105-15 of the Department of  
14 Professional Regulation Law of the Civil Administrative Code  
15 of Illinois.

16 (i) A person not licensed under this Code who is an owner  
17 of a funeral establishment or funeral business shall not aid,  
18 abet, assist, procure, advise, employ, or contract with any  
19 unlicensed person to offer funeral services or aid, abet,  
20 assist, or direct any licensed person contrary to or in  
21 violation of any rules or provisions of this Code. A person  
22 violating this subsection shall be treated as a licensee for  
23 the purposes of disciplinary action under this Section and  
24 shall be subject to cease and desist orders as provided in this  
25 Code, the imposition of a fine up to \$10,000 for each violation  
26 and any other penalty provided by law.

1           (j) The determination by a circuit court that a licensee  
2 is subject to involuntary admission or judicial admission as  
3 provided in the Mental Health and Developmental Disabilities  
4 Code, as amended, operates as an automatic suspension. The  
5 suspension may end only upon a finding by a court that the  
6 licensee is no longer subject to the involuntary admission or  
7 judicial admission and issues an order so finding and  
8 discharging the licensee, and upon the recommendation of the  
9 Board to the Secretary that the licensee be allowed to resume  
10 his or her practice.

11           (k) In enforcing this Code, the Department, upon a showing  
12 of a possible violation, may compel an individual licensed to  
13 practice under this Code, or who has applied for licensure  
14 under this Code, to submit to a mental or physical  
15 examination, or both, as required by and at the expense of the  
16 Department. The Department may order the examining physician  
17 to present testimony concerning the mental or physical  
18 examination of the licensee or applicant. No information shall  
19 be excluded by reason of any common law or statutory privilege  
20 relating to communications between the licensee or applicant  
21 and the examining physician. The examining physician shall be  
22 specifically designated by the Department. The individual to  
23 be examined may have, at his or her own expense, another  
24 physician of his or her choice present during all aspects of  
25 this examination. The examination shall be performed by a  
26 physician licensed to practice medicine in all its branches.

1 Failure of an individual to submit to a mental or physical  
2 examination, when directed, shall result in an automatic  
3 suspension without hearing.

4 A person holding a license under this Code or who has  
5 applied for a license under this Code who, because of a  
6 physical or mental illness or disability, including, but not  
7 limited to, deterioration through the aging process or loss of  
8 motor skill, is unable to practice the profession with  
9 reasonable judgment, skill, or safety, may be required by the  
10 Department to submit to care, counseling, or treatment by  
11 physicians approved or designated by the Department as a  
12 condition, term, or restriction for continued, reinstated, or  
13 renewed licensure to practice. Submission to care, counseling,  
14 or treatment as required by the Department shall not be  
15 considered discipline of a license. If the licensee refuses to  
16 enter into a care, counseling, or treatment agreement or fails  
17 to abide by the terms of the agreement, the Department may file  
18 a complaint to revoke, suspend, or otherwise discipline the  
19 license of the individual. The Secretary may order the license  
20 suspended immediately, pending a hearing by the Department.  
21 Fines shall not be assessed in disciplinary actions involving  
22 physical or mental illness or impairment.

23 In instances in which the Secretary immediately suspends a  
24 person's license under this Section, a hearing on that  
25 person's license must be convened by the Department within 15  
26 days after the suspension and completed without appreciable

1 delay. The Department shall have the authority to review the  
2 subject individual's record of treatment and counseling  
3 regarding the impairment to the extent permitted by applicable  
4 federal statutes and regulations safeguarding the  
5 confidentiality of medical records.

6 An individual licensed under this Code and affected under  
7 this Section shall be afforded an opportunity to demonstrate  
8 to the Department that he or she can resume practice in  
9 compliance with acceptable and prevailing standards under the  
10 provisions of his or her license.

11 (Source: P.A. 102-881, eff. 1-1-23; 103-907, eff. 1-1-25.)

1 INDEX

2 Statutes amended in order of appearance

3 225 ILCS 41/1-10

4 225 ILCS 41/1-15

5 225 ILCS 41/1-20

6 225 ILCS 41/1-21 new

7 225 ILCS 41/1-22 new

8 225 ILCS 41/1-23 new

9 225 ILCS 41/Art. 11

10 heading new

11 225 ILCS 41/11-1 new

12 225 ILCS 41/11-5 new

13 225 ILCS 41/11-10 new

14 225 ILCS 41/11-15 new

15 225 ILCS 41/11-20 new

16 225 ILCS 41/11-25 new

17 225 ILCS 41/11-30 new

18 225 ILCS 41/11-40 new

19 225 ILCS 41/15-30

20 225 ILCS 41/15-45

21 225 ILCS 41/15-72

22 225 ILCS 41/15-75