



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3158

Introduced 2/17/2023, by Rep. Kelly M. Cassidy

SYNOPSIS AS INTRODUCED:

New Act

Creates the Natural Organic Reduction Regulation Act. Provides that any person doing business in this State, or any cemetery, crematory, funeral establishment, corporation, partnership, joint venture, voluntary organization, or any other entity, may erect, maintain, and operate a natural organic reduction facility in the State and provide the necessary appliances and facilities for the natural organic reduction of human remains in accordance with the Act. Provides that an individual or a person, cemetery, crematory, funeral establishment, corporation, partnership, joint venture, voluntary organization, or other entity may reduce human remains only in a natural organic reduction facility operated by a disposition authority licensed for this purpose and only under the limitations provided in the Act. Provides for: grounds for denial or discipline; surrender of a license; license, display, transfer; authorizing agent; authorization for natural organic reduction; performance of natural organic reduction services, training; recordkeeping; natural organic reduction procedures; disposition of reduced human remains; limitation of liability; hazardous implants; penalties; failure to file an annual report; injunctive action, cease and desist order; service of notice; investigations, notice and hearing; compelling testimony; administrative review, venue, certification of record, costs; and preneed of natural organic reduction arrangements.

LRB103 29928 CPF 56343 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 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 the
15 overall spiritual dignity of the human. It is further a matter
16 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. "Authorizing agent" includes an
16 institution of medical, mortuary, or other sciences as
17 provided in Section 20 of the Disposition of Remains of the
18 Indigent Act.

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

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

26 "Casket" means a ridged container that is designed for the

1 encasement of human remains. A casket is usually constructed
2 of wood, metal, or like material and ornamented and lined with
3 fabric, and may or may not be combustible.

4 "Comptroller" means the Comptroller of the State.

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

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

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

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

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

1 consistent with the refrigeration requirements of this Act.

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

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

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

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

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

24 (2) Large tanks, containers, or similar vessels hold
25 human remains together with straw, wood chips, or other
26 natural materials until the process is complete.

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

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

8 "Natural organic reduction facility" means the building or
9 portions of a building that houses the natural organic
10 reduction room and the holding facility.

11 "Natural organic reduction room" means the room in which
12 the reduction chambers are located.

13 "Niche" means a compartment or cubicle for the
14 memorialization and permanent placement of an urn containing
15 reduced remains.

16 "Person" means any person, partnership, association,
17 corporation, limited liability company, or other entity, and
18 in the case of any such business organization, its officers,
19 partners, members, or shareholders possessing 25% or more of
20 ownership of the entity.

21 "Processing" means the removal of foreign objects as well
22 as, but not limited to, grinding, crushing, and pulverizing of
23 the remaining teeth and bones for the reduced human remains to
24 be integrated into the soil.

25 "Pulverization" means the reduction of identifiable bone
26 fragments after the completion of the natural organic

1 reduction process to granulated particles by manual or
2 mechanical means.

3 "Reduction chamber" means the enclosed space within which
4 individual human remains are reduced and any other attached,
5 non-enclosed, mechanical components that are necessary for the
6 safe and proper functioning of the equipment. A reduction
7 chamber shall meet or exceed the requirements set by the
8 Department of Public Health and the federal Centers for
9 Disease Control and Prevention for destruction of human
10 pathogens.

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

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

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

24 "Temporary container" means a receptacle for reduced human
25 remains, usually composed of cardboard, plastic or similar
26 material, that can be closed in a manner that prevents the

1 leakage or spillage of the reduced human remains or the
2 entrance of foreign material and is a single container of
3 sufficient size to hold the reduced human remains until an urn
4 is acquired, or the reduced human remains are scattered.

5 "Urn" means a receptacle designed to encase a portion of
6 the reduced human remains.

7 Section 15. Powers and duties of the Comptroller. Subject
8 to the provisions of this Act, the Comptroller may exercise
9 any of the following powers and duties:

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

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

18 (3) investigate any and all unlicensed activity;

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

24 (5) formulate rules required for the administration of
25 this Act; and

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

6 Section 20. Establishment of a natural organic reduction
7 facility and licensing of disposition authority.

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

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

23 (c) A natural organic reduction facility may be
24 constructed on or adjacent to any cemetery, crematory, on or
25 adjacent to any funeral establishment, or at any other

1 location consistent with local zoning regulations.

2 (d) An application for licensure as a disposition
3 authority shall be in writing on forms furnished by the
4 Comptroller. Applications shall be accompanied by a fee of
5 \$250 and shall contain all of the following:

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

14 (2) the address and location of the natural organic
15 reduction facility;

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

19 (4) any further information that the Comptroller
20 reasonably may require.

21 (e) Each disposition authority shall file an annual report
22 with the Comptroller, accompanied with a \$25 fee plus \$15 for
23 each natural organic reduction performed that calendar year,
24 providing (i) an affidavit signed by the owner of the natural
25 organic reduction facility that at the time of the report the
26 natural organic reduction device was in proper operating

1 condition and all annual recommended maintenance by the
2 manufacturer was performed, (ii) the total number of all
3 natural organic reduction performed at the natural organic
4 reduction facility during the past year, (iii) attestation by
5 the licensee that all applicable permits and certifications
6 are valid, (iv) either (A) any changes required in the
7 information provided under subsection (d) or (B) an indication
8 that no changes have occurred, and (v) any other information
9 that the Comptroller may require. The annual report shall be
10 filed by a disposition authority on or before March 15 of each
11 calendar year. If the fiscal year of a disposition authority
12 is other than on a calendar year basis, then the disposition
13 authority shall file the report required by this Section
14 within 75 days after the end of its fiscal year. If a
15 disposition authority fails to submit an annual report to the
16 Comptroller within the time specified in this Section, the
17 Comptroller shall impose upon a disposition authority a
18 penalty of \$5 for each and every day the disposition authority
19 remains delinquent in submitting the annual report. The
20 Comptroller may abate all or part of the \$5 daily penalty for
21 good cause shown.

22 (f) All records required to be maintained under this Act,
23 including, but not limited to, those relating to the license
24 and annual report of the disposition authority required to be
25 filed under this Section, shall be subject to inspection by
26 the Comptroller upon reasonable notice.

1 (g) The Comptroller may inspect a natural organic
2 reduction facility record at the disposition authority's place
3 of business to review the licensee's compliance with this Act.
4 The Comptroller may charge a fee for the inspection of \$100 to
5 the licensee. The inspection must include verification that:

6 (1) the disposition authority has complied with
7 record-keeping requirements of this Act;

8 (2) a natural organic reduction device operator's
9 certification of training and the required continuing
10 education certification is conspicuously displayed at the
11 natural organic reduction facility;

12 (3) the disposition authority is in compliance with
13 local zoning requirements;

14 (4) the disposition authority license issued by the
15 Comptroller is conspicuously displayed at the natural
16 organic reduction facility; and

17 (5) other details as determined by rule.

18 (h) Every license issued hereunder shall be renewed every
19 5 years for a renewal fee of \$250. The renewal fee shall be
20 deposited into the Comptroller's Administrative Fund. The
21 Comptroller, upon the request of an interested person or on
22 his own motion, may issue new licenses to a licensee whose
23 license or licenses have been revoked, if no factor or
24 condition then exists which would have warranted the
25 Comptroller to originally refuse the issuance of such license.

1 Section 25. Grounds for denial or discipline.

2 (a) In this Section, "applicant" means a person who has
3 applied for a license under this Act including those persons
4 whose names are listed on a license application in Section 20
5 of this Act.

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

12 (1) The applicant or licensee has made any
13 misrepresentation or false statement or concealed any
14 material fact in furnishing information to the
15 Comptroller.

16 (2) The applicant or licensee has been engaged in
17 fraudulent business practices.

18 (3) The applicant or licensee has refused to give
19 information required under this Act to be disclosed to the
20 Comptroller or failing, within 30 days, to provide
21 information in response to a written request made by the
22 Comptroller.

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

26 (5) As to any individual listed in the license

1 application as required under Section 20, that individual
2 has conducted or is about to conduct any natural organic
3 reduction business on behalf of the applicant in a
4 fraudulent manner or has been convicted of any felony or
5 misdemeanor an essential element of which is fraud.

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

10 (7) The applicant or licensee, including any member,
11 officer, or director of the applicant or licensee if the
12 applicant or licensee is a firm, partnership, association,
13 or corporation and including any shareholder holding more
14 than 25% of the corporate stock of the applicant or
15 licensee, has violated any provision of this Act or any
16 regulation or order made by the Comptroller under this
17 Act.

18 (8) The Comptroller finds any fact or condition
19 existing that, if it had existed at the time of the
20 original application for a license under this Act, would
21 have warranted the Comptroller in refusing the issuance of
22 the license.

23 (9) Any violation of this Act or of the rules adopted
24 under this Act.

25 (10) Incompetence.

26 (11) Gross malpractice.

1 (12) Discipline by another state, District of
2 Columbia, territory, or foreign nation, if at least one of
3 the grounds for the discipline is the same or
4 substantially equivalent to those set forth in this
5 Section.

6 (13) Directly or indirectly giving to or receiving
7 from any person, firm, corporation, partnership, or
8 association any fee, commission, rebate, or other form of
9 compensation for professional services not actually or
10 personally rendered.

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

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

17 (16) Gross, willful, or continued overcharging for
18 professional services, including filing false statements
19 for collection of fees for which services are not
20 rendered.

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

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

25 Section 30. License revocation or suspension; surrender of

1 license. Upon the revocation or suspension of a license issued
2 under this Act, the licensee must immediately surrender the
3 license to the Comptroller. If the licensee fails to do so, the
4 Comptroller may seize the license.

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

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

12 (a) Every license issued under this Act must state the
13 number of the license, the business name and address of the
14 licensee's principal place of business, and the licensee's
15 parent company, if any. The license must be conspicuously
16 posted in the place of business operating under the license.

17 (b) After initial licensure, if any person comes to obtain
18 at least 51% of the ownership over the natural organic
19 reduction facility, then the disposition authority shall apply
20 for a new license in the required time as set out by rule.

21 (c) Every license issued under this Act shall remain in
22 force until it has been surrendered, suspended, or revoked in
23 accordance with this Act. Upon the request of an interested
24 person or on the Comptroller's own motion, the Comptroller may

1 issue a new license to a licensee whose license has been
2 revoked under this Act if no factor or condition then exists
3 which would have warranted the Comptroller in originally
4 refusing the issuance of the license.

5 Section 45. Authorizing agent. The priority of the person
6 or persons who have the right to serve as the authorizing agent
7 for natural organic reduction is in the same priority as
8 provided for in Section 5 of the Disposition of Remains Act.

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

17 Section 55. Authorization for natural organic reduction.

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

21 (1) a natural organic reduction authorization form
22 signed by the next of kin or authorizing agent. The
23 natural organic reduction authorization form shall be

1 provided by the disposition authority and shall contain,
2 at a minimum, the following information:

3 (A) the identity of the human remains and the time
4 and date of death;

5 (B) the name of the funeral director and funeral
6 establishment, if applicable, that obtained the
7 natural organic reduction authorization;

8 (C) notification as to whether the death occurred
9 from a disease declared by the Illinois Department of
10 Health to be infectious, contagious, communicable, or
11 dangerous to the public health;

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 may
22 return the reduced human remains to the authorizing
23 agent if no final disposition arrangements are made;
24 or at the end of 60 days the disposition authority may
25 dispose of the reduced human remains in accordance
26 with this subsection (b) 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
4 be 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 pre-need basis, the natural organic
22 reduction authorization form shall contain the
23 disclosure required by subsection (b) of Sec 125; and

24 (N) the natural organic reduction authorization
25 form, other than preneed natural organic reduction
26 forms, shall also be signed by a funeral director or

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

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

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

19 (b) If an authorizing agent is not available to execute a
20 natural organic reduction authorization form in person, that
21 person may use an electronic signature or may delegate that
22 authority to another person in writing, or by sending the
23 disposition authority a facsimile transmission that contains
24 the name, address, and relationship of the sender to the
25 decedent and the name and address of the individual to whom
26 authority is delegated. Upon receipt of the written document,

1 or facsimile transmission, telegram, or other electronic
2 telecommunications transmission which specifies the individual
3 to whom authority has been delegated, the disposition
4 authority shall allow this individual to serve as the
5 authorizing agent and to execute the natural organic reduction
6 authorization form. The disposition authority shall be
7 entitled to rely upon the natural organic reduction
8 authorization form without liability.

9 (c) An authorizing agent who signs a natural organic
10 reduction authorization form shall be deemed to warrant the
11 truthfulness of any facts set forth on the natural organic
12 reduction authorization form, including that person's
13 authority to order the natural organic reduction, except for
14 the information required by subparagraphs (C) and (G) of
15 paragraph (1) of subsection (a) of this Section, unless the
16 authorizing agent has actual knowledge to the contrary. An
17 authorizing agent signing a natural organic reduction
18 authorization form shall be personally and individually liable
19 for all damages occasioned by and resulting from authorizing
20 the natural organic reduction.

21 (d) A disposition authority shall have authority to reduce
22 human remains upon the receipt of a natural organic reduction
23 authorization form signed by an authorizing agent. There shall
24 be no liability for the natural organic reduction disposition
25 authority according to a natural organic reduction
26 authorization, or that releases or disposes of the reduced

1 human remains according to a natural organic reduction
2 authorization, except for a disposition authority's gross
3 negligence, provided that the disposition authority performs
4 its functions in compliance with this Act.

5 (e) After an authorizing agent has executed a natural
6 organic reduction authorization form and before the natural
7 organic reduction process has started, the authorizing agent
8 may revoke the authorization and instruct the disposition
9 authority to cancel the natural organic reduction and to
10 release or deliver the human remains to another disposition
11 authority or funeral establishment. The instructions shall be
12 provided to the disposition authority in writing. A
13 disposition authority shall honor any instructions given to it
14 by an authorizing agent under this Section if it receives the
15 instructions prior to beginning the reducing of the human
16 remains.

17 Section 60. Performance of natural organic reduction
18 services; training. A person may not perform a natural organic
19 reduction service in this State unless the person has
20 completed training in performing natural organic reduction
21 services and received certification by a program recognized by
22 the Comptroller. The disposition authority must conspicuously
23 display the certification at the disposition authority's place
24 of business. A continuing education natural organic reduction
25 course of at least 2 hours in length from a recognized provider

1 must be completed every 5 years by each person performing a
2 natural organic reduction service. For purposes of this Act,
3 the Comptroller may recognize any training program that
4 provides training in the operation of a natural organic
5 reduction device, in the maintenance of a clean facility, and
6 in the proper handling of human remains. The Comptroller may
7 recognize any course that is conducted by a death care trade
8 association in the State or the United States for natural
9 organic reduction or by a manufacturer of a natural organic
10 reduction unit that is consistent with the standards provided
11 in this Act or as otherwise determined by rule.

12 Section 65. Recordkeeping.

13 (a) The disposition authority shall furnish to the funeral
14 director who delivers human remains to the disposition
15 authority a receipt signed at the time of delivery by both the
16 disposition authority and the funeral director who delivers
17 the human remains, showing the date and time of the delivery,
18 the type of alternative container or external wrapping that
19 was delivered, the name of the person from whom the human
20 remains were received and the name of the funeral
21 establishment or other entity with whom the person is
22 affiliated, the name of the person who received the human
23 remains on behalf of the disposition authority, and the name
24 of the decedent. The disposition authority shall retain a copy
25 of this receipt in its permanent records.

1 (b) Upon its release of the reduced human remains, the
2 disposition authority shall furnish to the person who receives
3 the reduced human remains from the disposition authority a
4 receipt signed by both the disposition authority and the
5 person who receives the natural organic reduction remains,
6 showing the date and time of the release, the name of the
7 person to whom the reduced human remains were released and the
8 name of the funeral establishment, cemetery, or other entity
9 with whom the person is affiliated, the name of the person who
10 released the reduced human remains on behalf of the
11 disposition authority, and the name of the decedent. The
12 natural organic reduction facility shall retain a copy of this
13 receipt in its permanent records.

14 (c) A disposition authority shall maintain at its place of
15 business a permanent record of each natural organic reduction
16 that took place at its facility which shall contain the name of
17 the decedent, the date of the natural organic reduction, and
18 the final disposition of the reduced human remains.

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

22 (e) Upon completion of the natural organic reduction, the
23 disposition authority shall file the burial transit permit as
24 required by the Illinois Vital Records Act and rules adopted
25 under that Act and the Illinois Counties Code, and transmit a
26 photocopy of the burial transit permit along with the reduced

1 human remains to whoever receives the reduced human remains
2 from the authorizing agent unless the reduced human remains
3 are to be interred, entombed, inurned, or placed in a
4 scattering area, in which case the disposition authority shall
5 retain a copy of the burial transit permit and shall send the
6 permit, along with the reduced human remains, to the cemetery,
7 which shall file the permit with the designated agency after
8 the interment, entombment, inurnment, or scattering has taken
9 place.

10 (f) All cemeteries shall maintain a record of all reduced
11 human remains that are disposed of on their property, provided
12 that the reduced human remains were properly transferred to
13 the cemetery and the cemetery issued a receipt acknowledging
14 the transfer of the reduced human remains.

15 Section 70. Natural organic reduction procedures.

16 (a) Human remains shall not be reduced within 24 hours
17 after the time of death, as indicated on the Medical
18 Examiner's or Coroner's Certificate of Death. In any death,
19 the human remains shall not be reduced by the disposition
20 authority until a natural organic reduction permit has been
21 received from the coroner or medical examiner of the county in
22 which the death occurred and the disposition authority has
23 received a natural organic reduction authorization form,
24 executed by an authorizing agent, in accordance with the
25 provisions of Section 60 of this Act. In no instance, however,

1 shall the lapse of time between the death and the natural
2 organic reduction be less than 24 hours, unless because of a
3 religious requirement.

4 (b) Except as set forth in subsection (a), a disposition
5 authority shall have the right to schedule the natural organic
6 reduction to be performed at its own convenience, at any time
7 after the human remains have been delivered to the disposition
8 authority, unless the disposition authority has received
9 specific instructions to the contrary on the natural organic
10 reduction authorization form.

11 (c) No disposition authority shall reduce human remains
12 when it has actual knowledge that human remains contain
13 material or implant that may be potentially hazardous to the
14 person performing the natural organic reduction.

15 (d) No disposition authority shall accept embalmed remains
16 for natural organic reduction.

17 (e) Whenever a disposition authority is unable or
18 unauthorized to reduce human remains immediately upon taking
19 custody of the remains, the disposition authority shall place
20 the human remains in operable refrigeration unit with
21 cleanable, noncorrosive interior and exterior finishes. The
22 unit must be capable of maintaining a temperature of less than
23 40 degrees Fahrenheit or below and of holding at least 3
24 bodies. For purposes of this section, immediately upon taking
25 custody means within 24 hours of taking custody. The
26 disposition authority must notify the authorizing agent of the

1 reasons for delay in the natural organic reduction if a
2 properly authorized natural organic reduction is not performed
3 within any time period expressly contemplated in the
4 authorization.

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

8 (g) A disposition authority shall not reduce the remains
9 of more than one person at the same time and in the same
10 reduction chamber or introduce the remains of a second person
11 into the reduction chamber until the reduction of preceding
12 remains has been terminated and reasonable efforts have been
13 employed to remove all fragments of preceding remains. The
14 fact that there is residue in the reduction chamber or other
15 equipment or a container used in a prior reduction does not
16 violate this section.

17 (h) No unauthorized person shall be permitted in the
18 holding facility or natural organic reduction room while any
19 human remains are being held there awaiting natural organic
20 reduction, being reduced, or being removed from the reduction
21 chamber.

22 (i) A disposition authority shall not remove any dental
23 gold, body parts, organs, or any item of value prior to or
24 subsequent to a natural organic reduction without previously
25 having received specific written authorization from the
26 authorizing agent and written instructions for the delivery of

1 these items to the authorizing agent. Under no circumstances
2 shall a disposition authority profit from making or assisting
3 in any removal of valuables.

4 (j) In instances when the remains of deceased human beings
5 are to be delivered to a natural organic reduction facility in
6 a casket that is not to be organically reduced with the
7 deceased, timely disclosure thereof must be made by the person
8 making the funeral arrangements to the natural organic
9 reduction facility that prior to the natural organic reduction
10 the remains of the deceased human being shall be transferred
11 to an alternative container. Such signed acknowledgement of
12 the authorizing person, that the timely disclosure has been
13 made, shall be retained by the natural organic reduction
14 facility in its permanent records.

15 (k) Analysis of material samples for natural organic
16 reduction a disposition authority shall:

17 (1) collect material samples for analysis that are
18 representative of each instance of natural organic
19 reduction;

20 (2) analyze each material sample of composted remains
21 for physical contaminants. Composted remains must have
22 less than 0.01 mg per kg dry weight of physical
23 contaminants which include, but are not limited to, intact
24 bone, dental filings, and medical implants;

25 (3) analyze, using a third-party laboratory approved
26 by the Department of Public Health, the natural organic

1 reduction facility's material samples of composted remains
2 according to the following schedule:

3 (i) the natural organic reduction facility's
4 initial twenty instances of composted remains for the
5 parameters identified in Table A, and any additional
6 instances of composted remains necessary to achieve
7 twenty material samples of composted remains meeting
8 the limits identified in Table A;

9 (ii) following twenty material samples of
10 composted remains meeting limits outlined in Table A,
11 analyze, at minimum, twenty-five percent of a natural
12 organic reduction facility's monthly instances of
13 composted remains for the parameters identified in
14 Table A until eighty total material samples of
15 composted remains have met the requirements in Table
16 A; or

17 (iii) the Department of Public Health or local
18 health department may require tests for additional
19 parameters under paragraphs (2) and (3).

20 (4) not release any human remains that exceed the
21 limits identified in Table A; and

22 (5) prepare, maintain, and provide upon request by the
23 Department of Public Health or local health department, an
24 annual report each calendar year. The annual report must
25 detail the natural organic reduction facility's activities
26 during the previous calendar year and must include the

1 following information:

2 (i) name and address of the natural organic
3 reduction facility;

4 (ii) calendar year covered by the report;

5 (iii) annual quantity of composted remains;

6 (iv) results of any laboratory analyses of
7 composted remains; and

8 (v) any additional information required by the
9 Illinois Department of Public Health or the local
10 health department.

11 Table A: Testing Parameters

12

13 Metals and other testing 14 parameters	Limit (mg/kg dry weight), unless otherwise specified
15 Fecal coliform 16	<1,000 Most probable number per gram of total solids (dry weight)
17 Salmonella 18	<3 Most probable number per 4 grams of total solids (dry weight)
19 Arsenic	= 20 ppm
20 Cadmium	= 10 ppm
21 Lead	= 150 ppm
22 Mercury	= 8 ppm
23 Selenium	= 18 ppm

24 (1) Upon the completion of each natural organic reduction,

1 and insofar as is practicable, all of the recoverable residue
2 of the reduction process shall be removed from the reduction
3 chamber.

4 (m) If all of the recovered reduced human remains will not
5 fit within the receptacle that has been selected, the
6 remainder of the reduced human remains shall be disposed of in
7 accordance with subsection (i) of Section 55.

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

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

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

19 (q) A disposition authority shall not reduce via natural
20 organic reduction the remains of those deemed ineligible in
21 accordance with the list maintained by the Department of
22 Public Health.

23 Section 75. Disposition of reduced human remains.

24 (a) The authorizing agent shall be responsible for the
25 final disposition of the reduced human remains may be disposed

1 of by placing them in a grave, crypt, or niche or by scattering
2 them in a scattering area as defined in this Act.

3 (b) Reduced human remains may be integrated into the soil
4 in an area where no local prohibition exists, provided that
5 the reduced human remains are not distinguishable to the
6 public, are not in a container, and that the person who has
7 control over disposition of the reduced human remains has
8 obtained written permission of the property owner or governing
9 agency to integrate into soil on the property.

10 (c) A State or local agency may adopt an ordinance,
11 regulation, or policy, as appropriate, authorizing or
12 specifically prohibiting the integration of reduced human
13 remains into the soil on lands under the agency's
14 jurisdiction. The integration into the soil of the reduced
15 human remains of more than one person in one location pursuant
16 to this section does not create a cemetery.

17 (d) Upon the completion of the natural organic reduction
18 process, and except as provided for in subparagraph (I) of
19 paragraph (1) of subsection (a) of Section 55, if the
20 disposition authority has not been instructed to arrange for
21 the interment, entombment, inurnment, or scattering of the
22 reduced human remains, the disposition authority shall deliver
23 the reduced human remains to the individual specified on the
24 natural organic reduction authorization form, or if no
25 individual is specified then to the authorizing agent. The
26 delivery may be made in person or by registered mail. Upon

1 receipt of the reduced human remains, the individual receiving
2 them may transport them in any manner in this State without a
3 permit and may dispose of them in accordance with this
4 Section. After delivery, the disposition authority shall be
5 discharged from any legal obligation or liability concerning
6 the reduced human remains.

7 (e) If, after a period of 60 days from the date the natural
8 organic reduction process is complete, the authorizing agent
9 or the agent's designee has not instructed the disposition
10 authority to arrange for the final disposition of the reduced
11 human remains or claimed the reduced human remains, the
12 disposition authority may dispose of the reduced human remains
13 in any manner permitted by this Section. The disposition
14 authority, however, shall keep a permanent record identifying
15 the site of final disposition. The authorizing agent shall be
16 responsible for reimbursing the disposition authority for all
17 reasonable expenses incurred in disposing of the reduced human
18 remains. Upon disposing of the reduced human remains, the
19 disposition authority shall be discharged from any legal
20 obligation or liability concerning the reduced remains. Any
21 person who was in possession of reduced remains prior to the
22 effective date of this Act may dispose of them in accordance
23 with this Section.

24 (f) Except with the express written permission of the
25 authorizing agent, no person shall:

26 (1) dispose of reduced human remains in a manner or in

1 a location so that the reduced human remains are
2 commingled with those of another person. This prohibition
3 shall not apply to the scattering of reduced remains at
4 sea, by air or in an area located in a dedicated cemetery
5 or private property and used exclusively for those
6 purposes; or

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

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

11 Section 80. Limitation of liability.

12 (a) A disposition authority that has received an executed
13 natural organic reduction authorization form that complies
14 with paragraph (1) of subsection (a) of Section 55 and has
15 received any additional documentation required by Section 55
16 shall not be liable for reducing the human remains designated
17 by the natural organic reduction authorization form if the
18 natural organic reduction is performed in accordance with this
19 Act.

20 (b) A disposition authority shall not be liable for
21 refusing to accept human remains or to perform a natural
22 organic reduction until it receives a court order or other
23 suitable confirmation that a dispute has been settled, if:

24 (1) it is aware of any dispute concerning the natural
25 organic reduction of the human remains;

1 (2) it has a reasonable basis for questioning any of
2 the representations made by the authorizing agent; or

3 (3) it refuses to accept the human remains for any
4 other lawful reason. This provision shall not be construed
5 as placing any affirmative obligation, not otherwise
6 required by law, on any disposition authority to accept
7 any human remains for natural organic reduction.

8 (c) No cemetery shall be liable for any reduced human
9 remains that are dumped, scattered, or otherwise deposited on
10 the cemetery in violation of this Act, if that action is taken
11 without the cemetery's consent.

12 (d) If a disposition authority is aware of any dispute
13 concerning the release or disposition of the reduced human
14 remains, the disposition authority may refuse to release the
15 reduced human remains until the dispute has been resolved or
16 the disposition authority has been provided with a court order
17 directing the release or disposition of the reduced remains. A
18 disposition authority shall not be liable for refusing to
19 release or dispose of reduced human remains in accordance with
20 this Section.

21 (e) A disposition authority shall not be responsible or
22 liable for any valuables delivered to the disposition
23 authority with human remains, unless the disposition authority
24 has received written instructions in accordance with paragraph
25 (J) of paragraph (1) of subsection (a) of Section 55.

1 Section 85. Hazardous implants. If an authorizing agent
2 informs the funeral director and the disposition authority on
3 the natural organic reduction authorization form of the
4 presence of hazardous implants in the human remains, then the
5 funeral director shall be responsible for ensuring that all
6 necessary steps have been taken to remove the hazardous
7 implants before delivering the human remains to the natural
8 organic reduction facility for natural organic reduction. The
9 funeral director who delivers the human remains to the natural
10 organic reduction facility fails to ensure that the hazardous
11 implants have been removed from the human remains prior to
12 delivery, and should the human remains be reduced, then the
13 funeral director who delivered the human remains to the
14 natural organic reduction facility and anyone else covered by
15 this Section shall be liable for all resulting damages.

16 Section 90. Penalties. Violations of this Act shall be
17 punishable as follows:

18 (1) Performing a natural organic reduction without
19 receipt of a natural organic reduction authorization form
20 signed, in either paper or electronic format, by an
21 authorizing agent shall be a Class 4 felony.

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

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

4 (4) Holding oneself out to the public as a disposition
5 authority, or the operation of a building or structure
6 within this State as a natural organic reduction facility,
7 without being licensed under this Act, shall be a Class A
8 misdemeanor.

9 (5) Performance of natural organic reduction service
10 by a person who has not completed a training program as
11 defined in Section 60 of this Act shall be a Class A
12 misdemeanor.

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

16 (7) Any person who knowingly acts without proper legal
17 authority and who willfully and knowingly destroys or
18 damages the remains of a deceased human being or who
19 desecrates human remains is guilty of a Class 3 felony.

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

22 Section 95. Failure to file annual report. Whenever a
23 disposition authority refuses or neglects to file its annual
24 report in violation of Section 20 of this Act or fails to
25 otherwise comply with the requirements of this Act, the

1 Comptroller shall impose a penalty as provided for by rule for
2 each and every day the licensee remains delinquent in
3 submitting the annual report. Such report shall be made under
4 oath and shall be in a form determined by the Comptroller.

5 Section 100. Injunctive action; cease and desist order.

6 (a) If any person violates the provisions of this Act, the
7 Comptroller, in the name of the People of the State, through
8 the Attorney General or the State's Attorney of the county in
9 which the violation is alleged to have occurred, may petition
10 for an order enjoining the violation or for an order enforcing
11 compliance with this Act. Upon the filing of a verified
12 petition, the court with appropriate jurisdiction may issue a
13 temporary restraining order, without notice or bond, and may
14 preliminarily and permanently enjoin the violation. If it is
15 established that the person has violated or is violating the
16 injunction, the court may punish the offender for contempt of
17 court. Proceedings under this Section are in addition to, and
18 not in lieu of, all other remedies and penalties provided by
19 this Act.

20 (b) Whenever, in the opinion of the Comptroller, a person
21 violates any provision of this Act, the Comptroller may issue
22 a rule to show cause why an order to cease and desist should
23 not be entered against that person. The rule shall clearly set
24 forth the grounds relied upon by the Comptroller and shall
25 allow at least 7 days from the date of the rule to file an

1 answer satisfactory to the Comptroller. Failure to answer to
2 the satisfaction of the Comptroller shall cause an order to
3 cease and desist to be issued.

4 Section 105. Service of notice. Service by the Comptroller
5 of any notice requiring a person to file a statement or report
6 under this Act shall be made: (1) personally by delivery of a
7 duly executed copy of the notice to the person to be served or,
8 if that person is not a natural person, in the manner provided
9 in the Civil Practice Law when a complaint is filed; or (2) by
10 mailing by certified mail a duly executed copy of the notice to
11 the person at his or her address of record.

12 Section 110. Investigations; notice and hearing. The
13 Comptroller may at any time investigate the actions of any
14 applicant or of any person, persons, or entity rendering or
15 offering natural organic reduction services or any person or
16 entity holding or claiming to hold a license as a licensed
17 natural organic reduction facility. The Comptroller shall,
18 before revoking, suspending, placing on probation,
19 reprimanding, or taking any other disciplinary action under
20 Section 11 of this Act, at least 30 days before the date set
21 for the hearing: (i) notify the accused in writing of the
22 charges made and the time and place for the hearing on the
23 charges; (ii) direct the accused applicant or licensee to file
24 a written answer to the charges with the Comptroller under

1 oath within 20 days after the service on the accused of the
2 notice; and (iii) inform the accused that, if the accused
3 fails to answer, default will be taken against the accused or
4 that the accused's license may be suspended, revoked, placed
5 on probationary status, or other disciplinary action taken
6 with regard to the license, including limiting the scope,
7 nature, or extent of the accused's practice, as the
8 Comptroller may consider proper.

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

1 delivery or by certified mail to the address specified by the
2 accused in the accused's last notification with the
3 Comptroller.

4 Section 115. Compelling testimony. Any circuit court, upon
5 application of the Comptroller or designated hearing officer
6 may enter an order requiring the attendance of witnesses and
7 their testimony, and the production of documents, papers,
8 files, books, and records in connection with any hearing or
9 investigation. The court may compel obedience to its order by
10 proceedings for contempt.

11 Section 120. Administrative review; venue; certification
12 of record; costs.

13 (a) All final administrative decisions of the Comptroller
14 are subject to judicial review under the Administrative Review
15 Law and its rules. The term "administrative decision" is
16 defined as in Section 3-101 of the Code of Civil Procedure.

17 (b) Proceedings for judicial review shall be commenced in
18 the circuit court of the county in which the party applying for
19 review resides, but if the party is not a resident of Illinois,
20 the venue shall be in Sangamon County.

21 (c) The Comptroller shall not be required to certify any
22 record of the court, file an answer in court, or to otherwise
23 appear in any court in a judicial review proceeding unless and
24 until the Comptroller has received from the plaintiff payment

1 of the costs of furnishing and certifying the record, which
2 costs shall be determined by the Comptroller. Failure on the
3 part of the plaintiff to make such payment to the Comptroller
4 is grounds for dismissal of the action.

5 Section 125. Preneed of natural organic reduction
6 arrangements.

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

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

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

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

5 (c) Except as provided in subsection (b) of this Section,
6 at the time of the death of a person who has executed, as the
7 authorizing agent, a natural organic reduction authorization
8 form on a preneed basis, any person in possession of an
9 executed form and any person charged with making arrangements
10 for the final disposition of the decedent who has knowledge of
11 the existence of an executed form, shall use the person's best
12 efforts to ensure that the decedent is reduced and that the
13 final disposition of the reduced human remains is in
14 accordance with the instructions contained on the natural
15 organic reduction authorization form. If a disposition
16 authority (i) is in possession of a completed a natural
17 organic reduction authorization form that was executed on a
18 preneed basis, (ii) is in possession of the designated human
19 remains, and (iii) has received payment for the natural
20 organic reduction of the human remains and the final
21 disposition of the reduced human remains or is otherwise
22 assured of payment, then the disposition authority shall be
23 required to reduced the human remains and dispose of the
24 reduced human remains according to the instructions contained
25 on the natural organic reduction authorization form and may do
26 so without any liability.

1 (d) Any preneed contract sold by, or pre-need arrangements
2 made with, a cemetery, funeral establishment, disposition
3 authority, or any other party that includes a natural organic
4 reduction shall specify the final disposition of the reduced
5 human remains, in accordance with Section 75. If no different
6 or inconsistent instructions are provided to the disposition
7 authority by the authorizing agent at the time of death, the
8 disposition authority shall be authorized to release or
9 dispose of the reduced human remains as indicated in the
10 preneed agreement. Upon compliance with the terms of the
11 preneed agreement, the disposition authority shall be
12 discharged from any legal obligation concerning the reduced
13 human remains. The preneed agreement shall be kept as a
14 permanent record by the disposition authority.

15 (e) This Section shall not apply to any natural organic
16 reduction authorization form or preneed contract executed
17 prior to the effective date of this Act. Any cemetery, funeral
18 establishment, disposition authority, or other party, however,
19 with the written approval of the authorizing agent or person
20 who executed the preneed contract, may designate that the
21 natural organic reduction authorization form or preneed
22 contract shall be subject to this Act.

23 Section 130. Employment of funeral director by a
24 disposition authority.

25 (a) A disposition authority shall be permitted to enter

1 into a contract with a funeral director or funeral business
2 for the purpose of arranging natural organic reduction on an
3 at-need basis with the general public, transporting human
4 remains to the natural organic reduction facility, and
5 processing all necessary paperwork.

6 (b) No aspect of this Act shall be construed to require a
7 licensed funeral director to perform any functions not
8 otherwise required by law to be performed by a licensed
9 funeral director.

10 Section 135. Scope of Act. This Act shall be construed and
11 interpreted as a comprehensive natural organic reduction
12 statute, and the provisions of this Act shall take precedence
13 over any existing laws containing provisions applicable to
14 natural organic reduction, but that do not specifically or
15 comprehensively address natural organic reduction.

16 Section 140. Record of proceedings; transcript. The
17 Comptroller, at its expense, shall preserve a record of all
18 proceedings at the formal hearing of any case. Any notice of
19 hearing, complaint, all other documents in the nature of
20 pleadings, written motions filed in the proceedings, the
21 transcripts of testimony, the report of the hearing officer,
22 and orders of the Comptroller shall be in the record of the
23 proceeding. The Comptroller shall furnish a transcript of such
24 record to any person interested in such hearing upon payment

1 of a reasonable fee.

2 Section 145. Subpoenas; depositions; oaths. The
3 Comptroller has the power to subpoena documents, books,
4 records or other materials and to bring before it any person
5 and to take testimony either orally or by deposition, or both,
6 with the same fees and mileage and in the same manner as
7 prescribed in civil cases in the courts of this State. The
8 Comptroller, the designated hearing officer, or any qualified
9 person the Comptroller may designate has the power to
10 administer oaths to witnesses at any hearing that the
11 Comptroller is authorized to conduct, and any other oaths
12 authorized in any Act administered by the Comptroller. Every
13 person having taken an oath or affirmation in any proceeding
14 or matter wherein an oath is required by this Act, who shall
15 swear willfully, corruptly and falsely in a matter material to
16 the issue or point in question, or shall suborn any other
17 person to swear as aforesaid, shall be guilty of perjury or
18 subornation of perjury, as the case may be and shall be
19 punished as provided by State law relative to perjury and
20 subornation of perjury.

21 Section 150. Findings and recommendations. At the
22 conclusion of the hearing, the hearing officer shall present
23 to the Comptroller a written report of its findings of fact,
24 conclusions of law, and recommendations. The report shall

1 contain a finding whether or not the accused person violated
2 this Act or its rules or failed to comply with the conditions
3 required in this Act or its rules. The hearing officer shall
4 specify the nature of any violations or failure to comply and
5 shall make recommendations to the Comptroller. In making
6 recommendations for any disciplinary actions, the hearing
7 officer may take into consideration all facts and
8 circumstances bearing upon the reasonableness of the conduct
9 of the accused and the potential for future harm to the public,
10 including but not limited to, previous discipline of the
11 accused by the Comptroller, intent, degree of harm to the
12 public and likelihood of harm in the future, any restitution
13 made by the accused, and whether the incident or incidents
14 contained in the complaint appear to be isolated or represent
15 a continuing pattern of conduct. In making its recommendations
16 for discipline, the hearing officer shall endeavor to ensure
17 that the severity of the discipline recommended is reasonably
18 related to the severity of the violation. The report of
19 findings of fact, conclusions of law, and recommendation of
20 the hearing officer shall be the basis for the Comptroller's
21 order refusing to issue, restore, place on probation, fine,
22 suspend, revoke a license, or otherwise disciplining a
23 licensee. If the Comptroller disagrees with the
24 recommendations of the hearing officer, the Comptroller may
25 issue an order in contravention of the hearing officer's
26 recommendations. The finding is not admissible in evidence

1 against the person in a criminal prosecution brought for a
2 violation of this Act, but the hearing and finding are not a
3 bar to a criminal prosecution brought for a violation of this
4 Act.

5 Section 155. Rehearing. At the conclusion of the hearing,
6 a copy of the hearing officer's report shall be served upon the
7 applicant or licensee by the Comptroller, either personally or
8 as provided in this Act. Within 20 days after service, the
9 applicant or licensee may present to the Comptroller a motion
10 in writing for a rehearing, which shall specify the particular
11 grounds for rehearing. The Comptroller may respond to the
12 motion for rehearing within 20 days after its service on the
13 Comptroller. If no motion for rehearing is filed, then upon
14 the expiration of the time specified for filing such a motion,
15 or if a motion for rehearing is denied, then upon denial, the
16 Comptroller may enter an order in accordance with
17 recommendations of the hearing officer except as provided in
18 Section 160 of this Act.

19 If the applicant or licensee orders from the reporting
20 service and pays for a transcript of the record within the time
21 for filing a motion for rehearing, the 20-day period within
22 which a motion may be filed shall commence upon the delivery of
23 the transcript to the applicant or licensee.

24 Section 160. Comptroller; rehearing. Whenever the

1 Comptroller believes that substantial justice has not been
2 done in the revocation, suspension, or refusal to issue or
3 restore a license or other discipline of an applicant or
4 licensee, he or she may order a rehearing by the same or other
5 hearing officers.

6 Section 165. Order or certified copy; prima facie proof.
7 An order or certified copy thereof, over the seal of the
8 Comptroller and purporting to be signed by the Comptroller, is
9 prima facie proof that:

- 10 (1) the signature is the genuine signature of the
11 Comptroller;
12 (2) the Comptroller is duly appointed and qualified;
13 and
14 (3) the hearing officer is qualified to act.

15 Section 170. Civil action and civil penalties. In addition
16 to the other penalties and remedies provided in this Act, the
17 Comptroller may bring a civil action in the county of
18 residence of the licensee or any other person to enjoin any
19 violation or threatened violation of this Act. In addition to
20 any other penalty provided by law, any person who violates
21 this Act shall forfeit and pay a civil penalty to the
22 Comptroller in an amount not to exceed \$5,000 for each
23 violation as determined by the Comptroller. The civil penalty
24 shall be assessed by the Comptroller in accordance with the

1 provisions of this Act.

2 Any civil penalty shall be paid within 60 days after the
3 effective date of the order imposing the civil penalty. The
4 order shall constitute a judgment and may be filed and
5 execution had thereon in the same manner as any judgment from
6 any court of record. All moneys collected under this Section
7 shall be deposited with the Comptroller.

8 Section 175. Consent order. At any point in any
9 investigation or disciplinary proceedings as provided in this
10 Act, both parties may agree to a negotiated consent order. The
11 consent order shall be final upon signature of the
12 Comptroller.

13 Section 180. Illinois Administrative Procedure Act;
14 application. The Illinois Administrative Procedure Act is
15 expressly adopted and incorporated in this Act as if all of the
16 provisions of that Act were included in this Act, except that
17 the provision of paragraph (d) of Section 10-65 of the
18 Illinois Administrative Procedure Act, which provides that at
19 hearings the licensee has the right to show compliance with
20 all lawful requirements for retention or continuation of the
21 license, is specifically excluded. For the purpose of this
22 Act, the notice required under Section 10-25 of the Illinois
23 Administrative Procedure Act is considered sufficient when
24 mailed to the address of record.

1 Section 185. Summary suspension of a license. The
2 Comptroller may summarily suspend a license of a licensed
3 natural organic reduction facility without a hearing,
4 simultaneously with the institution of proceedings for a
5 hearing provided for in this Act, if the Comptroller finds
6 that evidence in the Comptroller's possession indicates that
7 the licensee's continued practice would constitute an imminent
8 danger to the public. If the Comptroller summarily suspends
9 the license of a licensed natural organic reduction facility
10 without a hearing, a hearing must be commenced within 30 days
11 after the suspension has occurred and concluded as
12 expeditiously as practical. In the event of a summary
13 suspension, the county coroner or medical examiner responsible
14 for the area where the natural organic reduction facility is
15 located shall make arrangements to dispose of any bodies in
16 the suspended licensee's possession after consulting with the
17 authorizing agents for those bodies.

18 Section 190. Home rule. The regulation of natural organic
19 reduction facilities and disposition authorities as set forth
20 in this Act is an exclusive power and function of the State. A
21 home rule unit may not regulate natural organic reduction
22 facilities or disposition authorities. This Section is a
23 denial and limitation of home rule powers and functions under
24 subsection (h) of Section 6 of Article VII of the Illinois

1 Constitution.