

1 AN ACT concerning crematories.

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

4 Section 5. The Crematory Regulation Act is amended by
5 changing Section 10 as follows:

6 (410 ILCS 18/10)

7 Sec. 10. Establishment of crematory and licensing of
8 crematory authority.

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

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

22 (c) A crematory may be constructed ~~on or adjacent to any~~
23 ~~cemetery, on or adjacent to any funeral establishment, or~~ at
24 any ~~other~~ location consistent with local zoning regulations.

25 (d) An application for licensure as a crematory authority
26 shall be in writing on forms furnished by the Comptroller.
27 Applications shall be accompanied by a fee of \$50 and shall
28 contain all of the following:

29 (1) The full name and address, both residence and
30 business, of the applicant if the applicant is an
31 individual; the full name and address of every member if
32 the applicant is a partnership; the full name and address

1 of every member of the board of directors if the applicant
2 is an association; and the name and address of every
3 officer, director, and shareholder holding more than 25% of
4 the corporate stock if the applicant is a corporation.

5 (2) The address and location of the crematory.

6 (3) A description of the type of structure and
7 equipment to be used in the operation of the crematory,
8 including the operating permit number issued to the
9 cremation device by the Illinois Environmental Protection
10 Agency.

11 (3.5) Attestation by the owner that cremation
12 services shall be by a person trained in accordance with
13 the requirements of Section 22 of this Act.

14 (3.10) A copy of the certification or certifications
15 issued by the certification program to the person or
16 persons who will operate the cremation device.

17 (4) Any further information that the Comptroller
18 reasonably may require.

19 (e) Each crematory authority shall file an annual report
20 with the Comptroller, accompanied with a \$25 fee, providing (i)
21 an affidavit signed by the owner of the crematory authority
22 that at the time of the report the cremation device was in
23 proper operating condition, (ii) the total number of all
24 cremations performed at the crematory during the past year,
25 (iii) attestation by the licensee that all applicable permits
26 and certifications are valid, and (iv) either (A) any changes
27 required in the information provided under subsection (d) or
28 (B) an indication that no changes have occurred. The annual
29 report shall be filed by a crematory authority on or before
30 March 15 of each calendar year, in the Office of the
31 Comptroller. If the fiscal year of a crematory authority is
32 other than on a calendar year basis, then the crematory
33 authority shall file the report required by this Section within
34 75 days after the end of its fiscal year. The Comptroller
35 shall, for good cause shown, grant an extension for the filing
36 of the annual report upon the written request of the crematory

1 authority. An extension shall not exceed 60 days. If a
2 crematory authority fails to submit an annual report to the
3 Comptroller within the time specified in this Section, the
4 Comptroller shall impose upon the crematory authority a penalty
5 of \$5 for each and every day the crematory authority remains
6 delinquent in submitting the annual report. The Comptroller may
7 abate all or part of the \$5 daily penalty for good cause shown.

8 (f) All records required to be maintained under this Act,
9 including but not limited to those relating to the license and
10 annual report of the crematory authority required to be filed
11 under this Section, shall be subject to inspection by the
12 Comptroller upon reasonable notice.

13 (g) The Comptroller may inspect crematory records at the
14 crematory authority's place of business to review the
15 licensee's compliance with this Act. The inspection must
16 include verification that:

17 (1) the crematory authority has complied with
18 record-keeping requirements of this Act;

19 (2) a crematory device operator's certification of
20 training is conspicuously displayed at the crematory;

21 (3) the cremation device has a current operating
22 permit issued by the Illinois Environmental Protection
23 Agency and the permit is conspicuously displayed in the
24 crematory;

25 (4) the crematory authority is in compliance with
26 local zoning requirements; and

27 (5) the crematory authority license issued by the
28 Comptroller is conspicuously displayed at the crematory.

29 (h) The Comptroller shall issue licenses under this Act to
30 the crematories that are registered with the Comptroller as of
31 July 1, 2003 without requiring the previously registered
32 crematories to complete license applications.

33 (Source: P.A. 92-419, eff. 1-1-02; 92-675, eff. 7-1-03.)