

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 Section 1-15 as follows:

6 (225 ILCS 41/1-15)

7 (Section scheduled to be repealed on January 1, 2023)

8 Sec. 1-15. Funeral directing; definition. Conducting or
9 engaging in or representing or holding out oneself as
10 conducting or engaged in any one or any combination of the
11 following practices constitutes the practice of funeral
12 directing:

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

21 (b) The practice of operating a place for preparing for
22 the disposition of deceased human bodies or for caring for
23 deceased human bodies before their disposition. Nothing in

1 this Code shall prohibit the ownership and management of
2 such a place by an unlicensed owner if the place is
3 operated in accordance with this Code and the unlicensed
4 owner does not engage in any form of funeral directing. An
5 unlicensed owner may interact with consumers while a
6 licensed funeral director is present in accordance with
7 this Section.

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

1 facility that shares common ownership with the
2 transporting funeral home may be performed under the
3 general supervision of a licensee, but the supervision need
4 not be immediate or direct.

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", "undertaker", "mortician",
14 "funeral home", "funeral parlor", "funeral chapel", or any
15 other title implying that the person is engaged in the
16 practice of funeral directing.

17 Within the existing scope of the practice of funeral
18 directing or funeral directing and embalming, only a licensed
19 funeral director, a licensed funeral director and embalmer, or
20 a licensed funeral director and embalmer intern under the
21 restrictions provided for in this Code, and not any other
22 person employed or contracted by the licensee, may engage in
23 the following activities at-need: (1) have direct contact with
24 consumers and explain funeral or burial merchandise or services
25 or (2) negotiate, develop, or finalize contracts with
26 consumers. This paragraph shall not be construed or enforced in

1 such a manner as to limit the functions of persons regulated
2 under the Illinois Funeral or Burial Funds Act, the Illinois
3 Pre-Need Cemetery Sales Act, the Cemetery Oversight Act, the
4 Cemetery Care Act, the Cemetery Association Act, the Illinois
5 Insurance Code, or any other related professional regulatory
6 Act.

7 The practice of funeral directing shall not include the
8 phoning in of obituary notices, ordering of flowers for the
9 funeral, or reporting of prices on the firm's general price
10 list as required by the Federal Trade Commission Funeral Rule
11 by nonlicensed persons, or like clerical tasks incidental to
12 the act of making funeral arrangements.

13 The making of funeral arrangements, at need, shall be done
14 only by licensed funeral directors or licensed funeral
15 directors and embalmers. Licensed funeral director and
16 embalmer interns may, however, assist or participate in the
17 arrangements under the direct supervision of a licensed funeral
18 director or licensed funeral director and embalmer.

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