



Rep. Jil Tracy

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09800HB2616ham001

LRB098 10148 MGM 44280 a

1 AMENDMENT TO HOUSE BILL 2616

2 AMENDMENT NO. _____. Amend House Bill 2616 by replacing
3 everything after the enacting clause with the following:

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7 (Section scheduled to be repealed on January 1, 2023)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

1 connection with the preparing of dead human bodies.
2 Preparation, direction, and supervision shall not be
3 construed to mean those functions normally performed by
4 cemetery and crematory personnel.

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

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

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

12 (d) The administering and conducting of, or assuming
13 responsibility for administering and conducting of, at
14 need funeral arrangements.

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

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

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

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

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

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

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