

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. Any such

1 tank, container, or similar vessel shall be stainless  
2 steel, leakproof, promote aerobic reduction and provide  
3 for continuous monitoring of the natural organic reduction  
4 process.

5 (3) The processing of the remains after removal from  
6 the reduction chamber.

7 "Natural organic reduction authorization" means the  
8 natural organic reduction form authorizing a natural organic  
9 reduction which is signed by the next of kin or authorizing  
10 agent. This natural organic reduction form must be a separate  
11 document and cannot be a part of another form or document.

12 "Natural organic reduction facility" means the building or  
13 portions of a building that houses the natural organic  
14 reduction room and the holding facility. The facility shall  
15 have a ventilation system that ventilates from the tank,  
16 container, or similar vessel to a biofiltration system.

17 "Natural organic reduction room" means the room in which  
18 the reduction chambers are located.

19 "Niche" means a compartment or cubicle for the  
20 memorialization and permanent placement of an urn containing  
21 reduced remains.

22 "Person" means any person, partnership, association,  
23 corporation, limited liability company, or other entity, and  
24 in the case of any such business organization, its officers,  
25 partners, members, or shareholders possessing 25% or more of  
26 ownership of the entity.

1 "Processing" means the removal of foreign objects as well  
2 as, but not limited to, grinding, crushing, and pulverizing of  
3 the remaining teeth and bones for the reduced human remains to  
4 be integrated into the soil.

5 "Pulverization" means the reduction of identifiable bone  
6 fragments after the completion of the natural organic  
7 reduction process to granulated particles by manual or  
8 mechanical means.

9 "Reduction chamber" means the enclosed space within which  
10 individual human remains are reduced and any other attached,  
11 non-enclosed, mechanical components that are necessary for the  
12 safe and proper functioning of the equipment. A reduction  
13 chamber shall meet or exceed the requirements set by the  
14 federal Centers for Disease Control and Prevention for  
15 destruction of human pathogens.

16 "Reduced human remains" means the remains of a human body  
17 that have been reduced to soil through a process of reduction.  
18 "Reduced human remains" does not include foreign materials,  
19 pacemakers, or prostheses.

20 "Reduced remains interment container" means a rigid outer  
21 container that is subject to a cemetery's rules and  
22 regulations.

23 "Scattering area" means an area which may be designated by  
24 a cemetery and located on dedicated cemetery property, or an  
25 area designated as a scattering area on private land or a  
26 privately owned nature preserve where reduced human remains,

1 which have been removed from the container, can be mixed with,  
2 or placed on top of, the soil or ground cover.

3 "Temporary container" means a receptacle for reduced human  
4 remains, usually composed of cardboard, plastic or similar  
5 material, that can be closed in a manner that prevents the  
6 leakage or spillage of the reduced human remains or the  
7 entrance of foreign material and is a single container of  
8 sufficient size to hold the reduced human remains until an urn  
9 is acquired, or the reduced human remains are scattered.

10 "Urn" means a receptacle designed to encase a portion of  
11 the reduced human remains.

12 Section 15. Powers and duties of the Comptroller. Subject  
13 to the provisions of this Act, the Comptroller may exercise  
14 any of the following powers and duties:

15 (1) authorize standards to ascertain the  
16 qualifications and fitness of applicants for licensing as  
17 licensed natural organic reduction authorities and pass  
18 upon the qualifications of applicants for licensure;

19 (2) examine and audit a licensed disposition  
20 authority's record, natural organic reduction facility, or  
21 any other aspects of the natural organic reduction  
22 operations as the Comptroller deems appropriate;

23 (3) investigate any and all unlicensed activity;

24 (4) conduct hearings on proceedings to refuse to issue  
25 licenses or to revoke, suspend, place on probation,

1           reprimand, or otherwise discipline licensees and to refuse  
2           to issue licenses or to revoke, suspend, place on  
3           probation, reprimand, or otherwise discipline licensees;

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

6           (6) maintain rosters of the names and addresses of all  
7           licensees, and all entities whose licenses have been  
8           suspended, revoked, or otherwise disciplined. These  
9           rosters shall be available upon written request and  
10          payment of the required fee.

11          Section 20. Establishment of a natural organic reduction  
12          facility and licensing of disposition authority.

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

20          (b) A natural organic reduction facility shall be subject  
21          to all local, State, and federal health and environmental  
22          protection requirements and shall obtain all necessary  
23          licenses and permits from the Department of Financial and  
24          Professional Regulation, the Department of Public Health, the  
25          federal Department of Health and Human Services, and the State

1 and federal Environmental Protection Agencies, or such other  
2 appropriate local, State, or federal agencies.

3 (c) A natural organic reduction facility may be  
4 constructed on or adjacent to any cemetery, crematory, on or  
5 adjacent to any funeral establishment, or at any other  
6 location consistent with local zoning regulations.

7 (d) An application for licensure as a disposition  
8 authority shall be in writing on forms furnished by the  
9 Comptroller. Applications shall be accompanied by a fee of  
10 \$100 and shall contain all of the following:

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

19 (2) the address and location of the natural organic  
20 reduction facility;

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

24 (4) any further information that the Comptroller  
25 reasonably may require.

26 (e) Each disposition authority shall file an annual report

1 with the Comptroller, accompanied with a \$25 fee plus \$5 for  
2 each natural organic reduction performed that calendar year,  
3 providing (i) an affidavit signed by the owner of the natural  
4 organic reduction facility that at the time of the report the  
5 natural organic reduction device was in proper operating  
6 condition and all annual recommended maintenance by the  
7 manufacturer was performed, (ii) the total number of all  
8 natural organic reduction performed at the natural organic  
9 reduction facility during the past year, (iii) attestation by  
10 the licensee that all applicable permits and certifications  
11 are valid, (iv) either (A) any changes required in the  
12 information provided under subsection (d) or (B) an indication  
13 that no changes have occurred, and (v) any other information  
14 that the Comptroller may require. The annual report shall be  
15 filed by a disposition authority on or before March 15 of each  
16 calendar year. If the fiscal year of a disposition authority  
17 is other than on a calendar year basis, then the disposition  
18 authority shall file the report required by this Section  
19 within 75 days after the end of its fiscal year. If a  
20 disposition authority fails to submit an annual report to the  
21 Comptroller within the time specified in this Section, the  
22 Comptroller shall impose upon a disposition authority a  
23 penalty of \$5 for each and every day the disposition authority  
24 remains delinquent in submitting the annual report. The  
25 Comptroller may abate all or part of the \$5 daily penalty for  
26 good cause shown. The \$25 annual report fee shall be deposited

1 into the Comptroller's Administrative Fund. The \$5 fee for  
2 each natural organic reduction performed shall be deposited  
3 into the Cemetery Consumer Protection Fund.

4 (f) All records required to be maintained under this Act,  
5 including, but not limited to, those relating to the license  
6 and annual report of the disposition authority required to be  
7 filed under this Section, shall be subject to inspection by  
8 the Comptroller upon reasonable notice.

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

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

16 (2) a natural organic reduction device operator's  
17 certification of training and the required continuing  
18 education certification is conspicuously displayed at the  
19 natural organic reduction facility;

20 (3) the disposition authority is in compliance with  
21 local zoning requirements;

22 (4) the disposition authority license issued by the  
23 Comptroller is conspicuously displayed at the natural  
24 organic reduction facility; and

25 (5) other details as determined by rule.

26 (h) Every license issued hereunder shall be renewed every

1 5 years for a renewal fee of \$100. The renewal fee shall be  
2 deposited into the Comptroller's Administrative Fund. The  
3 Comptroller, upon the request of an interested person or on  
4 his own motion, may issue new licenses to a licensee whose  
5 license or licenses have been revoked, if no factor or  
6 condition then exists which would have warranted the  
7 Comptroller to originally refuse the issuance of such license.

8 Section 25. Grounds for denial or discipline.

9 (a) In this Section, "applicant" means a person who has  
10 applied for a license under this Act including those persons  
11 whose names are listed on a license application in Section 20  
12 of this Act.

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

19 (1) The applicant or licensee has made any  
20 misrepresentation or false statement or concealed any  
21 material fact in furnishing information to the  
22 Comptroller.

23 (2) The applicant or licensee has been engaged in  
24 fraudulent business practices.

25 (3) The applicant or licensee has refused to give

1 information required under this Act to be disclosed to the  
2 Comptroller or failing, within 30 days, to provide  
3 information in response to a written request made by the  
4 Comptroller.

5 (4) Engaging in dishonorable, unethical, or  
6 unprofessional conduct of a character likely to deceive,  
7 defraud, or harm the public.

8 (5) As to any individual listed in the license  
9 application as required under Section 20, that individual  
10 has conducted or is about to conduct any natural organic  
11 reduction business on behalf of the applicant in a  
12 fraudulent manner or has been convicted of any felony or  
13 misdemeanor an essential element of which is fraud.

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

18 (7) The applicant or licensee, including any member,  
19 officer, or director of the applicant or licensee if the  
20 applicant or licensee is a firm, partnership, association,  
21 or corporation and including any shareholder holding more  
22 than 25% of the corporate stock of the applicant or  
23 licensee, has violated any provision of this Act or any  
24 regulation or order made by the Comptroller under this  
25 Act.

26 (8) The Comptroller finds any fact or condition

1 existing that, if it had existed at the time of the  
2 original application for a license under this Act, would  
3 have warranted the Comptroller in refusing the issuance of  
4 the license.

5 (9) Any violation of this Act or of the rules adopted  
6 under this Act.

7 (10) Incompetence.

8 (11) Gross malpractice.

9 (12) Discipline by another state, District of  
10 Columbia, territory, or foreign nation, if at least one of  
11 the grounds for the discipline is the same or  
12 substantially equivalent to those set forth in this  
13 Section.

14 (13) Directly or indirectly giving to or receiving  
15 from any person, firm, corporation, partnership, or  
16 association any fee, commission, rebate, or other form of  
17 compensation for professional services not actually or  
18 personally rendered.

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

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

25 (16) Gross, willful, or continued overcharging for  
26 professional services, including filing false statements

1 for collection of fees for which services are not  
2 rendered.

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

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

7 Section 30. License revocation or suspension; surrender of  
8 license. Upon the revocation or suspension of a license issued  
9 under this Act, the licensee must immediately surrender the  
10 license to the Comptroller. If the licensee fails to do so, the  
11 Comptroller may seize the license.

12 Section 35. Surrender of license; effect on licensee's  
13 liability. A licensee may surrender a license issued under  
14 this Act by delivering to the Comptroller a written notice  
15 stating that the licensee thereby surrenders the license, but  
16 such a surrender does not affect the licensee's civil or  
17 criminal liability for acts committed before the surrender.

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

19 (a) Every license issued under this Act must state the  
20 number of the license, the business name and address of the  
21 licensee's principal place of business, and the licensee's  
22 parent company, if any. The license must be conspicuously  
23 posted in the place of business operating under the license.

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

5 (c) Every license issued under this Act shall remain in  
6 force until it has been surrendered, suspended, or revoked in  
7 accordance with this Act. Upon the request of an interested  
8 person or on the Comptroller's own motion, the Comptroller may  
9 issue a new license to a licensee whose license has been  
10 revoked under this Act if no factor or condition then exists  
11 which would have warranted the Comptroller in originally  
12 refusing the issuance of the license.

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

17 Section 50. Natural organic reduction only in a natural  
18 organic reduction facility. An individual or a person,  
19 cemetery, crematory, funeral establishment, corporation,  
20 partnership, joint venture, voluntary organization, or other  
21 entity may reduce human remains only in a natural organic  
22 reduction facility operated by a disposition authority  
23 licensed for this purpose and only under the limitations  
24 provided in this Act.

1 Section 55. Authorization for natural organic reduction.

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

5 (1) a natural organic reduction authorization form  
6 signed by the next of kin or authorizing agent. The  
7 natural organic reduction authorization form shall be  
8 provided by the disposition authority and shall contain,  
9 at a minimum, the following information:

10 (A) the identity of the human remains and the time  
11 and date of death;

12 (B) the name of the funeral director and funeral  
13 establishment, if applicable, that obtained the  
14 natural organic reduction authorization;

15 (C) notification as to whether the death occurred  
16 from a disease declared by the Illinois Department of  
17 Health to be infectious, contagious, communicable, or  
18 dangerous to the public health;

19 (D) the name of the authorizing agent and the  
20 relationship between the authorizing agent and the  
21 decedent;

22 (E) a representation that the authorizing agent  
23 does in fact have the right to authorize the natural  
24 organic reduction of the decedent, and that the  
25 authorizing agent is not aware of any living person

1           who has a superior priority right to that of the  
2           authorizing agent, as set forth in Section 45. In the  
3           event there is another living person who has a  
4           superior priority right to that of the authorizing  
5           agent, the form shall contain a representation that  
6           the authorizing agent has made all reasonable efforts  
7           to contact that person, has been unable to do so, and  
8           has no reason to believe that the person would object  
9           to the natural organic reduction of the decedent;

10           (F) authorization for the disposition authority to  
11           reduce the human remains by natural organic reduction;

12           (G) a representation that the human remains do not  
13           contain any other material or implant that may be  
14           potentially hazardous or cause damage to the natural  
15           organic reduction chamber or the person performing the  
16           natural organic reduction;

17           (H) the name of the person authorized to receive  
18           the reduced remains from the disposition authority;

19           (I) the manner in which final disposition of the  
20           reduced human remains is to take place, if known. If  
21           the reduction authorization form does not specify  
22           final disposition in a grave, crypt, niche, or  
23           scattering area, then the form may indicate that the  
24           reduced human remains will be held by the disposition  
25           authority for 30 days before they are released, unless  
26           they are picked up from the disposition authority

1 prior to that time, in person, by the authorizing  
2 agent with prior consent from the authorizing agent.  
3 At the end of the 60 days the disposition authority may  
4 return the reduced human remains to the authorizing  
5 agent if no final disposition arrangements are made;  
6 or at the end of 60 days the disposition authority may  
7 dispose of the reduced human remains in accordance  
8 with this subsection (b) of Section 75;

9 (J) a listing of any items of value to be delivered  
10 to the disposition authority along with the human  
11 remains, and instructions as to how the items should  
12 be handled;

13 (K) a specific statement as to whether the  
14 authorizing agent has made arrangements for any type  
15 of viewing of the decedent before natural organic  
16 reduction or for a service with the decedent present  
17 before natural organic reduction in connection with  
18 the natural organic reduction, and if so, the date and  
19 time of the viewing or service and whether the  
20 disposition authority is authorized to proceed with  
21 the natural organic reduction upon receipt of the  
22 human remains;

23 (L) the signature of the authorizing agent,  
24 attesting to the accuracy of all representations  
25 contained on the natural organic reduction  
26 authorization form, except as set forth in paragraph

1 (M) of this subsection;

2 (M) if a natural organic reduction form is being  
3 executed on a pre-need basis, the natural organic  
4 reduction authorization form shall contain the  
5 disclosure required by subsection (b) of Sec 125; and

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

24 (2) a completed and executed burial transit permit  
25 indicating that the human remains are to be reduced; and  
26 (3) any other documentation required by this State.

1 (b) If an authorizing agent is not available to execute a  
2 natural organic reduction authorization form in person, that  
3 person may use an electronic signature or may delegate that  
4 authority to another person in writing, or by sending the  
5 disposition authority a facsimile transmission that contains  
6 the name, address, and relationship of the sender to the  
7 decedent and the name and address of the individual to whom  
8 authority is delegated. Upon receipt of the written document,  
9 or facsimile transmission, telegram, or other electronic  
10 telecommunications transmission which specifies the individual  
11 to whom authority has been delegated, the disposition  
12 authority shall allow this individual to serve as the  
13 authorizing agent and to execute the natural organic reduction  
14 authorization form. The disposition authority shall be  
15 entitled to rely upon the natural organic reduction  
16 authorization form without liability.

17 (c) An authorizing agent who signs a natural organic  
18 reduction authorization form shall be deemed to warrant the  
19 truthfulness of any facts set forth on the natural organic  
20 reduction authorization form, including that person's  
21 authority to order the natural organic reduction, except for  
22 the information required by subparagraphs (C) and (G) of  
23 paragraph (1) of subsection (a) of this Section, unless the  
24 authorizing agent has actual knowledge to the contrary. An  
25 authorizing agent signing a natural organic reduction  
26 authorization form shall be personally and individually liable

1 for all damages occasioned by and resulting from authorizing  
2 the natural organic reduction.

3 (d) A disposition authority shall have authority to reduce  
4 human remains upon the receipt of a natural organic reduction  
5 authorization form signed by an authorizing agent. There shall  
6 be no liability for the natural organic reduction disposition  
7 authority according to a natural organic reduction  
8 authorization, or that releases or disposes of the reduced  
9 human remains according to a natural organic reduction  
10 authorization, except for a disposition authority's gross  
11 negligence, provided that the disposition authority performs  
12 its functions in compliance with this Act.

13 (e) After an authorizing agent has executed a natural  
14 organic reduction authorization form and before the natural  
15 organic reduction process has started, the authorizing agent  
16 may revoke the authorization and instruct the disposition  
17 authority to cancel the natural organic reduction and to  
18 release or deliver the human remains to another disposition  
19 authority or funeral establishment. The instructions shall be  
20 provided to the disposition authority in writing. A  
21 disposition authority shall honor any instructions given to it  
22 by an authorizing agent under this Section if it receives the  
23 instructions prior to beginning the reducing of the human  
24 remains.

25 Section 60. Performance of natural organic reduction

1 services; training. A person may not perform a natural organic  
2 reduction service in this State unless the person has  
3 completed training in performing natural organic reduction  
4 services and received certification by a program recognized by  
5 the Comptroller. The disposition authority must conspicuously  
6 display the certification at the disposition authority's place  
7 of business. A continuing education natural organic reduction  
8 course of at least 2 hours in length from a recognized provider  
9 must be completed every 5 years by each person performing a  
10 natural organic reduction service. For purposes of this Act,  
11 the Comptroller may recognize any training program that  
12 provides training in the operation of a natural organic  
13 reduction device, in the maintenance of a clean facility, and  
14 in the proper handling of human remains. The Comptroller may  
15 recognize any course that is conducted by a death care trade  
16 association in the State or the United States for natural  
17 organic reduction or by a manufacturer of a natural organic  
18 reduction unit that is consistent with the standards provided  
19 in this Act or as otherwise determined by rule.

20 Section 65. Recordkeeping.

21 (a) The disposition authority shall furnish to the funeral  
22 director who delivers human remains to the disposition  
23 authority a receipt signed at the time of delivery by both the  
24 disposition authority and the funeral director who delivers  
25 the human remains, showing the date and time of the delivery,

1 the type of alternative container or external wrapping that  
2 was delivered, the name of the person from whom the human  
3 remains were received and the name of the funeral  
4 establishment or other entity with whom the person is  
5 affiliated, the name of the person who received the human  
6 remains on behalf of the disposition authority, and the name  
7 of the decedent. The disposition authority shall retain a copy  
8 of this receipt in its permanent records.

9 (b) Upon its release of the reduced human remains, the  
10 disposition authority shall furnish to the person who receives  
11 the reduced human remains from the disposition authority a  
12 receipt signed by both the disposition authority and the  
13 person who receives the natural organic reduction remains,  
14 showing the date and time of the release, the name of the  
15 person to whom the reduced human remains were released and the  
16 name of the funeral establishment, cemetery, or other entity  
17 with whom the person is affiliated, the name of the person who  
18 released the reduced human remains on behalf of the  
19 disposition authority, and the name of the decedent. The  
20 natural organic reduction facility shall retain a copy of this  
21 receipt in its permanent records.

22 (c) A disposition authority shall maintain at its place of  
23 business a permanent record of each natural organic reduction  
24 that took place at its facility which shall contain the name of  
25 the decedent, the date of the natural organic reduction, and  
26 the final disposition of the reduced human remains.

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

4 (e) Upon completion of the natural organic reduction, the  
5 disposition authority shall file the burial transit permit as  
6 required by the Illinois Vital Records Act and rules adopted  
7 under that Act and the Illinois Counties Code, and transmit a  
8 photocopy of the burial transit permit along with the reduced  
9 human remains to whoever receives the reduced human remains  
10 from the authorizing agent unless the reduced human remains  
11 are to be interred, entombed, inurned, or placed in a  
12 scattering area, in which case the disposition authority shall  
13 retain a copy of the burial transit permit and shall send the  
14 permit, along with the reduced human remains, to the cemetery,  
15 which shall file the permit with the designated agency after  
16 the interment, entombment, inurnment, or scattering has taken  
17 place.

18 (f) All cemeteries shall maintain a record of all reduced  
19 human remains that are disposed of on their property, provided  
20 that the reduced human remains were properly transferred to  
21 the cemetery and the cemetery issued a receipt acknowledging  
22 the transfer of the reduced human remains.

23 Section 70. Natural organic reduction procedures.

24 (a) Human remains shall not be reduced within 24 hours  
25 after the time of death, as indicated on the Medical

1 Examiner's or Coroner's Certificate of Death. In any death,  
2 the human remains shall not be reduced by the disposition  
3 authority until a natural organic reduction permit has been  
4 received from the coroner or medical examiner of the county in  
5 which the death occurred and the disposition authority has  
6 received a natural organic reduction authorization form,  
7 executed by an authorizing agent, in accordance with the  
8 provisions of Section 60 of this Act. In no instance, however,  
9 shall the lapse of time between the death and the natural  
10 organic reduction be less than 24 hours, unless because of a  
11 religious requirement.

12 (b) Except as set forth in subsection (a), a disposition  
13 authority shall have the right to schedule the natural organic  
14 reduction to be performed at its own convenience, at any time  
15 after the human remains have been delivered to the disposition  
16 authority, unless the disposition authority has received  
17 specific instructions to the contrary on the natural organic  
18 reduction authorization form.

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

23 (d) No disposition authority shall accept embalmed remains  
24 for natural organic reduction.

25 (e) Whenever a disposition authority is unable or  
26 unauthorized to reduce human remains immediately upon taking

1 custody of the remains, the disposition authority shall place  
2 the human remains in operable refrigeration unit with  
3 cleanable, noncorrosive interior and exterior finishes. The  
4 unit must be capable of maintaining a temperature of less than  
5 40 degrees Fahrenheit or below and of holding at least 3  
6 bodies. For purposes of this section, immediately upon taking  
7 custody means within 24 hours of taking custody. The  
8 disposition authority must notify the authorizing agent of the  
9 reasons for delay in the natural organic reduction if a  
10 properly authorized natural organic reduction is not performed  
11 within any time period expressly contemplated in the  
12 authorization.

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

16 (g) A disposition authority shall not reduce the remains  
17 of more than one person at the same time and in the same  
18 reduction chamber or introduce the remains of a second person  
19 into the reduction chamber until the reduction of preceding  
20 remains has been terminated and reasonable efforts have been  
21 employed to remove all fragments of preceding remains. The  
22 fact that there is residue in the reduction chamber or other  
23 equipment or a container used in a prior reduction does not  
24 violate this section.

25 (h) No unauthorized person shall be permitted in the  
26 holding facility or natural organic reduction room while any

1 human remains are being held there awaiting natural organic  
2 reduction, being reduced, or being removed from the reduction  
3 chamber.

4 (i) A disposition authority shall not remove any dental  
5 gold, body parts, organs, or any item of value prior to or  
6 subsequent to a natural organic reduction without previously  
7 having received specific written authorization from the  
8 authorizing agent and written instructions for the delivery of  
9 these items to the authorizing agent. Under no circumstances  
10 shall a disposition authority profit from making or assisting  
11 in any removal of valuables.

12 (j) In instances when the remains of deceased human beings  
13 are to be delivered to a natural organic reduction facility in  
14 a casket that is not to be organically reduced with the  
15 deceased, timely disclosure thereof must be made by the person  
16 making the funeral arrangements to the natural organic  
17 reduction facility that prior to the natural organic reduction  
18 the remains of the deceased human being shall be transferred  
19 to an alternative container. Such signed acknowledgement of  
20 the authorizing person, that the timely disclosure has been  
21 made, shall be retained by the natural organic reduction  
22 facility in its permanent records.

23 (k) A disposition authority shall:

24 (1) collect material samples for analysis that are  
25 representative of each instance of natural organic  
26 reduction;

1           (2) analyze each material sample of reduced remains  
2           for physical contaminants. Reduced remains must have less  
3           than 0.01 mg per kg dry weight of physical contaminants  
4           which include, but are not limited to, intact bone, dental  
5           filings, and medical implants;

6           (3) analyze, using a third-party laboratory accredited  
7           by the Illinois Environmental Protection Agency's  
8           Laboratory Accreditation Program, the natural organic  
9           reduction facility's material samples of reduced remains  
10          according to the following schedule:

11           (i) the natural organic reduction facility's  
12          initial 20 instances of reduced remains for the  
13          parameters identified in Table A, and any additional  
14          instances of reduced remains necessary to achieve 20  
15          material samples of reduced remains meeting the limits  
16          identified in Table A;

17           (ii) following 20 material samples of reduced  
18          remains meeting limits outlined in Table A, analyze,  
19          at minimum, 25% of a natural organic reduction  
20          facility's monthly instances of reduced remains for  
21          the parameters identified in Table A until 80 total  
22          material samples of reduced remains have met the  
23          requirements in Table A; or

24           (iii) the Comptroller, Department of Public  
25          Health, or local health department may require tests  
26          for additional parameters under paragraphs (2) and

1 (3).

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

4 (5) prepare, maintain, and provide upon request by the  
5 Comptroller, Department of Public Health, or local health  
6 department, an annual report each calendar year. The  
7 annual report must detail the natural organic reduction  
8 facility's activities during the previous calendar year  
9 and must include the following information:

10 (i) name and address of the natural organic  
11 reduction facility;

12 (ii) calendar year covered by the report;

13 (iii) annual quantity of reduced remains;

14 (iv) results of any laboratory analyses of reduced  
15 remains, including an affirmation that the analysis  
16 was prepared in accordance with this subsection (k);  
17 and

18 (v) any additional information required by the  
19 Comptroller, Illinois Department of Public Health, or  
20 the local health department.

21 Table A: Testing Parameters

22

23 Metals and other testing Limit (mg/kg dry weight),  
24 parameters unless otherwise specified

1	Fecal coliform	<1,000 Most probable number per
2		gram of total solids (dry
		weight)
3	Salmonella	<3 Most probable number per 4
4		grams of total solids (dry
		weight)
5	Arsenic	= 20 ppm
6	Cadmium	= 10 ppm
7	Lead	= 150 ppm
8	Mercury	= 8 ppm
9	Selenium	= 18 ppm

10 (l) Upon the completion of each natural organic reduction,  
11 and insofar as is practicable, all of the recoverable residue  
12 of the reduction process shall be removed from the reduction  
13 chamber.

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

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

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

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

5           (q) A disposition authority shall not reduce via natural  
6 organic reduction the remains required to be labeled as an  
7 infection hazard under 77 Ill. Adm. Code 690.1200(k).

8           (r) In the case of an event where the health of the public  
9 may be at risk or there are signs at a facility of a potential  
10 health hazard, the Illinois Department of Public Health shall  
11 be consulted to assess the natural organic reduction facility.

12           Section 75. Disposition of reduced human remains.

13           (a) The authorizing agent shall be responsible for the  
14 final disposition of the reduced human remains. The reduced  
15 human remains may be disposed of by placing them in a grave,  
16 crypt, or niche or by scattering them in a scattering area as  
17 defined in this Act.

18           (b) Reduced human remains may be integrated into the soil  
19 in an area where no local prohibition exists, provided that  
20 the reduced human remains are not distinguishable to the  
21 public, are not in a container, and that the person who has  
22 control over disposition of the reduced human remains has  
23 obtained written permission of the property owner or governing  
24 agency to integrate into soil on the property.

25           (c) A State or local agency may adopt an ordinance,

1 regulation, or policy, as appropriate, authorizing or  
2 specifically prohibiting the integration of reduced human  
3 remains into the soil on lands under the agency's  
4 jurisdiction. The integration into the soil of the reduced  
5 human remains of more than one person in one location pursuant  
6 to this section does not create a cemetery.

7 (d) Upon the completion of the natural organic reduction  
8 process, and except as provided for in subparagraph (I) of  
9 paragraph (1) of subsection (a) of Section 55, if the  
10 disposition authority has not been instructed to arrange for  
11 the interment, entombment, inurnment, or scattering of the  
12 reduced human remains, the disposition authority shall deliver  
13 the reduced human remains to the individual specified on the  
14 natural organic reduction authorization form or, if no  
15 individual is specified, then to the authorizing agent. Upon  
16 receipt of the reduced human remains, the individual receiving  
17 them may transport them in any manner in this State without a  
18 permit and may dispose of them in accordance with this  
19 Section. After delivery, the disposition authority shall be  
20 discharged from any legal obligation or liability concerning  
21 the reduced human remains.

22 (e) If, after a period of 60 days from the date the natural  
23 organic reduction process is complete, the authorizing agent  
24 or the agent's designee has not instructed the disposition  
25 authority to arrange for the final disposition of the reduced  
26 human remains or claimed the reduced human remains, the

1 disposition authority may dispose of the reduced human remains  
2 in any manner permitted by this Section. The disposition  
3 authority, however, shall keep a permanent record identifying  
4 the site of final disposition. The authorizing agent shall be  
5 responsible for reimbursing the disposition authority for all  
6 reasonable expenses incurred in disposing of the reduced human  
7 remains. Upon disposing of the reduced human remains, the  
8 disposition authority shall be discharged from any legal  
9 obligation or liability concerning the reduced remains. Any  
10 person who was in possession of reduced remains prior to the  
11 effective date of this Act may dispose of them in accordance  
12 with this Section.

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

15 (1) dispose of reduced human remains in a manner or in  
16 a location so that the reduced human remains are  
17 commingled with those of another person. This prohibition  
18 shall not apply to the scattering of reduced remains at  
19 sea, by air or in an area located in a dedicated cemetery  
20 or private property and used exclusively for those  
21 purposes; or

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

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

1 Section 80. Limitation of liability.

2 (a) A disposition authority that has received an executed  
3 natural organic reduction authorization form that complies  
4 with paragraph (1) of subsection (a) of Section 55 and has  
5 received any additional documentation required by Section 55  
6 shall not be liable for reducing the human remains designated  
7 by the natural organic reduction authorization form if the  
8 natural organic reduction is performed in accordance with this  
9 Act.

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

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

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

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

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

1           (d) If a disposition authority is aware of any dispute  
2 concerning the release or disposition of the reduced human  
3 remains, the disposition authority may refuse to release the  
4 reduced human remains until the dispute has been resolved or  
5 the disposition authority has been provided with a court order  
6 directing the release or disposition of the reduced remains. A  
7 disposition authority shall not be liable for refusing to  
8 release or dispose of reduced human remains in accordance with  
9 this Section.

10           (e) A disposition authority shall not be responsible or  
11 liable for any valuables delivered to the disposition  
12 authority with human remains, unless the disposition authority  
13 has received written instructions in accordance with paragraph  
14 (J) of paragraph (1) of subsection (a) of Section 55.

15           Section 85. Hazardous implants. If an authorizing agent  
16 informs the funeral director and the disposition authority on  
17 the natural organic reduction authorization form of the  
18 presence of hazardous implants in the human remains, then the  
19 funeral director shall be responsible for ensuring that all  
20 necessary steps have been taken to remove the hazardous  
21 implants before delivering the human remains to the natural  
22 organic reduction facility for natural organic reduction. The  
23 funeral director who delivers the human remains to the natural  
24 organic reduction facility fails to ensure that the hazardous  
25 implants have been removed from the human remains prior to

1 delivery, and should the human remains be reduced, then the  
2 funeral director who delivered the human remains to the  
3 natural organic reduction facility and anyone else covered by  
4 this Section shall be liable for all resulting damages.

5 Section 90. Penalties. Violations of this Act shall be  
6 punishable as follows:

7 (1) Performing a natural organic reduction without  
8 receipt of a natural organic reduction authorization form  
9 signed, in either paper or electronic format, by an  
10 authorizing agent shall be a Class 4 felony.

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

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

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

23 (5) Performance of natural organic reduction service  
24 by a person who has not completed a training program as  
25 defined in Section 60 of this Act shall be a Class A

1           misdemeanor.

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

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

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

11          Section 95. Failure to file annual report. Whenever a  
12          disposition authority refuses or neglects to file its annual  
13          report in violation of Section 20 of this Act or fails to  
14          otherwise comply with the requirements of this Act, the  
15          Comptroller shall impose a penalty as provided for by rule for  
16          each and every day the licensee remains delinquent in  
17          submitting the annual report. Such report shall be made under  
18          oath and shall be in a form determined by the Comptroller.

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

20          (a) If any person violates the provisions of this Act, the  
21          Comptroller, in the name of the People of the State, through  
22          the Attorney General or the State's Attorney of the county in  
23          which the violation is alleged to have occurred, may petition  
24          for an order enjoining the violation or for an order enforcing

1 compliance with this Act. Upon the filing of a verified  
2 petition, the court with appropriate jurisdiction may issue a  
3 temporary restraining order, without notice or bond, and may  
4 preliminarily and permanently enjoin the violation. If it is  
5 established that the person has violated or is violating the  
6 injunction, the court may punish the offender for contempt of  
7 court. Proceedings under this Section are in addition to, and  
8 not in lieu of, all other remedies and penalties provided by  
9 this Act.

10 (b) Whenever, in the opinion of the Comptroller, a person  
11 violates any provision of this Act, the Comptroller may issue  
12 a rule to show cause why an order to cease and desist should  
13 not be entered against that person. The rule shall clearly set  
14 forth the grounds relied upon by the Comptroller and shall  
15 allow at least 7 days from the date of the rule to file an  
16 answer satisfactory to the Comptroller. Failure to answer to  
17 the satisfaction of the Comptroller shall cause an order to  
18 cease and desist to be issued.

19 Section 105. Service of notice. Service by the Comptroller  
20 of any notice requiring a person to file a statement or report  
21 under this Act shall be made: (1) personally by delivery of a  
22 duly executed copy of the notice to the person to be served or,  
23 if that person is not a natural person, in the manner provided  
24 in the Civil Practice Law when a complaint is filed; or (2) by  
25 mailing by certified mail a duly executed copy of the notice to

1 the person at his or her address of record.

2 Section 110. Investigations; notice and hearing. The  
3 Comptroller may at any time investigate the actions of any  
4 applicant or of any person, persons, or entity rendering or  
5 offering natural organic reduction services or any person or  
6 entity holding or claiming to hold a license as a licensed  
7 natural organic reduction facility. The Comptroller shall,  
8 before revoking, suspending, placing on probation,  
9 reprimanding, or taking any other disciplinary action under  
10 Section 11 of this Act, at least 30 days before the date set  
11 for the hearing: (i) notify the accused in writing of the  
12 charges made and the time and place for the hearing on the  
13 charges; (ii) direct the accused applicant or licensee to file  
14 a written answer to the charges with the Comptroller under  
15 oath within 20 days after the service on the accused of the  
16 notice; and (iii) inform the accused that, if the accused  
17 fails to answer, default will be taken against the accused or  
18 that the accused's license may be suspended, revoked, placed  
19 on probationary status, or other disciplinary action taken  
20 with regard to the license, including limiting the scope,  
21 nature, or extent of the accused's practice, as the  
22 Comptroller may consider proper.

23 At the time and place fixed in the notice, the Comptroller  
24 shall proceed to hear the charges and the parties, or their  
25 counsel shall be accorded ample opportunity to present any

1 pertinent statements, testimony, evidence, and arguments. The  
2 Comptroller shall have the authority to appoint an attorney  
3 duly licensed to practice law in the State to serve as the  
4 hearing officer in any disciplinary action with regard to a  
5 license. The hearing officer shall have full authority to  
6 conduct the hearing. The Comptroller may continue the hearing  
7 from time to time. In case the person, after receiving the  
8 notice, fails to file an answer, the person's license may, in  
9 the discretion of the Comptroller, be suspended, revoked,  
10 placed on probationary status, or the Comptroller may take  
11 whatever disciplinary action considered proper, including  
12 limiting the scope, nature, or extent of the person's practice  
13 or the imposition of a fine, without a hearing, if the act or  
14 acts charged constitute sufficient grounds for that action  
15 under this Act. The written notice may be served by personal  
16 delivery or by certified mail to the address specified by the  
17 accused in the accused's last notification with the  
18 Comptroller.

19 Section 115. Compelling testimony. Any circuit court, upon  
20 application of the Comptroller or designated hearing officer  
21 may enter an order requiring the attendance of witnesses and  
22 their testimony, and the production of documents, papers,  
23 files, books, and records in connection with any hearing or  
24 investigation. The court may compel obedience to its order by  
25 proceedings for contempt.

1           Section 120. Administrative review; venue; certification  
2 of record; costs.

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

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

11           (c) The Comptroller shall not be required to certify any  
12 record of the court, file an answer in court, or to otherwise  
13 appear in any court in a judicial review proceeding unless and  
14 until the Comptroller has received from the plaintiff payment  
15 of the costs of furnishing and certifying the record, which  
16 costs shall be determined by the Comptroller. Failure on the  
17 part of the plaintiff to make such payment to the Comptroller  
18 is grounds for dismissal of the action.

19           Section 125. Preneed of natural organic reduction  
20 arrangements.

21           (a) Any person, or anyone who has legal authority to act on  
22 behalf of a person, on a preneed basis, may authorize the  
23 person's own natural organic reduction and the final  
24 disposition of the person's reduced remains by executing, as

1 the authorizing agent, a natural organic reduction  
2 authorization form on a preneed basis. A copy of this form  
3 shall be provided to the person. Any person shall have the  
4 right to transfer or cancel this authorization at any time  
5 prior to death by destroying the executed natural organic  
6 reduction authorization form and providing written notice to  
7 the disposition authority named in the preneed form.

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

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

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

20 (c) Except as provided in subsection (b) of this Section,  
21 at the time of the death of a person who has executed, as the  
22 authorizing agent, a natural organic reduction authorization  
23 form on a preneed basis, any person in possession of an  
24 executed form and any person charged with making arrangements  
25 for the final disposition of the decedent who has knowledge of  
26 the existence of an executed form, shall use the person's best

1 efforts to ensure that the decedent is reduced and that the  
2 final disposition of the reduced human remains is in  
3 accordance with the instructions contained on the natural  
4 organic reduction authorization form. If a disposition  
5 authority (i) is in possession of a completed natural organic  
6 reduction authorization form that was executed on a preneed  
7 basis, (ii) is in possession of the designated human remains,  
8 and (iii) has received payment for the natural organic  
9 reduction of the human remains and the final disposition of  
10 the reduced human remains or is otherwise assured of payment,  
11 then the disposition authority shall be required to reduced  
12 the human remains and dispose of the reduced human remains  
13 according to the instructions contained on the natural organic  
14 reduction authorization form and may do so without any  
15 liability.

16 (d) Any preneed contract sold by, or pre-need arrangements  
17 made with, a cemetery, funeral establishment, disposition  
18 authority, or any other party that includes a natural organic  
19 reduction shall specify the final disposition of the reduced  
20 human remains, in accordance with Section 75. If no different  
21 or inconsistent instructions are provided to the disposition  
22 authority by the authorizing agent at the time of death, the  
23 disposition authority shall be authorized to release or  
24 dispose of the reduced human remains as indicated in the  
25 preneed agreement. Upon compliance with the terms of the  
26 preneed agreement, the disposition authority shall be

1 discharged from any legal obligation concerning the reduced  
2 human remains. The preneed agreement shall be kept as a  
3 permanent record by the disposition authority.

4 (e) This Section shall not apply to any natural organic  
5 reduction authorization form or preneed contract executed  
6 prior to the effective date of this Act. Any cemetery, funeral  
7 establishment, disposition authority, or other party, however,  
8 with the written approval of the authorizing agent or person  
9 who executed the preneed contract, may designate that the  
10 natural organic reduction authorization form or preneed  
11 contract shall be subject to this Act.

12 Section 130. Employment of funeral director by a  
13 disposition authority.

14 (a) A disposition authority shall be permitted to enter  
15 into a contract with a funeral director or funeral business  
16 for the purpose of arranging natural organic reduction on an  
17 at-need basis with the general public, transporting human  
18 remains to the natural organic reduction facility, and  
19 processing all necessary paperwork.

20 (b) No aspect of this Act shall be construed to require a  
21 licensed funeral director to perform any functions not  
22 otherwise required by law to be performed by a licensed  
23 funeral director.

24 Section 135. Scope of Act. This Act shall be construed and

1 interpreted as a comprehensive natural organic reduction  
2 statute, and the provisions of this Act shall take precedence  
3 over any existing laws containing provisions applicable to  
4 natural organic reduction, but that do not specifically or  
5 comprehensively address natural organic reduction.

6 Section 140. Record of proceedings; transcript. The  
7 Comptroller, at its expense, shall preserve a record of all  
8 proceedings at the formal hearing of any case. Any notice of  
9 hearing, complaint, all other documents in the nature of  
10 pleadings, written motions filed in the proceedings, the  
11 transcripts of testimony, the report of the hearing officer,  
12 and orders of the Comptroller shall be in the record of the  
13 proceeding. The Comptroller shall furnish a transcript of such  
14 record to any person interested in such hearing upon payment  
15 of a reasonable fee.

16 Section 145. Subpoenas; depositions; oaths. The  
17 Comptroller has the power to subpoena documents, books,  
18 records or other materials and to bring before it any person  
19 and to take testimony either orally or by deposition, or both,  
20 with the same fees and mileage and in the same manner as  
21 prescribed in civil cases in the courts of this State. The  
22 Comptroller, the designated hearing officer, or any qualified  
23 person the Comptroller may designate has the power to  
24 administer oaths to witnesses at any hearing that the

1 Comptroller is authorized to conduct, and any other oaths  
2 authorized in any Act administered by the Comptroller. Every  
3 person having taken an oath or affirmation in any proceeding  
4 or matter wherein an oath is required by this Act, who shall  
5 swear willfully, corruptly and falsely in a matter material to  
6 the issue or point in question, or shall suborn any other  
7 person to swear as aforesaid, shall be guilty of perjury or  
8 subornation of perjury, as the case may be and shall be  
9 punished as provided by State law relative to perjury and  
10 subornation of perjury.

11 Section 150. Findings and recommendations. At the  
12 conclusion of the hearing, the hearing officer shall present  
13 to the Comptroller a written report of its findings of fact,  
14 conclusions of law, and recommendations. The report shall  
15 contain a finding whether or not the accused person violated  
16 this Act or its rules or failed to comply with the conditions  
17 required in this Act or its rules. The hearing officer shall  
18 specify the nature of any violations or failure to comply and  
19 shall make recommendations to the Comptroller. In making  
20 recommendations for any disciplinary actions, the hearing  
21 officer may take into consideration all facts and  
22 circumstances bearing upon the reasonableness of the conduct  
23 of the accused and the potential for future harm to the public,  
24 including but not limited to, previous discipline of the  
25 accused by the Comptroller, intent, degree of harm to the

1 public and likelihood of harm in the future, any restitution  
2 made by the accused, and whether the incident or incidents  
3 contained in the complaint appear to be isolated or represent  
4 a continuing pattern of conduct. In making its recommendations  
5 for discipline, the hearing officer shall endeavor to ensure  
6 that the severity of the discipline recommended is reasonably  
7 related to the severity of the violation. The report of  
8 findings of fact, conclusions of law, and recommendation of  
9 the hearing officer shall be the basis for the Comptroller's  
10 order refusing to issue, restore, place on probation, fine,  
11 suspend, revoke a license, or otherwise disciplining a  
12 licensee. If the Comptroller disagrees with the  
13 recommendations of the hearing officer, the Comptroller may  
14 issue an order in contravention of the hearing officer's  
15 recommendations. The finding is not admissible in evidence  
16 against the person in a criminal prosecution brought for a  
17 violation of this Act, but the hearing and finding are not a  
18 bar to a criminal prosecution brought for a violation of this  
19 Act.

20 Section 155. Rehearing. At the conclusion of the hearing,  
21 a copy of the hearing officer's report shall be served upon the  
22 applicant or licensee by the Comptroller, either personally or  
23 as provided in this Act. Within 20 days after service, the  
24 applicant or licensee may present to the Comptroller a motion  
25 in writing for a rehearing, which shall specify the particular

1 grounds for rehearing. The Comptroller may respond to the  
2 motion for rehearing within 20 days after its service on the  
3 Comptroller. If no motion for rehearing is filed, then upon  
4 the expiration of the time specified for filing such a motion,  
5 or if a motion for rehearing is denied, then upon denial, the  
6 Comptroller may enter an order in accordance with  
7 recommendations of the hearing officer except as provided in  
8 Section 160 of this Act.

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

14 Section 160. Comptroller; rehearing. Whenever the  
15 Comptroller believes that substantial justice has not been  
16 done in the revocation, suspension, or refusal to issue or  
17 restore a license or other discipline of an applicant or  
18 licensee, he or she may order a rehearing by the same or other  
19 hearing officers.

20 Section 165. Order or certified copy; prima facie proof.  
21 An order or certified copy thereof, over the seal of the  
22 Comptroller and purporting to be signed by the Comptroller, is  
23 prima facie proof that:

24 (1) the signature is the genuine signature of the

1 Comptroller;

2 (2) the Comptroller is duly appointed and qualified;

3 and

4 (3) the hearing officer is qualified to act.

5 Section 170. Civil action and civil penalties. In addition  
6 to the other penalties and remedies provided in this Act, the  
7 Comptroller may bring a civil action in the county of  
8 residence of the licensee or any other person to enjoin any  
9 violation or threatened violation of this Act. In addition to  
10 any other penalty provided by law, any person who violates  
11 this Act shall forfeit and pay a civil penalty to the  
12 Comptroller in an amount not to exceed \$5,000 for each  
13 violation as determined by the Comptroller. The civil penalty  
14 shall be assessed by the Comptroller in accordance with the  
15 provisions of this Act.

16 Any civil penalty shall be paid within 60 days after the  
17 effective date of the order imposing the civil penalty. The  
18 order shall constitute a judgment and may be filed and  
19 execution had thereon in the same manner as any judgment from  
20 any court of record. All moneys collected under this Section  
21 shall be deposited with the Comptroller.

22 Section 175. Consent order. At any point in any  
23 investigation or disciplinary proceedings as provided in this  
24 Act, both parties may agree to a negotiated consent order. The

1 consent order shall be final upon signature of the  
2 Comptroller.

3 Section 180. Illinois Administrative Procedure Act;  
4 application. The Illinois Administrative Procedure Act is  
5 expressly adopted and incorporated in this Act as if all of the  
6 provisions of that Act were included in this Act, except that  
7 the provision of paragraph (d) of Section 10-65 of the  
8 Illinois Administrative Procedure Act, which provides that at  
9 hearings the licensee has the right to show compliance with  
10 all lawful requirements for retention or continuation of the  
11 license, is specifically excluded. For the purpose of this  
12 Act, the notice required under Section 10-25 of the Illinois  
13 Administrative Procedure Act is considered sufficient when  
14 mailed to the address of record.

15 Section 185. Summary suspension of a license. The  
16 Comptroller may summarily suspend a license of a licensed  
17 natural organic reduction facility without a hearing,  
18 simultaneously with the institution of proceedings for a  
19 hearing provided for in this Act, if the Comptroller finds  
20 that evidence in the Comptroller's possession indicates that  
21 the licensee's continued practice would constitute an imminent  
22 danger to the public. If the Comptroller summarily suspends  
23 the license of a licensed natural organic reduction facility  
24 without a hearing, a hearing must be commenced within 30 days

1 after the suspension has occurred and concluded as  
2 expeditiously as practical. In the event of a summary  
3 suspension, the county coroner or medical examiner responsible  
4 for the area where the natural organic reduction facility is  
5 located shall make arrangements to dispose of any bodies in  
6 the suspended licensee's possession after consulting with the  
7 authorizing agents for those bodies.

8 Section 99. Effective date. This Act takes effect January  
9 1, 2025.