



Rep. Kelly M. Cassidy

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1 AMENDMENT TO HOUSE BILL 3158

2 AMENDMENT NO. _____. Amend House Bill 3158 by replacing
3 everything after the enacting clause with the following:

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

1 reduction, as defined in this Act, be done only by qualified
2 persons authorized by this Act. This Act shall be liberally
3 construed to best carry out these subjects and purposes.

4 Section 10. Definitions. As used in this Act:

5 "Address of record" means the designated address recorded
6 by the Comptroller in the applicant's or licensee's
7 application file or license file. The address of record shall
8 be the permanent street address of the natural organic
9 reduction facility.

10 "Alternative container" means a receptacle or
11 biodegradable external wrapping, other than a casket, in which
12 human remains are transported to the natural organic reduction
13 facility. An alternative container shall be: (i) able to be
14 closed in order to provide a complete covering for the human
15 remains; (ii) resistant to leakage or spillage; (iii) rigid
16 enough for handling with ease; and (iv) able to provide
17 protection for the health, safety, and personal integrity of
18 the natural organic reduction facilities personnel.

19 "Authorizing agent" means a person legally entitled to
20 order the natural organic reduction and final disposition of
21 specific human remains. "Authorizing agent" includes an
22 institution of medical, mortuary, or other sciences as
23 provided in Section 20 of the Disposition of Remains of the
24 Indigent Act.

25 "Body parts" means limbs or other portions of the anatomy

1 that are removed from a person or human remains for medical
2 purposes during treatment, surgery, biopsy, autopsy, or
3 medical research or human bodies or any portion of bodies that
4 have been donated to science for medical research purposes.

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

7 "Casket" means a ridged container that is designed for the
8 encasement of human remains. A casket is usually constructed
9 of wood, metal, or like material and ornamented and lined with
10 fabric, and may or may not be combustible.

11 "Comptroller" means the Comptroller of the State.

12 "Disposition authority" means the legal entity which is
13 licensed by the Comptroller to operate a natural organic
14 reduction facility and to perform natural organic reductions.

15 "Final disposition" means the burial, cremation, natural
16 organic reduction, or other disposition of human remains or
17 parts of human remains.

18 "Funeral director" means a person known by the title of
19 "funeral director", "funeral director and embalmer", or other
20 similar words or titles licensed by the State to practice
21 funeral directing or funeral directing and embalming.

22 "Funeral establishment" means a building or separate
23 portion of a building having a specific street address and
24 location and devoted to activities relating to the shelter,
25 care, custody, and preparation of a deceased human body and
26 may contain facilities for funeral or wake services.

1 "Holding facility" means an area that: (i) is designated
2 for the retention of human remains prior to natural organic
3 reduction; (ii) complies with all applicable public health
4 law; (iii) preserves the health and safety of the natural
5 organic reduction facilities personnel; and (iv) is secure
6 from access by anyone other than authorized persons. A holding
7 facility may be located in the natural organic reduction room,
8 consistent with the refrigeration requirements of this Act.

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

12 "Integrate into the soil" means the authorized addition
13 and mixing of reduced human remains with existing soil in a
14 defined area within a dedicated cemetery, conservation area,
15 property where the person who has control over the disposition
16 of the reduced human remains has obtained written permission
17 of the property owner.

18 "Licensee" means an entity licensed under this Act. An
19 entity that holds itself as a licensee or that is accused of
20 unlicensed practice is considered a licensee for purposes of
21 enforcement, investigation, hearings, and the Illinois
22 Administrative Procedure Act.

23 "Natural organic reduction" means the process of
24 transforming a human body into soil using the natural
25 decomposition process, accelerated with the addition of
26 organic materials through the following steps:

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

5 (2) Large tanks, containers, or similar vessels hold
6 human remains together with straw, wood chips, or other
7 natural materials until the process is complete. Any such
8 tank, container, or similar vessel shall be stainless
9 steel, leakproof, promote aerobic reduction and provide
10 for continuous monitoring of the natural organic reduction
11 process.

12 (3) The processing of the remains after removal from
13 the reduction chamber.

14 "Natural organic reduction authorization" means the
15 natural organic reduction form authorizing a natural organic
16 reduction which is signed by the next of kin or authorizing
17 agent. This natural organic reduction form must be a separate
18 document and cannot be a part of another form or document.

19 "Natural organic reduction facility" means the building or
20 portions of a building that houses the natural organic
21 reduction room and the holding facility. The facility shall
22 have a ventilation system that ventilates from the tank,
23 container, or similar vessel to a biofiltration system.

24 "Natural organic reduction room" means the room in which
25 the reduction chambers are located.

26 "Niche" means a compartment or cubicle for the

1 memorialization and permanent placement of an urn containing
2 reduced remains.

3 "Person" means any person, partnership, association,
4 corporation, limited liability company, or other entity, and
5 in the case of any such business organization, its officers,
6 partners, members, or shareholders possessing 25% or more of
7 ownership of the entity.

8 "Processing" means the removal of foreign objects as well
9 as, but not limited to, grinding, crushing, and pulverizing of
10 the remaining teeth and bones for the reduced human remains to
11 be integrated into the soil.

12 "Pulverization" means the reduction of identifiable bone
13 fragments after the completion of the natural organic
14 reduction process to granulated particles by manual or
15 mechanical means.

16 "Reduction chamber" means the enclosed space within which
17 individual human remains are reduced and any other attached,
18 non-enclosed, mechanical components that are necessary for the
19 safe and proper functioning of the equipment. A reduction
20 chamber shall meet or exceed the requirements set by the
21 federal Centers for Disease Control and Prevention for
22 destruction of human pathogens.

23 "Reduced human remains" means the remains of a human body
24 that have been reduced to soil through a process of reduction.

25 "Reduced human remains" does not include foreign materials,
26 pacemakers, or prostheses.

1 "Reduced remains interment container" means a rigid outer
2 container that is subject to a cemetery's rules and
3 regulations.

4 "Scattering area" means an area which may be designated by
5 a cemetery and located on dedicated cemetery property, or an
6 area designated as a scattering area on private land or a
7 privately owned nature preserve where reduced human remains,
8 which have been removed from the container, can be mixed with,
9 or placed on top of, the soil or ground cover.

10 "Temporary container" means a receptacle for reduced human
11 remains, usually composed of cardboard, plastic or similar
12 material, that can be closed in a manner that prevents the
13 leakage or spillage of the reduced human remains or the
14 entrance of foreign material and is a single container of
15 sufficient size to hold the reduced human remains until an urn
16 is acquired, or the reduced human remains are scattered.

17 "Urn" means a receptacle designed to encase a portion of
18 the reduced human remains.

19 Section 15. Powers and duties of the Comptroller. Subject
20 to the provisions of this Act, the Comptroller may exercise
21 any of the following powers and duties:

22 (1) authorize standards to ascertain the
23 qualifications and fitness of applicants for licensing as
24 licensed natural organic reduction authorities and pass
25 upon the qualifications of applicants for licensure;

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

5 (3) investigate any and all unlicensed activity;

6 (4) conduct hearings on proceedings to refuse to issue
7 licenses or to revoke, suspend, place on probation,
8 reprimand, or otherwise discipline licensees and to refuse
9 to issue licenses or to revoke, suspend, place on
10 probation, reprimand, or otherwise discipline licensees;

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

13 (6) maintain rosters of the names and addresses of all
14 licensees, and all entities whose licenses have been
15 suspended, revoked, or otherwise disciplined. These
16 rosters shall be available upon written request and
17 payment of the required fee.

18 Section 20. Establishment of a natural organic reduction
19 facility and licensing of disposition authority.

20 (a) Any person doing business in this State, or any
21 cemetery, crematory, funeral establishment, corporation,
22 partnership, joint venture, voluntary organization, or any
23 other entity, may erect, maintain, and operate a natural
24 organic reduction facility in this State and provide the
25 necessary appliances and facilities for the natural organic

1 reduction of human remains in accordance with this Act.

2 (b) A natural organic reduction facility shall be subject
3 to all local, State, and federal health and environmental
4 protection requirements and shall obtain all necessary
5 licenses and permits from the Department of Financial and
6 Professional Regulation, the Department of Public Health, the
7 federal Department of Health and Human Services, and the State
8 and federal Environmental Protection Agencies, or such other
9 appropriate local, State, or federal agencies.

10 (c) A natural organic reduction facility may be
11 constructed on or adjacent to any cemetery, crematory, on or
12 adjacent to any funeral establishment, or at any other
13 location consistent with local zoning regulations.

14 (d) An application for licensure as a disposition
15 authority shall be in writing on forms furnished by the
16 Comptroller. Applications shall be accompanied by a fee of
17 \$100 and shall contain all of the following:

18 (1) the full name and address, both residence and
19 business, of the applicant if the applicant is an
20 individual; the full name and address of every member if
21 the applicant is a partnership; the full name and address
22 of every member of the board of directors if the applicant
23 is an association; and the name and address of every
24 officer, director, and shareholder holding more than 25%
25 of the corporate stock if the applicant is a corporation;

26 (2) the address and location of the natural organic

1 reduction facility;

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

5 (4) any further information that the Comptroller
6 reasonably may require.

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

1 disposition authority fails to submit an annual report to the
2 Comptroller within the time specified in this Section, the
3 Comptroller shall impose upon a disposition authority a
4 penalty of \$5 for each and every day the disposition authority
5 remains delinquent in submitting the annual report. The
6 Comptroller may abate all or part of the \$5 daily penalty for
7 good cause shown. The \$25 annual report fee shall be deposited
8 into the Comptroller's Administrative Fund. The \$5 fee for
9 each natural organic reduction performed shall be deposited
10 into the Cemetery Consumer Protection Fund.

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

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

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

23 (2) a natural organic reduction device operator's
24 certification of training and the required continuing
25 education certification is conspicuously displayed at the
26 natural organic reduction facility;

1 (3) the disposition authority is in compliance with
2 local zoning requirements;

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

6 (5) other details as determined by rule.

7 (h) Every license issued hereunder shall be renewed every
8 5 years for a renewal fee of \$100. The renewal fee shall be
9 deposited into the Comptroller's Administrative Fund. The
10 Comptroller, upon the request of an interested person or on
11 his own motion, may issue new licenses to a licensee whose
12 license or licenses have been revoked, if no factor or
13 condition then exists which would have warranted the
14 Comptroller to originally refuse the issuance of such license.

15 Section 25. Grounds for denial or discipline.

16 (a) In this Section, "applicant" means a person who has
17 applied for a license under this Act including those persons
18 whose names are listed on a license application in Section 20
19 of this Act.

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

1 (1) The applicant or licensee has made any
2 misrepresentation or false statement or concealed any
3 material fact in furnishing information to the
4 Comptroller.

5 (2) The applicant or licensee has been engaged in
6 fraudulent business practices.

7 (3) The applicant or licensee has refused to give
8 information required under this Act to be disclosed to the
9 Comptroller or failing, within 30 days, to provide
10 information in response to a written request made by the
11 Comptroller.

12 (4) Engaging in dishonorable, unethical, or
13 unprofessional conduct of a character likely to deceive,
14 defraud, or harm the public.

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

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

25 (7) The applicant or licensee, including any member,
26 officer, or director of the applicant or licensee if the

1 applicant or licensee is a firm, partnership, association,
2 or corporation and including any shareholder holding more
3 than 25% of the corporate stock of the applicant or
4 licensee, has violated any provision of this Act or any
5 regulation or order made by the Comptroller under this
6 Act.

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

12 (9) Any violation of this Act or of the rules adopted
13 under this Act.

14 (10) Incompetence.

15 (11) Gross malpractice.

16 (12) Discipline by another state, District of
17 Columbia, territory, or foreign nation, if at least one of
18 the grounds for the discipline is the same or
19 substantially equivalent to those set forth in this
20 Section.

21 (13) Directly or indirectly giving to or receiving
22 from any person, firm, corporation, partnership, or
23 association any fee, commission, rebate, or other form of
24 compensation for professional services not actually or
25 personally rendered.

26 (14) A finding by the Comptroller that the licensee,

1 after having its license placed on probationary status,
2 has violated the terms of probation.

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

6 (16) Gross, willful, or continued overcharging for
7 professional services, including filing false statements
8 for collection of fees for which services are not
9 rendered.

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

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

14 Section 30. License revocation or suspension; surrender of
15 license. Upon the revocation or suspension of a license issued
16 under this Act, the licensee must immediately surrender the
17 license to the Comptroller. If the licensee fails to do so, the
18 Comptroller may seize the license.

19 Section 35. Surrender of license; effect on licensee's
20 liability. A licensee may surrender a license issued under
21 this Act by delivering to the Comptroller a written notice
22 stating that the licensee thereby surrenders the license, but
23 such a surrender does not affect the licensee's civil or
24 criminal liability for acts committed before the surrender.

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

2 (a) Every license issued under this Act must state the
3 number of the license, the business name and address of the
4 licensee's principal place of business, and the licensee's
5 parent company, if any. The license must be conspicuously
6 posted in the place of business operating under the license.

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

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

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

23 Section 50. Natural organic reduction only in a natural

1 organic reduction facility. An individual or a person,
2 cemetery, crematory, funeral establishment, corporation,
3 partnership, joint venture, voluntary organization, or other
4 entity may reduce human remains only in a natural organic
5 reduction facility operated by a disposition authority
6 licensed for this purpose and only under the limitations
7 provided in this Act.

8 Section 55. Authorization for natural organic reduction.

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

12 (1) a natural organic reduction authorization form
13 signed by the next of kin or authorizing agent. The
14 natural organic reduction authorization form shall be
15 provided by the disposition authority and shall contain,
16 at a minimum, the following information:

17 (A) the identity of the human remains and the time
18 and date of death;

19 (B) the name of the funeral director and funeral
20 establishment, if applicable, that obtained the
21 natural organic reduction authorization;

22 (C) notification as to whether the death occurred
23 from a disease declared by the Illinois Department of
24 Health to be infectious, contagious, communicable, or
25 dangerous to the public health;

1 (D) the name of the authorizing agent and the
2 relationship between the authorizing agent and the
3 decedent;

4 (E) a representation that the authorizing agent
5 does in fact have the right to authorize the natural
6 organic reduction of the decedent, and that the
7 authorizing agent is not aware of any living person
8 who has a superior priority right to that of the
9 authorizing agent, as set forth in Section 45. In the
10 event there is another living person who has a
11 superior priority right to that of the authorizing
12 agent, the form shall contain a representation that
13 the authorizing agent has made all reasonable efforts
14 to contact that person, has been unable to do so, and
15 has no reason to believe that the person would object
16 to the natural organic reduction of the decedent;

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

19 (G) a representation that the human remains do not
20 contain any other material or implant that may be
21 potentially hazardous or cause damage to the natural
22 organic reduction chamber or the person performing the
23 natural organic reduction;

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

26 (I) the manner in which final disposition of the

1 reduced human remains is to take place, if known. If
2 the reduction authorization form does not specify
3 final disposition in a grave, crypt, niche, or
4 scattering area, then the form may indicate that the
5 reduced human remains will be held by the disposition
6 authority for 30 days before they are released, unless
7 they are picked up from the disposition authority
8 prior to that time, in person, by the authorizing
9 agent with prior consent from the authorizing agent.
10 At the end of the 60 days the disposition authority may
11 return the reduced human remains to the authorizing
12 agent if no final disposition arrangements are made;
13 or at the end of 60 days the disposition authority may
14 dispose of the reduced human remains in accordance
15 with this subsection (b) of Section 75;

16 (J) a listing of any items of value to be delivered
17 to the disposition authority along with the human
18 remains, and instructions as to how the items should
19 be handled;

20 (K) a specific statement as to whether the
21 authorizing agent has made arrangements for any type
22 of viewing of the decedent before natural organic
23 reduction or for a service with the decedent present
24 before natural organic reduction in connection with
25 the natural organic reduction, and if so, the date and
26 time of the viewing or service and whether the

1 disposition authority is authorized to proceed with
2 the natural organic reduction upon receipt of the
3 human remains;

4 (L) the signature of the authorizing agent,
5 attesting to the accuracy of all representations
6 contained on the natural organic reduction
7 authorization form, except as set forth in paragraph
8 (M) of this subsection;

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

13 (N) the natural organic reduction authorization
14 form, other than preneed natural organic reduction
15 forms, shall also be signed by a funeral director or
16 other representative of the disposition authority that
17 obtained the natural organic reduction authorization.
18 That individual shall merely execute the natural
19 organic reduction authorization form as a witness and
20 shall not be responsible for any of the
21 representations made by the authorizing agent, unless
22 the individual has actual knowledge to the contrary.
23 The information requested by subparagraphs (A), (B),
24 (C), and (G) of this subsection, however, shall be
25 considered to be representations of the authorizing
26 agent. The funeral director or funeral establishment

1 shall warrant to the natural organic reduction
2 facility that the human remains delivered to the
3 disposition authority are the human remains identified
4 on the natural organic reduction authorization form;

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

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

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

24 (c) An authorizing agent who signs a natural organic
25 reduction authorization form shall be deemed to warrant the
26 truthfulness of any facts set forth on the natural organic

1 reduction authorization form, including that person's
2 authority to order the natural organic reduction, except for
3 the information required by subparagraphs (C) and (G) of
4 paragraph (1) of subsection (a) of this Section, unless the
5 authorizing agent has actual knowledge to the contrary. An
6 authorizing agent signing a natural organic reduction
7 authorization form shall be personally and individually liable
8 for all damages occasioned by and resulting from authorizing
9 the natural organic reduction.

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

20 (e) After an authorizing agent has executed a natural
21 organic reduction authorization form and before the natural
22 organic reduction process has started, the authorizing agent
23 may revoke the authorization and instruct the disposition
24 authority to cancel the natural organic reduction and to
25 release or deliver the human remains to another disposition
26 authority or funeral establishment. The instructions shall be

1 provided to the disposition authority in writing. A
2 disposition authority shall honor any instructions given to it
3 by an authorizing agent under this Section if it receives the
4 instructions prior to beginning the reducing of the human
5 remains.

6 Section 60. Performance of natural organic reduction
7 services; training. A person may not perform a natural organic
8 reduction service in this State unless the person has
9 completed training in performing natural organic reduction
10 services and received certification by a program recognized by
11 the Comptroller. The disposition authority must conspicuously
12 display the certification at the disposition authority's place
13 of business. A continuing education natural organic reduction
14 course of at least 2 hours in length from a recognized provider
15 must be completed every 5 years by each person performing a
16 natural organic reduction service. For purposes of this Act,
17 the Comptroller may recognize any training program that
18 provides training in the operation of a natural organic
19 reduction device, in the maintenance of a clean facility, and
20 in the proper handling of human remains. The Comptroller may
21 recognize any course that is conducted by a death care trade
22 association in the State or the United States for natural
23 organic reduction or by a manufacturer of a natural organic
24 reduction unit that is consistent with the standards provided
25 in this Act or as otherwise determined by rule.

1 Section 65. Recordkeeping.

2 (a) The disposition authority shall furnish to the funeral
3 director who delivers human remains to the disposition
4 authority a receipt signed at the time of delivery by both the
5 disposition authority and the funeral director who delivers
6 the human remains, showing the date and time of the delivery,
7 the type of alternative container or external wrapping that
8 was delivered, the name of the person from whom the human
9 remains were received and the name of the funeral
10 establishment or other entity with whom the person is
11 affiliated, the name of the person who received the human
12 remains on behalf of the disposition authority, and the name
13 of the decedent. The disposition authority shall retain a copy
14 of this receipt in its permanent records.

15 (b) Upon its release of the reduced human remains, the
16 disposition authority shall furnish to the person who receives
17 the reduced human remains from the disposition authority a
18 receipt signed by both the disposition authority and the
19 person who receives the natural organic reduction remains,
20 showing the date and time of the release, the name of the
21 person to whom the reduced human remains were released and the
22 name of the funeral establishment, cemetery, or other entity
23 with whom the person is affiliated, the name of the person who
24 released the reduced human remains on behalf of the
25 disposition authority, and the name of the decedent. The

1 natural organic reduction facility shall retain a copy of this
2 receipt in its permanent records.

3 (c) A disposition authority shall maintain at its place of
4 business a permanent record of each natural organic reduction
5 that took place at its facility which shall contain the name of
6 the decedent, the date of the natural organic reduction, and
7 the final disposition of the reduced human remains.

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

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

25 (f) All cemeteries shall maintain a record of all reduced
26 human remains that are disposed of on their property, provided

1 that the reduced human remains were properly transferred to
2 the cemetery and the cemetery issued a receipt acknowledging
3 the transfer of the reduced human remains.

4 Section 70. Natural organic reduction procedures.

5 (a) Human remains shall not be reduced within 24 hours
6 after the time of death, as indicated on the Medical
7 Examiner's or Coroner's Certificate of Death. In any death,
8 the human remains shall not be reduced by the disposition
9 authority until a natural organic reduction permit has been
10 received from the coroner or medical examiner of the county in
11 which the death occurred and the disposition authority has
12 received a natural organic reduction authorization form,
13 executed by an authorizing agent, in accordance with the
14 provisions of Section 60 of this Act. In no instance, however,
15 shall the lapse of time between the death and the natural
16 organic reduction be less than 24 hours, unless because of a
17 religious requirement.

18 (b) Except as set forth in subsection (a), a disposition
19 authority shall have the right to schedule the natural organic
20 reduction to be performed at its own convenience, at any time
21 after the human remains have been delivered to the disposition
22 authority, unless the disposition authority has received
23 specific instructions to the contrary on the natural organic
24 reduction authorization form.

25 (c) No disposition authority shall reduce human remains

1 when it has actual knowledge that human remains contain
2 material or implant that may be potentially hazardous to the
3 person performing the natural organic reduction.

4 (d) No disposition authority shall accept embalmed remains
5 for natural organic reduction.

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

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

23 (g) A disposition authority shall not reduce the remains
24 of more than one person at the same time and in the same
25 reduction chamber or introduce the remains of a second person
26 into the reduction chamber until the reduction of preceding

1 remains has been terminated and reasonable efforts have been
2 employed to remove all fragments of preceding remains. The
3 fact that there is residue in the reduction chamber or other
4 equipment or a container used in a prior reduction does not
5 violate this section.

6 (h) No unauthorized person shall be permitted in the
7 holding facility or natural organic reduction room while any
8 human remains are being held there awaiting natural organic
9 reduction, being reduced, or being removed from the reduction
10 chamber.

11 (i) A disposition authority shall not remove any dental
12 gold, body parts, organs, or any item of value prior to or
13 subsequent to a natural organic reduction without previously
14 having received specific written authorization from the
15 authorizing agent and written instructions for the delivery of
16 these items to the authorizing agent. Under no circumstances
17 shall a disposition authority profit from making or assisting
18 in any removal of valuables.

19 (j) In instances when the remains of deceased human beings
20 are to be delivered to a natural organic reduction facility in
21 a casket that is not to be organically reduced with the
22 deceased, timely disclosure thereof must be made by the person
23 making the funeral arrangements to the natural organic
24 reduction facility that prior to the natural organic reduction
25 the remains of the deceased human being shall be transferred
26 to an alternative container. Such signed acknowledgement of

1 the authorizing person, that the timely disclosure has been
2 made, shall be retained by the natural organic reduction
3 facility in its permanent records.

4 (k) A disposition authority shall:

5 (1) collect material samples for analysis that are
6 representative of each instance of natural organic
7 reduction;

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

13 (3) analyze, using a third-party laboratory accredited
14 by the Illinois Environmental Protection Agency's
15 Laboratory Accreditation Program, the natural organic
16 reduction facility's material samples of reduced remains
17 according to the following schedule:

18 (i) the natural organic reduction facility's
19 initial 20 instances of reduced remains for the
20 parameters identified in Table A, and any additional
21 instances of reduced remains necessary to achieve 20
22 material samples of reduced remains meeting the limits
23 identified in Table A;

24 (ii) following 20 material samples of reduced
25 remains meeting limits outlined in Table A, analyze,
26 at minimum, 25% of a natural organic reduction

1 facility's monthly instances of reduced remains for
2 the parameters identified in Table A until 80 total
3 material samples of reduced remains have met the
4 requirements in Table A; or

5 (iii) the Comptroller, Department of Public
6 Health, or local health department may require tests
7 for additional parameters under paragraphs (2) and
8 (3).

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

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

17 (i) name and address of the natural organic
18 reduction facility;

19 (ii) calendar year covered by the report;

20 (iii) annual quantity of reduced remains;

21 (iv) results of any laboratory analyses of reduced
22 remains, including an affirmation that the analysis
23 was prepared in accordance with this subsection (k);
24 and

25 (v) any additional information required by the
26 Comptroller, Illinois Department of Public Health, or

1 the local health department.

2 Table A: Testing Parameters

3

4 Metals and other testing 5 parameters	Limit (mg/kg dry weight), unless otherwise specified
6 Fecal coliform	<1,000 Most probable number per 7 gram of total solids (dry weight)
8 Salmonella	<3 Most probable number per 4 9 grams of total solids (dry weight)
10 Arsenic	= 20 ppm
11 Cadmium	= 10 ppm
12 Lead	= 150 ppm
13 Mercury	= 8 ppm
14 Selenium	= 18 ppm

15 (l) Upon the completion of each natural organic reduction,
16 and insofar as is practicable, all of the recoverable residue
17 of the reduction process shall be removed from the reduction
18 chamber.

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

23 (n) A disposition authority shall not knowingly represent

1 to an authorizing agent or the agent's designee that a
2 temporary container or urn contains the reduced remains of a
3 specific decedent when it does not.

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

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

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

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

18 Section 75. Disposition of reduced human remains.

19 (a) The authorizing agent shall be responsible for the
20 final disposition of the reduced human remains. The reduced
21 human remains may be disposed of by placing them in a grave,
22 crypt, or niche or by scattering them in a scattering area as
23 defined in this Act.

24 (b) Reduced human remains may be integrated into the soil
25 in an area where no local prohibition exists, provided that

1 the reduced human remains are not distinguishable to the
2 public, are not in a container, and that the person who has
3 control over disposition of the reduced human remains has
4 obtained written permission of the property owner or governing
5 agency to integrate into soil on the property.

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

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

1 the reduced human remains.

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

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

21 (1) dispose of reduced human remains in a manner or in
22 a location so that the reduced human remains are
23 commingled with those of another person. This prohibition
24 shall not apply to the scattering of reduced remains at
25 sea, by air or in an area located in a dedicated cemetery
26 or private property and used exclusively for those

1 purposes; or

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

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

6 Section 80. Limitation of liability.

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

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

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

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

23 (3) it refuses to accept the human remains for any
24 other lawful reason. This provision shall not be construed
25 as placing any affirmative obligation, not otherwise

1 required by law, on any disposition authority to accept
2 any human remains for natural organic reduction.

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

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

16 (e) A disposition authority shall not be responsible or
17 liable for any valuables delivered to the disposition
18 authority with human remains, unless the disposition authority
19 has received written instructions in accordance with paragraph
20 (J) of paragraph (1) of subsection (a) of Section 55.

21 Section 85. Hazardous implants. If an authorizing agent
22 informs the funeral director and the disposition authority on
23 the natural organic reduction authorization form of the
24 presence of hazardous implants in the human remains, then the
25 funeral director shall be responsible for ensuring that all

1 necessary steps have been taken to remove the hazardous
2 implants before delivering the human remains to the natural
3 organic reduction facility for natural organic reduction. The
4 funeral director who delivers the human remains to the natural
5 organic reduction facility fails to ensure that the hazardous
6 implants have been removed from the human remains prior to
7 delivery, and should the human remains be reduced, then the
8 funeral director who delivered the human remains to the
9 natural organic reduction facility and anyone else covered by
10 this Section shall be liable for all resulting damages.

11 Section 90. Penalties. Violations of this Act shall be
12 punishable as follows:

13 (1) Performing a natural organic reduction without
14 receipt of a natural organic reduction authorization form
15 signed, in either paper or electronic format, by an
16 authorizing agent shall be a Class 4 felony.

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

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

24 (4) Holding oneself out to the public as a disposition
25 authority, or the operation of a building or structure

1 within this State as a natural organic reduction facility,
2 without being licensed under this Act, shall be a Class A
3 misdemeanor.

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

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

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

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

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

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

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

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

25 Section 105. Service of notice. Service by the Comptroller

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

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

1 with regard to the license, including limiting the scope,
2 nature, or extent of the accused's practice, as the
3 Comptroller may consider proper.

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

25 Section 115. Compelling testimony. Any circuit court, upon

1 application of the Comptroller or designated hearing officer
2 may enter an order requiring the attendance of witnesses and
3 their testimony, and the production of documents, papers,
4 files, books, and records in connection with any hearing or
5 investigation. The court may compel obedience to its order by
6 proceedings for contempt.

7 Section 120. Administrative review; venue; certification
8 of record; costs.

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

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

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

1 Section 125. Preneed of natural organic reduction
2 arrangements.

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

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

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

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

26 (c) Except as provided in subsection (b) of this Section,

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

22 (d) Any preneed contract sold by, or pre-need arrangements
23 made with, a cemetery, funeral establishment, disposition
24 authority, or any other party that includes a natural organic
25 reduction shall specify the final disposition of the reduced
26 human remains, in accordance with Section 75. If no different

1 or inconsistent instructions are provided to the disposition
2 authority by the authorizing agent at the time of death, the
3 disposition authority shall be authorized to release or
4 dispose of the reduced human remains as indicated in the
5 preneed agreement. Upon compliance with the terms of the
6 preneed agreement, the disposition authority shall be
7 discharged from any legal obligation concerning the reduced
8 human remains. The preneed agreement shall be kept as a
9 permanent record by the disposition authority.

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

18 Section 130. Employment of funeral director by a
19 disposition authority.

20 (a) A disposition authority shall be permitted to enter
21 into a contract with a funeral director or funeral business
22 for the purpose of arranging natural organic reduction on an
23 at-need basis with the general public, transporting human
24 remains to the natural organic reduction facility, and
25 processing all necessary paperwork.

1 (b) No aspect of this Act shall be construed to require a
2 licensed funeral director to perform any functions not
3 otherwise required by law to be performed by a licensed
4 funeral director.

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

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

21 Section 145. Subpoenas; depositions; oaths. The
22 Comptroller has the power to subpoena documents, books,
23 records or other materials and to bring before it any person

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

17 Section 150. Findings and recommendations. At the
18 conclusion of the hearing, the hearing officer shall present
19 to the Comptroller a written report of its findings of fact,
20 conclusions of law, and recommendations. The report shall
21 contain a finding whether or not the accused person violated
22 this Act or its rules or failed to comply with the conditions
23 required in this Act or its rules. The hearing officer shall
24 specify the nature of any violations or failure to comply and
25 shall make recommendations to the Comptroller. In making

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

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

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

20 Section 160. Comptroller; rehearing. Whenever the
21 Comptroller believes that substantial justice has not been
22 done in the revocation, suspension, or refusal to issue or
23 restore a license or other discipline of an applicant or
24 licensee, he or she may order a rehearing by the same or other
25 hearing officers.

1 Section 165. Order or certified copy; prima facie proof.
2 An order or certified copy thereof, over the seal of the
3 Comptroller and purporting to be signed by the Comptroller, is
4 prima facie proof that:

5 (1) the signature is the genuine signature of the
6 Comptroller;

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

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

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

21 Any civil penalty shall be paid within 60 days after the
22 effective date of the order imposing the civil penalty. The
23 order shall constitute a judgment and may be filed and
24 execution had thereon in the same manner as any judgment from

1 any court of record. All moneys collected under this Section
2 shall be deposited with the Comptroller.

3 Section 175. Consent order. At any point in any
4 investigation or disciplinary proceedings as provided in this
5 Act, both parties may agree to a negotiated consent order. The
6 consent order shall be final upon signature of the
7 Comptroller.

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

20 Section 185. Summary suspension of a license. The
21 Comptroller may summarily suspend a license of a licensed
22 natural organic reduction facility without a hearing,
23 simultaneously with the institution of proceedings for a

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

14 Section 99. Effective date. This Act takes effect January
15 1, 2025."