

Governor's Office of Management and Budget

Alexis Sturm

Director



IL Regulatory Sunset Act Review of The Crematory Regulation Act

April 14, 2023

**To the Honorable JB Pritzker
Governor of Illinois**

Governor Pritzker:

The Governor's Office of Management and Budget ("GOMB"), in compliance with the requirements set forth in the Illinois Regulatory Sunset Act (5 ILCS 80), has conducted a review of the Crematory Regulation Act (410 ILCS 18), which is scheduled to sunset on January 1, 2024. As a result of this review, GOMB makes the following recommendation:

The Crematory Regulation Act (410 ILCS 18) should be extended without modification. Further, the Illinois Office of the Comptroller would like to see future amendments to the statute to allow for a better exchange of information from the Illinois Environmental Protection Agency and the Illinois Department of Financial and Professional Regulation regarding permits, licenses, and disciplinary actions.

GOMB's examination of this act was conducted considering the nine factors set out in Section 6 of the Illinois Regulatory Sunset Act. The following report details the criteria and data utilized to come to the above recommendation.

Very sincerely and respectfully,

Alexis Sturm
Director
Governor's Office of Management and Budget

Criteria (1) “The extent to which the agency or program has permitted qualified applicants to serve the public.”

As of August 2022, there are 148 crematories licensed with the Illinois Office of the Comptroller (IOC).

Table 1: Total Number of Licensees FY18 - Present

License Type	2018	2019	2020	2021	2022
Licensed Crematory	138	140	142	146	148

Crematories have the following licensure fee structure:

Table 2: Crematory Licensure Fee Structure

License Type	Fee Amount
Initial Application	\$50
Annual Report Fee	\$25

Applicants are required to have proper certification by a program recognized by the Comptroller. Mortuary science education may be obtained at Worsham Mortuary school in Wheeling, Southern Illinois University in Carbondale, Malcolm X College in Chicago, and Carl Sandburg College in Galesburg. Apprenticeships are available at many funeral homes and crematories throughout the state, and training is offered by the Cremation Association of North America (CANA), International Cemetery, Cremation & Funeral Association (ICFFA), and the National Funeral Directors Association (NFDA).

Criteria (2) “The extent to which the trade, business, profession, occupation, or industry being regulated is being administered in a nondiscriminatory manner both in terms of employment and rendering of services.”

The Comptroller does not collect information on the gender, race, or ethnicity of licensees and has received no complaints citing discrimination in the licensing process, nor have external sources published any information regarding discriminatory practices in licensure.

Criteria (3) “The extent to which the regulatory agency or program has operated in the public interest, and the extent to which its operation has been impeded or enhanced by existing statutes, procedures, and practices of any other department of state government, and any other circumstances, including budgetary resources, and personnel matters.”

The Illinois Office of Comptroller would like to see future amendments to the statute to allow for a better exchange of information from the Illinois Environmental Protection Agency and the Illinois Department of Financial and Professional Regulation regarding permits, licenses, and disciplinary actions.

Criteria (4) “The extent to which the agency running the program has recommended statutory changes to the General Assembly that would benefit the public as opposed to the persons it regulates.”

N/A

Criteria (5) “The extent to which the agency or program has required the persons it regulates to report to it concerning the impact of rules and decisions of the agency or the impact of the program on the public regarding

improved service, economy of service, and availability of service.”

The IOC does not require such reports of its licensees and the IOC has not promulgated any rules through the Joint Commission on Administrative Rules which would require public feedback.

Criteria (6) “The extent to which persons regulated by the agency or under the program have been required to assess the problems in their industry that affect the public.”

The Illinois Office of Comptroller (IOC) has held industry roundtable discussions in the past. IOC field staff do site visits, audit, and speak with the licensees. IOC employees also attend industry tradeshow and events.

Criteria (7) “The extent to which the agency or program has encouraged participation by the public in making its rules and decisions as opposed to participation solely by the persons it regulates and the extent to which such rules and decisions are consistent with statutory authority.”

The Illinois Office of Comptroller maintains a hotline for questions and concerns from the public, and a website with contact information.

Criteria (8) “The efficiency with which formal public complaints filed with the regulatory agency or under the program concerning persons subject to regulation have been processed to completion, by the executive director of the regulatory agencies or programs, by the Attorney General and by any other applicable department of the State government.”

The IOC reports that complaints are received on the Pre-need Licensing and Certification Enforcement (“PLACE”) hotline, by mail, or by email. After they are recorded into a spreadsheet by PLACE staff, the complaint is disseminated to either legal counsel or to the PLACE auditor in charge of the licensee. Each complaint is different but may be resolved in minutes, hours, days, or weeks depending on the issue. There are no pending complaints and there is no backlog of complaints.

Criteria (9) “The extent to which changes are necessary in the enabling laws of the agency or program to adequately comply with the factors listed in this section.”

The Illinois Office of Comptroller recommends amending the statute to allow for a better exchange of information from other state agencies for noncompliance and financial, regulatory, environmental or consumer issues (e.g., Department of Revenue, Secretary of State, Department of Financial and Profession Regulation, and Environmental Protection Agency).

Conclusion:

According to the Cremation Association of North America (CANA), there were 1,468 crematories and 595,617 cremations in 1999, which equates to 25.39 percent of all deaths in the United States. By 2009, there were over 2,100 crematories and over 900,000 cremations. In 2009, 36.84 percent of deaths in the United States were handled through cremation. In 2019, the US cremation rate jumped to 54.4 percent. During the first year of the COVID-19 pandemic in the year 2020, the cremation rate rose to 56.1 percent and in 2021 the US cremation rate continued rising to 57.5 percent. By 2025, the US cremation rate is projected to reach 64.1 percent and 81.8 percent in Canada according to CANA statistical projection methodology models.

Furthermore, according to the National Funeral Directors Association (NFDA) in an article published in 2018, “Over the next 18 years, the rate of cremation in the United States is projected to increase by nearly 30 percent

according to the 2018 Cremation and Burial Report, released by the National Funeral Directors Association (NFDA). Already having outpaced the rate of burial for three consecutive years, the national cremation rate will reach nearly 80 percent (or 2.80 million cremations per year) by 2035, based on a variety of factors including changing consumer preference, weakening religious prohibitions and environmental concerns.” In the future, it is possible that cremation and crematories may replace traditional funeral homes and cemeteries altogether. It is important that regulation of cremation and crematories continues considering this growing trend and evolves to protect public health. The absence of regulation of crematories would significant harm or endanger public health, safety, and welfare.

As cremation is growing in popularity as a disposition choice, it is imperative that there are licensing and operational requirements for crematories and state laws governing who can authorize a cremation and how long after a death a cremation can be performed. Without regulation there is a possibility that some people may take cremation into their own hands; crematories would have no standards to follow; and that the public would be harmed in many ways.

Consequently, it is recommended that the Crematory Regulation Act (410 ILCS 18) should be extended without modification.