

As Introduced

131st General Assembly

Regular Session

2015-2016

H. B. No. 36

**Representative Retherford
Cosponsors: Representative Antani**

A BILL

To amend sections 9.15, 313.12, 759.01, 1713.36, 1
1721.06, 1721.18, 1721.21, 2108.15, 2108.70, 2
2108.72, 2108.75, 2108.82, 2108.83, 2108.84, 3
2108.85, 2108.86, 2108.87, 2111.13, 2743.51, 4
2925.01, 3705.01, 3705.17, 3705.18, 3705.19, 5
3705.20, 3707.19, 4511.451, 4717.01, 4717.03, 6
4717.04, 4717.06, 4717.07, 4717.08, 4717.11, 7
4717.13, 4717.14, 4717.15, 4717.20, 4717.21, 8
4717.22, 4717.23, 4717.24, 4717.25, 4717.26, 9
4717.27, 4717.28, 4717.30, 4767.05, 5120.45, 10
5121.11, 5121.53, 5901.24, 5901.25, 5901.26, 11
5901.27, 5901.29, and 5901.32 of the Revised 12
Code to authorize the Board of Embalmers and 13
Funeral Directors to license and regulate 14
alkaline hydrolysis facilities. 15

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 9.15, 313.12, 759.01, 1713.36, 16
1721.06, 1721.18, 1721.21, 2108.15, 2108.70, 2108.72, 2108.75, 17
2108.82, 2108.83, 2108.84, 2108.85, 2108.86, 2108.87, 2111.13, 18
2743.51, 2925.01, 3705.01, 3705.17, 3705.18, 3705.19, 3705.20, 19

3707.19, 4511.451, 4717.01, 4717.03, 4717.04, 4717.06, 4717.07, 20
4717.08, 4717.11, 4717.13, 4717.14, 4717.15, 4717.20, 4717.21, 21
4717.22, 4717.23, 4717.24, 4717.25, 4717.26, 4717.27, 4717.28, 22
4717.30, 4767.05, 5120.45, 5121.11, 5121.53, 5901.24, 5901.25, 23
5901.26, 5901.27, 5901.29, and 5901.32 of the Revised Code be 24
amended to read as follows: 25

Sec. 9.15. When the body of a dead person is found in a 26
township or municipal corporation, and such person was not an 27
inmate of a correctional, benevolent, or charitable institution 28
of this state, and the body is not claimed by any person for 29
private interment or cremation at the person's own expense, or 30
delivered for the purpose of medical or surgical study or 31
dissection in accordance with section 1713.34 of the Revised 32
Code, it shall be disposed of as follows: 33

(A) If the person was a legal resident of the county, the 34
proper officers of the township or municipal corporation in 35
which the person's body was found shall cause it to be buried, 36
hydrolyzed, or cremated at the expense of the township or 37
municipal corporation in which the person had a legal residence 38
at the time of death. 39

(B) If the person had a legal residence in any other 40
county of the state at the time of death, the superintendent of 41
the county home of the county in which such body was found shall 42
cause it to be buried, hydrolyzed, or cremated at the expense of 43
the township or municipal corporation in which the person had a 44
legal residence at the time of death. 45

(C) If the person was an inmate of a correctional 46
institution of the county or a patient or resident of a 47
benevolent institution of the county, the person had no legal 48
residence in the state, or the person's legal residence is 49

unknown, the superintendent shall cause the person to be buried, hydrolyzed, or cremated at the expense of the county. 50
51

Such officials shall provide, at the grave of the person 52
or, if the person's cremated or hydrolyzed remains are buried, 53
at the grave of the person's ~~cremated~~ remains, a metal, stone, 54
or concrete marker on which the person's name and age, if known, 55
and date of death shall be inscribed. 56

A political subdivision is not relieved of its duty to 57
bury, hydrolyzed, or cremate a person at its expense under this 58
section when the body is claimed by an indigent person. As used 59
in this section, "indigent person" means a person whose income 60
does not exceed one hundred fifty per cent of the federal 61
poverty line, as revised annually by the United States 62
department of health and human services in accordance with 63
section 673(2) of the "Omnibus Budget Reconciliation Act of 64
1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family 65
size equal to the size of the person's family. 66

Sec. 313.12. (A) When any person dies as a result of 67
criminal or other violent means, by casualty, by suicide, or in 68
any suspicious or unusual manner, when any person, including a 69
child under two years of age, dies suddenly when in apparent 70
good health, or when any mentally retarded person or 71
developmentally disabled person dies regardless of the 72
circumstances, the physician called in attendance, or any member 73
of an ambulance service, emergency squad, or law enforcement 74
agency who obtains knowledge thereof arising from the person's 75
duties, shall immediately notify the office of the coroner of 76
the known facts concerning the time, place, manner, and 77
circumstances of the death, and any other information that is 78
required pursuant to sections 313.01 to 313.22 of the Revised 79

Code. In such cases, if a request is made for cremation or 80
hydrolysis, the funeral director called in attendance shall 81
immediately notify the coroner. 82

(B) As used in this section, "mentally retarded person" 83
and "developmentally disabled person" have the same meanings as 84
in section 5123.01 of the Revised Code. 85

Sec. 759.01. Any municipal corporation may provide public 86
cemeteries and crematories for burial or incineration of the 87
dead and regulate public and private cemeteries and ~~crematories~~ 88
crematory and hydrolysis facilities. Any cemetery established by 89
a municipal corporation shall register with the division of real 90
estate in the department of commerce pursuant to section 4767.03 91
of the Revised Code. Any cemetery of that nature is subject to 92
Chapter 4767. and to sections 517.23 to 517.25 and 1721.211 of 93
the Revised Code in addition to being subject to this chapter. 94

Sec. 1713.36. After the bodies referred to in section 95
1713.34 of the Revised Code have been subjected to medical or 96
surgical examination or dissection or for the study of 97
embalming, the remains thereof shall be interred, or shall be 98
cremated or hydrolyzed and the ~~ashes~~ remains interred, in some 99
suitable place at the expense of the parties in whose keeping 100
the corpse was placed. 101

Sec. 1721.06. After paying for its land, a cemetery 102
company or association shall apply all its receipts and income, 103
whether from sale of lots, from donations, or otherwise, 104
exclusively to laying out, preserving, protecting, and 105
embellishing the cemetery and avenues within it or leading to 106
it, to the erection of buildings necessary or appropriate for 107
cemetery purposes, and to paying the necessary expenses of the 108
cemetery company or association. No debts shall be incurred by 109

the cemetery company or association except for purchasing, 110
laying out, inclosing, and embellishing the ground, buildings 111
necessary or appropriate for cemetery purposes, and avenues, for 112
which purposes it may contract debts to be paid out of future 113
receipts. For purposes of this section, buildings appropriate 114
for cemetery purposes include, but are not limited to, buildings 115
for crematory or hydrolysis facilities, funeral homes, and other 116
buildings intended to produce income for the cemetery company or 117
association. 118

No part of the funds of a cemetery company or association, 119
or of the proceeds of land sold by it, shall ever be divided 120
among its stockholders or lot owners, and all its funds shall be 121
used exclusively for the purposes of the company or association 122
as specified in this section, or invested in a fund the income 123
of which shall be so used and appropriated. 124

Sec. 1721.18. Any company or association incorporated for 125
the erection and maintenance of a crematory or hydrolysis 126
facility may exercise all the rights and powers conferred by 127
sections 1721.01 to 1721.18, inclusive, of the Revised Code, 128
subject to the conditions provided in such sections. No building 129
shall be erected for such a purpose within two hundred yards of 130
a dwelling house unless the owner of the dwelling house gives ~~his~~ 131
the owner's consent. No person, company, association, or firm 132
shall establish a morgue on a street upon which there are 133
dwelling houses unless the owners or occupants of all dwelling 134
houses within two hundred yards of the proposed morgue give 135
their written consent thereto. This section does not apply to a 136
crematory built, or a morgue established, as of on or before 137
April 3, 1900. 138

Sec. 1721.21. (A) As used in this section: 139

(1) "Person" means any corporation, company, partnership, individual, or other entity owning or operating a cemetery for the disposition of human remains.

(2) "Cemetery" means any one or a combination of more than one of the following:

(a) A burial ground for earth interments;

(b) A mausoleum for crypt entombments;

(c) A columbarium for the deposit of cremated or hydrolyzed remains;

(d) A scattering ground for the spreading of cremated or hydrolyzed remains.

(3) "Interment" means the disposition of human remains by earth burial, entombment, or inurnment.

(4) "Burial right" means the right of earth interment.

(5) "Entombment right" means the right of entombment in a mausoleum.

(6) "Columbarium right" means the right of inurnment in a columbarium for cremated or hydrolyzed remains.

(B) No person shall operate or continue to operate any cemetery in this state unless an endowment care trust is established and maintained as required by this section.

(C) Any person desiring to operate any cemetery that is organized or developed after July 1, 1970, before offering to sell or selling any burial lot, burial right, entombment right, or columbarium right in that cemetery, shall first establish an endowment care trust, segregated from other assets, and place in that fund a minimum of fifty thousand dollars in cash or in

bonds of the United States, this state, or any county or 167
municipal corporation of this state. 168

Whenever any person described in this division has placed 169
another fifty thousand dollars in the endowment care trust out 170
of gross sales proceeds, in addition to the deposit required by 171
this division, that person, after submitting proof of this fact 172
to the trustees of the endowment care trust, may be paid a 173
distribution in the sum of fifty thousand dollars from the 174
endowment care trust. 175

(D) Any person desiring to operate or to continue to 176
operate any cemetery after July 1, 1970, shall place into the 177
endowment care trust as required by this section not less than 178
ten per cent of the gross sales proceeds received from the sale 179
of any burial lot, burial right, entombment right, or 180
columbarium right. This percentage shall be placed in the 181
endowment care trust no later than thirty days following the 182
month in which the entire gross sales are received. 183

(E) The trustees of the endowment care trust shall consist 184
of at least three individuals who have been residents of the 185
county in which the cemetery is located for at least one year, 186
or a trust company licensed under Chapter 1111. of the Revised 187
Code or a national bank or federal savings association that has 188
securities pledged in accordance with section 1111.04 of the 189
Revised Code. If the trustees are not a financial institution or 190
trust company, the trustees shall be bonded by a corporate 191
surety or fidelity bond in an aggregate amount of not less than 192
one hundred per cent of the funds held by the trustees. The 193
trustees or their agent shall, on a continuous basis, keep exact 194
records as to the amount of funds under any joint account or 195
trust instrument being held for the individual beneficiaries 196

showing the amount paid, the amount deposited and invested, and 197
accruals and income. 198

The funds of the endowment care trust shall be held and 199
invested in the manner in which trust funds are permitted to be 200
held and invested pursuant to sections 2109.37 and 2109.371 of 201
the Revised Code. 202

(F) Any person offering to sell or selling any burial lot, 203
burial right, entombment right, or columbarium right shall give 204
to the purchaser of the lot or right, at the time of sale, a 205
written agreement that identifies and unconditionally guarantees 206
to the purchaser the specific location of the lot or the 207
specific location to which the right applies. 208

(G) No person shall open or close any grave, crypt, or 209
niche for the interment of human remains in a cemetery without 210
the permission of the cemetery association or other entity 211
having control and management of the cemetery. 212

(H) Except as provided in division (G) of this section, 213
this section does not apply to a family cemetery as defined in 214
section 4767.02 of the Revised Code, to any cemetery that is 215
owned and operated entirely and exclusively by churches, 216
religious societies, established fraternal organizations, 217
municipal corporations, or other political subdivisions of the 218
state, or to a national cemetery. 219

(I) The dividend and interest income from the endowment 220
care trust shall be used only for the cost and expenses incurred 221
to establish, manage, and administer the trust and for the 222
maintenance, supervision, improvement, and preservation of the 223
grounds, lots, buildings, equipment, statuary, and other real 224
and personal property of the cemetery. 225

(J) (1) Annual reports of all the assets and investments of 226
the endowment care trust shall be prepared and maintained, and 227
shall be available for inspection at reasonable times by any 228
owner of interment rights in the cemetery. 229

(2) Every cemetery required to establish and maintain an 230
endowment care trust shall file an affidavit annually with the 231
division of real estate of the department of commerce, in a form 232
prescribed by the division, certifying under oath each of the 233
following: 234

(a) That the cemetery has deposited, at the time specified 235
in division (D) of this section, the amounts required by that 236
division in the cemetery's endowment care trust; 237

(b) That only dividend and interest income have been paid 238
from the endowment care trust, and the cemetery used the amounts 239
withdrawn only for the purposes specified in division (I) of 240
this section; 241

(c) That all principal and capital gains have remained in 242
the endowment care trust; 243

(d) That the endowment care trust has not been used to 244
collateralize or guarantee loans and has not otherwise been 245
subjected to any consensual lien; 246

(e) That the endowment care trust is invested in 247
compliance with the investing standards set forth in sections 248
2109.37 and 2109.371 of the Revised Code. 249

Sec. 2108.15. Subject to division (I) of section 2108.11 250
and sections 2108.26 to 2108.272 of the Revised Code, the rights 251
of the person to which a part passes under section 2108.11 of 252
the Revised Code shall be superior to the rights of all others 253
with respect to the part. The person may accept or reject an 254

anatomical gift in whole or in part. 255

Subject to the terms of the document of gift and sections 256
2108.01 to 2108.29 of the Revised Code, a person that accepts an 257
anatomical gift of an entire body may allow embalming, burial, 258
hydrolysis, or cremation, and use of remains in a funeral 259
service. If the gift is of a part, the person to whom the part 260
passes under section 2108.11 of the Revised Code, upon the death 261
of the donor and before embalming, burial, hydrolysis, or 262
cremation, shall cause the part to be removed without 263
unnecessary mutilation. After removal of the part, custody of 264
the remainder of the decedent's body passes to the persons to 265
whom the right of disposition for the body has been assigned 266
pursuant to section 2108.70 of the Revised Code or who have the 267
right of disposition for the body as described in section 268
2108.81 of the Revised Code. 269

Sec. 2108.70. (A) As used in this section and sections 270
2108.71 to 2108.90 of the Revised Code: 271

(1) "Adult" means an individual who is eighteen years of 272
age or older. 273

(2) "Declarant" means an adult who has executed a written 274
declaration described in division (B) of this section. 275

(3) "Representative" means an adult or a group of adults, 276
collectively, to whom a declarant has assigned the right of 277
disposition. 278

(4) "Right of disposition" means one or more of the rights 279
described in division (B) of this section that a declarant 280
chooses to assign to a representative in a written declaration 281
executed under that division or all of the rights described in 282
division (B) of this section that are assigned to a person 283

pursuant to section 2108.81 of the Revised Code. 284

(5) "Successor representative" means an adult or group of 285
adults, collectively, to whom the right of disposition for a 286
declarant has been reassigned because the declarant's 287
representative is disqualified from exercising the right under 288
section 2108.75 of the Revised Code. Each successor 289
representative shall be considered in the order the 290
representative is designated by the declarant. 291

(B) An adult who is of sound mind may execute at any time 292
a written declaration assigning to a representative one or more 293
of the following rights: 294

(1) The right to direct the disposition, after death, of 295
the declarant's body or any part of the declarant's body that 296
becomes separated from the body before death. This right 297
includes the right to determine the location, manner, and 298
conditions of the disposition of the declarant's bodily remains. 299

(2) The right to make arrangements and purchase goods and 300
services for the declarant's funeral. This right includes the 301
right to determine the location, manner, and condition of the 302
declarant's funeral. 303

(3) The right to make arrangements and purchase goods and 304
services for the declarant's burial, cremation, hydrolysis, or 305
other manner of final disposition. This right includes the right 306
to determine the location, manner, and condition of the 307
declarant's burial, cremation, hydrolysis, or other manner of 308
final disposition. 309

(C) (1) Subject to division (C) (2) of this section, a 310
declarant may designate a successor representative. 311

(2) If a representative is a group of persons and not all 312

of the persons in the group meet at least one criterion to be 313
disqualified from serving as the representative, as described in 314
section 2108.75 of the Revised Code, the persons in the group 315
who are not disqualified shall remain the representative who has 316
the right of disposition. 317

(D) The assignment or reassignment of a right of 318
disposition to a representative and a successor representative 319
~~supercedes~~supersedes an assignment of a right of disposition 320
under section 2108.81 of the Revised Code. 321

Sec. 2108.72. (A) The written declaration described in 322
section 2108.70 of the Revised Code shall include all of the 323
following: 324

(1) The declarant's legal name and present address; 325

(2) A statement that the declarant, an adult being of 326
sound mind, willfully and voluntarily appoints a representative 327
to have the declarant's right of disposition for the declarant's 328
body upon the declarant's death; 329

(3) A statement that all decisions made by the declarant's 330
representative with respect to the right of disposition are 331
binding; 332

(4) The name, last known address, and last known telephone 333
number of the representative or, if the representative is a 334
group of persons, the name, last known address, and last known 335
telephone number of each person in the group; 336

(5) If the declarant chooses to have a successor 337
representative, a statement that if any person or group of 338
persons named as the declarant's representative is disqualified 339
from serving in such position as described in section 2108.75 of 340
the Revised Code, the declarant appoints a successor 341

representative; 342

(6) If applicable, the name, last known address, and last 343
known telephone number of the successor representative or, if 344
the successor representative is a group of persons, the name, 345
last known address, and last known telephone number of each 346
person in the group; 347

(7) A space where the declarant may indicate the 348
declarant's preferences regarding how the right of disposition 349
should be exercised, including any religious observances the 350
declarant wishes the person with the right of disposition to 351
consider; 352

(8) A space where the declarant may indicate one or more 353
sources of funds that may be used to pay for goods and services 354
associated with the exercise of the right of disposition; 355

(9) A statement that the declarant's written declaration 356
becomes effective on the declarant's death; 357

(10) A statement that the declarant revokes any written 358
declaration that the declarant executed, in accordance with 359
section 2108.70 of the Revised Code, prior to the execution of 360
the present written declaration; 361

(11) A space where the declarant can sign and date the 362
written declaration; 363

(12) A space where a notary public or two witnesses can 364
sign and date the written declaration as described in section 365
2108.73 of the Revised Code. 366

(B) A written declaration may take the following form: 367

APPOINTMENT OF REPRESENTATIVE FOR DISPOSITION OF BODILY 368
REMAINS, FUNERAL ARRANGEMENTS, AND BURIAL, HYDROLYSIS, OR 369

CREMATION GOODS AND SERVICES:	370
I, (legal name and present address of declarant), an adult being of sound mind, willfully and voluntarily appoint my representative, named below, to have the right of disposition, as defined in section 2108.70 of the Revised Code, for my body upon my death. All decisions made by my representative with respect to the right of disposition shall be binding.	371 372 373 374 375 376 377
REPRESENTATIVE:	378
(If the representative is a group of persons, indicate the name, last known address, and telephone number of each person in the group.)	379 380 381
Name(s):	382
Address(es):	383
Telephone Number(s):	384
SUCCESSOR REPRESENTATIVE:	385
If my representative is disqualified from serving as my representative as described in section 2108.75 of the Revised Code, then I hereby appoint the following person or group of persons to serve as my successor representative.	386 387 388 389
(If the successor representative is a group of persons, indicate the name, last known address, and telephone number of each person in the group.)	390 391 392
Name(s):	393
Address(es):	394
Telephone Number(s):	395
PREFERENCES REGARDING HOW THE RIGHT OF DISPOSITION SHOULD BE EXERCISED, INCLUDING ANY RELIGIOUS OBSERVANCES THE DECLARANT	396 397

WISHES A REPRESENTATIVE OR A SUCCESSOR REPRESENTATIVE TO	398
CONSIDER:	399
.....	400
.....	401
.....	402
.....	403
ONE OR MORE SOURCES OF FUNDS THAT COULD BE USED TO PAY FOR	404
GOODS AND SERVICES ASSOCIATED WITH AN EXERCISE OF THE RIGHT OF	405
DISPOSITION:	406
.....	407
.....	408
.....	409
.....	410
DURATION:	411
The appointment of my representative and, if applicable,	412
successor representative, becomes effective upon my death.	413
PRIOR APPOINTMENTS REVOKED:	414
I hereby revoke any written declaration that I executed in	415
accordance with section 2108.70 of the Ohio Revised Code prior	416
to the date of execution of this written declaration indicated	417
below.	418
AUTHORIZATION TO ACT:	419
I hereby agree that any of the following that receives a	420
copy of this written declaration may act under it:	421
- Cemetery organization;	422
- <u>Hydrolysis facility operator;</u>	423
- Crematory operator;	424

- Business operating a columbarium; 425
- Funeral director; 426
- Embalmer; 427
- Funeral home; 428
- Any other person asked to assist with my funeral, 429
burial, hydrolysis, cremation, or other manner of final 430
disposition. 431

MODIFICATION AND REVOCATION - WHEN EFFECTIVE: 432

Any modification or revocation of this written declaration 433
is not effective as to any party until that party receives 434
actual notice of the modification or revocation. 435

LIABILITY: 436

No person who acts in accordance with a properly executed 437
copy of this written declaration shall be liable for damages of 438
any kind associated with the person's reliance on this 439
declaration. 440

Signed this day of 441

..... 442

(Signature of declarant) 443

ACKNOWLEDGMENT OF ASSUMPTION OF OBLIGATIONS AND COSTS: 444

By signing below, the representative, or successor 445
representative, if applicable, acknowledges that he or she, as 446
representative or successor representative, assumes the right of 447
disposition as defined in section 2108.70 of the Revised Code, 448
and understands that he or she is liable for the reasonable 449
costs of exercising the right, including any goods and services 450
that are purchased. 451

ACCEPTANCE (OPTIONAL): 452

The undersigned hereby accepts this appointment as 453
representative or successor representative, as applicable, for 454
the right of disposition as defined in section 2108.70 of the 455
Revised Code. 456

Signed this day of 457
458

Signature of representative (if 459
representative is a group of 460
persons, each person in the group 461
shall sign) 462

Signed this day of 463
..... 464

Signature of successor 465
representative (if successor 466
representative is a group of 467
persons, each person in the group 468
shall sign) 469

WITNESSES: 470

I attest that the declarant signed or acknowledged this 471
assignment of the right of disposition under section 2108.70 of 472
the Revised Code in my presence and that the declarant is at 473
least eighteen years of age and appears to be of sound mind and 474
not under or subject to duress, fraud, or undue influence. I 475
further attest that I am not the declarant's representative or 476
successor representative, I am at least eighteen years of age, 477
and I am not related to the declarant by blood, marriage, or 478
adoption. 479

First witness:	480
Name (printed):	481
..... Residing at:	482
Signature:	483
.....	484
Date:	485
.....	486
Second witness:	487
Name (printed):	488
..... Residing at:	489
Signature:	490
.....	491
Date:	492
.....	493
OR	494
NOTARY ACKNOWLEDGMENT:	495
State of Ohio	496
County of SS.	497
On, before me, the undersigned notary	498
public, personally appeared, known to me or	499
satisfactorily proven to be the person whose name is subscribed	500
as the declarant, and who has acknowledged that he or she	501
executed this written declaration under section 2108.70 of the	502
Revised Code for the purposes expressed in that section. I	503

attest that the declarant is at least eighteen years of age and 504
appears to be of sound mind and not under or subject to duress, 505
fraud, or undue influence. 506

Signature of notary public 507

..... 508

My commission expires on: 509

..... 510

(C) Completion of a federal Record of Emergency Data form, 511
DD Form 93, or its successor form, by a member of the military, 512
is sufficient to constitute a written declaration under section 513
2108.70 of the Revised Code if section 13a of DD Form 93, 514
entitled "Person Authorized to Direct Disposition," has been 515
properly completed by the member of the military who has 516
subsequently died while under active duty orders as described in 517
10 U.S.C. 1481. 518

Sec. 2108.75. (A) A person shall be disqualified from 519
serving as a representative or successor representative, or from 520
having the right of disposition for a deceased adult pursuant to 521
section 2108.81 of the Revised Code, if any of the following 522
occurs: 523

(1) The person dies. 524

(2) A probate court declares or determines that the person 525
is incompetent. 526

(3) The person resigns or declines to exercise the right 527
as described in section 2108.88 of the Revised Code. 528

(4) The person refuses to exercise the right within two 529
days after notification of the declarant's death. 530

(5) The person cannot be located with reasonable effort. 531

(6) The person meets the criteria described in section 532
2108.76 or 2108.77 of the Revised Code. 533

(B) No owner, employee, or agent of a funeral home, 534
cemetery, or crematory or hydrolysis facility providing funeral, 535
burial, ~~or~~ cremation, or hydrolysis services for a declarant 536
shall serve as a representative or successor representative for 537
the declarant unless the owner, employee, or agent is related to 538
the declarant by blood, marriage, or adoption. 539

(C) Subject to divisions (C) (2) and (D) (2) of section 540
2108.70 of the Revised Code, if a person is disqualified from 541
serving as the declarant's representative or successor 542
representative, or from having the right of disposition for a 543
deceased adult pursuant to section 2108.81 of the Revised Code, 544
as described in division (A) of this section, the right is 545
automatically reassigned to, and vests in, the next person who 546
has the right pursuant to the declarant's written declaration or 547
pursuant to the order of priority in section 2108.81 of the 548
Revised Code. 549

Sec. 2108.82. (A) Notwithstanding section 2108.81 of the 550
Revised Code and in accordance with division (B) of this 551
section, the probate court for the county in which the declarant 552
or deceased person resided at the time of death may, on its own 553
motion or the motion of another person, assign to any person the 554
right of disposition for a declarant or deceased person. 555

(B) In making a determination for purposes of division (A) 556
of this section and division (C) of section 2108.79 of the 557
Revised Code, the court shall consider the following: 558

(1) Whether evidence presented to, or in the possession of 559
the court, demonstrates that the person who is the subject of 560

the motion and the declarant or deceased person had a close 561
personal relationship; 562

(2) The reasonableness and practicality of any plans that 563
the person who is the subject of the motion may have for the 564
declarant's or deceased person's funeral, burial, cremation, 565
hydrolysis, or final disposition, including the degree to which 566
such plans allow maximum participation by all persons who wish 567
to pay their final respects to the deceased person; 568

(3) The willingness of the person who is the subject of 569
the motion to assume the responsibility to pay for the 570
declarant's or deceased person's funeral, burial, cremation, 571
hydrolysis, or final disposition and the desires of that person; 572

(4) The convenience and needs of other families and 573
friends wishing to pay their final respects to the declarant or 574
deceased person; 575

(5) The express written desires of the declarant or 576
deceased person. 577

(C) Except to the extent considered under division (B) (3) 578
of this section, the following persons do not have a greater 579
claim to the right of disposition than such persons otherwise 580
have pursuant to law: 581

(1) A person who is willing to assume the responsibility 582
to pay for the declarant's or deceased person's funeral, burial, 583
cremation, hydrolysis, or final disposition; 584

(2) The personal representative of the declarant or 585
deceased person. 586

Sec. 2108.83. In the event of a dispute regarding the 587
right of disposition, a funeral home, funeral director, 588

crematory or hydrolysis facility operator, cemetery operator, 589
cemetery organization, or other person asked to assist with a 590
declarant's or deceased person's funeral, burial, cremation, 591
hydrolysis, or other manner of final disposition shall not be 592
liable for damages of any kind for refusing to accept the 593
remains, refusing to inter, cremate, hydrolyze, or otherwise 594
dispose of the remains, or refusing to complete funeral or other 595
arrangements pertaining to final disposition until such funeral 596
home, funeral director, crematory or hydrolysis facility 597
operator, cemetery operator, cemetery organization, or other 598
person receives a court order or a written document that is 599
executed by a person that the funeral home, funeral director, 600
crematory or hydrolysis facility operator, cemetery operator, 601
cemetery organization, or other person reasonably believes has 602
the right of disposition and that clearly expresses how the 603
right of disposition is to be exercised. 604

Sec. 2108.84. If a funeral home, funeral director, 605
crematory or hydrolysis facility operator, or other person asked 606
to assist with a declarant's or deceased person's funeral, 607
burial, cremation, hydrolysis, or other manner of final 608
disposition is in possession of a declarant's or deceased 609
person's remains while a dispute described in section 2108.83 of 610
the Revised Code is pending, the funeral home, funeral director, 611
crematory or hydrolysis facility operator, or other person may 612
embalm or refrigerate and shelter the remains to preserve them 613
and may add the cost of embalming, refrigeration, and sheltering 614
to the final disposition costs to be charged. 615

Sec. 2108.85. (A) If a funeral home, funeral director, 616
crematory or hydrolysis facility operator, cemetery operator, 617
cemetery organization, or other person asked to assist with a 618
declarant's or deceased person's funeral, burial, cremation, 619

hydrolysis, or other manner of final disposition brings a legal 620
action for purposes of section 2108.83 or 2108.84 of the Revised 621
Code, the funeral home, funeral director, crematory or 622
hydrolysis facility operator, cemetery operator, cemetery 623
organization, or other person may add to the costs the person 624
charges for the goods and services the person provided the legal 625
fees, if reasonable, and the court costs that the person 626
incurred. 627

(B) The right created by division (A) of this section 628
shall neither be construed to require, nor impose a duty on, a 629
funeral home, funeral director, crematory or hydrolysis facility 630
operator, cemetery operator, cemetery organization, or other 631
person asked to assist with a declarant's or deceased person's 632
funeral, burial, cremation, hydrolysis, or other manner of final 633
disposition, to bring a legal action and such person shall not 634
be held criminally or civilly liable for not bringing an action. 635

Sec. 2108.86. (A) A funeral home, funeral director, 636
crematory or hydrolysis facility operator, cemetery operator, 637
cemetery organization, or other person asked to assist with a 638
declarant's funeral, burial, cremation, hydrolysis, or other 639
manner of final disposition has the right to rely on the content 640
of a written declaration and the instructions of the person or 641
group of persons whom the funeral home, funeral director, 642
crematory or hydrolysis facility operator, cemetery operator, 643
cemetery organization, or other person reasonably believes has 644
the right of disposition. 645

(B) If the circumstances described in division (A) of 646
section 2108.81 of the Revised Code apply, a funeral home, 647
funeral director, crematory or hydrolysis facility operator, 648
cemetery operator, cemetery organization, or other person asked 649

to assist with a deceased person's funeral, burial, cremation, hydrolysis, or other manner of final disposition has the right to rely on the instructions of the person or group of persons the funeral home, funeral director, crematory_or hydrolysis facility operator, cemetery operator, cemetery organization, or other person reasonably believes has the right of disposition pursuant to section 2108.81 of the Revised Code.

(C) No funeral home, funeral director, crematory_or hydrolysis facility operator, cemetery operator, cemetery organization, or other person asked to assist with a deceased person's funeral, burial, cremation, hydrolysis, or other manner of final disposition, who relies, pursuant to divisions (A) and (B) of this section, in good faith on the contents of a written declaration or the instructions of the person or group of persons the funeral home, funeral director, crematory_or hydrolysis facility operator, cemetery operator, cemetery organization, or other person reasonably believes has the right of disposition, shall be subject to criminal or civil liability or subject to disciplinary action for taking an action or not taking an action in reliance on such contents or instructions and for otherwise complying with sections 2108.70 to 2108.90 of the Revised Code.

Sec. 2108.87. (A) A funeral home, funeral director, crematory operator or hydrolysis facility operator, cemetery operator, cemetery organization, or other person asked to assist with a deceased person's funeral, burial, cremation, hydrolysis, or other manner of final disposition may independently investigate the existence of, or locate or contact, the following persons:

(1) A representative or successor representative named in

a written declaration; 680

(2) A person listed in section 2108.81 of the Revised 681
Code. 682

(B) In no circumstances shall a funeral home, funeral 683
director, crematory or hydrolysis facility operator, cemetery 684
operator, cemetery organization, or other person asked to assist 685
with a deceased person's funeral, burial, cremation, hydrolysis, 686
or other manner of final disposition have a duty to 687
independently investigate the existence of, or locate or 688
contact, the persons described in division (A) of this section. 689

Sec. 2111.13. (A) When a guardian is appointed to have the 690
custody and maintenance of a ward, and to have charge of the 691
education of the ward if the ward is a minor, the guardian's 692
duties are as follows: 693

(1) To protect and control the person of the ward; 694

(2) To provide suitable maintenance for the ward when 695
necessary, which shall be paid out of the estate of such ward 696
upon the order of the guardian of the person; 697

(3) To provide such maintenance and education for such 698
ward as the amount of the ward's estate justifies when the ward 699
is a minor and has no father or mother, or has a father or 700
mother who fails to maintain or educate the ward, which shall be 701
paid out of such ward's estate upon the order of the guardian of 702
the person; 703

(4) To obey all the orders and judgments of the probate 704
court touching the guardianship. 705

(B) Except as provided in section 2111.131 of the Revised 706
Code, no part of the ward's estate shall be used for the 707

support, maintenance, or education of such ward unless ordered 708
and approved by the court. 709

(C) A guardian of the person may authorize or approve the 710
provision to the ward of medical, health, or other professional 711
care, counsel, treatment, or services unless the ward or an 712
interested party files objections with the probate court, or the 713
court, by rule or order, provides otherwise. 714

(D) Unless a person with the right of disposition for a 715
ward under section 2108.70 or 2108.81 of the Revised Code has 716
made a decision regarding whether or not consent to an autopsy 717
or post-mortem examination on the body of the deceased ward 718
under section 2108.50 of the Revised Code shall be given, a 719
guardian of the person of a ward who has died may consent to the 720
autopsy or post-mortem examination. 721

(E) If a deceased ward did not have a guardian of the 722
estate, the estate is not required to be administered by a 723
probate court, and a person with the right of disposition for a 724
ward, as described in section 2108.70 or 2108.81 of the Revised 725
Code, has not made a decision regarding the disposition of the 726
ward's body or remains, the guardian of the person of the ward 727
may authorize the burial ~~or~~ cremation, or hydrolysis of the 728
ward. 729

(F) A guardian who gives consent or authorization as 730
described in divisions (D) and (E) of this section shall notify 731
the probate court as soon as possible after giving the consent 732
or authorization. 733

Sec. 2743.51. As used in sections 2743.51 to 2743.72 of 734
the Revised Code: 735

(A) "Claimant" means both of the following categories of 736

persons:	737
(1) Any of the following persons who claim an award of reparations under sections 2743.51 to 2743.72 of the Revised Code:	738 739 740
(a) A victim who was one of the following at the time of the criminally injurious conduct:	741 742
(i) A resident of the United States;	743
(ii) A resident of a foreign country the laws of which permit residents of this state to recover compensation as victims of offenses committed in that country.	744 745 746
(b) A dependent of a deceased victim who is described in division (A) (1) (a) of this section;	747 748
(c) A third person, other than a collateral source, who legally assumes or voluntarily pays the obligations of a victim, or of a dependent of a victim, who is described in division (A) (1) (a) of this section, which obligations are incurred as a result of the criminally injurious conduct that is the subject of the claim and may include, but are not limited to, medical or burial expenses;	749 750 751 752 753 754 755
(d) A person who is authorized to act on behalf of any person who is described in division (A) (1) (a), (b), or (c) of this section;	756 757 758
(e) The estate of a deceased victim who is described in division (A) (1) (a) of this section.	759 760
(2) Any of the following persons who claim an award of reparations under sections 2743.51 to 2743.72 of the Revised Code:	761 762 763

(a) A victim who had a permanent place of residence within this state at the time of the criminally injurious conduct and who, at the time of the criminally injurious conduct, complied with any one of the following:

(i) Had a permanent place of employment in this state;

(ii) Was a member of the regular armed forces of the United States or of the United States coast guard or was a full-time member of the Ohio organized militia or of the United States army reserve, naval reserve, or air force reserve;

(iii) Was retired and receiving social security or any other retirement income;

(iv) Was sixty years of age or older;

(v) Was temporarily in another state for the purpose of receiving medical treatment;

(vi) Was temporarily in another state for the purpose of performing employment-related duties required by an employer located within this state as an express condition of employment or employee benefits;

(vii) Was temporarily in another state for the purpose of receiving occupational, vocational, or other job-related training or instruction required by an employer located within this state as an express condition of employment or employee benefits;

(viii) Was a full-time student at an academic institution, college, or university located in another state;

(ix) Had not departed the geographical boundaries of this state for a period exceeding thirty days or with the intention of becoming a citizen of another state or establishing a

permanent place of residence in another state. 792

(b) A dependent of a deceased victim who is described in 793
division (A) (2) (a) of this section; 794

(c) A third person, other than a collateral source, who 795
legally assumes or voluntarily pays the obligations of a victim, 796
or of a dependent of a victim, who is described in division (A) 797
(2) (a) of this section, which obligations are incurred as a 798
result of the criminally injurious conduct that is the subject 799
of the claim and may include, but are not limited to, medical or 800
burial expenses; 801

(d) A person who is authorized to act on behalf of any 802
person who is described in division (A) (2) (a), (b), or (c) of 803
this section; 804

(e) The estate of a deceased victim who is described in 805
division (A) (2) (a) of this section. 806

(B) "Collateral source" means a source of benefits or 807
advantages for economic loss otherwise reparable that the victim 808
or claimant has received, or that is readily available to the 809
victim or claimant, from any of the following sources: 810

(1) The offender; 811

(2) The government of the United States or any of its 812
agencies, a state or any of its political subdivisions, or an 813
instrumentality of two or more states, unless the law providing 814
for the benefits or advantages makes them excess or secondary to 815
benefits under sections 2743.51 to 2743.72 of the Revised Code; 816

(3) Social security, medicare, and medicaid; 817

(4) State-required, temporary, nonoccupational disability 818
insurance; 819

(5) Workers' compensation;	820
(6) Wage continuation programs of any employer;	821
(7) Proceeds of a contract of insurance payable to the victim for loss that the victim sustained because of the criminally injurious conduct;	822 823 824
(8) A contract providing prepaid hospital and other health care services, or benefits for disability;	825 826
(9) That portion of the proceeds of all contracts of insurance payable to the claimant on account of the death of the victim that exceeds fifty thousand dollars;	827 828 829
(10) Any compensation recovered or recoverable under the laws of another state, district, territory, or foreign country because the victim was the victim of an offense committed in that state, district, territory, or country.	830 831 832 833
"Collateral source" does not include any money, or the monetary value of any property, that is subject to sections 2969.01 to 2969.06 of the Revised Code or that is received as a benefit from the Ohio public safety officers death benefit fund created by section 742.62 of the Revised Code.	834 835 836 837 838
(C) "Criminally injurious conduct" means one of the following:	839 840
(1) For the purposes of any person described in division (A) (1) of this section, any conduct that occurs or is attempted in this state; poses a substantial threat of personal injury or death; and is punishable by fine, imprisonment, or death, or would be so punishable but for the fact that the person engaging in the conduct lacked capacity to commit the crime under the laws of this state. Criminally injurious conduct does not	841 842 843 844 845 846 847

include conduct arising out of the ownership, maintenance, or 848
use of a motor vehicle, except when any of the following 849
applies: 850

(a) The person engaging in the conduct intended to cause 851
personal injury or death; 852

(b) The person engaging in the conduct was using the 853
vehicle to flee immediately after committing a felony or an act 854
that would constitute a felony but for the fact that the person 855
engaging in the conduct lacked the capacity to commit the felony 856
under the laws of this state; 857

(c) The person engaging in the conduct was using the 858
vehicle in a manner that constitutes an OVI violation; 859

(d) The conduct occurred on or after July 25, 1990, and 860
the person engaging in the conduct was using the vehicle in a 861
manner that constitutes a violation of section 2903.08 of the 862
Revised Code; 863

(e) The person engaging in the conduct acted in a manner 864
that caused serious physical harm to a person and that 865
constituted a violation of section 4549.02 or 4549.021 of the 866
Revised Code. 867

(2) For the purposes of any person described in division 868
(A) (2) of this section, any conduct that occurs or is attempted 869
in another state, district, territory, or foreign country; poses 870
a substantial threat of personal injury or death; and is 871
punishable by fine, imprisonment, or death, or would be so 872
punishable but for the fact that the person engaging in the 873
conduct lacked capacity to commit the crime under the laws of 874
the state, district, territory, or foreign country in which the 875
conduct occurred or was attempted. Criminally injurious conduct 876

does not include conduct arising out of the ownership, 877
maintenance, or use of a motor vehicle, except when any of the 878
following applies: 879

(a) The person engaging in the conduct intended to cause 880
personal injury or death; 881

(b) The person engaging in the conduct was using the 882
vehicle to flee immediately after committing a felony or an act 883
that would constitute a felony but for the fact that the person 884
engaging in the conduct lacked the capacity to commit the felony 885
under the laws of the state, district, territory, or foreign 886
country in which the conduct occurred or was attempted; 887

(c) The person engaging in the conduct was using the 888
vehicle in a manner that constitutes an OVI violation; 889

(d) The conduct occurred on or after July 25, 1990, the 890
person engaging in the conduct was using the vehicle in a manner 891
that constitutes a violation of any law of the state, district, 892
territory, or foreign country in which the conduct occurred, and 893
that law is substantially similar to a violation of section 894
2903.08 of the Revised Code; 895

(e) The person engaging in the conduct acted in a manner 896
that caused serious physical harm to a person and that 897
constituted a violation of any law of the state, district, 898
territory, or foreign country in which the conduct occurred, and 899
that law is substantially similar to section 4549.02 or 4549.021 900
of the Revised Code. 901

(3) For the purposes of any person described in division 902
(A) (1) or (2) of this section, terrorism that occurs within or 903
outside the territorial jurisdiction of the United States. 904

(D) "Dependent" means an individual wholly or partially 905

dependent upon the victim for care and support, and includes a 906
child of the victim born after the victim's death. 907

(E) "Economic loss" means economic detriment consisting 908
only of allowable expense, work loss, funeral expense, 909
unemployment benefits loss, replacement services loss, cost of 910
crime scene cleanup, and cost of evidence replacement. If 911
criminally injurious conduct causes death, economic loss 912
includes a dependent's economic loss and a dependent's 913
replacement services loss. Noneconomic detriment is not economic 914
loss; however, economic loss may be caused by pain and suffering 915
or physical impairment. 916

(F) (1) "Allowable expense" means reasonable charges 917
incurred for reasonably needed products, services, and 918
accommodations, including those for medical care, 919
rehabilitation, rehabilitative occupational training, and other 920
remedial treatment and care and including replacement costs for 921
hearing aids; dentures, retainers, and other dental appliances; 922
canes, walkers, and other mobility tools; and eyeglasses and 923
other corrective lenses. It does not include that portion of a 924
charge for a room in a hospital, clinic, convalescent home, 925
nursing home, or any other institution engaged in providing 926
nursing care and related services in excess of a reasonable and 927
customary charge for semiprivate accommodations, unless 928
accommodations other than semiprivate accommodations are 929
medically required. 930

(2) An immediate family member of a victim of criminally 931
injurious conduct that consists of a homicide, a sexual assault, 932
domestic violence, or a severe and permanent incapacitating 933
injury resulting in paraplegia or a similar life-altering 934
condition, who requires psychiatric care or counseling as a 935

result of the criminally injurious conduct, may be reimbursed 936
for that care or counseling as an allowable expense through the 937
victim's application. The cumulative allowable expense for care 938
or counseling of that nature shall not exceed two thousand five 939
hundred dollars for each immediate family member of a victim of 940
that type and seven thousand five hundred dollars in the 941
aggregate for all immediate family members of a victim of that 942
type. 943

(3) A family member of a victim who died as a proximate 944
result of criminally injurious conduct may be reimbursed as an 945
allowable expense through the victim's application for wages 946
lost and travel expenses incurred in order to attend criminal 947
justice proceedings arising from the criminally injurious 948
conduct. The cumulative allowable expense for wages lost and 949
travel expenses incurred by a family member to attend criminal 950
justice proceedings shall not exceed five hundred dollars for 951
each family member of the victim and two thousand dollars in the 952
aggregate for all family members of the victim. 953

(4) (a) "Allowable expense" includes reasonable expenses 954
and fees necessary to obtain a guardian's bond pursuant to 955
section 2109.04 of the Revised Code when the bond is required to 956
pay an award to a fiduciary on behalf of a minor or other 957
incompetent. 958

(b) "Allowable expense" includes attorney's fees not 959
exceeding one thousand dollars, at a rate not exceeding one 960
hundred dollars per hour, incurred to successfully obtain a 961
restraining order, custody order, or other order to physically 962
separate a victim from an offender. Attorney's fees for the 963
services described in this division may include an amount for 964
reasonable travel time incurred to attend court hearings, not 965

exceeding three hours_ round-trip for each court hearing, 966
assessed at a rate not exceeding thirty dollars per hour. 967

(G) "Work loss" means loss of income from work that the 968
injured person would have performed if the person had not been 969
injured and expenses reasonably incurred by the person to obtain 970
services in lieu of those the person would have performed for 971
income, reduced by any income from substitute work actually 972
performed by the person, or by income the person would have 973
earned in available appropriate substitute work that the person 974
was capable of performing but unreasonably failed to undertake. 975

(H) "Replacement services loss" means expenses reasonably 976
incurred in obtaining ordinary and necessary services in lieu of 977
those the injured person would have performed, not for income, 978
but for the benefit of the person's self or family, if the 979
person had not been injured. 980

(I) "Dependent's economic loss" means loss after a 981
victim's death of contributions of things of economic value to 982
the victim's dependents, not including services they would have 983
received from the victim if the victim had not suffered the 984
fatal injury, less expenses of the dependents avoided by reason 985
of the victim's death. If a minor child of a victim is adopted 986
after the victim's death, the minor child continues after the 987
adoption to incur a dependent's economic loss as a result of the 988
victim's death. If the surviving spouse of a victim remarries, 989
the surviving spouse continues after the remarriage to incur a 990
dependent's economic loss as a result of the victim's death. 991

(J) "Dependent's replacement services loss" means loss 992
reasonably incurred by dependents after a victim's death in 993
obtaining ordinary and necessary services in lieu of those the 994
victim would have performed for their benefit if the victim had 995

not suffered the fatal injury, less expenses of the dependents 996
avoided by reason of the victim's death and not subtracted in 997
calculating the dependent's economic loss. If a minor child of a 998
victim is adopted after the victim's death, the minor child 999
continues after the adoption to incur a dependent's replacement 1000
services loss as a result of the victim's death. If the 1001
surviving spouse of a victim remarries, the surviving spouse 1002
continues after the remarriage to incur a dependent's 1003
replacement services loss as a result of the victim's death. 1004

(K) "Noneconomic detriment" means pain, suffering, 1005
inconvenience, physical impairment, or other nonpecuniary 1006
damage. 1007

(L) "Victim" means a person who suffers personal injury or 1008
death as a result of any of the following: 1009

(1) Criminally injurious conduct; 1010

(2) The good faith effort of any person to prevent 1011
criminally injurious conduct; 1012

(3) The good faith effort of any person to apprehend a 1013
person suspected of engaging in criminally injurious conduct. 1014

(M) "Contributory misconduct" means any conduct of the 1015
claimant or of the victim through whom the claimant claims an 1016
award of reparations that is unlawful or intentionally tortious 1017
and that, without regard to the conduct's proximity in time or 1018
space to the criminally injurious conduct, has a causal 1019
relationship to the criminally injurious conduct that is the 1020
basis of the claim. 1021

(N) (1) "Funeral expense" means any reasonable charges that 1022
are not in excess of seven thousand five hundred dollars per 1023
funeral and that are incurred for expenses directly related to a 1024

victim's funeral, cremation, hydrolysis, or burial and any wages 1025
lost or travel expenses incurred by a family member of a victim 1026
in order to attend the victim's funeral, cremation, hydrolysis, 1027
or burial. 1028

(2) An award for funeral expenses shall be applied first 1029
to expenses directly related to the victim's funeral, cremation, 1030
hydrolysis, or burial. An award for wages lost or travel 1031
expenses incurred by a family member of the victim shall not 1032
exceed five hundred dollars for each family member and shall not 1033
exceed in the aggregate the difference between seven thousand 1034
five hundred dollars and expenses that are reimbursed by the 1035
program and that are directly related to the victim's funeral, 1036
cremation, hydrolysis, or burial. 1037

(O) "Unemployment benefits loss" means a loss of 1038
unemployment benefits pursuant to Chapter 4141. of the Revised 1039
Code when the loss arises solely from the inability of a victim 1040
to meet the able to work, available for suitable work, or the 1041
actively seeking suitable work requirements of division (A) (4) 1042
(a) of section 4141.29 of the Revised Code. 1043

(P) "OVI violation" means any of the following: 1044

(1) A violation of section 4511.19 of the Revised Code, of 1045
any municipal ordinance prohibiting the operation of a vehicle 1046
while under the influence of alcohol, a drug of abuse, or a 1047
combination of them, or of any municipal ordinance prohibiting 1048
the operation of a vehicle with a prohibited concentration of 1049
alcohol, a controlled substance, or a metabolite of a controlled 1050
substance in the whole blood, blood serum or plasma, breath, or 1051
urine; 1052

(2) A violation of division (A) (1) of section 2903.06 of 1053

the Revised Code; 1054

(3) A violation of division (A) (2), (3), or (4) of section 1055
2903.06 of the Revised Code or of a municipal ordinance 1056
substantially similar to any of those divisions, if the offender 1057
was under the influence of alcohol, a drug of abuse, or a 1058
combination of them, at the time of the commission of the 1059
offense; 1060

(4) For purposes of any person described in division (A) 1061
(2) of this section, a violation of any law of the state, 1062
district, territory, or foreign country in which the criminally 1063
injurious conduct occurred, if that law is substantially similar 1064
to a violation described in division (P) (1) or (2) of this 1065
section or if that law is substantially similar to a violation 1066
described in division (P) (3) of this section and the offender 1067
was under the influence of alcohol, a drug of abuse, or a 1068
combination of them, at the time of the commission of the 1069
offense. 1070

(Q) "Pendency of the claim" for an original reparations 1071
application or supplemental reparations application means the 1072
period of time from the date the criminally injurious conduct 1073
upon which the application is based occurred until the date a 1074
final decision, order, or judgment concerning that original 1075
reparations application or supplemental reparations application 1076
is issued. 1077

(R) "Terrorism" means any activity to which all of the 1078
following apply: 1079

(1) The activity involves a violent act or an act that is 1080
dangerous to human life. 1081

(2) The act described in division (R) (1) of this section 1082

is committed within the territorial jurisdiction of the United 1083
States and is a violation of the criminal laws of the United 1084
States, this state, or any other state or the act described in 1085
division (R) (1) of this section is committed outside the 1086
territorial jurisdiction of the United States and would be a 1087
violation of the criminal laws of the United States, this state, 1088
or any other state if committed within the territorial 1089
jurisdiction of the United States. 1090

(3) The activity appears to be intended to do any of the 1091
following: 1092

(a) Intimidate or coerce a civilian population; 1093

(b) Influence the policy of any government by intimidation 1094
or coercion; 1095

(c) Affect the conduct of any government by assassination 1096
or kidnapping. 1097

(4) The activity occurs primarily outside the territorial 1098
jurisdiction of the United States or transcends the national 1099
boundaries of the United States in terms of the means by which 1100
the activity is accomplished, the person or persons that the 1101
activity appears intended to intimidate or coerce, or the area 1102
or locale in which the perpetrator or perpetrators of the 1103
activity operate or seek asylum. 1104

(S) "Transcends the national boundaries of the United 1105
States" means occurring outside the territorial jurisdiction of 1106
the United States in addition to occurring within the 1107
territorial jurisdiction of the United States. 1108

(T) "Cost of crime scene cleanup" means any of the 1109
following: 1110

(1) The replacement cost for items of clothing removed 1111
from a victim in order to make an assessment of possible 1112
physical harm or to treat physical harm; 1113

(2) Reasonable and necessary costs of cleaning the scene 1114
and repairing, for the purpose of personal security, property 1115
damaged at the scene where the criminally injurious conduct 1116
occurred, not to exceed seven hundred fifty dollars in the 1117
aggregate per claim. 1118

(U) "Cost of evidence replacement" means costs for 1119
replacement of property confiscated for evidentiary purposes 1120
related to the criminally injurious conduct, not to exceed seven 1121
hundred fifty dollars in the aggregate per claim. 1122

(V) "Provider" means any person who provides a victim or 1123
claimant with a product, service, or accommodations that are an 1124
allowable expense or a funeral expense. 1125

(W) "Immediate family member" means an individual who 1126
resided in the same permanent household as a victim at the time 1127
of the criminally injurious conduct and who is related to the 1128
victim by affinity or consanguinity. 1129

(X) "Family member" means an individual who is related to 1130
a victim by affinity or consanguinity. 1131

Sec. 2925.01. As used in this chapter: 1132

(A) "Administer," "controlled substance," "controlled 1133
substance analog," "dispense," "distribute," "hypodermic," 1134
"manufacturer," "official written order," "person," 1135
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 1136
"schedule III," "schedule IV," "schedule V," and "wholesaler" 1137
have the same meanings as in section 3719.01 of the Revised 1138
Code. 1139

(B) "Drug dependent person" and "drug of abuse" have the 1140
same meanings as in section 3719.011 of the Revised Code. 1141

(C) "Drug," "dangerous drug," "licensed health 1142
professional authorized to prescribe drugs," and "prescription" 1143
have the same meanings as in section 4729.01 of the Revised 1144
Code. 1145

(D) "Bulk amount" of a controlled substance means any of 1146
the following: 1147

(1) For any compound, mixture, preparation, or substance 1148
included in schedule I, schedule II, or schedule III, with the 1149
exception of controlled substance analogs, marihuana, cocaine, 1150
L.S.D., heroin, and hashish and except as provided in division 1151
(D)(2) or (5) of this section, whichever of the following is 1152
applicable: 1153

(a) An amount equal to or exceeding ten grams or twenty- 1154
five unit doses of a compound, mixture, preparation, or 1155
substance that is or contains any amount of a schedule I opiate 1156
or opium derivative; 1157

(b) An amount equal to or exceeding ten grams of a 1158
compound, mixture, preparation, or substance that is or contains 1159
any amount of raw or gum opium; 1160

(c) An amount equal to or exceeding thirty grams or ten 1161
unit doses of a compound, mixture, preparation, or substance 1162
that is or contains any amount of a schedule I hallucinogen 1163
other than tetrahydrocannabinol or lysergic acid amide, or a 1164
schedule I stimulant or depressant; 1165

(d) An amount equal to or exceeding twenty grams or five 1166
times the maximum daily dose in the usual dose range specified 1167
in a standard pharmaceutical reference manual of a compound, 1168

mixture, preparation, or substance that is or contains any 1169
amount of a schedule II opiate or opium derivative; 1170

(e) An amount equal to or exceeding five grams or ten unit 1171
doses of a compound, mixture, preparation, or substance that is 1172
or contains any amount of phencyclidine; 1173

(f) An amount equal to or exceeding one hundred twenty 1174
grams or thirty times the maximum daily dose in the usual dose 1175
range specified in a standard pharmaceutical reference manual of 1176
a compound, mixture, preparation, or substance that is or 1177
contains any amount of a schedule II stimulant that is in a 1178
final dosage form manufactured by a person authorized by the 1179
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 1180
U.S.C.A. 301, as amended, and the federal drug abuse control 1181
laws, as defined in section 3719.01 of the Revised Code, that is 1182
or contains any amount of a schedule II depressant substance or 1183
a schedule II hallucinogenic substance; 1184

(g) An amount equal to or exceeding three grams of a 1185
compound, mixture, preparation, or substance that is or contains 1186
any amount of a schedule II stimulant, or any of its salts or 1187
isomers, that is not in a final dosage form manufactured by a 1188
person authorized by the Federal Food, Drug, and Cosmetic Act 1189
and the federal drug abuse control laws. 1190

(2) An amount equal to or exceeding one hundred twenty 1191
grams or thirty times the maximum daily dose in the usual dose 1192
range specified in a standard pharmaceutical reference manual of 1193
a compound, mixture, preparation, or substance that is or 1194
contains any amount of a schedule III or IV substance other than 1195
an anabolic steroid or a schedule III opiate or opium 1196
derivative; 1197

(3) An amount equal to or exceeding twenty grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a schedule III opiate or opium derivative;

(4) An amount equal to or exceeding two hundred fifty milliliters or two hundred fifty grams of a compound, mixture, preparation, or substance that is or contains any amount of a schedule V substance;

(5) An amount equal to or exceeding two hundred solid dosage units, sixteen grams, or sixteen milliliters of a compound, mixture, preparation, or substance that is or contains any amount of a schedule III anabolic steroid.

(E) "Unit dose" means an amount or unit of a compound, mixture, or preparation containing a controlled substance that is separately identifiable and in a form that indicates that it is the amount or unit by which the controlled substance is separately administered to or taken by an individual.

(F) "Cultivate" includes planting, watering, fertilizing, or tilling.

(G) "Drug abuse offense" means any of the following:

(1) A violation of division (A) of section 2913.02 that constitutes theft of drugs, or a violation of section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, or 2925.37 of the Revised Code;

(2) A violation of an existing or former law of this or any other state or of the United States that is substantially equivalent to any section listed in division (G)(1) of this

section;	1227
(3) An offense under an existing or former law of this or any other state, or of the United States, of which planting, cultivating, harvesting, processing, making, manufacturing, producing, shipping, transporting, delivering, acquiring, possessing, storing, distributing, dispensing, selling, inducing another to use, administering to another, using, or otherwise dealing with a controlled substance is an element;	1228 1229 1230 1231 1232 1233 1234
(4) A conspiracy to commit, attempt to commit, or complicity in committing or attempting to commit any offense under division (G) (1), (2), or (3) of this section.	1235 1236 1237
(H) "Felony drug abuse offense" means any drug abuse offense that would constitute a felony under the laws of this state, any other state, or the United States.	1238 1239 1240
(I) "Harmful intoxicant" does not include beer or intoxicating liquor but means any of the following:	1241 1242
(1) Any compound, mixture, preparation, or substance the gas, fumes, or vapor of which when inhaled can induce intoxication, excitement, giddiness, irrational behavior, depression, stupefaction, paralysis, unconsciousness, asphyxiation, or other harmful physiological effects, and includes, but is not limited to, any of the following:	1243 1244 1245 1246 1247 1248
(a) Any volatile organic solvent, plastic cement, model cement, fingernail polish remover, lacquer thinner, cleaning fluid, gasoline, or other preparation containing a volatile organic solvent;	1249 1250 1251 1252
(b) Any aerosol propellant;	1253
(c) Any fluorocarbon refrigerant;	1254

(d) Any anesthetic gas.	1255
(2) Gamma Butyrolactone;	1256
(3) 1,4 Butanediol.	1257
(J) "Manufacture" means to plant, cultivate, harvest,	1258
process, make, prepare, or otherwise engage in any part of the	1259
production of a drug, by propagation, extraction, chemical	1260
synthesis, or compounding, or any combination of the same, and	1261
includes packaging, repackaging, labeling, and other activities	1262
incident to production.	1263
(K) "Possess" or "possession" means having control over a	1264
thing or substance, but may not be inferred solely from mere	1265
access to the thing or substance through ownership or occupation	1266
of the premises upon which the thing or substance is found.	1267
(L) "Sample drug" means a drug or pharmaceutical	1268
preparation that would be hazardous to health or safety if used	1269
without the supervision of a licensed health professional	1270
authorized to prescribe drugs, or a drug of abuse, and that, at	1271
one time, had been placed in a container plainly marked as a	1272
sample by a manufacturer.	1273
(M) "Standard pharmaceutical reference manual" means the	1274
current edition, with cumulative changes if any, of references	1275
that are approved by the state board of pharmacy.	1276
(N) "Juvenile" means a person under eighteen years of age.	1277
(O) "Counterfeit controlled substance" means any of the	1278
following:	1279
(1) Any drug that bears, or whose container or label	1280
bears, a trademark, trade name, or other identifying mark used	1281
without authorization of the owner of rights to that trademark,	1282

trade name, or identifying mark;	1283
(2) Any unmarked or unlabeled substance that is	1284
represented to be a controlled substance manufactured,	1285
processed, packed, or distributed by a person other than the	1286
person that manufactured, processed, packed, or distributed it;	1287
(3) Any substance that is represented to be a controlled	1288
substance but is not a controlled substance or is a different	1289
controlled substance;	1290
(4) Any substance other than a controlled substance that a	1291
reasonable person would believe to be a controlled substance	1292
because of its similarity in shape, size, and color, or its	1293
markings, labeling, packaging, distribution, or the price for	1294
which it is sold or offered for sale.	1295
(P) An offense is "committed in the vicinity of a school"	1296
if the offender commits the offense on school premises, in a	1297
school building, or within one thousand feet of the boundaries	1298
of any school premises, regardless of whether the offender knows	1299
the offense is being committed on school premises, in a school	1300
building, or within one thousand feet of the boundaries of any	1301
school premises.	1302
(Q) "School" means any school operated by a board of	1303
education, any community school established under Chapter 3314.	1304
of the Revised Code, or any nonpublic school for which the state	1305
board of education prescribes minimum standards under section	1306
3301.07 of the Revised Code, whether or not any instruction,	1307
extracurricular activities, or training provided by the school	1308
is being conducted at the time a criminal offense is committed.	1309
(R) "School premises" means either of the following:	1310
(1) The parcel of real property on which any school is	1311

situated, whether or not any instruction, extracurricular 1312
activities, or training provided by the school is being 1313
conducted on the premises at the time a criminal offense is 1314
committed; 1315

(2) Any other parcel of real property that is owned or 1316
leased by a board of education of a school, the governing 1317
authority of a community school established under Chapter 3314. 1318
of the Revised Code, or the governing body of a nonpublic school 1319
for which the state board of education prescribes minimum 1320
standards under section 3301.07 of the Revised Code and on which 1321
some of the instruction, extracurricular activities, or training 1322
of the school is conducted, whether or not any instruction, 1323
extracurricular activities, or training provided by the school 1324
is being conducted on the parcel of real property at the time a 1325
criminal offense is committed. 1326

(S) "School building" means any building in which any of 1327
the instruction, extracurricular activities, or training 1328
provided by a school is conducted, whether or not any 1329
instruction, extracurricular activities, or training provided by 1330
the school is being conducted in the school building at the time 1331
a criminal offense is committed. 1332

(T) "Disciplinary counsel" means the disciplinary counsel 1333
appointed by the board of commissioners on grievances and 1334
discipline of the supreme court under the Rules for the 1335
Government of the Bar of Ohio. 1336

(U) "Certified grievance committee" means a duly 1337
constituted and organized committee of the Ohio state bar 1338
association or of one or more local bar associations of the 1339
state of Ohio that complies with the criteria set forth in Rule 1340
V, section 6 of the Rules for the Government of the Bar of Ohio. 1341

(V) "Professional license" means any license, permit, certificate, registration, qualification, admission, temporary license, temporary permit, temporary certificate, or temporary registration that is described in divisions (W) (1) to (36) of this section and that qualifies a person as a professionally licensed person.

(W) "Professionally licensed person" means any of the following:

(1) A person who has obtained a license as a manufacturer of controlled substances or a wholesaler of controlled substances under Chapter 3719. of the Revised Code;

(2) A person who has received a certificate or temporary certificate as a certified public accountant or who has registered as a public accountant under Chapter 4701. of the Revised Code and who holds an Ohio permit issued under that chapter;

(3) A person who holds a certificate of qualification to practice architecture issued or renewed and registered under Chapter 4703. of the Revised Code;

(4) A person who is registered as a landscape architect under Chapter 4703. of the Revised Code or who holds a permit as a landscape architect issued under that chapter;

(5) A person licensed under Chapter 4707. of the Revised Code;

(6) A person who has been issued a certificate of registration as a registered barber under Chapter 4709. of the Revised Code;

(7) A person licensed and regulated to engage in the

business of a debt pooling company by a legislative authority,	1370
under authority of Chapter 4710. of the Revised Code;	1371
(8) A person who has been issued a cosmetologist's	1372
license, hair designer's license, manicurist's license,	1373
esthetician's license, natural hair stylist's license, managing	1374
cosmetologist's license, managing hair designer's license,	1375
managing manicurist's license, managing esthetician's license,	1376
managing natural hair stylist's license, cosmetology	1377
instructor's license, hair design instructor's license,	1378
manicurist instructor's license, esthetics instructor's license,	1379
natural hair style instructor's license, independent	1380
contractor's license, or tanning facility permit under Chapter	1381
4713. of the Revised Code;	1382
(9) A person who has been issued a license to practice	1383
dentistry, a general anesthesia permit, a conscious intravenous	1384
sedation permit, a limited resident's license, a limited	1385
teaching license, a dental hygienist's license, or a dental	1386
hygienist's teacher's certificate under Chapter 4715. of the	1387
Revised Code;	1388
(10) A person who has been issued an embalmer's license, a	1389
funeral director's license, a funeral home license, or a	1390
crematory <u>or hydrolysis facility</u> license, or who has been	1391
registered for an embalmer's or funeral director's	1392
apprenticeship under Chapter 4717. of the Revised Code;	1393
(11) A person who has been licensed as a registered nurse	1394
or practical nurse, or who has been issued a certificate for the	1395
practice of nurse-midwifery under Chapter 4723. of the Revised	1396
Code;	1397
(12) A person who has been licensed to practice optometry	1398

or to engage in optical dispensing under Chapter 4725. of the Revised Code;	1399 1400
(13) A person licensed to act as a pawnbroker under Chapter 4727. of the Revised Code;	1401 1402
(14) A person licensed to act as a precious metals dealer under Chapter 4728. of the Revised Code;	1403 1404
(15) A person licensed as a pharmacist, a pharmacy intern, a wholesale distributor of dangerous drugs, or a terminal distributor of dangerous drugs under Chapter 4729. of the Revised Code;	1405 1406 1407 1408
(16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code;	1409 1410
(17) A person who has been issued a certificate to practice medicine and surgery, osteopathic medicine and surgery, a limited branch of medicine, or podiatry under Chapter 4731. of the Revised Code;	1411 1412 1413 1414
(18) A person licensed as a psychologist or school psychologist under Chapter 4732. of the Revised Code;	1415 1416
(19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code;	1417 1418 1419
(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;	1420 1421
(21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code;	1422 1423
(22) A person registered as a registered sanitarian under Chapter 4736. of the Revised Code;	1424 1425

(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;	1426 1427
(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;	1428 1429
(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;	1430 1431
(26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Chapter 4741. of the Revised Code;	1432 1433 1434 1435
(27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Chapter 4747. of the Revised Code;	1436 1437 1438
(28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code;	1439 1440 1441
(29) A person licensed and registered to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	1442 1443 1444
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	1445 1446 1447
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	1448 1449 1450
(32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and	1451 1452 1453

family therapist, or marriage and family therapist, or 1454
registered as a social work assistant under Chapter 4757. of the 1455
Revised Code; 1456

(33) A person issued a license to practice dietetics under 1457
Chapter 4759. of the Revised Code; 1458

(34) A person who has been issued a license or limited 1459
permit to practice respiratory therapy under Chapter 4761. of 1460
the Revised Code; 1461

(35) A person who has been issued a real estate appraiser 1462
certificate under Chapter 4763. of the Revised Code; 1463

(36) A person who has been admitted to the bar by order of 1464
the supreme court in compliance with its prescribed and 1465
published rules. 1466

(X) "Cocaine" means any of the following: 1467

(1) A cocaine salt, isomer, or derivative, a salt of a 1468
cocaine isomer or derivative, or the base form of cocaine; 1469

(2) Coca leaves or a salt, compound, derivative, or 1470
preparation of coca leaves, including ecgonine, a salt, isomer, 1471
or derivative of ecgonine, or a salt of an isomer or derivative 1472
of ecgonine; 1473

(3) A salt, compound, derivative, or preparation of a 1474
substance identified in division (X)(1) or (2) of this section 1475
that is chemically equivalent to or identical with any of those 1476
substances, except that the substances shall not include 1477
decocainized coca leaves or extraction of coca leaves if the 1478
extractions do not contain cocaine or ecgonine. 1479

(Y) "L.S.D." means lysergic acid diethylamide. 1480

(Z) "Hashish" means the resin or a preparation of the resin contained in marihuana, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form.

(AA) "Marihuana" has the same meaning as in section 3719.01 of the Revised Code, except that it does not include hashish.

(BB) An offense is "committed in the vicinity of a juvenile" if the offender commits the offense within one hundred feet of a juvenile or within the view of a juvenile, regardless of whether the offender knows the age of the juvenile, whether the offender knows the offense is being committed within one hundred feet of or within view of the juvenile, or whether the juvenile actually views the commission of the offense.

(CC) "Presumption for a prison term" or "presumption that a prison term shall be imposed" means a presumption, as described in division (D) of section 2929.13 of the Revised Code, that a prison term is a necessary sanction for a felony in order to comply with the purposes and principles of sentencing under section 2929.11 of the Revised Code.

(DD) "Major drug offender" has the same meaning as in section 2929.01 of the Revised Code.

(EE) "Minor drug possession offense" means either of the following:

(1) A violation of section 2925.11 of the Revised Code as it existed prior to July 1, 1996;

(2) A violation of section 2925.11 of the Revised Code as it exists on and after July 1, 1996, that is a misdemeanor or a felony of the fifth degree.

(FF) "Mandatory prison term" has the same meaning as in 1509
section 2929.01 of the Revised Code. 1510

(GG) "Adulterate" means to cause a drug to be adulterated 1511
as described in section 3715.63 of the Revised Code. 1512

(HH) "Public premises" means any hotel, restaurant, 1513
tavern, store, arena, hall, or other place of public 1514
accommodation, business, amusement, or resort. 1515

(II) "Methamphetamine" means methamphetamine, any salt, 1516
isomer, or salt of an isomer of methamphetamine, or any 1517
compound, mixture, preparation, or substance containing 1518
methamphetamine or any salt, isomer, or salt of an isomer of 1519
methamphetamine. 1520

(JJ) "Lawful prescription" means a prescription that is 1521
issued for a legitimate medical purpose by a licensed health 1522
professional authorized to prescribe drugs, that is not altered 1523
or forged, and that was not obtained by means of deception or by 1524
the commission of any theft offense. 1525

(KK) "Deception" and "theft offense" have the same 1526
meanings as in section 2913.01 of the Revised Code. 1527

Sec. 3705.01. As used in this chapter: 1528

(A) "Live birth" means the complete expulsion or 1529
extraction from its mother of a product of human conception that 1530
after such expulsion or extraction breathes or shows any other 1531
evidence of life such as beating of the heart, pulsation of the 1532
umbilical cord, or definite movement of voluntary muscles, 1533
whether or not the umbilical cord has been cut or the placenta 1534
is attached. 1535

(B) (1) "Fetal death" means death prior to the complete 1536

expulsion or extraction from its mother of a product of human 1537
conception, irrespective of the duration of pregnancy, which 1538
after such expulsion or extraction does not breathe or show any 1539
other evidence of life such as beating of the heart, pulsation 1540
of the umbilical cord, or definite movement of voluntary 1541
muscles. 1542

(2) "Stillborn" means that an infant of at least twenty 1543
weeks of gestation suffered a fetal death. 1544

(C) "Dead body" means a human body or part of a human body 1545
from the condition of which it reasonably may be concluded that 1546
death recently occurred. 1547

(D) "Physician" means a person licensed pursuant to 1548
Chapter 4731. of the Revised Code to practice medicine or 1549
surgery or osteopathic medicine and surgery. 1550

(E) "Attending physician" means the physician in charge of 1551
the patient's care for the illness or condition that resulted in 1552
death. 1553

(F) "Institution" means any establishment, public or 1554
private, that provides medical, surgical, or diagnostic care or 1555
treatment, or domiciliary care, to two or more unrelated 1556
individuals, or to persons committed by law. 1557

(G) "Funeral director" has the meaning given in section 1558
4717.01 of the Revised Code. 1559

(H) "State registrar" means the head of the office of 1560
vital statistics in the department of health. 1561

(I) "Medical certification" means completion of the 1562
medical certification portion of the certificate of death or 1563
fetal death as to the cause of death or fetal death. 1564

(J) "Final disposition" means the interment, cremation,	1565
<u>hydrolysis</u> , removal from the state, donation, or other	1566
authorized disposition of a dead body or a fetal death.	1567
(K) "Interment" means the final disposition of the remains	1568
of a dead body by burial or entombment.	1569
(L) "Cremation" means the reduction to ashes of a dead	1570
body.	1571
(M) "Donation" means gift of a dead body to a research	1572
institution or medical school.	1573
(N) "System of vital statistics" means the registration,	1574
collection, preservation, amendment, and certification of vital	1575
records, the collection of other reports required by this	1576
chapter, and activities related thereto.	1577
(O) "Vital records" means certificates or reports of	1578
birth, death, fetal death, marriage, divorce, dissolution of	1579
marriage, annulment, and data related thereto and other	1580
documents maintained as required by statute.	1581
(P) "File" means the presentation of vital records for	1582
registration by the office of vital statistics.	1583
(Q) "Registration" means the acceptance by the office of	1584
vital statistics and the incorporation of vital records into its	1585
official records.	1586
(R) "Birth record" means a birth certificate that has been	1587
registered with the office of vital statistics; or, if	1588
registered prior to March 16, 1989, with the division of vital	1589
statistics; or, if registered prior to the establishment of the	1590
division of vital statistics, with the department of health or a	1591
local registrar.	1592

(S) "Certification of birth" means a document issued by 1593
the director of health or state registrar or a local registrar 1594
under division (B) of section 3705.23 of the Revised Code. 1595

(T) "Certified nurse-midwife" has the same meaning as in 1596
section 4723.01 of the Revised Code. 1597

(U) "Hydrolysis" has the same meaning as in section 1598
4717.01 of the Revised Code. 1599

Sec. 3705.17. The body of a person whose death occurs in 1600
this state shall not be interred, deposited in a vault or tomb, 1601
cremated, hydrolyzed, or otherwise disposed of by a funeral 1602
director until a burial permit is issued by a local registrar or 1603
sub-registrar of vital statistics. No such permit shall be 1604
issued by a local registrar or sub-registrar until a 1605
satisfactory death, fetal death, or provisional death 1606
certificate is filed with the local registrar or sub-registrar. 1607
When the medical certification as to the cause of death cannot 1608
be provided by the attending physician or coroner prior to 1609
burial, for sufficient cause, as determined by rule of the 1610
director of health, the funeral director may file a provisional 1611
death certificate with the local registrar or sub-registrar for 1612
the purpose of securing a burial or burial-transit permit. When 1613
the funeral director files a provisional death certificate to 1614
secure a burial or burial-transit permit, the funeral director 1615
shall file a satisfactory and complete death certificate within 1616
five days after the date of death. The director of health, by 1617
rule, may provide additional time for filing a satisfactory 1618
death certificate. A burial permit authorizing cremation or 1619
hydrolysis shall not be issued upon the filing of a provisional 1620
certificate of death. 1621

When a funeral director or other person obtains a burial 1622

permit from a local registrar or sub-registrar, the registrar or 1623
sub-registrar shall charge a fee of three dollars for the 1624
issuance of the burial permit. Two dollars and fifty cents of 1625
each fee collected for a burial permit shall be paid into the 1626
state treasury to the credit of the division of real estate in 1627
the department of commerce to be used by the division in 1628
discharging its duties prescribed in Chapter 4767. of the 1629
Revised Code and the Ohio cemetery dispute resolution commission 1630
created by section 4767.05 of the Revised Code. A local 1631
registrar or sub-registrar shall transmit payments of that 1632
portion of the amount of each fee collected under this section 1633
to the treasurer of state on a quarterly basis or more 1634
frequently, if possible. The director of health, by rule, shall 1635
provide for the issuance of a burial permit without the payment 1636
of the fee required by this section if the total cost of the 1637
burial will be paid by an agency or instrumentality of the 1638
United States, the state or a state agency, or a political 1639
subdivision of the state. 1640

The director of commerce may by rule adopted in accordance 1641
with Chapter 119. of the Revised Code reduce the total amount of 1642
the fee required by this section and that portion of the amount 1643
of the fee required to be paid to the credit of the division of 1644
real estate for the use of the division and the Ohio cemetery 1645
dispute resolution commission, if the director determines that 1646
the total amount of funds the fee is generating at the amount 1647
required by this section exceeds the amount of funds the 1648
division of real estate and the commission need to carry out 1649
their powers and duties prescribed in Chapter 4767. of the 1650
Revised Code. 1651

No person in charge of any premises in which interments~~or~~ 1652
, cremations, or hydrolyses are made shall inter ~~or~~ , cremate, or 1653

hydrolyze or otherwise dispose of a body, unless it is 1654
accompanied by a burial permit. Each person in charge of a 1655
cemetery, crematory facility, hydrolysis facility, or other 1656
place of disposal shall indorse upon a burial permit the date of 1657
interment, cremation, hydrolysis, or other disposal and shall 1658
retain such permits for a period of at least five years. The 1659
person in charge shall keep an accurate record of all 1660
interments, cremations, hydrolyses, or other disposal of dead 1661
bodies, made in the premises under the person's charge, stating 1662
the name of the deceased person, place of death, date of burial, 1663
cremation, hydrolysis, or other disposal, and name and address 1664
of the funeral director. Such record shall at all times be open 1665
to public inspection. 1666

Sec. 3705.18. When a death occurs outside the state and 1667
the body is transported into this state for burial or other 1668
disposition, the body must be accompanied by an authorization 1669
for final disposition issued in accordance with the laws and 1670
health regulations of the place where death occurred. The 1671
authorization that accompanied the body shall be accepted as 1672
authorization for burial, cremation, hydrolysis, or other 1673
disposal in Ohio. The person in charge of place of burial shall 1674
endorse and forward the authorization for final disposition that 1675
accompanied the body to the local registrar of vital statistics 1676
of the registration district in which burial was made. 1677

Sec. 3705.19. (A) If the deceased served in the armed 1678
forces of the United States, the death certificate shall include 1679
a statement of the branch of service in which ~~he~~ the deceased 1680
served, the date of entry into service, the date and type of 1681
discharge from such service, and information to show the name 1682
and location of the place where the deceased was buried ~~or~~ 1683
cremated, or hydrolyzed, date of burial ~~or~~ cremation, or 1684

hydrolysis, and the location, lot, and grave number of the 1685
deceased's burial. 1686

(B) Whenever the remains of a deceased person are 1687
transported into this state for burial or other disposition, the 1688
funeral director having responsibility for disposition of the 1689
remains shall ascertain from the best qualified persons or 1690
sources available whether or not the deceased was a member of 1691
the armed forces of the United States. If the funeral director 1692
finds the deceased was a member, ~~he~~ the funeral director shall 1693
also obtain from such persons or sources and shall transcribe on 1694
a form prescribed by the director of health, the deceased's 1695
branch of service, date of entry into service, date and type of 1696
separation or discharge from service, date of birth, state of 1697
birth, date of death, date of burial, the name and location of 1698
the cemetery, and the lot and grave number where the deceased is 1699
buried. The funeral director shall sign the completed form and 1700
submit it to the local registrar of vital statistics. If the 1701
funeral director is unable to ascertain whether or not the 1702
deceased was a member of the armed forces of the United States 1703
or ascertains that the deceased was not a member, ~~he~~ the funeral 1704
director shall enter such information on the form. 1705

If no funeral director is responsible for the disposition 1706
of the remains of the deceased, the person in charge of the 1707
disposition, except a sexton or other person who is customarily 1708
in charge only of the premises where burials ~~or~~ cremations, or 1709
hydrolyses take place, shall perform the duties required by this 1710
division. 1711

(C) At intervals not to exceed three months, the 1712
department of health shall forward to the adjutant general a 1713
summary of information concerning deceased members and former 1714

members of the armed forces of the United States, including 1715
those who died outside this state, but whose remains were buried 1716
or received for other final disposition in this state. The 1717
summary shall state the name, date of birth, state of birth, 1718
date of death, date of entry into service, date and type of 1719
separation or discharge from service, branch of service, date of 1720
burial, place of burial, and location of grave. At the same time 1721
the department forwards this summary to the adjutant general, it 1722
shall forward to each county recorder that portion of the 1723
summary that relates to burials made, and grave locations 1724
situated, within the county. After the summary is sent to the 1725
adjutant general, the forms specified in division (B) of this 1726
section may be disposed of. 1727

Sec. 3705.20. (A) The fetal death of the product of human 1728
conception of at least twenty weeks of gestation shall be 1729
registered on a fetal death certificate. 1730

On application of either parent, the fetal death of the 1731
product of human conception prior to twenty weeks of gestation 1732
shall be registered on a fetal death certificate, except that 1733
the fetal death certificate shall not list the cause of death. 1734

The parent shall include with the application a copy of 1735
the statement required by division (B) (1) of section 3727.16 or 1736
division (B) (1) of section 4731.82 of the Revised Code. If the 1737
father submits the application, he shall also include with it a 1738
signed and notarized document from the mother attesting that she 1739
voluntarily provided the father with a copy of the statement. 1740

A fetal death certificate for the product of human 1741
conception prior to twenty weeks gestation is not proof of a 1742
live birth for purposes of federal, state, and local taxes. 1743

(B) The product of human conception of at least twenty 1744
weeks of gestation that suffers a fetal death occurring in Ohio 1745
shall not be interred, deposited in a vault or tomb, cremated, 1746
hydrolyzed, or otherwise disposed of by a funeral director or 1747
other person until a fetal death certificate or provisional 1748
death certificate has been filed with and a burial permit is 1749
issued by the local registrar of vital statistics of the 1750
registration district in which the fetal death occurs, or the 1751
body is found. 1752

A burial permit for the product of human conception that 1753
suffers a fetal death prior to twenty weeks of gestation shall 1754
be issued by the local registrar of vital statistics of the 1755
registration district in which the fetal death occurs if either 1756
parent files a fetal death certificate with that registrar. 1757

(C) (1) The department of health and the local registrar 1758
shall keep a separate record and index record of fetal death 1759
certificates. 1760

(2) The personal or statistical information on the fetal 1761
death certificate shall be obtained by the funeral director or 1762
other person in charge of interment or cremation from the best 1763
qualified persons or sources available. 1764

(D) When a burial permit is issued under division (B) of 1765
this section for the product of human conception of at least 1766
twenty weeks of gestation that suffers a fetal death, the local 1767
registrar shall inform the parent or parents listed on the fetal 1768
death certificate or provisional death certificate of the option 1769
of applying for a certificate that is issued under division (B) 1770
(3) of section 3705.23 of the Revised Code. 1771

Sec. 3707.19. The body of a person who has died of a 1772

communicable disease declared by the department of health to 1773
require immediate disposal for the protection of others shall be 1774
buried ~~or~~, cremated, or hydrolyzed within twenty-four hours 1775
after death. No public or church funeral shall be held in 1776
connection with the burial of such person, and the body shall 1777
not be taken into any church, chapel, or other public place. 1778
Only adult members of the immediate family of the deceased and 1779
such other persons as are actually necessary may be present at 1780
the burial ~~or~~, cremation, or hydrolysis. 1781

Sec. 4511.451. (A) As used in this section, "funeral 1782
procession" means two or more vehicles accompanying the cremated 1783
or hydrolyzed remains or the body of a deceased person in the 1784
daytime when each of the vehicles has its headlights lighted and 1785
is displaying a purple and white or an orange and white pennant 1786
attached to each vehicle in such a manner as to be clearly 1787
visible to traffic approaching from any direction. 1788

(B) Excepting public safety vehicles proceeding in 1789
accordance with section 4511.45 of the Revised Code or when 1790
directed otherwise by a police officer, pedestrians and the 1791
operators of all vehicles, street cars, and trackless trolleys 1792
shall yield the right of way to each vehicle that is a part of a 1793
funeral procession. Whenever the lead vehicle in a funeral 1794
procession lawfully enters an intersection, the remainder of the 1795
vehicles in the procession may continue to follow the lead 1796
vehicle through the intersection notwithstanding any traffic 1797
control devices or right of way provisions of the Revised Code, 1798
provided that the operator of each vehicle exercises due care to 1799
avoid colliding with any other vehicle or pedestrian. 1800

(C) No person shall operate any vehicle as a part of a 1801
funeral procession without having the headlights of the vehicle 1802

lighted and without displaying a purple and white or an orange 1803
and white pennant in such a manner as to be clearly visible to 1804
traffic approaching from any direction. 1805

(D) Except as otherwise provided in this division, whoever 1806
violates this section is guilty of a minor misdemeanor. If, 1807
within one year of the offense, the offender previously has been 1808
convicted of or pleaded guilty to one predicate motor vehicle or 1809
traffic offense, whoever violates this section is guilty of a 1810
misdemeanor of the fourth degree. If, within one year of the 1811
offense, the offender previously has been convicted of two or 1812
more predicate motor vehicle or traffic offenses, whoever 1813
violates this section is guilty of a misdemeanor of the third 1814
degree. 1815

Sec. 4717.01. As used in this chapter: 1816

(A) "Embalming" means the preservation and disinfection, 1817
or attempted preservation and disinfection, of the dead human 1818
body by application of chemicals externally, internally, or 1819
both. 1820

(B) "Funeral business" means a sole proprietorship, 1821
partnership, corporation, limited liability company, or other 1822
business entity that is engaged in funeral directing for profit 1823
or for free from one or more funeral homes licensed under this 1824
chapter. 1825

(C) "Funeral directing" means the business or profession 1826
of directing or supervising funerals for profit, the arrangement 1827
or sale of funeral services, the filling out or execution of a 1828
funeral service contract, the business or profession of 1829
preparing dead human bodies for burial by means other than 1830
embalming, the disposition of dead human bodies, the provision 1831

or maintenance of a place for the preparation, the care, or 1832
disposition of dead human bodies, the use in connection with a 1833
business of the term "funeral director," "undertaker," 1834
"mortician," or any other term from which can be implied the 1835
business of funeral directing, or the holding out to the public 1836
that one is a funeral director or a disposer of dead human 1837
bodies. 1838

(D) "Funeral home" means a fixed place for the care, 1839
preparation for burial, or disposition of dead human bodies or 1840
the conducting of funerals. Each business location is a funeral 1841
home, regardless of common ownership or management. 1842

(E) "Embalmer" means a person who engages, in whole or in 1843
part, in embalming and who is licensed under this chapter. 1844

(F) "Funeral director" means a person who engages, in 1845
whole or in part, in funeral directing and who is licensed under 1846
this chapter. 1847

(G) "Final disposition" has the same meaning as in 1848
division (J) of section 3705.01 of the Revised Code. 1849

(H) "Supervision" means the operation of all phases of the 1850
business of funeral directing or embalming under the specific 1851
direction of a licensed funeral director or licensed embalmer. 1852

(I) "Direct supervision" means the physical presence of a 1853
licensed funeral director or licensed embalmer while the 1854
specific functions of the funeral or embalming are being carried 1855
out. 1856

(J) "Embalming facility" means a fixed location, separate 1857
from the funeral home, that is licensed under this chapter whose 1858
only function is the embalming and preparation of dead human 1859
bodies. 1860

(K) "Crematory facility" means the physical location at 1861
which a cremation chamber is located and the cremation process 1862
takes place. "Crematory facility" does not include an infectious 1863
waste incineration facility for which a license is held under 1864
division (B) of section 3734.05 of the Revised Code, or a solid 1865
waste incineration facility for which a license is held under 1866
division (A) of that section that includes a notation pursuant 1867
to division (B)(3) of that section authorizing the facility to 1868
also treat infectious wastes, in connection with the 1869
incineration of body parts other than dead human bodies that 1870
were donated to science for purposes of medical education or 1871
research. 1872

(L) "Crematory" means the building or portion of a 1873
building that houses the holding facility and the cremation 1874
chamber. 1875

(M) "Cremation" means the technical process of using heat 1876
and flame to reduce human or animal remains to bone fragments or 1877
ashes or any combination thereof. "Cremation" includes 1878
processing and may include the pulverization of bone fragments. 1879

(N) "Cremation chamber" means the enclosed space within 1880
which cremation takes place. 1881

(O) "Cremated remains" means all human or animal remains 1882
recovered after the completion of the cremation process, which 1883
may include the residue of any foreign matter such as casket 1884
material, dental work, or eyeglasses that were cremated with the 1885
human or animal remains. 1886

(P) "Lapsed license" means a license issued under this 1887
chapter that has become invalid because of the failure of the 1888
licensee to renew the license within the time limits prescribed 1889

under this chapter. 1890

(Q) "Operator of a crematory facility" means the sole 1891
proprietorship, partnership, corporation, limited liability 1892
company, or other business entity responsible for the overall 1893
operation of a crematory facility. 1894

(R) "Processing" means the reduction of identifiable bone 1895
fragments to unidentifiable bone fragments through manual or 1896
mechanical means after the completion of the cremation or 1897
hydrolysis process. 1898

(S) "Pulverization" means the reduction of identifiable 1899
bone fragments to granulated particles by manual or mechanical 1900
means after the completion of the cremation or hydrolysis 1901
process. 1902

(T) "Preneed funeral contract" means a written agreement, 1903
contract, or series of contracts to sell or otherwise provide 1904
any funeral services, funeral goods, or any combination thereof 1905
to be used in connection with the funeral or final disposition 1906
of a dead human body, where payment for the goods or services is 1907
made either outright or on an installment basis, prior to the 1908
death of the person purchasing the goods or services or for whom 1909
the goods or services are purchased. "Preneed funeral contract" 1910
does not include any preneed cemetery merchandise and services 1911
contract or any agreement, contract, or series of contracts 1912
pertaining to the sale of any burial lot, burial or interment 1913
right, entombment right, or columbarium right with respect to 1914
which an endowment care fund is established or is exempt from 1915
establishment pursuant to section 1721.21 of the Revised Code. 1916

For the purposes of division (T) of this section, "funeral 1917
goods" includes caskets. 1918

(U) "Purchaser" means the individual who has purchased and 1919
financed a preneed funeral contract, and who may or may not be 1920
the contract beneficiary. 1921

(V) "Contract beneficiary" means the individual for whom 1922
funeral goods and funeral services are provided pursuant to a 1923
preneed funeral contract. 1924

(W) "Seller" means any person that enters into a preneed 1925
funeral contract with a purchaser for the provision of funeral 1926
goods, funeral services, or both. 1927

(X) "Hydrolysis" means the technical process of using 1928
heat, water, potassium hydroxide or an alternate alkaline 1929
solution, and pressure, agitation, or both, to dissolve human 1930
tissue within a hydrolysis container and reduce human remains to 1931
bone fragments. "Hydrolysis" includes the processing of and may 1932
include the pulverization of, bone fragments. 1933

(Y) "Hydrolysis facility" means the physical location at 1934
which a hydrolysis chamber is located and the hydrolysis process 1935
takes place. 1936

(Z) "Hydrolysis chamber" means the enclosed container 1937
within which hydrolysis takes place. 1938

(AA) "Hydrolyzed remains" means all human or animal 1939
remains recovered after the completion of the hydrolysis 1940
process, which may include the residue of any foreign matter 1941
that was hydrolyzed with such remains. 1942

(BB) "Operator of a hydrolysis facility" means the sole 1943
proprietorship, partnership, corporation, limited liability 1944
company, or other business entity responsible for the overall 1945
operation of a hydrolysis facility. 1946

Sec. 4717.03. (A) Members of the board of embalmers and funeral directors shall annually in July, or within thirty days after the senate's confirmation of the new members appointed in that year, meet and organize by selecting from among its members a president, vice-president, and secretary-treasurer. The board may hold other meetings as it determines necessary. A quorum of the board consists of four members, of whom at least three shall be members who are embalmers and funeral directors. The concurrence of at least four members is necessary for the board to take any action. The president and secretary-treasurer shall sign all licenses issued under this chapter and affix the board's seal to each license.

(B) The board may appoint an individual who is not a member of the board to serve as executive director of the board. The executive director serves at the pleasure of the board and shall do all of the following:

(1) Serve as the board's chief administrative officer;

(2) Act as custodian of the board's records;

(3) Execute all of the board's orders;

(4) Employ staff who are not members of the board and who serve at the pleasure of the executive director to provide any assistance that the board considers necessary.

(C) In executing the board's orders as required by division (B) (3) of this section, the executive director may enter the premises, establishment, office, or place of business of any embalmer, funeral director, or operator of a crematory or hydrolysis facility in this state. The executive director may serve and execute any process issued by any court under this chapter.

(D) The executive director may employ necessary inspectors, who shall be licensed embalmers and funeral directors. An inspector employed by the executive director may enter the premises, establishment, office, or place of business of any embalmer, funeral director, or operator of a crematory or hydrolysis facility in this state, for the purposes of inspecting the facility and premises; the license and registration of embalmers and funeral directors operating in the facility; and the license of the funeral home, embalming facility, hydrolysis facility, or crematory facility and perform any other duties delegated to the inspector by the board or assigned to the inspector by the executive director. The executive director may enter the facility or premises of a funeral home, embalming facility, hydrolysis facility, or crematory facility for the purpose of an inspection if accompanied by an inspector or, if an inspector is not available, when a situation presents a danger of immediate and serious harm to the public.

(E) The president of the board shall designate three of the board's members to serve on the crematory and hydrolysis facility review board, which is hereby created, for such time as the president finds appropriate to carry out the provisions of this chapter. Those members of the crematory and hydrolysis review board designated by the president to serve and three members designated by the cemetery dispute resolution commission shall designate, by a majority vote, one person who is experienced in the operation of a crematory and hydrolysis facility and who is not affiliated with a cemetery or a funeral home to serve on the crematory and hydrolysis review board for such time as the crematory and hydrolysis review board finds appropriate. Members serving on the crematory and hydrolysis

facility review board shall not receive any additional 2007
compensation for serving on the board, but may be reimbursed for 2008
their actual and necessary expenses incurred in the performance 2009
of official duties as members of the board. Members of the 2010
crematory and hydrolysis facility review board shall designate 2011
one from among its members to serve as a chairperson for such 2012
time as the board finds appropriate. Costs associated with 2013
conducting an adjudicatory hearing in accordance with division 2014
(F) of this section shall be paid from funds available to the 2015
board of embalmers and funeral directors. 2016

(F) Upon receiving written notice from the board of 2017
embalmers and funeral directors of any of the following, the 2018
crematory and hydrolysis facility review board shall conduct an 2019
adjudicatory hearing on the matter in accordance with Chapter 2020
119. of the Revised Code, except as otherwise provided in this 2021
section or division (C) of section 4717.14 of the Revised Code: 2022

(1) Notice provided under division (I) of this section of 2023
an alleged violation of any provision of this chapter or any 2024
rules adopted under this chapter governing or in connection with 2025
crematory or hydrolysis facilities~~or~~, cremation, or hydrolysis; 2026

(2) Notice provided under division (B) of section 4717.14 2027
of the Revised Code that the board of embalmers and funeral 2028
directors proposes to refuse to grant or renew, or to suspend or 2029
revoke, a license to operate a crematory or hydrolysis facility; 2030

(3) Notice provided under division (C) of section 4717.14 2031
of the Revised Code that the board of embalmers and funeral 2032
directors has issued an order summarily suspending a license to 2033
operate a crematory or hydrolysis facility; 2034

(4) Notice provided under division (B) of section 4717.15 2035

of the Revised Code that the board of embalmers and funeral 2036
directors proposes to issue a notice of violation and order 2037
requiring payment of a forfeiture for any violation described in 2038
divisions (A) (9) (a) to (g) of section 4717.04 of the Revised 2039
Code alleged in connection with a crematory or hydrolysis 2040
facility ~~or, cremation, or hydrolysis.~~ 2041

Nothing in division (F) of this section precludes the 2042
crematory and hydrolysis facility review board from appointing 2043
an independent examiner in accordance with section 119.09 of the 2044
Revised Code to conduct any adjudication hearing required under 2045
division (F) of this section. 2046

The crematory and hydrolysis facility review board shall 2047
submit a written report of findings and advisory 2048
recommendations, and a written transcript of its proceedings, to 2049
the board of embalmers and funeral directors. The board of 2050
embalmers and funeral directors shall serve a copy of the 2051
written report of the crematory and hydrolysis facility review 2052
board's findings and advisory recommendations on the party to 2053
the adjudication or the party's attorney, by certified mail, 2054
within five days after receiving the report and advisory 2055
recommendations. A party may file objections to the written 2056
report with the board of embalmers and funeral directors within 2057
ten days after receiving the report. No written report is final 2058
or appealable until it is issued as a final order by the board 2059
of embalmers and funeral directors and entered on the record of 2060
the proceedings. The board of embalmers and funeral directors 2061
shall consider objections filed by the party prior to issuing a 2062
final order. After reviewing the findings and advisory 2063
recommendations of the crematory and hydrolysis facility review 2064
board, the written transcript of the crematory and hydrolysis 2065
facility review board's proceedings, and any objections filed by 2066

a party, the board of embalmers and funeral directors shall 2067
issue a final order in the matter. Any party may appeal the 2068
final order issued by the board of embalmers and funeral 2069
directors in a matter described in divisions (F) (1) to (4) of 2070
this section in accordance with section 119.12 of the Revised 2071
Code, except that the appeal may be made to the court of common 2072
pleas in the county in which is located the crematory or 2073
hydrolysis facility to which the final order pertains, or in the 2074
county in which the party resides. 2075

(G) On its own initiative or on receiving a written 2076
complaint from any person whose identity is made known to the 2077
board of embalmers and funeral directors, the board shall 2078
investigate the acts or practices of any person holding or 2079
claiming to hold a license or registration under this chapter 2080
that, if proven to have occurred, would violate this chapter or 2081
any rules adopted under it. The board may compel witnesses by 2082
subpoena to appear and testify in relation to investigations 2083
conducted under this chapter and may require by subpoena duces 2084
tecum the production of any book, paper, or document pertaining 2085
to an investigation. If a person does not comply with a subpoena 2086
or subpoena duces tecum, the board may apply to the court of 2087
common pleas of any county in this state for an order compelling 2088
the person to comply with the subpoena or subpoena duces tecum, 2089
or for failure to do so, to be held in contempt of court. 2090

(H) If, as a result of its investigation conducted under 2091
division (G) of this section, the board of embalmers and funeral 2092
directors has reasonable cause to believe that the person 2093
investigated is violating any provision of this chapter or any 2094
rules adopted under this chapter governing or in connection with 2095
embalming, funeral directing, funeral homes, embalming 2096
facilities, or the operation of funeral homes or embalming 2097

facilities, it may, after providing the opportunity for an 2098
adjudicatory hearing, issue an order directing the person to 2099
cease the acts or practices that constitute the violation. The 2100
board shall conduct the adjudicatory hearing in accordance with 2101
Chapter 119. of the Revised Code except that, notwithstanding 2102
the provisions of that chapter, the following shall apply: 2103

(1) The board shall send the notice informing the person 2104
of the person's right to a hearing by certified mail. 2105

(2) The person is entitled to a hearing only if the person 2106
requests a hearing and if the board receives the request within 2107
thirty days after the mailing of the notice described in 2108
division (H) (1) of this section. 2109

(3) A stenographic record shall be taken, in the manner 2110
prescribed in section 119.09 of the Revised Code, at every 2111
adjudicatory hearing held under this section, regardless of 2112
whether the record may be the basis of an appeal to a court. 2113

(I) If, as a result of its investigation conducted under 2114
division (G) of this section, the board of embalmers and funeral 2115
directors has reasonable cause to believe that the person 2116
investigated is violating any provision of this chapter or any 2117
rules adopted under this chapter governing or in connection with 2118
crematory_or hydrolysis facilities, or cremation_or hydrolysis, 2119
the board shall send written notice of the alleged violation to 2120
the crematory_and hydrolysis facility review board. If, after 2121
the conclusion of the adjudicatory hearing in the matter 2122
conducted under division (F) of this section, the board of 2123
embalmers and funeral directors finds that a person is in 2124
violation of any provision of this chapter or any rules adopted 2125
under this chapter governing or in connection with crematory_or 2126
hydrolysis facilities, or cremation_or hydrolysis, the board may 2127

issue a final order under that division directing the person to 2128
cease the acts or practices that constitute the violation. 2129

(J) The board of embalmers and funeral directors may bring 2130
a civil action to enjoin any violation or threatened violation 2131
of sections 4717.01 to 4717.15 of the Revised Code or a rule 2132
adopted under any of those sections; division (A) or (B) of 2133
section 4717.23; division (B) (1) or (2), (C) (1) or (2), (D), 2134
(E), or (F) (1) or (2), or divisions (H) to (K) of section 2135
4717.26; division (D) (1) of section 4717.27; divisions (A) to 2136
(C) of section 4717.28, or division (D) or (E) of section 2137
4717.31 of the Revised Code. The action shall be brought in the 2138
county where the violation occurred or the threatened violation 2139
is expected to occur. At the request of the board, the attorney 2140
general shall represent the board in any matter arising under 2141
this chapter. 2142

(K) The board of embalmers and funeral directors and the 2143
crematory and hydrolysis facility review board may issue 2144
subpoenas for funeral directors and embalmers or persons holding 2145
themselves out as such, for operators of crematory facilities or 2146
persons holding themselves out as such, for operators of 2147
hydrolysis facilities or persons holding themselves out as such, 2148
or for any other person whose testimony, in the opinion of 2149
either board, is necessary. The subpoena shall require the 2150
person to appear before the appropriate board or any designated 2151
member of either board, upon any hearing conducted under this 2152
chapter. The penalty for disobedience to the command of such a 2153
subpoena is the same as for refusal to answer such a process 2154
issued under authority of the court of common pleas. 2155

(L) All moneys received by the board of embalmers and 2156
funeral directors from any source shall be deposited in the 2157

state treasury to the credit of the occupational licensing and 2158
regulatory fund created in section 4743.05 of the Revised Code. 2159

(M) The board of embalmers and funeral directors shall 2160
submit a written report to the governor on or before the first 2161
Monday of July of each year. This report shall contain a 2162
detailed statement of the nature and amount of the board's 2163
receipts and the amount and manner of its expenditures. 2164

Sec. 4717.04. (A) The board of embalmers and funeral 2165
directors shall adopt rules in accordance with Chapter 119. of 2166
the Revised Code for the government, transaction of the 2167
business, and the management of the affairs of the board of 2168
embalmers and funeral directors and the crematory and hydrolysis 2169
facility review board, and for the administration and 2170
enforcement of this chapter. These rules shall include all of 2171
the following: 2172

(1) The nature, scope, content, and form of the 2173
application that must be completed and license examination that 2174
must be passed in order to receive an embalmer's license or a 2175
funeral director's license under section 4717.05 of the Revised 2176
Code. The rules shall ensure both of the following: 2177

(a) That the embalmer's license examination tests the 2178
applicant's knowledge through at least a comprehensive section 2179
and an Ohio laws section; 2180

(b) That the funeral director's license examination tests 2181
the applicant's knowledge through at least a comprehensive 2182
section, an Ohio laws section, and a sanitation section. 2183

(2) The minimum license examination score necessary to be 2184
licensed under section 4717.05 of the Revised Code as an 2185
embalmer or as a funeral director; 2186

(3) Procedures for determining the dates of the embalmer's and funeral director's license examinations, which shall be administered at least once each year, the time and place of each examination, and the supervision required for each examination;	2187 2188 2189 2190
(4) Procedures for determining whether the board shall accept an applicant's compliance with the licensure, registration, or certification requirements of another state as grounds for granting the applicant a license under this chapter;	2191 2192 2193 2194
(5) A determination of whether completion of a nationally recognized embalmer's or funeral director's examination sufficiently meets the license requirements for the comprehensive section of either the embalmer's or the funeral director's license examination administered under this chapter;	2195 2196 2197 2198 2199
(6) Continuing education requirements for licensed embalmers and funeral directors;	2200 2201
(7) Requirements for the licensing and operation of funeral homes;	2202 2203
(8) Requirements for the licensing and operation of embalming facilities;	2204 2205
(9) A schedule that lists, and specifies a forfeiture commensurate with, each of the following types of conduct which, for the purposes of division (A) (9) of this section and section 4717.15 of the Revised Code, are violations of this chapter:	2206 2207 2208 2209
(a) Obtaining a license under this chapter by fraud or misrepresentation either in the application or in passing the required examination for the license;	2210 2211 2212
(b) Purposely violating any provision of sections 4717.01 to 4717.15 of the Revised Code or a rule adopted under any of	2213 2214

those sections; division (A) or (B) of section 4717.23; division 2215
(B) (1) or (2), (C) (1) or (2), (D), (E), or (F) (1) or (2), or 2216
divisions (H) to (K) of section 4717.26; division (D) (1) of 2217
section 4717.27; or divisions (A) to (C) of section 4717.28 of 2218
the Revised Code; 2219

(c) Committing unprofessional conduct; 2220

(d) Knowingly permitting an unlicensed person, other than 2221
a person serving an apprenticeship, to engage in the profession 2222
or business of embalming or funeral directing under the 2223
licensee's supervision; 2224

(e) Refusing to promptly submit the custody of a dead 2225
human body upon the express order of the person legally entitled 2226
to the body; 2227

(f) Transferring a license to operate a funeral home, 2228
embalming facility, hydrolysis facility, or crematory facility 2229
from one owner or operator to another, or from one location to 2230
another, without notifying the board; 2231

(g) Misleading the public using false or deceptive 2232
advertising. 2233

Each instance of the commission of any of the types of 2234
conduct described in divisions (A) (9) (a), (b), (c), (d), (e), 2235
(f), and (g) of this section is a separate violation. The rules 2236
adopted under division (A) (9) of this section shall establish 2237
the amount of the forfeiture for a violation of each of those 2238
divisions. The forfeiture for a first violation shall not exceed 2239
five thousand dollars, and the forfeiture for a second or 2240
subsequent violation shall not exceed ten thousand dollars. The 2241
amount of the forfeiture may differ among the types of 2242
violations according to what the board considers the seriousness 2243

of each violation.	2244
(10) Requirements for the licensing and operation of crematory facilities;	2245 2246
(11) <u>Requirements for the licensing and operation of hydrolysis facilities;</u>	2247 2248
<u>(12)</u> Procedures for the issuance of duplicate licenses;	2249
(12) <u>(13)</u> Requirements for criminal records checks of applicants under section 4776.03 of the Revised Code;	2250 2251
(13) <u>(14)</u> The amount and content of corrective action courses required by the board under section 4717.14 of the Revised Code.	2252 2253 2254
(B) The board may adopt rules governing the educational standards for licensure as an embalmer or funeral director and the standards of service and practice to be followed in embalming and funeral directing and in the operation of funeral homes, embalming facilities, <u>hydrolysis facilities,</u> and crematory facilities in this state.	2255 2256 2257 2258 2259 2260
(C) Nothing in this chapter authorizes the board of embalmers and funeral directors to regulate cemeteries, except that the board shall license and regulate crematories <u>crematory facilities and hydrolysis facilities</u> located at cemeteries in accordance with this chapter.	2261 2262 2263 2264 2265
Sec. 4717.06. (A) (1) Any person who desires to obtain a license to operate a funeral home, embalming facility, <u>hydrolysis facility,</u> or crematory facility shall apply to the board of embalmers and funeral directors on a form provided by the board. The application shall include the initial license fee set forth in section 4717.07 of the Revised Code and proof	2266 2267 2268 2269 2270 2271

satisfactory to the board that the funeral home, embalming 2272
facility, hydrolysis facility, or crematory facility is in 2273
compliance with rules adopted by the board under section 4717.04 2274
of the Revised Code, rules adopted by the board of building 2275
standards under Chapter 3781. of the Revised Code, and all other 2276
federal, state, and local requirements relating to the safety of 2277
the premises. 2278

(2) If the funeral home, embalming facility, hydrolysis 2279
facility, or crematory facility to which the license application 2280
pertains is owned by a corporation or limited liability company, 2281
the application shall include the name and address of the 2282
corporation's or limited liability company's statutory agent 2283
appointed under section 1701.07 or 1705.06 of the Revised Code 2284
or, in the case of a foreign corporation, the corporation's 2285
designated agent appointed under section 1703.041 of the Revised 2286
Code. If the funeral home, embalming facility, hydrolysis 2287
facility, or crematory facility to which the application 2288
pertains is owned by a partnership, the application shall 2289
include the name and address of each of the partners. If, at any 2290
time after the submission of a license application or issuance 2291
of a license, the statutory or designated agent of a corporation 2292
or limited liability company owning a funeral home, embalming 2293
facility, hydrolysis facility, or crematory facility or the 2294
address of the statutory or designated agent changes or, in the 2295
case of a partnership, any of the partners of the funeral home, 2296
embalming facility, hydrolysis facility, or crematory facility 2297
or the address of any of the partners changes, the applicant for 2298
or holder of the license to operate the funeral home, embalming 2299
facility, hydrolysis facility, or crematory facility shall 2300
submit written notice to the board, within thirty days after the 2301
change, informing the board of the change and of any name or 2302

address of a statutory or designated agent or partner that has 2303
changed from that contained in the application for the license 2304
or the most recent notice submitted under division (A) (2) of 2305
this section. 2306

(B) (1) The board shall issue a license to operate a 2307
funeral home only for the address at which the funeral home is 2308
operated. The funeral home license and licenses of the embalmers 2309
and funeral directors employed by the funeral home shall be 2310
displayed in a conspicuous place within the funeral home. 2311

(2) The funeral home shall have on the premises one of the 2312
following: 2313

(a) If embalming will take place at the funeral home, an 2314
embalming room that is adequately equipped and maintained. The 2315
embalming room shall be kept in a clean and sanitary manner and 2316
used only for the embalming, preparation, or holding of dead 2317
human bodies. The embalming room shall contain only the 2318
articles, facilities, and instruments necessary for those 2319
purposes. 2320

(b) If embalming will not take place at the funeral home, 2321
a holding room that is adequately equipped and maintained. The 2322
holding room shall be kept in a clean and sanitary manner and 2323
used only for the preparation, other than embalming, and holding 2324
of dead human bodies. The holding room shall contain only the 2325
articles and facilities necessary for those purposes. 2326

(3) Except as provided in division (B) of section 4717.11 2327
of the Revised Code, a funeral home shall be established and 2328
operated only under the name of a holder of a funeral director's 2329
license issued by the board who is actually in charge of and 2330
ultimately responsible for the funeral home, and a funeral home 2331

license shall not include directional or geographical references 2332
in the name of the funeral home. The holder of the funeral home 2333
license shall be a funeral director licensed under this chapter 2334
who is actually in charge of and ultimately responsible for the 2335
funeral home. Nothing in division (B) (3) of this section 2336
prohibits the holder of a funeral home license from including 2337
directional or geographical references in promotional or 2338
advertising materials identifying the location of the funeral 2339
home. 2340

(4) Each funeral home shall be directly supervised by a 2341
funeral director licensed under this chapter, who may supervise 2342
more than one funeral home. 2343

(C) (1) The board shall issue a license to operate an 2344
embalming facility only for the address at which the embalming 2345
facility is operated. The license shall be displayed in a 2346
conspicuous place within the facility. 2347

(2) The embalming facility shall be adequately equipped 2348
and maintained in a sanitary manner. The embalming room at such 2349
a facility shall contain only the articles, facilities, and 2350
instruments necessary for its stated purpose. The embalming room 2351
shall be kept in a clean and sanitary condition and used only 2352
for the care and preparation of dead human bodies. 2353

(3) An embalming facility license shall be issued only to 2354
an embalmer licensed under division (B) of section 4717.05 of 2355
the Revised Code, who is actually in charge of the facility. 2356

(D) (1) The board shall issue a license to operate a 2357
crematory facility only for the address at which the crematory 2358
facility is located and operated. The license shall be displayed 2359
in a conspicuous place within the crematory facility. 2360

(2) The crematory facility shall be adequately equipped 2361
and maintained in a clean and sanitary manner. The crematory 2362
facility may be located in a funeral home, hydrolysis facility, 2363
embalming facility, cemetery building, or other building in 2364
which the crematory facility may lawfully operate. If a 2365
crematory facility engages in the cremation of animals, the 2366
crematory facility shall cremate animals in a cremation chamber 2367
that also is not used to cremate dead human bodies or human body 2368
parts and shall not cremate animals in a cremation chamber used 2369
for the cremation of dead human bodies and human body parts. 2370
Cremation chambers that are used for the cremation of dead human 2371
bodies or human body parts and cremation chambers used for the 2372
cremation of animals may be located in the same area. 2373

(3) A license to operate a crematory facility shall be 2374
issued to the person actually in charge of the crematory 2375
facility. This section does not require the individual who is 2376
actually in charge of the crematory facility to be an embalmer 2377
or funeral director licensed under this chapter. 2378

(4) Nothing in this section or rules adopted under section 2379
4717.04 of the Revised Code precludes the establishment and 2380
operation of a crematory facility on or adjacent to the property 2381
on which a cemetery, funeral home, hydrolysis facility, or 2382
embalming facility is located. 2383

(E) (1) The board shall issue a license to operate a 2384
hydrolysis facility only for the address at which the hydrolysis 2385
facility is located and operated. The license shall be displayed 2386
in a conspicuous place within the hydrolysis facility. 2387

(2) The hydrolysis facility shall be adequately equipped 2388
and maintained in a clean and sanitary manner. The hydrolysis 2389
facility may be located in a funeral home, embalming facility, 2390

cemetery building, crematory facility, or other building in 2391
which the hydrolysis facility may lawfully operate. If the 2392
hydrolysis facility engages in the hydrolysis of animals, the 2393
hydrolysis facility shall hydrolyze animals in a hydrolysis 2394
chamber that is not also used to hydrolyze dead human bodies or 2395
human body parts and shall not hydrolyze animals in a hydrolysis 2396
chamber used for the hydrolysis of dead human bodies and human 2397
body parts. Hydrolysis chambers that are used for the hydrolysis 2398
for dead human bodies or human body parts and the hydrolysis 2399
chambers used for the hydrolysis of animals may be located in 2400
the same area. 2401

(3) A license to operate a licensed hydrolysis facility 2402
shall be issued to the person actually in charge of the 2403
hydrolysis facility. This section does not require the person in 2404
charge of the hydrolysis facility to be an embalmer or funeral 2405
director licensed under this chapter. 2406

(4) Nothing in this chapter or rules adopted under section 2407
4717.04 of the Revised Code precludes the establishment and 2408
operation of a hydrolysis facility on or adjacent to the 2409
property on which a cemetery, funeral home, embalming facility, 2410
or crematory facility is located. 2411

Sec. 4717.07. (A) The board of embalmers and funeral 2412
directors shall charge and collect the following fees: 2413

(1) For the initial issuance or biennial renewal of an 2414
embalmer's or funeral director's license, one hundred fifty 2415
dollars; 2416

(2) For the issuance of an embalmer or funeral director 2417
registration, twenty-five dollars; 2418

(3) For filing an embalmer or funeral director certificate 2419

of apprenticeship, ten dollars;	2420
(4) For the application to take the examination for a	2421
license to practice as an embalmer or funeral director, or to	2422
retake a section of the examination, thirty-five dollars;	2423
(5) For the initial issuance of a license to operate a	2424
funeral home, three hundred fifty dollars and biennial renewal	2425
of a license to operate a funeral home, three hundred fifty	2426
dollars;	2427
(6) For the reinstatement of a lapsed embalmer's or	2428
funeral director's license, the renewal fee prescribed in	2429
division (A)(1) of this section plus fifty dollars for each	2430
month or portion of a month the license is lapsed, but not more	2431
than one thousand dollars;	2432
(7) For the reinstatement of a lapsed license to operate a	2433
funeral home, the renewal fee prescribed in division (A)(5) of	2434
this section plus fifty dollars for each month or portion of a	2435
month the license is lapsed until reinstatement;	2436
(8) For the initial issuance of a license to operate an	2437
embalming facility, three hundred fifty dollars and biennial	2438
renewal of a license to operate an embalming facility, three	2439
hundred fifty dollars;	2440
(9) For the reinstatement of a lapsed license to operate	2441
an embalming facility, the renewal fee prescribed in division	2442
(A)(8) of this section plus fifty dollars for each month or	2443
portion of a month the license is lapsed until reinstatement;	2444
(10) For the initial issuance of a license to operate a	2445
crematory facility, three hundred fifty dollars and biennial	2446
renewal of a license to operate a crematory facility, three	2447
hundred fifty dollars;	2448

(11) For the reinstatement of a lapsed license to operate a crematory facility, the renewal fee prescribed in division (A) (10) of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement;

(12) For the initial issuance for a license to operate a hydrolysis facility, two hundred dollars and biennial renewal of a license to operate a hydrolysis facility, two hundred dollars;

(13) For the reinstatement of a lapsed license to operate a hydrolysis facility, the renewal fee prescribed in division (A) (12) of this section plus fifty dollars for each month or portion of a month the license has lapsed until reinstatement;

(14) For the issuance of a duplicate of a license issued under this chapter, ten dollars.

(B) In addition to the fees set forth in division (A) of this section, an applicant shall pay the examination fee assessed by any examining agency the board uses for any section of an examination required under this chapter.

(C) Subject to the approval of the controlling board, the board of embalmers and funeral directors may establish fees in excess of the amounts set forth in this section, provided that these fees do not exceed the amounts set forth in this section by more than fifty per cent.

Sec. 4717.08. (A) Every license issued under this chapter expires on the last day of December of each even-numbered year and shall be renewed on or before that date according to the standard license renewal procedure set forth in Chapter 4745. of the Revised Code. Licenses not renewed by the last day of December of each even-numbered year are lapsed.

(B) A holder of a lapsed license to operate a funeral

home, license to operate an embalming facility, ~~or~~ license to 2478
operate a crematory facility, or license to operate a hydrolysis 2479
facility may reinstate the license with the board by paying the 2480
lapsed license fee established under section 4717.07 of the 2481
Revised Code. 2482

(C) A holder of a lapsed embalmer's or funeral director's 2483
license may reinstate the license with the board by paying the 2484
lapsed license fee established under section 4717.07 of the 2485
Revised Code, except that if the license is lapsed for more than 2486
one hundred eighty days after its expiration date, the holder 2487
also shall take and pass the Ohio laws examination for each 2488
license as a condition for reinstatement. 2489

Sec. 4717.11. (A) A person who is licensed to operate a 2490
funeral home shall obtain a new license upon any change in 2491
location of the funeral home or any change in ownership of the 2492
funeral business that owns the funeral home that results in a 2493
majority of the ownership of the funeral business being held by 2494
one or more persons who solely or in combination with others did 2495
not own a majority of the funeral business immediately prior to 2496
the change in ownership. The person licensed to operate the 2497
funeral home shall surrender the current license to the board 2498
within thirty days after any such change occurs. If a funeral 2499
home is sold, the new funeral director who will be actually in 2500
charge and ultimately responsible for the funeral home shall 2501
apply for a license within thirty days after the date of the 2502
closing of the purchase of the funeral home. Upon the filing of 2503
an application for a funeral home license by a licensed funeral 2504
director, the funeral home may continue to operate until the 2505
board denies the funeral home's application. 2506

(B) When the funeral director who is licensed to operate a 2507

funeral home ceases to operate the home because of death, 2508
resignation, employment termination, sale of the funeral home, 2509
or any other reason, the funeral home may continue to operate 2510
under that person's name, provided that the name of the new 2511
person licensed to operate the funeral home is added to the 2512
license within twenty-four months after the previous license 2513
holder dies or otherwise ceases to operate the funeral home. The 2514
new licensee shall meet the requirements of section 4717.06 of 2515
the Revised Code. 2516

(C) A person who is licensed to operate an embalming 2517
facility shall obtain a new license upon any change in location 2518
of the embalming facility or any change in ownership of the 2519
business entity that owns the embalming facility that results in 2520
a majority of the ownership of the business entity being held by 2521
one or more persons who solely or in combination with others did 2522
not own a majority of the business entity immediately prior to 2523
the change in ownership. The person licensed to operate the 2524
facility shall surrender the current license to the board within 2525
thirty days after any such change occurs. 2526

(D) A person who is licensed to operate a crematory 2527
facility shall obtain a new license upon any change in location 2528
of the crematory facility or any change in ownership of the 2529
business entity operating the facility that results in a 2530
majority of the ownership of the business entity being held by 2531
one or more persons who solely or in combination with others did 2532
not own a majority of the business entity immediately prior to 2533
the change in ownership. The person licensed to operate the 2534
crematory facility shall surrender the current license to the 2535
board within thirty days after any such change occurs. 2536

(E) A person who is licensed to operate a hydrolysis 2537

facility shall obtain a new license upon any change in the 2538
location of the hydrolysis facility or any change in the 2539
ownership of the business entity operating the facility that 2540
results in a majority of the ownership of the business entity 2541
being held by one or more persons who solely or in combination 2542
with others did not own a majority of the business entity 2543
immediately before the change in ownership. The person licensed 2544
to operate the hydrolysis facility shall surrender the current 2545
license to the board within thirty days after any such change 2546
occurs. 2547

Sec. 4717.13. (A) No person shall do any of the following: 2548

(1) Engage in the business or profession of funeral 2549
directing unless the person is licensed as a funeral director 2550
under this chapter, is certified as an apprentice funeral 2551
director in accordance with rules adopted under section 4717.04 2552
of the Revised Code and is assisting a funeral director licensed 2553
under this chapter, or is a student in a college of mortuary 2554
sciences approved by the board and is under the direct 2555
supervision of a funeral director licensed by the board; 2556

(2) Engage in embalming unless the person is licensed as 2557
an embalmer under this chapter, is certified as an apprentice 2558
embalmer in accordance with rules adopted under section 4717.04 2559
of the Revised Code and is assisting an embalmer licensed under 2560
this chapter, or is a student in a college of mortuary science 2561
approved by the board and is under the direct supervision of an 2562
embalmer licensed by the board; 2563

(3) Advertise or otherwise offer to provide or convey the 2564
impression that the person provides funeral directing services 2565
unless the person is licensed as a funeral director under this 2566
chapter and is employed by or under contract to a licensed 2567

funeral home and performs funeral directing services for that	2568
funeral home in a manner consistent with the advertisement,	2569
offering, or conveyance;	2570
(4) Advertise or otherwise offer to provide or convey the	2571
impression that the person provides embalming services unless	2572
the person is licensed as an embalmer under this chapter and is	2573
employed by or under contract to a licensed funeral home or a	2574
licensed embalming facility and performs embalming services for	2575
the funeral home or embalming facility in a manner consistent	2576
with the advertisement, offering, or conveyance;	2577
(5) Operate a funeral home without a license to operate	2578
the funeral home issued by the board under this chapter;	2579
(6) Practice the business or profession of funeral	2580
directing from any place except from a funeral home that a	2581
person is licensed to operate under this chapter;	2582
(7) Practice embalming from any place except from a	2583
funeral home or embalming facility that a person is licensed to	2584
operate under this chapter;	2585
(8) Operate a crematory or perform cremation without a	2586
license to operate the crematory issued under this chapter;	2587
(9) Cremate animals in a cremation chamber in which dead	2588
human bodies or body parts are cremated or cremate dead human	2589
bodies or human body parts in a cremation chamber in which	2590
animals are cremated-;i	2591
(10) Hold a dead human body, before final disposition, for	2592
more than forty-eight hours after the time of death unless the	2593
dead human body is embalmed or placed into refrigeration and	2594
maintained at a constant temperature of less than forty	2595
degrees-;i	2596

<u>(11) Recklessly operate a hydrolysis facility or perform</u>	2597
<u>hydrolysis without a license to operate the hydrolysis facility</u>	2598
<u>issued under this chapter;</u>	2599
<u>(12) Recklessly hydrolyze animals in a hydrolysis chamber</u>	2600
<u>in which dead human bodies or human body parts are hydrolyzed or</u>	2601
<u>hydrolyze dead human bodies or human body parts in a hydrolysis</u>	2602
<u>chamber in which animals are hydrolyzed.</u>	2603
(B) No funeral director or other person in charge of the	2604
final disposition of a dead human body shall fail to do one of	2605
the following prior to the interment of the body:	2606
(1) Affix to the ankle or wrist of the deceased a tag	2607
encased in a durable and long-lasting material that contains the	2608
name, date of birth, date of death, and social security number	2609
of the deceased;	2610
(2) Place in the casket a capsule containing a tag bearing	2611
the information described in division (B) (1) of this section;	2612
(3) If the body was cremated <u> or hydrolyzed</u> , place in the	2613
vessel containing the cremated <u> or hydrolyzed</u> remains a tag	2614
bearing the information described in division (B) (1) of this	2615
section.	2616
(C) No person who holds a funeral home license for a	2617
funeral home that is closed, or that is owned by a funeral	2618
business in which changes in the ownership of the funeral	2619
business result in a majority of the ownership of the funeral	2620
business being held by one or more persons who solely or in	2621
combination with others did not own a majority of the funeral	2622
business immediately prior to the change in ownership, shall	2623
fail to submit to the board within thirty days after the closing	2624
or such a change in ownership of the funeral business owning the	2625

funeral home, a clearly enumerated account of all of the 2626
following from which the licensee, at the time of the closing or 2627
change in ownership of the funeral business and in connection 2628
with the funeral home, was to receive payment for providing 2629
funeral services, funeral goods, or any combination of those in 2630
connection with the funeral or final disposition of a dead human 2631
body: 2632

(1) Preneed funeral contracts governed by sections 4717.31 2633
to 4717.38 of the Revised Code; 2634

(2) Life insurance policies or annuities the benefits of 2635
which are payable to the provider of funeral or burial goods or 2636
services; 2637

(3) Accounts at banks or savings banks insured by the 2638
federal deposit insurance corporation, savings and loan 2639
associations insured by the federal savings and loan insurance 2640
corporation or the Ohio deposit guarantee fund, or credit unions 2641
insured by the national credit union administration or a credit 2642
union share guaranty corporation organized under Chapter 1761. 2643
of the Revised Code that are payable upon the death of the 2644
person for whose benefit deposits into the accounts were made. 2645

Sec. 4717.14. (A) The board of embalmers and funeral 2646
directors may refuse to grant or renew, or may suspend or 2647
revoke, any license issued under this chapter or may require the 2648
holder of a license to take corrective action courses for any of 2649
the following reasons: 2650

(1) The license was obtained by fraud or misrepresentation 2651
either in the application or in passing the examination. 2652

(2) The applicant or licensee has been convicted of or has 2653
pleaded guilty to a felony or of any crime involving moral 2654

turpitude.	2655
(3) The applicant or licensee has purposely violated any provision of sections 4717.01 to 4717.15 or a rule adopted under any of those sections; division (A) or (B) of section 4717.23; division (B) (1) or (2), (C) (1) or (2), (D), (E), or (F) (1) or (2), or divisions (H) to (K) of section 4717.26; division (D) (1) of section 4717.27; or divisions (A) to (C) of section 4717.28 of the Revised Code; any rule or order of the department of health or a board of health of a health district governing the disposition of dead human bodies; or any other rule or order applicable to the applicant or licensee.	2656 2657 2658 2659 2660 2661 2662 2663 2664 2665
(4) The applicant or licensee has committed immoral or unprofessional conduct.	2666 2667
(5) The applicant or licensee knowingly permitted an unlicensed person, other than a person serving an apprenticeship, to engage in the profession or business of embalming or funeral directing under the applicant's or licensee's supervision.	2668 2669 2670 2671 2672
(6) The applicant or licensee has been habitually intoxicated, or is addicted to the use of morphine, cocaine, or other habit-forming or illegal drugs.	2673 2674 2675
(7) The applicant or licensee has refused to promptly submit the custody of a dead human body upon the express order of the person legally entitled to the body.	2676 2677 2678
(8) The licensee loaned the licensee's own license, or the applicant or licensee borrowed or used the license of another person, or knowingly aided or abetted the granting of an improper license.	2679 2680 2681 2682
(9) The applicant or licensee transferred a license to	2683

operate a funeral home, embalming facility, hydrolysis facility, 2684
or crematory facility from one owner or operator to another, or 2685
from one location to another, without notifying the board. 2686

(10) The applicant or licensee misled the public by using 2687
false or deceptive advertising. 2688

(B) (1) The board of embalmers and funeral directors shall 2689
refuse to grant or renew, or shall suspend or revoke, an 2690
embalmer's, funeral director's, funeral home, or embalming 2691
facility license only in accordance with Chapter 119. of the 2692
Revised Code. 2693

(2) The board shall send to the crematory and hydrolysis 2694
facility review board written notice that it proposes to refuse 2695
to issue or renew, or proposes to suspend or revoke, a license 2696
to operate a crematory facility or hydrolysis facility. If, 2697
after the conclusion of the adjudicatory hearing on the matter 2698
conducted under division (F) of section 4717.03 of the Revised 2699
Code, the board of embalmers and funeral directors finds that 2700
any of the circumstances described in divisions (A) (1) to (10) 2701
of this section apply to the person named in its proposed 2702
action, the board may issue a final order under division (F) of 2703
section 4717.03 of the Revised Code refusing to issue or renew, 2704
or suspending or revoking, the person's license to operate a 2705
crematory facility or hydrolysis facility. 2706

(C) If the board of embalmers and funeral directors 2707
determines that there is clear and convincing evidence that any 2708
of the circumstances described in divisions (A) (1) to (10) of 2709
this section apply to the holder of a license issued under this 2710
chapter and that the licensee's continued practice presents a 2711
danger of immediate and serious harm to the public, the board 2712
may suspend the licensee's license without a prior adjudicatory 2713

hearing. The executive director of the board shall prepare 2714
written allegations for consideration by the board. 2715

The board, after reviewing the written allegations, may 2716
suspend a license without a prior hearing. 2717

The board shall issue a written order of suspension by a 2718
delivery system or in person in accordance with section 119.07 2719
of the Revised Code. Such an order is not subject to suspension 2720
by the court during the pendency of any appeal filed under 2721
section 119.12 of the Revised Code. If the holder of an 2722
embalmer's, funeral director's, funeral home, or embalming 2723
facility license requests an adjudicatory hearing by the board, 2724
the date set for the hearing shall be within fifteen days, but 2725
not earlier than seven days, after the licensee has requested a 2726
hearing, unless the board and the licensee agree to a different 2727
time for holding the hearing. 2728

Upon issuing a written order of suspension to the holder 2729
of a license to operate a crematory facility or hydrolysis 2730
facility, the board of embalmers and funeral directors shall 2731
send written notice of the issuance of the order to the 2732
crematory and hydrolysis facility review board. The crematory 2733
and hydrolysis facility review board shall hold an adjudicatory 2734
hearing on the order under division (F) of section 4717.03 of 2735
the Revised Code within fifteen days, but not earlier than seven 2736
days, after the issuance of the order, unless the crematory and 2737
hydrolysis facility review board and the licensee agree to a 2738
different time for holding the adjudicatory hearing. 2739

Any summary suspension imposed under this division shall 2740
remain in effect, unless reversed on appeal, until a final 2741
adjudicatory order issued by the board of embalmers and funeral 2742
directors pursuant to this division and Chapter 119. of the 2743

Revised Code, or division (F) of section 4717.03 of the Revised 2744
Code, as applicable, becomes effective. The board of embalmers 2745
and funeral directors shall issue its final adjudicatory order 2746
within sixty days after the completion of its hearing or, in the 2747
case of the summary suspension of a license to operate a 2748
crematory facility or hydrolysis facility, within sixty days 2749
after completion of the adjudicatory hearing by the crematory 2750
and hydrolysis facility review board. A failure to issue the 2751
order within that time results in the dissolution of the summary 2752
suspension order, but does not invalidate any subsequent final 2753
adjudicatory order. 2754

(D) If the board of embalmers and funeral directors 2755
suspends or revokes a license held by a funeral director or a 2756
funeral home for any reason identified in division (A) of this 2757
section, the board may file a complaint with the court of common 2758
pleas in the county where the violation occurred requesting 2759
appointment of a receiver and the sequestration of the assets of 2760
the funeral home that held the suspended or revoked license or 2761
the licensed funeral home that employs the funeral director that 2762
held the suspended or revoked license. If the court of common 2763
pleas is satisfied with the application for a receivership, the 2764
court may appoint a receiver. 2765

The board or a receiver may employ and procure whatever 2766
assistance or advice is necessary in the receivership or 2767
liquidation and distribution of the assets of the funeral home, 2768
and, for that purpose, may retain officers or employees of the 2769
funeral home as needed. All expenses of the receivership or 2770
liquidation shall be paid from the assets of the funeral home 2771
and shall be a lien on those assets, and that lien shall be a 2772
priority to any other lien. 2773

(E) Any holder of a license issued under this chapter who 2774
has pleaded guilty to, has been found by a judge or jury to be 2775
guilty of, or has had a judicial finding of eligibility for 2776
treatment in lieu of conviction entered against the individual 2777
in this state for aggravated murder, murder, voluntary 2778
manslaughter, felonious assault, kidnapping, rape, sexual 2779
battery, gross sexual imposition, aggravated arson, aggravated 2780
robbery, or aggravated burglary, or who has pleaded guilty to, 2781
has been found by a judge or jury to be guilty of, or has had a 2782
judicial finding of eligibility for treatment in lieu of 2783
conviction entered against the individual in another 2784
jurisdiction for any substantially equivalent criminal offense, 2785
is hereby suspended from practice under this chapter by 2786
operation of law, and any license issued to the individual under 2787
this chapter is hereby suspended by operation of law as of the 2788
date of the guilty plea, verdict or finding of guilt, or 2789
judicial finding of eligibility for treatment in lieu of 2790
conviction, regardless of whether the proceedings are brought in 2791
this state or another jurisdiction. The board shall notify the 2792
suspended individual of the suspension of the individual's 2793
license by the operation of this division by a delivery system 2794
or in person in accordance with section 119.07 of the Revised 2795
Code. If an individual whose license is suspended under this 2796
division fails to make a timely request for an adjudicatory 2797
hearing, the board shall enter a final order revoking the 2798
license. 2799

(F) No person whose license has been suspended or revoked 2800
under or by the operation of this section shall recklessly 2801
practice embalming or funeral directing or operate a funeral 2802
home, embalming facility, hydrolysis facility, or crematory 2803
facility until the board has reinstated the person's license. 2804

Sec. 4717.15. (A) The board of embalmers and funeral 2805
directors, without the necessity for conducting a prior 2806
adjudication hearing, may issue a notice of violation to the 2807
holder of an embalmer's, funeral director's, funeral home, or 2808
embalming facility license issued under this chapter who the 2809
board finds has committed any of the violations described in 2810
divisions (A) (9) (a) to (g) of section 4717.04 of the Revised 2811
Code. The notice shall set forth the specific violation 2812
committed by the licensee and shall be sent by certified mail. 2813
The notice shall be accompanied by an order requiring the 2814
payment of the appropriate forfeiture prescribed in rules 2815
adopted under division (A) (9) of section 4717.04 of the Revised 2816
Code and by a notice informing the licensee that the licensee is 2817
entitled to an adjudicatory hearing on the notice of violation 2818
and order if the licensee requests a hearing and if the board 2819
receives the request within thirty days after the mailing of the 2820
notice of violation and order. The board shall conduct any such 2821
adjudicatory hearing in accordance with Chapter 119. of the 2822
Revised Code, except as otherwise provided in this division. 2823

A licensee who receives a notice of violation and order 2824
under this division shall pay to the executive director of the 2825
board the full amount of the forfeiture by certified check 2826
within thirty days after the notice of violation and order were 2827
mailed to the licensee unless, within that time, the licensee 2828
submits a request for an adjudicatory hearing on the notice of 2829
violation and order. If such a request for an adjudicatory 2830
hearing is timely filed, the licensee need not pay the 2831
forfeiture to the executive director until after a final, 2832
nonappealable administrative or judicial decision is rendered on 2833
the order requiring payment of the forfeiture. If a final 2834
nonappealable administrative or judicial decision is rendered 2835

affirming the board's order, the licensee shall pay to the 2836
executive director of the board the full amount of the 2837
forfeiture by certified check within thirty days after notice of 2838
the decision was sent to the licensee. A forfeiture is 2839
considered to be paid when the licensee's certified check is 2840
received by the executive director in Columbus. If the licensee 2841
fails to so pay the full amount of the forfeiture to the 2842
executive director within that time, the board shall issue an 2843
order suspending or revoking the individual's license, as the 2844
board considers appropriate. 2845

(B) The board shall send to the crematory and hydrolysis 2846
facility review board written notice that it proposes to issue 2847
to the holder of a license to operate a crematory or hydrolysis 2848
facility issued under this chapter a notice of violation and 2849
order requiring payment of a forfeiture specified in rules 2850
adopted under division (A) (9) of section 4717.04 of the Revised 2851
Code. If, after the conclusion of the adjudicatory hearing on 2852
the matter conducted under division (F) of section 4717.03 of 2853
the Revised Code, the board of embalmers and funeral directors 2854
finds that the licensee has committed any of the violations 2855
described in divisions (A) (9) (a) to (g) of section 4717.04 of 2856
the Revised Code in connection with the operation of a crematory 2857
or hydrolysis facility, or hydrolysis or cremation, the board of 2858
embalmers and funeral directors may issue a final order under 2859
division (F) of section 4717.03 of the Revised Code requiring 2860
payment of the appropriate forfeiture specified in rules adopted 2861
under division (A) (9) of section 4717.04 of the Revised Code. A 2862
licensee who receives such an order shall pay the full amount of 2863
the forfeiture to the executive director by certified check 2864
within thirty days after the order was sent to the licensee 2865
unless, within that time, the licensee files a notice of appeal 2866

in accordance with division (F) of section 4717.03 and section 2867
119.12 of the Revised Code. If such a notice of appeal is timely 2868
filed, the licensee need not pay the forfeiture to the executive 2869
director until after a final, nonappealable judicial decision is 2870
rendered in the appeal. If a final, nonappealable judicial 2871
decision is rendered affirming the board's order, the licensee 2872
shall pay to the executive director the full amount of the 2873
forfeiture by certified check within thirty days after notice of 2874
the decision was sent to the licensee. A forfeiture is 2875
considered paid when the licensee's certified check is received 2876
by the executive director in Columbus. If the licensee fails to 2877
so pay the full amount of the forfeiture to the executive 2878
director within that time, the board shall issue an order 2879
suspending or revoking the individual's license, as the board 2880
considers appropriate. 2881

Sec. 4717.20. As used in sections 4717.20 to 4717.30 of 2882
the Revised Code: 2883

(A) "Alternative container" means a receptacle, other than 2884
a casket, in which a dead human body or body parts are 2885
transported to a crematory facility and placed in the cremation 2886
chamber for cremation, and that meets all of the following 2887
requirements: 2888

(1) Is composed of readily combustible materials that are 2889
suitable for cremation; 2890

(2) May be closed in order to provide a complete covering 2891
for the dead human body or body parts; 2892

(3) Is resistant to leakage or spillage; 2893

(4) Is sufficiently rigid to be handled readily; 2894

(5) Provides protection for the health and safety of 2895

crematory personnel.	2896
(B) "Authorizing agent" means the person or persons	2897
identified in section 4717.21 or 4717.22 of the Revised Code who	2898
are entitled to order the cremation <u>or hydrolysis</u> of a decedent	2899
or body parts and to order the final disposition of the cremated	2900
<u>or hydrolyzed</u> remains of a decedent or body parts.	2901
(C) "Body parts" means limbs or other portions of the	2902
anatomy that are removed from a living person for medical	2903
purposes during biopsy, treatment, or surgery. "Body parts" also	2904
includes dead human bodies that have been donated to science for	2905
purposes of medical education or research and any parts of such	2906
a dead human body that were removed for those purposes.	2907
(D) "Burial or burial-transit permit" means a burial	2908
permit or burial-transit permit issued under section 3705.17 of	2909
the Revised Code or the laws of another state that are	2910
substantially similar to that section.	2911
(E) "Casket" means a rigid container that is designed for	2912
the encasement of a dead human body and that is constructed of	2913
wood, metal, or another rigid material, is ornamented and lined	2914
with fabric, and may or may not be combustible.	2915
(F) "Temporary container" means a receptacle for cremated	2916
<u>or hydrolyzed</u> remains composed of cardboard, plastic, metal, or	2917
another material that can be closed in a manner that prevents	2918
the leakage or spillage of the cremated remains and the entrance	2919
of foreign material, and that is of sufficient size to hold the	2920
cremated remains until they are placed in an urn or scattered.	2921
(G) "Urn" means a receptacle designed to encase cremated	2922
<u>or hydrolyzed</u> remains permanently.	2923
Sec. 4717.21. (A) Any person, on an antemortem basis, may	2924

serve as the person's own authorizing agent, authorize the 2925
person's own cremation or hydrolysis, and specify the 2926
arrangements for the final disposition of the person's own 2927
cremated or hydrolyzed remains by executing an antemortem 2928
~~cremation~~ authorization form. A guardian, custodian, or other 2929
personal representative who is authorized by law or contract to 2930
do so on behalf of a person, on an antemortem basis, may 2931
authorize the cremation or hydrolysis of the person and specify 2932
the arrangements for the final disposition of the person's 2933
cremated or hydrolyzed remains by executing an antemortem 2934
~~cremation~~ authorization form on the person's behalf. Any such 2935
antemortem ~~cremation~~ authorization form also shall be signed by 2936
one witness. The original copy of the executed authorization 2937
form shall be sent to the operator of the crematory or 2938
hydrolysis facility being authorized to conduct the cremation or 2939
hydrolysis, and a copy shall be retained by the person who 2940
executed the authorization form. The person who executed an 2941
antemortem ~~cremation~~ authorization form may revoke the 2942
authorization at any time by providing written notice of the 2943
revocation to the operator of the crematory or hydrolysis 2944
facility named in the authorization form. The person who 2945
executed the authorization form may transfer the authorization 2946
to another crematory or hydrolysis facility by providing written 2947
notice to the operator of the ~~crematory~~ facility named in the 2948
original authorization of the revocation of the authorization 2949
and, in accordance with this division, executing a new 2950
antemortem ~~cremation~~ authorization form authorizing the operator 2951
of another ~~crematory~~ facility to conduct the cremation or 2952
hydrolysis. 2953

(B) (1) Each antemortem ~~cremation~~ authorization form shall 2954
specify the final disposition that is to be made of the cremated 2955

or hydrolyzed remains. 2956

(2) Every antemortem ~~cremation~~-authorization form entered 2957
into on or after ~~the effective date of this amendment~~ October 2958
12, 2006, shall specify the final disposition that is to be made 2959
of the remains and shall include a provision in substantially 2960
the following form: 2961

NOTICE: Upon the death of the person who is the subject of 2962
this antemortem ~~cremation~~-authorization, the person holding the 2963
right of disposition under section 2108.70 or 2108.81 of the 2964
Revised Code may cancel the cremation or hydrolysis 2965
arrangements, modify the arrangements for the final disposition 2966
of the cremated or hydrolyzed remains, or make alternative 2967
arrangements for the final disposition of the decedent's body. 2968
However, the person executing this antemortem ~~cremation~~- 2969
authorization is encouraged to state his or her preferences as 2970
to the manner of final disposition in a declaration of the right 2971
of disposition pursuant to section 2108.72 of the Revised Code, 2972
including that the arrangements set forth in this form shall be 2973
followed. 2974

(C) (1) Except as provided in division (C) (2) of this 2975
section, when the operator of a crematory or hydrolysis facility 2976
is in possession of a ~~cremation~~-an authorization form that has 2977
been executed on an antemortem basis in accordance with this 2978
section, the other conditions set forth in division (A) of 2979
section 4717.23 of the Revised Code have been met, the ~~crematory~~- 2980
facility has possession of the decedent to which the antemortem 2981
authorization pertains, and the ~~crematory~~-facility has received 2982
payment for the cremation or hydrolysis of the decedent and the 2983
final disposition of the cremated or hydrolyzed remains of the 2984
decedent or is otherwise assured of payment for those services, 2985

the ~~crematory~~ facility shall cremate or hydrolyze the decedent 2986
as directed and dispose of the ~~cremated~~ remains in accordance 2987
with the instructions contained in the antemortem ~~cremation~~ 2988
authorization form. 2989

(2) A person with the right of disposition for a decedent 2990
under section 2108.70 or 2108.81 of the Revised Code who is not 2991
disqualified under section 2108.75 of the Revised Code may 2992
cancel the arrangements for the decedent's cremation or 2993
hydrolysis, modify the arrangements for the final disposition of 2994
the decedent's cremated or hydrolyzed remains, or make 2995
alternative arrangements for the final disposition of the 2996
decedent's body. If a person with the right takes any such 2997
action, the operator shall disregard the instructions contained 2998
in the antemortem ~~cremation~~ authorization form and follow the 2999
instructions of the person with the right. 3000

(D) An antemortem ~~cremation~~ authorization form executed 3001
under division (A) of this section does not constitute a 3002
contract for conducting the cremation or hydrolysis of the 3003
person named in the authorization form or for the final 3004
disposition of the person's cremated or hydrolyzed remains. 3005
Despite the existence of such an antemortem ~~cremation~~ 3006
authorization, a person with the right of disposition for a 3007
decedent under section 2108.70 or 2108.81 of the Revised Code 3008
may modify, in writing, the arrangements for the final 3009
disposition of the cremated or hydrolyzed remains of the 3010
decedent set forth in the authorization form or may cancel the 3011
cremation or hydrolysis and claim the decedent's body for 3012
purposes of making alternative arrangements for the final 3013
disposition of the decedent's body. The revocation of an 3014
antemortem ~~cremation~~ authorization form executed under division 3015
(A) of this section, or the cancellation of the cremation or 3016

hydrolysis of the person named in the antemortem authorization 3017
or modification of the arrangements for the final disposition of 3018
the person's cremated or hydrolyzed remains as authorized by 3019
this division, does not affect the validity or enforceability of 3020
any contract entered into for the cremation or hydrolysis of the 3021
person named in the antemortem authorization or for the final 3022
disposition of the person's cremated or hydrolyzed remains. 3023

(E) Nothing in this section applies to any antemortem 3024
~~cremation~~ authorization form executed prior to ~~the effective~~ 3025
~~date of this section~~ August 5, 1998. Any cemetery, funeral home, 3026
crematory or hydrolysis facility, or other party may specify, 3027
with the written approval of the person who executed the 3028
antemortem authorization, that such an antemortem authorization 3029
is subject to sections 4717.21 to 4717.30 of the Revised Code. 3030

Sec. 4717.22. (A) The person who has the right of 3031
disposition under section 2108.70 or 2108.81 of the Revised Code 3032
may serve as an authorizing agent for the cremation or 3033
hydrolysis of a dead human body, including, without limitation, 3034
a dead human body that was donated to science for purposes of 3035
medical education or research. 3036

(B) If body parts were removed from a living person, the 3037
person from whom the body parts were removed or the person who 3038
has the right of disposition under section 2108.70 or 2108.81 of 3039
the Revised Code may serve as the authorizing agent for the 3040
cremation or hydrolysis of the body parts. 3041

(C) If body parts were removed from a decedent whose body 3042
was donated to science for purposes of medical education or 3043
research, the person who has the right of disposition under 3044
section 2108.70 or 2108.81 of the Revised Code may serve as the 3045
authorizing agent for the cremation or hydrolysis of the body 3046

parts. In the absence of any action by the person with the right 3047
of disposition with respect to the cremation or hydrolysis of 3048
such body parts, the medical education or research facility to 3049
which the decedent's body was donated may serve as the 3050
authorizing agent for the cremation or hydrolysis of such parts. 3051

Sec. 4717.23. (A) No operator of a crematory or hydrolysis 3052
facility shall recklessly cremate or hydrolyze, or allow the 3053
cremation or hydrolysis at a ~~crematory~~ the facility the operator 3054
is licensed to operate under this chapter, of a dead human body, 3055
other than one that was donated to science for purposes of 3056
medical education or research, until all of the following have 3057
occurred: 3058

(1) A period of at least twenty-four hours has elapsed 3059
since the decedent's death as indicated on a complete, 3060
nonprovisional death certificate filed under section 3705.16 of 3061
the Revised Code or under the laws of another state that are 3062
substantially equivalent to that section, unless, if the 3063
decedent died from a virulent communicable disease, the 3064
department of health or board of health having territorial 3065
jurisdiction where the death of the decedent occurred requires 3066
by rule or order the cremation or hydrolysis to occur prior to 3067
the end of that period; 3068

(2) The operator has received a burial or burial-transit 3069
permit that authorizes the cremation or hydrolysis of the 3070
decedent; 3071

(3) The operator has received a completed ~~cremation~~ 3072
authorization form executed pursuant to section 4717.21 or 3073
4717.24 of the Revised Code, as applicable, that authorizes the 3074
cremation or hydrolysis of the decedent. A blank ~~cremation~~ 3075
authorization form shall be provided by the operator and shall 3076

comply with section 4717.24 of the Revised Code and, if 3077
applicable, section 4717.21 of the Revised Code. 3078

(4) The operator has received any other documentation 3079
required by this state or a political subdivision of this state. 3080

(B) No operator of a crematory or hydrolysis facility 3081
shall recklessly cremate or hydrolyze, or allow the cremation or 3082
hydrolysis of, any body parts, including, without limitation, 3083
dead human bodies that were donated to science for purposes of 3084
medical research or education, at ~~a crematory~~ the facility the 3085
operator is licensed to operate in this state until both of the 3086
following have occurred: 3087

(1) The operator has received a completed ~~cremation~~ 3088
authorization form executed pursuant to section 4717.25 of the 3089
Revised Code or, if the decedent has executed an antemortem 3090
~~cremation~~ authorization form in accordance with section 4717.21 3091
of the Revised Code and has donated the decedent's body to 3092
science for purposes of medical education or research, such an 3093
antemortem ~~cremation~~ authorization form; 3094

(2) The operator has received any other documentation 3095
required by this state or a political subdivision of this state. 3096

Sec. 4717.24. (A) A cremation or hydrolysis authorization 3097
form authorizing the cremation or hydrolysis of a dead human 3098
body, other than one that was donated to science for purposes of 3099
medical education or research, shall include at least all of the 3100
following information and statements: 3101

(1) A statement that the decedent has been identified in 3102
accordance with division (B) of this section; 3103

(2) The name of the funeral director or other individual 3104
who obtained the burial or burial-transit permit authorizing the 3105

cremation or hydrolysis of the decedent; 3106

(3) The name of the authorizing agent and the relationship 3107
of the authorizing agent to the decedent; 3108

(4) A statement that the authorizing agent in fact has the 3109
right to authorize cremation or hydrolysis of the decedent and 3110
that the authorizing agent does not have actual knowledge of the 3111
existence of any living person who has a superior priority right 3112
to act as the authorizing agent under section 4717.22 of the 3113
Revised Code. If the person executing the ~~cremation~~ 3114
authorization form knows of another living person who has such a 3115
superior priority right, the authorization form shall include a 3116
statement indicating that the person executing the authorization 3117
form has made reasonable efforts to contact the person having 3118
the superior priority right and has been unable to do so and 3119
that the person executing the authorization form has no reason 3120
to believe that the person having the superior priority right 3121
would object to the cremation or hydrolysis of the decedent. 3122

(5) ~~A~~ In the case of a cremation authorization form, a 3123
statement of whether the authorizing agent has actual knowledge 3124
of the presence in the decedent of a pacemaker, defibrillator, 3125
or any other mechanical or radioactive device or implant that 3126
poses a hazard to the health or safety of personnel performing 3127
the cremation; 3128

(6) ~~A~~ In the case of a cremation authorization form, a 3129
statement indicating the crematory facility is to cremate the 3130
casket or alternative container in which the decedent was 3131
delivered to or accepted by the crematory facility; 3132

(7) ~~A~~ In the case of a cremation authorization form, a 3133
statement of whether the crematory facility is authorized to 3134

simultaneously cremate the decedent in the same cremation 3135
chamber with one or more other decedents who were related to the 3136
decedent named in the cremation authorization form by 3137
consanguinity or affinity or who, at any time during the one- 3138
year period preceding the decedent's death, lived with the 3139
decedent in a common law marital relationship or otherwise 3140
cohabited with the decedent. A cremation authorization form 3141
executed under this section shall not authorize the simultaneous 3142
cremation of a decedent in the same cremation chamber with one 3143
or more other decedents except under the circumstances described 3144
in the immediately preceding sentence. 3145

(8) The names of any persons designated by the authorizing 3146
agent to be present in the holding facility or cremation ~~room or~~ 3147
hydrolysis area prior to or during the cremation or hydrolysis 3148
of the decedent or during the removal of the cremated or 3149
hydrolyzed remains from the cremation or hydrolysis chamber; 3150

(9) The authorization for the crematory or hydrolysis 3151
facility to cremate or hydrolyze the decedent and to process or 3152
pulverize the cremated or hydrolyzed remains as is the practice 3153
at the particular ~~crematory~~ facility; 3154

(10) ~~A~~ In the case of a cremation authorization form, a 3155
statement of whether it is the crematory facility's practice to 3156
return all of the residue removed from the cremation chamber 3157
following the cremation or to separate and remove foreign matter 3158
from the residue before returning the cremated remains to the 3159
authorizing agent or the person designated on the authorization 3160
form to receive the cremated remains pursuant to division (A) 3161
(11) of this section; 3162

(11) The name of the person who is to receive the cremated 3163
or hydrolyzed remains of the decedent from the crematory or 3164

hydrolysis facility; 3165

(12) The manner in which the final disposition of the 3166
cremated or hydrolyzed remains of the decedent is to occur, if 3167
known. If the ~~cremation~~-authorization form does not specify the 3168
manner of the final disposition of the cremated or hydrolyzed 3169
remains, it shall indicate that the ~~cremated~~-remains will be 3170
held by the crematory or hydrolysis facility for thirty days 3171
after the cremation or hydrolysis, unless, prior to the end of 3172
that period, they are picked up from the ~~crematory~~-facility by 3173
the person designated on the ~~cremation~~-authorization form to 3174
receive them, the authorizing agent, or, if applicable, the 3175
funeral director who obtained the burial or burial-transit 3176
permit for the decedent, or are delivered or shipped by the 3177
operator of the ~~crematory~~-facility to one of those persons. The 3178
authorization form shall indicate that if no instructions for 3179
the final disposition are provided on the authorization form and 3180
that if no arrangements for final disposition have been made 3181
within the thirty-day period, the ~~crematory~~-facility may return 3182
the ~~cremated~~-remains to the authorizing agent. The authorization 3183
form shall further indicate that if no arrangements for the 3184
final disposition of the ~~cremated~~-remains have been made within 3185
sixty days after the completion of the cremation or hydrolysis 3186
and if the authorizing agent has not picked them up or caused 3187
them to be picked up within that period, the operator or funeral 3188
director may dispose of them in accordance with division (C) of 3189
section 4717.27 of the Revised Code. 3190

(13) A listing of the items of value to be delivered to 3191
the crematory or hydrolysis facility along with the dead human 3192
body, if any, and instructions regarding how those items are to 3193
be handled; 3194

(14) A statement of whether the authorizing agent has made 3195
arrangements for any type of viewing of the decedent or for a 3196
service with the decedent present prior to the cremation or 3197
hydrolysis and, if so, the date, time, and place of the service; 3198

(15) A statement of whether the ~~crematory~~ facility may 3199
proceed with the cremation or hydrolysis at any time after the 3200
conditions set forth in division (A) of section 4717.23 of the 3201
Revised Code have been met and the decedent has been received at 3202
the facility; 3203

(16) The certification of the authorizing agent to the 3204
effect that all of the information and statements contained in 3205
the authorization form are accurate; 3206

(17) The signature of the authorizing agent and the 3207
signature of at least one witness who observed the authorizing 3208
agent execute the cremation or hydrolysis authorization form. 3209

(B) In making the identification of the decedent required 3210
by division (A) (1) of this section, the funeral home arranging 3211
the cremation or hydrolysis shall require the authorizing agent 3212
or the agent's appointed representative to visually identify the 3213
decedent's remains or a photograph or other visual image of the 3214
remains. If identification is by photograph or other visual 3215
image, the authorizing agent or representative shall sign the 3216
photograph or other visual image. If visual identification is 3217
not feasible, other positive identification of the decedent may 3218
be used including, but not limited to, reliance upon an 3219
identification made through the coroner's office or 3220
identification of photographs or other visual images of scars, 3221
tattoos, or physical deformities taken from the decedent's 3222
remains. 3223

(C) An authorizing agent who is not available to execute a cremation or hydrolysis authorization form in person may designate another individual to serve as the authorizing agent by providing to the operator of the crematory or hydrolysis facility where the cremation or hydrolysis is to occur a written designation, acknowledged before a notary public or other person authorized to administer oaths, authorizing that other individual to serve as the authorizing agent, or by sending to the operator a facsimile transmission of the written designation that has been so acknowledged. Any such written designation shall contain the name of the decedent, the name and address of the authorizing agent, the relationship of the authorizing agent to the decedent, and the name and address of the individual who is being designated to serve as the authorizing agent. Upon receiving such a written designation or a facsimile transmission of such a written designation, the operator shall permit the individual named in the written designation to serve as the authorizing agent and to execute the ~~cremation~~ authorization form authorizing the cremation or hydrolysis of the decedent named in the written designation.

(D) An authorizing agent who signs a cremation or hydrolysis authorization form under this section is hereby deemed to warrant the accuracy of the information and statements contained in such authorization form, including the identification of the decedent and the agent's authority to authorize the cremation. A funeral home and its employees are not responsible for verifying the accuracy of any information or statements the authorizing agent made on the authorization form, unless the funeral home or its employees have actual knowledge to the contrary regarding any such information or statement. When delivering the decedent's remains to a crematory or

hydrolysis facility or in carrying out the disposition in its 3255
own facility, the funeral home is responsible for having the 3256
decedent identified pursuant to division (B) of this section and 3257
carrying out the obligations imposed on the funeral home by 3258
division (B) of section 4717.29 of the Revised Code. 3259

(E) At any time after executing a cremation or hydrolysis 3260
authorization form and prior to the beginning of the cremation 3261
or hydrolysis process, the authorizing agent who executed the 3262
~~cremation~~ authorization form under division (A) or (C) of this 3263
section may, in writing, modify the arrangements for the final 3264
disposition of the cremated or hydrolyzed remains of the 3265
decedent set forth in the authorization form or may, in writing, 3266
revoke the authorization, cancel the cremation or hydrolysis, 3267
and claim the decedent's body for purposes of making alternative 3268
arrangements for the final disposition of the decedent's body. 3269
The operator of a ~~crematory~~ facility shall cancel the cremation 3270
or hydrolysis if the operator receives such a revocation before 3271
beginning the cremation or hydrolysis. 3272

(F) A cremation or hydrolysis authorization form executed 3273
under this section does not constitute a contract for conducting 3274
the cremation or hydrolysis of the decedent named in the 3275
authorization form or for the final disposition of the cremated 3276
or hydrolyzed remains of the decedent. The revocation of a ~~a~~ 3277
~~cremation~~ ~~the~~ authorization form or modification of the 3278
arrangements for the final disposition of the cremated or 3279
hydrolyzed remains of the decedent pursuant to division (E) of 3280
this section does not affect the validity or enforceability of 3281
any contract for the cremation or hydrolysis of the decedent 3282
named in the authorization form or for the final disposition of 3283
the cremated or hydrolyzed remains of the decedent. 3284

Sec. 4717.25. (A) A cremation or hydrolysis authorization 3285
form authorizing the cremation or hydrolysis of any body parts, 3286
including, without limitation, dead human bodies that were 3287
donated to science for purposes of medical education or research 3288
shall include at least all of the following information and 3289
statements, as applicable: 3290

(1) The identity of the decedent whose body was donated to 3291
science for purposes of medical education or research or the 3292
identity of the living person or such a decedent from whom the 3293
body parts were removed; 3294

(2) The name of the authorizing agent and the relationship 3295
of the authorizing agent to the decedent or the living person 3296
from whom the body parts were removed; 3297

(3) A statement that the authorizing agent in fact has the 3298
right to authorize the cremation or hydrolysis of the decedent 3299
or the body parts removed from the decedent or living person and 3300
a description of the basis of the person's right to execute the 3301
~~cremation~~ authorization form; 3302

(4) A statement of whether the crematory or hydrolysis 3303
facility is authorized to simultaneously cremate or hydrolyze 3304
the decedent or body parts removed from the decedent or living 3305
person with one or more other decedents whose bodies were 3306
donated to science for purposes of medical education or research 3307
or with body parts removed from one or more other decedents or 3308
living persons; 3309

(5) The authorization for the crematory or hydrolysis 3310
facility to cremate or hydrolyze the decedent or body parts 3311
removed from the decedent or living person and to process or 3312
pulverize the cremated or hydrolyzed remains as is the practice 3313

at the particular ~~crematory~~ facility; 3314

(6) ~~A~~ In the case of cremation, a statement of whether it 3315
is the crematory facility's practice to return all of the 3316
residue removed from the cremation chamber following the 3317
cremation or to separate and remove foreign matter from the 3318
residue before returning the cremated remains to the authorizing 3319
agent or the authorizing agent's designee; 3320

(7) The name of the person who is to receive the cremated 3321
or hydrolyzed remains from the ~~crematory~~ facility; 3322

(8) The manner in which the final disposition of the 3323
cremated or hydrolyzed remains is to occur, if known. If the 3324
~~cremation~~ authorization form does not specify the manner of the 3325
final disposition of the cremated or hydrolyzed remains, it 3326
shall indicate that the ~~cremated~~ remains will be held by the 3327
~~crematory~~ facility for thirty days after the cremation or 3328
hydrolysis, unless, prior to the end of that period, they are 3329
picked up from the ~~crematory~~ facility by the person designated 3330
on the authorization form to receive them or by the authorizing 3331
agent, or are delivered or shipped by the operator of the 3332
~~crematory~~ facility to one of those persons. The authorization 3333
form shall indicate that if no instructions for the final 3334
disposition of the cremated or hydrolyzed remains are provided 3335
on the authorization form and that if no arrangements for final 3336
disposition have been made within the thirty-day period, the 3337
~~crematory~~ facility may return the ~~cremated~~ remains to the 3338
authorizing agent. The authorization form shall further indicate 3339
that if no arrangements for the final disposition of the 3340
~~cremated~~ remains have been made within sixty days after the 3341
cremation or hydrolysis and if the authorizing agent or person 3342
designated on the authorization form to receive the ~~cremated~~ 3343

remains has not picked them up or caused them to be picked up 3344
within that period, the operator may dispose of them in 3345
accordance with division (C) (1) or (2) of section 4717.27 of the 3346
Revised Code. 3347

(9) The certification of the authorizing agent to the 3348
effect that all of the information and statements contained in 3349
the authorization form are accurate. 3350

(B) An authorizing agent who signs a cremation or 3351
hydrolysis authorization form under this section is hereby 3352
deemed to warrant the accuracy of the information and statements 3353
contained in the authorization form, including the person's 3354
authority to authorize the cremation or hydrolysis. 3355

(C) At any time after executing a cremation or hydrolysis 3356
authorization form and prior to the beginning of the cremation 3357
or hydrolysis process, an authorizing agent who executed a ~~a~~ 3358
~~cremation~~ such an authorization form under this section may, in 3359
writing, revoke the authorization, cancel the cremation or 3360
hydrolysis, and claim the decedent's body or the body parts for 3361
purposes of making alternative arrangements for the final 3362
disposition of the decedent's body or the body parts. The 3363
operator of a ~~crematory~~ facility shall cancel the cremation or 3364
hydrolysis if the operator receives such a revocation before 3365
beginning the cremation or hydrolysis. 3366

(D) A cremation or hydrolysis authorization form executed 3367
under this section does not constitute a contract for conducting 3368
the cremation or hydrolysis of the decedent named in the 3369
authorization form or body parts removed from the decedent or 3370
living person named in the form or for the final disposition of 3371
the cremated or hydrolyzed remains of the decedent or body 3372
parts. The revocation of a ~~cremation~~ an authorization form or 3373

modification of the arrangements for the final disposition of 3374
the cremated or hydrolyzed remains of the decedent or the body 3375
parts pursuant to division (C) of this section does not affect 3376
the validity or enforceability of any contract for the cremation 3377
of hydrolysis of the decedent named in the authorization form, 3378
the cremation or hydrolysis of body parts from the decedent or 3379
living person named in the authorization form, or the final 3380
disposition of the cremated or hydrolyzed remains of the 3381
decedent or body parts. 3382

Sec. 4717.26. (A) The operator of a crematory or 3383
hydrolysis facility may schedule the time for the cremation or 3384
hydrolysis of a dead human body to occur at the operator's own 3385
convenience at any time after the conditions set forth in 3386
division (A) or (B) of section 4717.23 of the revised code, as 3387
applicable, have been met and the decedent or body parts have 3388
been delivered to the facility, unless, in the case of a dead 3389
human body, the operator has received specific instructions to 3390
the contrary on the cremation or hydrolysis authorization form 3391
authorizing the cremation or hydrolysis of the decedent executed 3392
under section 4717.21, 4717.24, or 4717.25 of the Revised Code. 3393
The operator of a crematory or hydrolysis facility becomes 3394
responsible for a dead human body or body parts when the body or 3395
body parts have been delivered to or accepted by the facility or 3396
an employee or agent of the facility. 3397

(B) No operator of a crematory or hydrolysis facility 3398
shall recklessly fail to do either of the following: 3399

(1) Upon receipt at the crematory or hydrolysis facility 3400
of any dead human body that has not been embalmed, and subject 3401
to the prohibition set forth in division (C)(1) of this section, 3402
place the body in a holding or refrigerated facility at the 3403

~~crematory~~ facility and keep the body in the holding or 3404
refrigerated facility until near the time the cremation or 3405
hydrolysis process commences or until the body is held at the 3406
facility for eight hours or longer. If the body is held for 3407
eight hours or longer, place the body in a refrigerated facility 3408
at the ~~crematory~~ facility and keep the body in the refrigerated 3409
facility until near the time the cremation or hydrolysis process 3410
commences; 3411

(2) Upon receipt of any dead human body that has been 3412
embalmed, place the body in a holding facility at the ~~crematory~~ 3413
facility and keep the body in the holding facility until the 3414
cremation or hydrolysis process commences. 3415

(C) No operator of a crematory facility shall do either of 3416
the following, unless the instructions contained in the 3417
cremation authorization form authorizing the cremation of the 3418
decedent executed under section 4717.21, 4717.24, or 4717.25 of 3419
the Revised Code specifically provide otherwise: 3420

(1) ~~Remove~~ In the case of cremation, remove any dead 3421
human body from the casket or alternative container in which the 3422
body was delivered to or accepted by the crematory facility; 3423

(2) ~~Fail~~ In the case of cremation, fail to cremate the 3424
casket or alternative container in which the body was delivered 3425
or accepted, in its entirety with the body. 3426

(D) No operator of a crematory or hydrolysis facility 3427
shall recklessly simultaneously cremate or hydrolyze more than 3428
one decedent or body parts removed from more than one decedent 3429
or living person in the same cremation or hydrolysis chamber 3430
unless the ~~cremation~~ authorization forms executed under section 3431
4717.21, 4717.24, or 4717.25 of the Revised Code authorizing the 3432

cremation or hydrolysis of each of the decedents or body parts 3433
removed from each decedent or living person specifically 3434
authorize such a simultaneous cremation or hydrolysis. This 3435
division does not prohibit the use of cremation equipment that 3436
contains more than one cremation chamber. 3437

(E) No operator of a crematory or hydrolysis facility 3438
shall recklessly permit any persons other than employees of the 3439
~~crematory~~ facility, the authorizing agent for the cremation or 3440
hydrolysis of the decedent ~~who is to be, is being, or was~~ 3441
~~cremated~~, persons designated to be present at the cremation or 3442
hydrolysis of the decedent on the ~~cremation~~ authorization form 3443
executed under section 4717.21 or 4717.24 of the Revised Code, 3444
and persons authorized by the ~~individual who is actually in~~ 3445
~~charge~~ operator of the ~~crematory~~ facility, to be present in the 3446
holding facility or cremation ~~room~~ or hydrolysis area while any 3447
dead human bodies or body parts are being held there prior to 3448
~~cremation or are being cremated or while any cremated remains~~ 3449
~~are being removed from the cremation chamber~~ or during the 3450
cremation or hydrolysis process. 3451

(F) (1) No operator of a crematory or hydrolysis facility 3452
shall recklessly remove any dental gold, body parts, organs, or 3453
other items of value from a dead human body prior to the 3454
cremation or hydrolysis or from the cremated or hydrolyzed 3455
remains after cremation or hydrolysis unless the ~~cremation~~ 3456
~~authorization~~ form authorizing the cremation or hydrolysis of 3457
the decedent executed under section 4717.21 or 4717.24 of the 3458
Revised Code specifically authorizes the removal thereof. 3459

(2) No operator of a crematory or hydrolysis facility that 3460
removes any dental gold, body parts, organs, or other items from 3461
a dead human body or assists in such removal shall recklessly 3462

charge a fee for doing so that exceeds the actual cost to the 3463
~~crematory~~ facility for performing or assisting in the removal. 3464

(G) Upon the completion of each cremation or hydrolysis, 3465
the operator of a crematory or hydrolysis facility shall remove 3466
from the cremation or hydrolysis chamber all of the cremation or 3467
hydrolysis residue that is practicably recoverable. If the 3468
~~cremation~~ authorization form executed under section 4717.21, 3469
4717.24, or 4717.25 of the Revised Code specifies that the 3470
cremated or hydrolyzed remains are to be placed in an urn, the 3471
operator shall place them in the type of urn specified on the 3472
authorization form. If the authorization form does not specify 3473
that the cremated or hydrolyzed remains are to be placed in an 3474
urn, the operator shall place them in a temporary container. If 3475
not all of the recovered cremated or hydrolyzed remains will fit 3476
in the urn selected or the temporary container, the operator 3477
shall place the remainder in a separate temporary container, and 3478
the ~~cremated~~ remains placed in the separate temporary container 3479
shall be delivered, released, or disposed of along with those in 3480
the urn or other temporary container. Nothing in this section 3481
requires an operator of a ~~crematory~~ facility to recover any 3482
specified quantity or quality of cremated or hydrolyzed remains 3483
upon the completion of a cremation or hydrolysis, but only 3484
requires an operator to recover from the cremation or hydrolysis 3485
chamber all of the cremation or hydrolysis residue that is 3486
~~practically~~ practicably recoverable. 3487

(H) No operator of a crematory or hydrolysis facility 3488
shall knowingly represent to an authorizing agent or a designee 3489
of an authorizing agent that an urn or temporary container 3490
contains the recovered cremated or hydrolyzed remains of a 3491
specific decedent or of body parts removed from a specific 3492
decedent or living person when it does not. This division does 3493

not prohibit the making of such a representation because of the 3494
presence in the recovered cremated or hydrolyzed remains of de 3495
minimus amounts of the cremated or hydrolyzed remains of another 3496
decedent or of body parts removed from another decedent or 3497
living person that were not practicably recoverable and that 3498
remained in the cremation chamber after the ~~cremated~~ remains 3499
from any previous cremations cremation or hydrolysis were 3500
removed. 3501

(I) No operator of a crematory or hydrolysis facility or 3502
funeral director shall recklessly ship or cause to be shipped 3503
any cremated or hydrolyzed remains by a class or method of mail, 3504
common carrier service, or delivery service that does not have 3505
an internal system for tracing the location of the ~~cremated~~ 3506
remains during shipment and that does not require a signed 3507
receipt from the person accepting delivery of the ~~cremated~~ 3508
remains. 3509

(J) No operator of a crematory or hydrolysis facility 3510
shall recklessly fail to establish and maintain a system for 3511
accurately identifying each dead human body in the facility's 3512
possession, and for identifying each decedent or living person 3513
from which body parts in the facility's possession were removed, 3514
throughout all phases of the holding ~~and~~ cremation, and 3515
hydrolysis process. 3516

(K) No operator of a crematory facility shall knowingly 3517
use or allow the use of the same cremation chamber for the 3518
cremation of dead human bodies, or human body parts, and 3519
animals. No operator of a hydrolysis facility shall knowingly 3520
use or allow the use of the same hydrolysis chamber for the 3521
hydrolysis of dead human bodies, or human body parts, and 3522
animals. 3523

Sec. 4717.27. (A) The authorizing agent who executed the 3524
cremation or hydrolysis authorization form authorizing the 3525
cremation or hydrolysis of a decedent under section 4717.24 of 3526
the Revised Code or the cremation or hydrolysis of body parts 3527
under section 4717.25 of the Revised Code is ultimately 3528
responsible for the final disposition of the cremated or 3529
hydrolyzed remains of the decedent or body parts. 3530

(B) If the cremation or hydrolysis authorization form does 3531
not contain instructions for the final disposition of the 3532
cremated or hydrolyzed remains of the decedent or body parts, if 3533
no arrangements for the disposition of the cremated or 3534
hydrolyzed remains are made within thirty days after the 3535
completion of the cremation or hydrolysis, and if ~~the cremated~~ 3536
such remains have not been picked up within that thirty-day 3537
period by the person designated to receive them on the 3538
authorization form or, in the absence of such a designated 3539
person, by the authorizing agent, the operator of the ~~crematory~~ 3540
facility or the funeral home holding the unclaimed cremated or 3541
hydrolyzed remains, at the end of that thirty-day period, may 3542
release or deliver them in person to, or cause their delivery by 3543
a method described in division (I) of section 4717.26 of the 3544
Revised Code that is acceptable under that division to, the 3545
person designated to receive them on the ~~cremation~~ authorization 3546
form or, if no person has been so designated, to the authorizing 3547
agent. 3548

(C) (1) If the cremation or hydrolysis authorization form 3549
does not contain instructions for the final disposition of the 3550
cremated or hydrolyzed remains of the decedent or body parts, if 3551
no arrangements for the final disposition of ~~the cremated~~ such 3552
remains are made within sixty days after the completion of the 3553
cremation or hydrolysis, and if ~~the cremated~~ such remains have 3554

not been picked up by the person designated on the authorization 3555
form to receive them or, in the absence of such a designated 3556
person, by the authorizing agent, the operator of the ~~crematory~~ 3557
facility or the funeral home holding the unclaimed cremated or 3558
hydrolyzed remains may dispose of ~~the cremated~~ such remains in a 3559
grave, crypt, or niche at any time after the end of that sixty- 3560
day period. 3561

(2) If the cremation or hydrolysis authorization form 3562
specifies the manner of the final disposition of the cremated or 3563
hydrolyzed remains, or if within sixty days after the completion 3564
of the cremation or hydrolysis the authorizing agent makes 3565
arrangements for the final disposition of the cremated or 3566
hydrolyzed remains, and if either the arrangements have not been 3567
carried out within that sixty-day period because of the inaction 3568
of a party other than the operator of the ~~crematory~~ facility or 3569
the funeral home holding the unclaimed cremated or hydrolyzed 3570
remains, or the authorizing agent fails to pick up the cremated 3571
or hydrolyzed remains within that sixty-day period, the operator 3572
of the ~~crematory~~ facility or the funeral home holding the 3573
unclaimed cremated or hydrolyzed remains may dispose of ~~the~~ 3574
~~cremated~~ such remains in a grave, crypt, or niche at any time 3575
after the end of that period. 3576

(3) If cremated or hydrolyzed remains of a decedent who 3577
was eighteen years or older at the time of death are unclaimed 3578
under divisions (C) (1) and (2) of this section, the operator of 3579
the crematory or hydrolysis facility or the funeral home holding 3580
~~the cremated~~ such remains shall, before disposing of the 3581
unclaimed ~~cremated~~ remains, notify the secretary of the United 3582
States department of veterans affairs of the name of, and other 3583
identifying information related to, the decedent. If, within 3584
sixty days of the notification, the secretary of the department 3585

of veterans affairs notifies the ~~crematory~~ facility or funeral 3586
home that the decedent was a veteran who is eligible for burial 3587
in a national cemetery under the control of the national 3588
cemetery administration and that the secretary agrees to provide 3589
for the cost of the transportation and burial of the unclaimed 3590
~~cremated~~ remains in a national cemetery, the ~~crematory~~ facility 3591
or funeral home shall follow the directions of the secretary and 3592
arrange for the burial of the unclaimed remains in the national 3593
cemetery at the secretary's expense. If the secretary does not 3594
assume the right to direct the burial of the unclaimed remains 3595
within sixty days of the notification by the ~~crematory~~ facility 3596
or funeral home, the ~~crematory~~ facility or funeral home may 3597
carry out the disposition of the unclaimed remains under 3598
divisions (C) (1) and (2) of this section. 3599

(4) When cremated or hydrolyzed remains are disposed of in 3600
accordance with division (C) (1) or (2) of this section, the 3601
authorizing agent who executed the cremation or hydrolysis 3602
authorization form authorizing the cremation or hydrolysis of 3603
the decedent or body parts under section 4717.24 or 4717.25 of 3604
the Revised Code is liable to the operator of the crematory or 3605
hydrolysis facility or the funeral home for the cost of the 3606
final disposition, which cost shall not exceed the reasonable 3607
cost for disposing of the ~~cremated-unclaimed~~ remains in a common 3608
grave or crypt in the county where the ~~cremated-unclaimed~~ 3609
remains were buried or placed in a crypt or niche. 3610

(D) (1) Except as provided in division (D) (2) of this 3611
section, no person shall recklessly do either of the following: 3612

(a) Dispose of the cremated or hydrolyzed remains of a 3613
dead human body or body parts in such a manner or in such a 3614
location that the cremated or hydrolyzed remains are commingled 3615

with those of another decedent or body parts removed from 3616
another decedent or living person; 3617

(b) Place the cremated or hydrolyzed remains of more than 3618
one decedent or of body parts removed from more than one 3619
decedent or living person in the same urn or temporary 3620
container. 3621

(2) Division (D) (1) of this section does not prohibit any 3622
of the following: 3623

(a) The scattering of cremated or hydrolyzed remains at 3624
sea or by air or in a dedicated area at a cemetery used 3625
exclusively for the scattering on the ground of the cremated or 3626
hydrolyzed remains of dead human bodies or body parts. 3627

(b) The commingling of the cremated or hydrolyzed remains 3628
of more than one decedent or of body parts removed from more 3629
than one decedent or living person or the placement in the same 3630
urn or temporary container of the cremated or hydrolyzed remains 3631
of more than one decedent or of body parts removed from more 3632
than one decedent or living person when each authorizing agent 3633
who executed the cremation or hydrolysis authorization form 3634
authorizing the cremation or hydrolysis of each of the decedents 3635
or body parts removed from each of the decedents or living 3636
persons under section 4717.21, 4717.24, or 4717.25 of the 3637
Revised Code authorized the commingling of ~~the cremated~~ such 3638
remains or the placement of ~~the cremated~~ such remains in the 3639
same urn or temporary container on the authorization form. 3640

(c) The commingling, by the individual designated on the 3641
cremation or hydrolysis authorization form authorizing the 3642
cremation or hydrolysis of the decedent or body parts to receive 3643
the cremated or hydrolyzed remains, other than a funeral 3644

director or employee of a cemetery, or by the authorizing agent 3645
who executed the ~~cremation~~ authorization form, after receipt of 3646
the cremated or hydrolyzed remains, of ~~the cremated~~ such remains 3647
with those of another decedent or of body parts removed from 3648
another decedent or living person or the placing of them by any 3649
such person in the same urn or temporary container with those of 3650
another decedent or of body parts removed from another decedent 3651
or living person. 3652

Sec. 4717.28. (A) No operator of a crematory or hydrolysis 3653
facility shall recklessly fail to ensure that a written receipt 3654
is provided to the person who delivers a dead human body or body 3655
parts to the facility for cremation or hydrolysis. If the dead 3656
human body is other than one that was donated to science for 3657
purposes of medical education or research, the receipt shall be 3658
signed by both a representative of the ~~crematory~~ facility and 3659
the person who delivered the decedent to the ~~crematory~~ facility 3660
and shall indicate the name of the decedent; the date and time 3661
of delivery; the type of casket or alternative container in 3662
which the decedent was delivered to the facility; the name of 3663
the person who delivered the decedent to the facility; if 3664
applicable, the name of the funeral home or other establishment 3665
with whom the delivery person is affiliated; and the name of the 3666
person who received the decedent on behalf of the facility. If 3667
the dead human body was donated to science for purposes of 3668
medical education or research, the receipt shall consist of a 3669
copy of the cremation or hydrolysis authorization form executed 3670
under section 4717.21, 4717.24, or 4717.25 of the Revised Code 3671
that authorizes the cremation or hydrolysis of the decedent or 3672
body parts that has been signed by both a representative of the 3673
~~crematory~~ facility and the person who delivered the decedent or 3674
body parts to the ~~crematory~~ facility and that indicates the date 3675

and time of the delivery. The operator may provide the copy of 3676
the receipt to the person who delivered the decedent or body 3677
parts to the facility either in person or by certified mail, 3678
return receipt requested. 3679

(B) No operator of a crematory or hydrolysis facility 3680
shall recklessly fail to ensure at the time of releasing 3681
cremated or hydrolyzed remains that a written receipt signed by 3682
both a representative of the ~~crematory~~ facility and the person 3683
who received ~~the cremated~~ such remains is provided to the person 3684
who received ~~the cremated~~ such remains. Unless the cremated or 3685
hydrolyzed remains are those of a dead human body that was 3686
donated to science for purposes of medical education or research 3687
or are those of body parts, the receipt shall indicate the name 3688
of the decedent; the date and time of the release; the name of 3689
the person to whom the ~~cremated~~ remains were released; if 3690
applicable, the name of the funeral home, cemetery, or other 3691
entity to whom the ~~cremated~~ remains were released; and the name 3692
of the person who released the cremated remains on behalf of the 3693
~~crematory~~ facility. If the cremated or hydrolyzed remains are 3694
those of a dead human body that was donated to science for 3695
purposes of medical education or research or are those of body 3696
parts, the receipt shall consist of a copy of the cremation or 3697
hydrolysis authorization form executed under section 4717.21, 3698
4717.24, or 4717.25 of the Revised Code that authorizes the 3699
cremation or hydrolysis of the decedent or body parts that has 3700
been signed by both a representative of the crematory or 3701
hydrolysis facility and the person who received the ~~cremated~~ 3702
remains and that indicates the date and time of the release. If 3703
the ~~cremated~~ remains were delivered to the authorizing agent or 3704
other individual designated on the ~~cremation~~ authorization form 3705
by a method described in division (I) of section 4717.26 of the 3706

Revised Code that is acceptable under that division, the receipt 3707
required by this division shall accompany the cremated or 3708
hydrolyzed remains, and the signature of the authorizing agent 3709
or other designated individual on the delivery receipt meets the 3710
requirement of this division that the person receiving the 3711
cremated such remains sign the receipt provided by the ~~crematory~~ 3712
facility. 3713

(C) No operator of a crematory or hydrolysis facility 3714
shall recklessly fail to make or keep on file during the time 3715
that the operator remains engaged in the business of cremating 3716
or hydrolyzing dead human bodies or body parts, all of the 3717
following records and documents: 3718

(1) A copy of each receipt issued upon acceptance by or 3719
delivery to the crematory or hydrolysis facility of a dead human 3720
body under division (A) of this section; 3721

(2) A record of each cremation and hydrolysis conducted at 3722
~~the~~ such facility, containing at least the name of the decedent 3723
or, in the case of body parts, the name of the decedent or 3724
living person from whom the body parts were removed, the date 3725
and time of the cremation or hydrolysis, and the final 3726
disposition made of the cremated or hydrolyzed remains; 3727

(3) A copy of each delivery receipt issued under division 3728
(B) of this section; 3729

(4) A separate record of the cremated or hydrolyzed 3730
remains of each decedent or the body parts removed from each 3731
decedent or living person that were disposed of in accordance 3732
with division (C) (1) or (2) of section 4717.27 of the Revised 3733
Code, containing at least the name of the decedent, the date and 3734
time of the cremation or hydrolysis, and the location, date, and 3735

manner of final disposition of the cremated or hydrolyzed 3736
remains. 3737

(D) All records required to be maintained under sections 3738
4717.21 to 4717.30 of the Revised Code are subject to inspection 3739
by the board of embalmers and funeral directors or an authorized 3740
representative of the board, upon reasonable notice, at any 3741
reasonable time. 3742

Sec. 4717.30. (A) The operator of a crematory or 3743
hydrolysis facility or a funeral director is not liable in 3744
damages in a civil action for any of the following actions or 3745
omissions, unless the actions or omissions were made with 3746
malicious purpose, in bad faith, or in a wanton or reckless 3747
manner or unless any of the conditions set forth in divisions 3748
(B) (1) to (3) of this section apply: 3749

(1) (a) For having arranged or performed the cremation or 3750
hydrolysis of the decedent, or having released or disposed of 3751
the cremated or hydrolyzed remains, in accordance with the 3752
instructions set forth in the ~~cremation~~-authorization form 3753
executed by the decedent on an antemortem basis under section 3754
4717.21 of the Revised Code; 3755

(b) For having arranged or performed the cremation or 3756
hydrolysis of the decedent or body parts removed from the 3757
decedent or living person or having released or disposed of the 3758
cremated or hydrolyzed remains in accordance with the 3759
instructions set forth in a ~~cremation~~-an authorization form 3760
executed by the person authorized to serve as the authorizing 3761
agent for the cremation or hydrolysis of the decedent or for the 3762
cremation or hydrolysis of body parts of the decedent or living 3763
person, named in the ~~cremation~~-authorization form executed under 3764
section 4717.24 or 4717.25 of the Revised Code. 3765

(2) For having arranged or performed the cremation_or 3766
hydrolysis of the decedent, or having released or disposed of 3767
the cremated or hydrolyzed remains, in accordance with the 3768
instructions set forth in the ~~cremation~~-authorization form 3769
executed by a designated agent under division (C) of section 3770
4717.24 of the Revised Code. 3771

(B) The operator of a crematory or hydrolysis facility is 3772
not liable in damages in a civil action for refusing to accept a 3773
dead human body or body parts or to perform a cremation_or 3774
hydrolysis under any of the following circumstances, unless the 3775
refusal was made with malicious purpose, in bad faith, or in a 3776
wanton or reckless manner: 3777

(1) The operator has actual knowledge that there is a 3778
dispute regarding the cremation_or hydrolysis of the decedent or 3779
body parts, until such time as the operator receives an order of 3780
the probate court having jurisdiction ordering the cremation_or 3781
hydrolysis of the decedent or body parts or until the operator 3782
receives from the parties to the dispute a copy of a written 3783
agreement resolving the dispute and authorizing the cremation_or 3784
hydrolysis to be performed. 3785

(2) The operator has a reasonable basis for questioning 3786
the accuracy of any of the information or statements contained 3787
in a ~~cremation~~-an authorization form executed under section 3788
4717.21, 4717.24, or 4717.25 of the Revised Code, as applicable, 3789
that authorizes the cremation_or hydrolysis of the decedent or 3790
body parts. 3791

(3) The operator has any other lawful reason for refusing 3792
to accept the dead human body or body parts or to perform the 3793
cremation_or hydrolysis. 3794

(C) The operator of a crematory or hydrolysis facility or 3795
a funeral director is not liable in damages in a civil action 3796
for refusing to release or dispose of the cremated or hydrolyzed 3797
remains of a decedent or body parts when the operator or funeral 3798
director has actual knowledge that there is a dispute regarding 3799
the release or final disposition of the ~~cremated~~ remains in 3800
connection with any damages sustained, prior to the time the 3801
operator or funeral director receives an order of the probate 3802
court having jurisdiction ordering the release or final 3803
disposition of the cremated or hydrolyzed remains, or prior to 3804
the time the operator or funeral director receives from the 3805
parties to the dispute a copy of a written agreement resolving 3806
the dispute and authorizing the cremation or hydrolysis to be 3807
performed. 3808

(D) The operator of a crematory or hydrolysis facility is 3809
not liable in damages in a civil action in connection with the 3810
cremation or hydrolysis of, or disposition of the cremated or 3811
hydrolyzed remains of, any dental gold, jewelry, or other items 3812
of value delivered to the facility with a dead human body or 3813
body parts, unless either or both of the following apply: 3814

(1) The ~~cremation~~ authorization form authorizing the 3815
cremation or hydrolysis of the decedent or body parts executed 3816
under section 4717.21, 4717.24, or 4717.25 of the Revised Code, 3817
as applicable, contains specific instructions for the removal or 3818
recovery and disposition of any such dental gold, jewelry, or 3819
other items of value prior to the cremation or hydrolysis, and 3820
the operator has failed to comply with the written instructions. 3821

(2) The actions or omissions of the operator were made 3822
with malicious purpose, in bad faith, or in a wanton or reckless 3823
manner. 3824

(E) (1) This section does not create a new cause of action 3825
against or substantive legal right against the operator of a 3826
crematory or hydrolysis facility or a funeral director. 3827

(2) This section does not affect any immunities from civil 3828
liability or defenses established by another section of the 3829
Revised Code or available at common law to which the operator of 3830
a crematory or hydrolysis facility or a funeral director may be 3831
entitled under circumstances not covered by this section. 3832

Sec. 4767.05. (A) There is hereby created the Ohio 3833
cemetery dispute resolution commission, which shall consist of 3834
nine members to be appointed by the governor with the advice and 3835
consent of the senate as follows: 3836

(1) One member shall be the management authority of a 3837
municipal, township, or union cemetery and shall be selected 3838
from a list of four names submitted to the governor. Two of the 3839
four names shall be submitted by the Ohio township association 3840
and two names shall be submitted by the Ohio municipal league. 3841

(2) Four members shall be individuals employed in a 3842
management position by a cemetery company or cemetery 3843
association. Two of the four members shall be selected from a 3844
list of four names submitted to the governor by the Ohio 3845
association of cemeteries and two shall be selected from a list 3846
of four names submitted by the Ohio association of cemetery 3847
superintendents and officials. 3848

(3) Two members shall be employed in a management position 3849
by a cemetery that is owned or operated by a religious, 3850
fraternal, or benevolent society and shall be selected from a 3851
list of four names submitted by the Ohio association of cemetery 3852
superintendents and officials. 3853

(4) Two members, at least one of whom shall be at least 3854
sixty-five years of age, shall be representatives of the public 3855
with no financial interest in the death care industry. 3856

Each member of the commission, except for the two members 3857
who represent the public, shall, at the time of appointment, 3858
have had a minimum of five consecutive years of experience in 3859
the active administration and management of a cemetery in this 3860
state. 3861

(B) Within ninety days after the effective date of this 3862
section, the governor shall make initial appointments to the 3863
commission. Of the initial appointments, two shall be for terms 3864
ending one year after the effective date of this section, two 3865
shall be for terms ending two years after that date, two shall 3866
be for terms ending three years after that date, and three shall 3867
be for terms ending four years after that date. Thereafter, 3868
terms of office shall be for four years, with each term ending 3869
on the same day of the same month as did the term that it 3870
succeeds. Each member shall hold office from the date of 3871
appointment until the end of the term for which the member was 3872
appointed. Vacancies shall be filled in the manner provided for 3873
original appointments, with each appointee, other than a 3874
representative of the public, being appointed from a list of two 3875
names submitted to the governor by the association or 3876
organization that was required to nominate candidates for 3877
initial appointment to the position that has become vacant. Any 3878
member appointed to fill a vacancy occurring prior to the 3879
expiration date of the term for which the member's predecessor 3880
was appointed shall hold office for the remainder of that term. 3881
A member shall continue in office subsequent to the expiration 3882
date of the member's term until the member's successor takes 3883
office or until a period of sixty days has elapsed, whichever 3884

occurs first. No person shall serve as a member of the 3885
commission for more than two consecutive terms, excluding any 3886
term served to fill an initial appointment to a term of less 3887
than four years or an unexpired term caused by a vacancy. 3888

(C) The commission annually shall elect from among its 3889
members a chairperson, vice-chairperson, and secretary, each of 3890
whom shall serve a term of one year in that office. The 3891
commission shall meet at least four times a year. Additional 3892
meetings may be called by the chairperson, or by the vice- 3893
chairperson when the chairperson is disabled, or by a majority 3894
of the members of the commission. A majority of the members 3895
constitutes a quorum to transact and vote on business of the 3896
commission. 3897

The chairperson or vice-chairperson may: 3898

(1) Administer oaths; 3899

(2) Issue subpoenas; 3900

(3) Summon witnesses; 3901

(4) Compel the production of books, papers, records, and 3902
other forms of evidence; 3903

(5) Fix the time and place for hearing any matter related 3904
to compliance with sections 1721.19, 1721.20, 1721.21, 1721.211, 3905
4735.02, and 4767.02 of the Revised Code. 3906

The chairperson shall designate three members of the 3907
commission to serve on the crematory and hydrolysis facility 3908
review board in accordance with section 4717.03 of the Revised 3909
Code for such time as the chairperson finds appropriate. Members 3910
designated to serve on the crematory and hydrolysis facility 3911
review board shall perform all functions necessary to carry out 3912

the duties of the board as described in section 4717.03 of the Revised Code. Members who serve on the crematory and hydrolysis facility review board shall receive no compensation for such service.

(D) Before entering upon the duties of office, each member of the commission shall take the oath pursuant to section 3.22 of the Revised Code. The governor may remove any member for misconduct, neglect of duty, incapacity, or malfeasance in accordance with section 3.04 of the Revised Code.

(E) Members of the commission shall receive no compensation but shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties as members of the commission.

(F) The division of real estate in the department of commerce shall provide the commission with meeting space, staff services, and other technical assistance required by the commission in carrying out its duties pursuant to sections 4767.05 to 4767.08 of the Revised Code.

Sec. 5120.45. The state shall bear the expense of the burial ~~or~~, cremation, or hydrolysis of an inmate who dies in a state correctional institution, if the body is not claimed for interment ~~or~~, cremation, or hydrolysis at the expense of friends or relatives, or is not delivered for anatomical purposes or for the study of embalming in accordance with section 1713.34 of the Revised Code. When the expense is borne by the state, interment of the person or the person's cremated or hydrolyzed remains shall be in the institution cemetery or other place provided by the state. The managing officer of the institution shall provide at the grave of the person or, if the person's ~~cremated~~ remains are buried, at the grave of the

person's ~~cremated~~ remains, a metal, stone, or concrete marker on 3943
which shall be inscribed the name and age of the person and the 3944
date of death. 3945

Sec. 5121.11. The state shall bear the expense of the 3946
burial, hydrolysis, or cremation of an indigent resident who 3947
dies in a state institution operated by the department of 3948
developmental disabilities under section 5123.03 of the Revised 3949
Code or in a state correctional institution if the body is not 3950
claimed for interment, hydrolysis, or cremation at the expense 3951
of friends or relatives or is not delivered for anatomical 3952
purposes or for the study of embalming in accordance with 3953
section 1713.34 of the Revised Code. The managing officer of the 3954
institution shall provide at the grave of the person or, if the 3955
person's cremated or hydrolyzed remains are buried, at the grave 3956
of the person's ~~cremated~~ remains, a metal, stone, or concrete 3957
marker on which shall be inscribed the name and age of the 3958
person and the date of death. 3959

Sec. 5121.53. The state shall bear the expense of the 3960
burial, hydrolysis, or cremation of an indigent patient who dies 3961
in a hospital if the body is not claimed for interment, 3962
hydrolysis, or cremation at the expense of friends or relatives, 3963
or is not delivered for anatomical purposes or for the study of 3964
embalming in accordance with section 1713.34 of the Revised 3965
Code. The managing officer of the hospital shall provide at the 3966
grave of the patient or, if the patient's cremated or hydrolyzed 3967
remains are buried, at the grave of the patient's ~~cremated~~ 3968
remains, a metal, stone, or concrete marker on which shall be 3969
inscribed the name and age of the patient and the date of death. 3970

Sec. 5901.24. If it is desired to bury the body or 3971
cremated or hydrolyzed remains of any deceased veteran in any 3972

cemetery not having a burial plot as provided by section 5901.22 3973
of the Revised Code, the board of county commissioners, any 3974
board of township trustees, or the legislative authority of any 3975
municipal corporation in the county in which the cemetery is 3976
situated may purchase a space for the grave of the veteran or 3977
the veteran's ~~cremated~~ remains, provide for the care of the 3978
plot, and pay the amount of the purchase price and maintenance 3979
cost from the funds in the treasury of the county, township, or 3980
municipal corporation. 3981

Sec. 5901.25. The board of county commissioners shall 3982
require the veterans service commission, upon application and 3983
with the approval of the family or friends of the deceased, to 3984
contract, at a fair and reasonable price, with the funeral 3985
director selected by the family or friends, and cause to be 3986
interred, hydrolyzed, or cremated in a decent and respectable 3987
manner the body of any veteran, or the parent, spouse, or 3988
surviving spouse of any such veteran, who dies without the means 3989
to defray the necessary funeral, hydrolysis, or cremation 3990
expenses. Such a burial may be made in any cemetery or burial 3991
ground within the state, other than those used exclusively for 3992
the burial of paupers and criminals. 3993

Sec. 5901.26. Pursuant to section 5901.25 of the Revised 3994
Code, the veterans service commission shall use the forms of 3995
contracts prescribed by sections 5901.25 to 5901.32 of the 3996
Revised Code, and abide by the regulations provided by such 3997
sections. The commission shall see that funeral directors 3998
furnish all items specified in the contract, that when the 3999
benefits of such sections are claimed the entire amount to be 4000
contributed by the county toward the cost of the burial, 4001
hydrolysis, or cremation shall not exceed the sum of one 4002
thousand dollars, and that any remaining costs are paid by the 4003

family or friends of the deceased. 4004

Sec. 5901.27. Before assuming the charge and expense of 4005
any burial, hydrolysis, or cremation, the veterans service 4006
commission, pursuant to section 5901.25 of the Revised Code, 4007
shall satisfy itself, beyond a reasonable doubt, by careful 4008
inquiry, that the family of the deceased is unable, for want of 4009
means, to defray the expenses of the burial, hydrolysis, or 4010
cremation, or that the family may be deprived of means actually 4011
necessary for its immediate support. Thereupon the commission 4012
shall cause the deceased to be buried, hydrolyzed, or cremated 4013
and make a report thereof to the board of county commissioners. 4014
The report shall set forth that the commission found the family 4015
of the deceased person in indigent circumstances and unable to 4016
pay the expenses of burial, hydrolysis, or cremation. The report 4017
shall also set forth the name of the deceased, the rank and 4018
command to which the deceased belonged if a veteran, the date of 4019
death, the place of burial or disposition made of the person's 4020
hydrolyzed or cremated remains, the occupation while living, and 4021
an accurate itemized statement of the expenses incurred by 4022
reason of the burial, hydrolysis, or cremation. 4023

Sec. 5901.29. The funeral director employed to perform the 4024
service described by section 5901.25 of the Revised Code shall 4025
use the blanks provided by this section, specifying what the 4026
funeral director is to furnish for the service. The contract 4027
shall be signed by the funeral director and a copy thereof left 4028
with the veterans service commission with which it is made. Such 4029
contract shall read as follows: 4030

"I, funeral director, residing 4031
at hereby agree to furnish the following items 4032
for the burial, hydrolysis, or cremation (circle one) 4033

of, who resided at, and died 4034
.....,, which shall consist of: 4035

(A) One casket, nicely covered with a good quality of 4036
black cloth, lined with a good quality of white satin or other 4037
material, and trimmed on the outside with handles of a fair 4038
quality in keeping with the casket; 4039

(B) One burial robe of a good quality of material; 4040

(C) One plain box appropriate for receiving the coffin or 4041
urn containing cremated or hydrolyzed remains inside the grave; 4042

(D) Payment for digging the grave, in the place designated 4043
by the friends of the deceased or as otherwise provided, and for 4044
filling the grave in a proper manner; 4045

(E) Furnishing a funeral car for conveying the remains to 4046
the place of burial or hydrolysis or crematory facility; 4047

(F) Preparing the body for burial when so requested; 4048

(G) Furnishing necessary transportation for the use of the 4049
family, friends, and pallbearers, which people shall be returned 4050
to their respective homes or to the place where the funeral 4051
services were held; 4052

(H) Furnishing a decent, respectable funeral, for the sum 4053
of dollars." 4054

Sec. 5901.32. Upon securing the report and statement of 4055
expenses as provided by section 5901.27 of the Revised Code, the 4056
board of county commissioners shall transcribe in a book to be 4057
kept for that purpose, all the facts contained in the report 4058
concerning a deceased veteran, and shall certify the expenses 4059
thus incurred to the county auditor, who shall draw a warrant 4060
for those expenses upon the county treasurer, to be paid from 4061

the county fund to such persons as are designated by the board. 4062
Upon the death of any indigent veteran residing within the 4063
county at the time of death and the burial of the indigent 4064
veteran or the indigent veteran's cremated or hydrolyzed 4065
remains, the board shall make application to the proper 4066
authorities, under the United States government, for a suitable 4067
headstone, as provided by act of congress, and shall cause it to 4068
be placed at the grave of the deceased veteran or the deceased 4069
veteran's ~~cremated~~ remains. 4070

Section 2. That existing sections 9.15, 313.12, 759.01, 4071
1713.36, 1721.06, 1721.18, 1721.21, 2108.15, 2108.70, 2108.72, 4072
2108.75, 2108.82, 2108.83, 2108.84, 2108.85, 2108.86, 2108.87, 4073
2111.13, 2743.51, 2925.01, 3705.01, 3705.17, 3705.18, 3705.19, 4074
3705.20, 3707.19, 4511.451, 4717.01, 4717.03, 4717.04, 4717.06, 4075
4717.07, 4717.08, 4717.11, 4717.13, 4717.14, 4717.15, 4717.20, 4076
4717.21, 4717.22, 4717.23, 4717.24, 4717.25, 4717.26, 4717.27, 4077
4717.28, 4717.30, 4767.05, 5120.45, 5121.11, 5121.53, 5901.24, 4078
5901.25, 5901.26, 5901.27, 5901.29, and 5901.32 of the Revised 4079
Code are hereby repealed. 4080