

As Introduced

132nd General Assembly

Regular Session

2017-2018

H. B. No. 157

Representative Schaffer

Cosponsors: Representatives Patton, Patterson, Ryan, Seitz

A BILL

To amend sections 4717.01, 4717.02, 4717.03, 1
4717.04, 4717.05, 4717.06, 4717.07, 4717.08, 2
4717.09, 4717.10, 4717.11, 4717.13, 4717.14, 3
4717.15, 4717.16, 4717.21, 4717.23, 4717.24, 4
4717.25, 4717.26, 4717.27, 4717.28, 4717.30, 5
4717.32, 4717.33, 4717.35, and 4717.36 and to 6
enact sections 4717.051 and 4717.41 of the 7
Revised Code to make changes to the law relating 8
to embalming, funeral directing, and cremation. 9

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

Section 1. That sections 4717.01, 4717.02, 4717.03, 10
4717.04, 4717.05, 4717.06, 4717.07, 4717.08, 4717.09, 4717.10, 11
4717.11, 4717.13, 4717.14, 4717.15, 4717.16, 4717.21, 4717.23, 12
4717.24, 4717.25, 4717.26, 4717.27, 4717.28, 4717.30, 4717.32, 13
4717.33, 4717.35, and 4717.36 be amended and sections 4717.051 14
and 4717.41 of the Revised Code be enacted to read as follows: 15

Sec. 4717.01. As used in this chapter: 16

(A) "Embalming" means the ~~preservation and disinfection,~~ 17
~~or attempted preservation and disinfection,~~ process of 18

chemically treating the dead human body by ~~application~~ any of 19
chemicals externally, internally, or both the following to 20
reduce the presence and growth of microorganisms, to temporarily 21
slow organic decomposition, and to restore acceptable physical 22
appearance: 23

(1) Arterial injection; 24

(2) Cavity treatment; 25

(3) Hypodermic tissue injection. 26

(B) "Funeral business" means a sole proprietorship, 27
partnership, corporation, limited liability company, or other 28
business entity that is engaged in funeral directing for profit 29
or for free from one or more funeral homes licensed under this 30
chapter. 31

(C) "Funeral directing" means the business or profession 32
of directing or supervising funerals for profit from one or more 33
funeral homes licensed under this chapter, the arrangement or 34
sale of funeral services, the filling out or execution of a 35
funeral service contract, the business or profession of 36
preparing dead human bodies for burial by means other than 37
embalming, the disposition of dead human bodies, the provision 38
or maintenance of a place for the preparation, the care, or 39
disposition of dead human bodies, the use in connection with a 40
business of the term "funeral director," "undertaker," 41
"mortician," or any other term from which can be implied the 42
business of funeral directing, or the holding out to the public 43
that one is a funeral director or a disposer of dead human 44
bodies. 45

(D) "Funeral home" means a fixed place for the care, 46
preparation for burial, or disposition of dead human bodies or 47

the conducting of funerals. Each business location is a funeral home, regardless of common ownership or management. 48
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(E) "Embalmer" means a person who engages, in whole or in part, in embalming and who is licensed under this chapter. 50
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(F) "Funeral director" means a person who engages, in whole or in part, in funeral directing and who is licensed under this chapter. 52
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(G) "Final disposition" has the same meaning as in division (J) of section 3705.01 of the Revised Code. 55
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(H) "Supervision" means the operation of all phases of the business of funeral directing or embalming under the specific direction of a licensed funeral director or licensed embalmer. 57
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(I) "Direct supervision" means the physical presence of a licensed funeral director or licensed embalmer while the specific functions of the funeral or embalming are being carried out. 60
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(J) "Embalming facility" means a fixed location, separate from the funeral home, that is licensed under this chapter whose only function is the embalming and preparation of dead human bodies. 64
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(K) "Crematory facility" means the physical location at which a cremation chamber is located and the cremation process takes place. "Crematory facility" does not include an infectious waste incineration facility for which a license is held under division (B) of section 3734.05 of the Revised Code, or a solid waste incineration facility for which a license is held under division (A) of that section that includes a notation pursuant to division (B) (3) of that section authorizing the facility to also treat infectious wastes, in connection with the 68
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incineration of body parts other than dead human bodies that 77
were donated to science for purposes of medical education or 78
research. 79

(L) "Crematory" means the building or portion of a 80
building that houses the holding facility and the cremation 81
chamber. 82

(M) "Cremation" means the technical process of using heat 83
and flame to reduce human or animal remains to bone fragments or 84
ashes or any combination thereof. "Cremation" includes 85
processing and may include the pulverization of bone fragments. 86

(N) "Cremation chamber" means the enclosed space within 87
which cremation takes place. 88

(O) "Cremated remains" means all human or animal remains 89
recovered after the completion of the cremation process, which 90
may include the residue of any foreign matter such as casket 91
material, dental work, or eyeglasses that were cremated with the 92
human or animal remains. 93

(P) "Lapsed license" means a license issued under this 94
chapter that has become invalid because of the failure of the 95
licensee to renew the license within the time limits prescribed 96
under this chapter. 97

(Q) "~~Operator of a crematory facility~~Crematory operator" 98
means the ~~sole proprietorship, partnership, corporation, limited~~ 99
~~liability company, or other business entity responsible for the~~ 100
~~overall operation of~~ person who engages, in whole or in part, in 101
cremation from one or more crematories licensed under this 102
chapter and who has been issued a crematory-facility operator 103
permit under this chapter. 104

(R) "Processing" means the reduction of identifiable bone 105

fragments to unidentifiable bone fragments through manual or 106
mechanical means after the completion of the cremation process. 107

(S) "Pulverization" means the reduction of identifiable 108
bone fragments to granulated particles by manual or mechanical 109
means after the completion of the cremation process. 110

(T) "Preneed funeral contract" means a written agreement, 111
contract, or series of contracts to sell or otherwise provide 112
any funeral services, funeral goods, or any combination thereof 113
to be used in connection with the funeral or final disposition 114
of a dead human body, where payment for the goods or services is 115
made either outright or on an installment basis, prior to the 116
death of the person purchasing the goods or services or for whom 117
the goods or services are purchased. "Preneed funeral contract" 118
does not include any preneed cemetery merchandise and services 119
contract or any agreement, contract, or series of contracts 120
pertaining to the sale of any burial lot, burial or interment 121
right, entombment right, or columbarium right with respect to 122
which an endowment care fund is established or is exempt from 123
establishment pursuant to section 1721.21 of the Revised Code. 124

For the purposes of division (T) of this section, "funeral 125
goods" includes caskets. 126

(U) "Purchaser" means the individual who has purchased and 127
financed a preneed funeral contract, and who may or may not be 128
the contract beneficiary. 129

(V) "Contract beneficiary" means the individual for whom 130
funeral goods and funeral services are provided pursuant to a 131
preneed funeral contract. 132

(W) "Seller" means any person that enters into a preneed 133
funeral contract with a purchaser for the provision of funeral 134

goods, funeral services, or both. 135

(X) "Limited engagement" means a person who is licensed 136
under this chapter and engages in funeral directing less than 137
one thousand forty hours per calendar year. 138

(Y) "Felony" means a criminal act classified as a felony 139
by this state, any other state, or federal law. 140

Sec. 4717.02. (A) There is hereby created the board of 141
embalmers and funeral directors consisting of seven members to 142
be appointed by the governor with the advice and consent of the 143
senate. Five members shall be licensed ~~embalmers and practicing~~ 144
funeral directors, ~~each with four of which shall also be~~ 145
licensed embalmers. Each of the funeral director members shall 146
have at least ten consecutive years of experience in this state 147
immediately preceding the date of the person's appointment. 148
In addition, one of these the funeral director members shall hold a 149
crematory operator permit and be knowledgeable and experienced 150
in operating a crematory. Two members shall represent the 151
public; at least one of these members shall be at least sixty 152
years of age. 153

(B) Terms of office are for five years, commencing on the 154
first day of July and ending on the last day of June. Each 155
member shall hold office from the date of the member's 156
appointment until the end of the term for which the member was 157
appointed. Before entering upon the duties of the office, each 158
member shall take and file with the secretary of state an oath 159
of office as required by Section 7 of Article XV, Ohio 160
Constitution. 161

(C) The governor may remove a member of the board for 162
neglect of duty, incompetency, or immoral conduct. Vacancies 163

shall be filled in the manner provided for original 164
appointments. Any member appointed to fill a vacancy occurring 165
prior to the expiration date of the term for which the member's 166
predecessor was appointed shall hold office as a member for the 167
remainder of that term. A member shall continue in office 168
subsequent to the expiration date of the member's term until the 169
member's successor takes office, or until a period of sixty days 170
has elapsed, whichever occurs first. 171

(D) Each member of the board shall receive an amount fixed 172
under division (J) of section 124.15 of the Revised Code for 173
each day, not to exceed sixty days per year, employed in the 174
discharge of the member's duties as a board member, together 175
with any necessary expenses incurred in the performance of those 176
duties. 177

Sec. 4717.03. (A) Members of the board of embalmers and 178
funeral directors shall annually in July, or within thirty days 179
after the senate's confirmation of the new members appointed in 180
that year, meet and organize by selecting from among its members 181
a president, vice-president, and secretary-treasurer. The board 182
may hold other meetings as it determines necessary. A quorum of 183
the board consists of four members, of whom at least three shall 184
be members who are embalmers and funeral directors. The 185
concurrence of at least four members is necessary for the board 186
to take any action. The president and secretary-treasurer shall 187
sign all licenses issued under this chapter and affix the 188
board's seal to each license. 189

(B) The board may appoint an individual who is not a 190
member of the board to serve as executive director of the board. 191
The executive director serves at the pleasure of the board and 192
shall do all of the following: 193

(1) Serve as the board's chief administrative officer;	194
(2) Act as custodian of the board's records;	195
(3) Execute all of the board's orders;	196
(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.	197 198 199
(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 facility operator in this state. The executive director may serve and execute any process issued by any court under this chapter.	200 201 202 203 204 205 206
(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 <u>crematory operator of a, embalming facility, funeral home, or crematory facility</u> in this state, for the purposes of inspecting the facility and premises; the license, <u>permit,</u> and registration of embalmers and, funeral directors, <u>and crematory operators</u> operating in the facility; and the license of the funeral home, embalming 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, or crematory for the purpose of an inspection if accompanied by an inspector or, if an inspector is not available, when a situation	207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222

presents a danger of immediate and serious harm to the public. 223

(E) The president of the board shall designate three of 224
the board's members to serve on the crematory review board, 225
which is hereby created, for such time as the president finds 226
appropriate to carry out the provisions of this chapter. Those 227
members of the crematory review board designated by the 228
president to serve and three members designated by the cemetery 229
dispute resolution commission shall designate, by a majority 230
vote, one person who holds a crematory operator permit, who is 231
experienced in the operation of a crematory facility and who is 232
not affiliated with a cemetery or a funeral home to serve on the 233
crematory review board for such time as the crematory review 234
board finds appropriate. Members serving on the crematory review 235
board shall not receive any additional compensation for serving 236
on the board, but may be reimbursed for their actual and 237
necessary expenses incurred in the performance of official 238
duties as members of the board. Members of the crematory review 239
board shall designate one from among its members to serve as a 240
chairperson for such time as the board finds appropriate. Costs 241
associated with conducting an adjudicatory hearing in accordance 242
with division (F) of this section shall be paid from funds 243
available to the board of embalmers and funeral directors. 244

(F) Upon receiving written notice from the board of 245
embalmers and funeral directors of any of the following, the 246
crematory review board shall conduct an adjudicatory hearing on 247
the matter in accordance with Chapter 119. of the Revised Code, 248
except as otherwise provided in this section or division (C) of 249
section 4717.14 of the Revised Code: 250

(1) Notice provided under division (I) of this section of 251
an alleged violation of any provision of this chapter or any 252

rules adopted under this chapter governing or in connection with 253
crematory operators, crematory facilities, or cremation; 254

(2) Notice provided under division (B) of section 4717.14 255
of the Revised Code that the board of embalmers and funeral 256
directors proposes to refuse to grant or renew, or to suspend or 257
revoke, a license to operate a crematory facility; 258

(3) Notice provided under division (C) of section 4717.14 259
of the Revised Code that the board of embalmers and funeral 260
directors has issued an order summarily suspending a crematory 261
operator permit or a license to operate a crematory facility; 262

(4) Notice provided under division (B) of section 4717.15 263
of the Revised Code that the board of embalmers and funeral 264
directors proposes to issue a notice of violation and order 265
requiring payment of a forfeiture for any violation described in 266
divisions (A) (9) (a) to (g) of section 4717.04 of the Revised 267
Code alleged in connection with a crematory operator, crematory 268
facility, or cremation. 269

Nothing in division (F) of this section precludes the 270
crematory review board from appointing an independent examiner 271
in accordance with section 119.09 of the Revised Code to conduct 272
any adjudication hearing required under division (F) of this 273
section. 274

The crematory review board shall submit a written report 275
of findings and advisory recommendations, and a written 276
transcript of its proceedings, to the board of embalmers and 277
funeral directors. The board of embalmers and funeral directors 278
shall serve a copy of the written report of the crematory review 279
board's findings and advisory recommendations on the party to 280
the adjudication or the party's attorney, by certified mail, 281

within five days after receiving the report and advisory 282
recommendations. A party may file objections to the written 283
report with the board of embalmers and funeral directors within 284
ten days after receiving the report. No written report is final 285
or appealable until it is issued as a final order by the board 286
of embalmers and funeral directors and entered on the record of 287
the proceedings. The board of embalmers and funeral directors 288
shall consider objections filed by the party prior to issuing a 289
final order. After reviewing the findings and advisory 290
recommendations of the crematory review board, the written 291
transcript of the crematory review board's proceedings, and any 292
objections filed by a party, the board of embalmers and funeral 293
directors shall issue a final order in the matter. Any party may 294
appeal the final order issued by the board of embalmers and 295
funeral directors in a matter described in divisions (F) (1) to 296
(4) of this section in accordance with section 119.12 of the 297
Revised Code, except that the appeal may be made to the court of 298
common pleas in the county in which is located the crematory 299
facility to which the final order pertains, or in the county in 300
which the party resides. 301

(G) On its own initiative or on receiving a written 302
complaint from any person whose identity is made known to the 303
board of embalmers and funeral directors, the board shall 304
investigate the acts or practices of any person holding or 305
claiming to hold a license, permit, or registration under this 306
chapter that, if proven to have occurred, would violate this 307
chapter or any rules adopted under it. The board may compel 308
witnesses by subpoena to appear and testify in relation to 309
investigations conducted under this chapter and may require by 310
subpoena duces tecum the production of any book, paper, or 311
document pertaining to an investigation. If a person does not 312

comply with a subpoena or subpoena duces tecum, the board may 313
apply to the court of common pleas of any county in this state 314
for an order compelling the person to comply with the subpoena 315
or subpoena duces tecum, or for failure to do so, to be held in 316
contempt of court. 317

(H) If, as a result of its investigation conducted under 318
division (G) of this section, the board of embalmers and funeral 319
directors has reasonable cause to believe that the person 320
investigated is violating any provision of this chapter or any 321
rules adopted under this chapter governing or in connection with 322
embalming, funeral directing, cremation, funeral homes, 323
embalming facilities, or cremation facilities, or the operation 324
of funeral homes ~~or~~, embalming facilities, or crematory 325
facilities, it may, after providing the opportunity for an 326
adjudicatory hearing, issue an order directing the person to 327
cease the acts or practices that constitute the violation. The 328
board shall conduct the adjudicatory hearing in accordance with 329
Chapter 119. of the Revised Code except that, notwithstanding 330
the provisions of that chapter, the following shall apply: 331

(1) The board shall send the notice informing the person 332
of the person's right to a hearing by certified mail. 333

(2) The person is entitled to a hearing only if the person 334
requests a hearing and if the board receives the request within 335
thirty days after the mailing of the notice described in 336
division (H) (1) of this section. 337

(3) A stenographic record shall be taken, in the manner 338
prescribed in section 119.09 of the Revised Code, at every 339
adjudicatory hearing held under this section, regardless of 340
whether the record may be the basis of an appeal to a court. 341

(I) If, as a result of its investigation conducted under 342
division (G) of this section, the board of embalmers and funeral 343
directors has reasonable cause to believe that the person 344
investigated is violating any provision of this chapter or any 345
rules adopted under this chapter governing or in connection with 346
crematory operators, crematory facilities, or cremation, the 347
board shall send written notice of the alleged violation to the 348
crematory review board. If, after the conclusion of the 349
adjudicatory hearing in the matter conducted under division (F) 350
of this section, the board of embalmers and funeral directors 351
finds that a person is in violation of any provision of this 352
chapter or any rules adopted under this chapter governing or in 353
connection with crematory operators, crematory facilities, or 354
cremation, the board may issue a final order under that division 355
directing the person to cease the acts or practices that 356
constitute the violation. 357

(J) The board of embalmers and funeral directors may bring 358
a civil action to enjoin any violation or threatened violation 359
of sections 4717.01 to 4717.15 of the Revised Code or a rule 360
adopted under any of those sections; division (A) or (B) of 361
section 4717.23; division (B) (1) or (2), (C) (1) or (2), (D), 362
(E), or (F) (1) or (2), or divisions (H) to (K) of section 363
4717.26; division (D) (1) of section 4717.27; divisions (A) to 364
(C) of section 4717.28, or division (D) or (E) of section 365
4717.31 of the Revised Code. The action shall be brought in the 366
county where the violation occurred or the threatened violation 367
is expected to occur. At the request of the board, the attorney 368
general shall represent the board in any matter arising under 369
this chapter. 370

(K) The board of embalmers and funeral directors and the 371
crematory review board may issue subpoenas for ~~funeral directors~~ 372

~~and embalmers or persons holding themselves out as such, for~~ 373
~~operators of crematory facilities~~ any person holding a license 374
or permit under this chapter or persons holding themselves out 375
as such, or for any other person whose testimony, in the opinion 376
of either board, is necessary. The subpoena shall require the 377
person to appear before the appropriate board or any designated 378
member of either board, upon any hearing conducted under this 379
chapter. The penalty for disobedience to the command of such a 380
subpoena is the same as for refusal to answer such a process 381
issued under authority of the court of common pleas. 382

(L) ~~All~~ Except as provided in section 4717.41 of the 383
Revised Code, all moneys received by the board of embalmers and 384
funeral directors from any source shall be deposited in the 385
state treasury to the credit of the occupational licensing and 386
regulatory fund created in section 4743.05 of the Revised Code. 387

(M) The board of embalmers and funeral directors shall 388
submit a written report to the governor on or before the first 389
Monday of July of each year. This report shall contain a 390
detailed statement of the nature and amount of the board's 391
receipts and the amount and manner of its expenditures. 392

Sec. 4717.04. (A) The board of embalmers and funeral 393
directors shall adopt rules in accordance with Chapter 119. of 394
the Revised Code for the government, transaction of the 395
business, and the management of the affairs of the board of 396
embalmers and funeral directors and the crematory review board, 397
and for the administration and enforcement of this chapter. 398
These rules shall include all of the following: 399

(1) The nature, scope, content, and form of the 400
application that must be completed and license examination that 401
must be passed in order to receive an embalmer's license or a 402

funeral director's license under section 4717.05 of the Revised Code. The rules shall ensure both of the following: 403
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(a) That the embalmer's license examination tests the applicant's knowledge through at least a comprehensive section and an Ohio laws section; 405
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(b) That the funeral director's license examination tests the applicant's knowledge through at least a comprehensive section, an Ohio laws section, and a sanitation section. 408
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(2) The minimum license examination score necessary to be licensed under section 4717.05 of the Revised Code as an embalmer or as a funeral director; 411
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(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; 414
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(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; 418
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(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; 422
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(6) Continuing education requirements for licensed embalmers and funeral directors; 427
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(7) Requirements for the licensing and operation of funeral homes; 429
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(8) Requirements for the licensing and operation of embalming facilities;	431 432
(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:	433 434 435 436
(a) Obtaining a license under this chapter by fraud or misrepresentation either in the application or in passing the required examination for the license;	437 438 439
(b) Purposely violating <u>Violating</u> any provision of sections 4717.01 to 4717.15 of the Revised Code 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;	440 441 442 443 444 445 446
(c) Committing unprofessional conduct;	447
(d) Knowingly permitting <u>Permitting</u> an unlicensed person, other than a person serving an apprenticeship, to engage in the profession or business of embalming or funeral directing under the licensee's supervision;	448 449 450 451
(e) Refusing to promptly submit the custody of a dead human body <u>or cremated remains</u> upon the express order of the person legally entitled to the body;	452 453 454
(f) Transferring a license to operate a funeral home, embalming facility, or crematory facility from one owner or operator to another, or from one location to another, without notifying the board;	455 456 457 458

(g) Misleading the public using false or deceptive advertising;
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(h) Failing to forward to the board on or before its due date the annual report of preneed funeral sales required by division (J) of section 4717.31 of the Revised Code. If the annual report is sent to the board by United States mail, it shall be postmarked on or before the due date for the submission of the annual report in order to be timely filed with the board. Mail that is not postmarked shall be considered filed on the date it is received by the board.
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Each instance of the commission of any of the types of conduct described in ~~divisions~~ division (A) (9) ~~(a), (b), (c), (d), (e), (f), and (g)~~ of this section is a separate violation. The rules adopted under division (A) (9) of this section shall establish the amount of the forfeiture for a violation of each of those divisions. The forfeiture for a first violation shall not exceed five thousand dollars, and the forfeiture for a second or subsequent violation shall not exceed ten thousand dollars. The amount of the forfeiture may differ among the types of violations according to what the board considers the seriousness of each violation.
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(10) Requirements for the licensing and operation of crematory facilities;
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(11) Procedures for the board to take possession of and to arrange the lawful disposition of unclaimed cremated remains that were held or stored at a funeral home or crematory that has been closed;
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(12) Procedures for the issuance of duplicate licenses;
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~~(12)~~ (13) Requirements for criminal records checks of
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applicants under section 4776.03 of the Revised Code; 488

~~(13)~~ (14) The amount and content of corrective action 489
courses required by the board under section 4717.14 of the 490
Revised Code. 491

(B) The board may adopt rules governing the educational 492
standards for licensure as an embalmer or funeral director, or 493
obtaining a permit to be a crematory operator, and the standards 494
of service and practice to be followed in embalming ~~and,~~ 495
funeral directing, and cremation, and in the operation of 496
funeral homes, embalming facilities, and crematory facilities in 497
this state. 498

(C) Nothing in this chapter authorizes the board of 499
embalmers and funeral directors to regulate cemeteries, except 500
that the board shall license and regulate ~~crematories~~ funeral 501
homes, embalming facilities, and crematory facilities located at 502
cemeteries in accordance with this chapter. 503

Sec. 4717.05. (A) Any person who desires to be licensed as 504
an embalmer shall apply to the board of embalmers and funeral 505
directors on a form provided by the board. The applicant shall 506
include with the application an initial license fee as set forth 507
in section 4717.07 of the Revised Code and evidence, verified by 508
oath and satisfactory to the board, that the applicant meets all 509
of the following requirements: 510

(1) The applicant is at least eighteen years of age and of 511
good moral character. 512

(2) If the applicant has pleaded guilty to, has been found 513
by a judge or jury to be guilty of, or has had a judicial 514
finding of eligibility for treatment in lieu of conviction 515
entered against the applicant in this state for aggravated 516

murder, murder, voluntary manslaughter, felonious assault, 517
kidnapping, rape, sexual battery, gross sexual imposition, 518
aggravated arson, aggravated robbery, or aggravated burglary, or 519
has pleaded guilty to, has been found by a judge or jury to be 520
guilty of, or has had a judicial finding of eligibility for 521
treatment in lieu of conviction entered against the applicant in 522
another jurisdiction for a substantially equivalent offense, at 523
least five years has elapsed since the applicant was released 524
from incarceration, a community control sanction, a post-release 525
control sanction, parole, or treatment in connection with the 526
offense. 527

(3) The applicant holds at least a bachelor's degree from 528
a college or university authorized to confer degrees by the Ohio 529
board of regents or the comparable legal agency of another state 530
in which the college or university is located and submits an 531
official transcript from that college or university with the 532
application. 533

(4) The applicant has satisfactorily completed at least 534
twelve months of instruction in a prescribed course in mortuary 535
science as approved by the board and has presented to the board 536
a certificate showing successful completion of the course. The 537
course of mortuary science college training may be completed 538
either before or after the completion of the educational 539
standard set forth in division (A) (3) of this section. 540

(5) The applicant has registered with the board prior to 541
beginning an embalmer apprenticeship. 542

(6) The applicant has satisfactorily completed at least 543
one year of apprenticeship under an embalmer licensed in this 544
state and has ~~assisted that person~~ participated in embalming at 545
least twenty-five dead human bodies. 546

(7) The applicant, upon meeting the educational standards provided for in divisions (A) (3) and (4) of this section and completing the apprenticeship required in division (A) (6) of this section, has completed the examination for an embalmer's license required by the board.

(B) Upon receiving satisfactory evidence verified by oath that the applicant meets all the requirements of division (A) of this section, the board shall issue the applicant an embalmer's license.

(C) Any person who desires to be licensed as a funeral director shall apply to the board on a form ~~provided~~ prescribed by the board. The application shall include an initial license fee as set forth in section 4717.07 of the Revised Code and evidence, verified by oath and satisfactory to the board, that the applicant meets all of the following requirements:

(1) Except as otherwise provided in division (D) of this section, the applicant has satisfactorily met all the requirements for an embalmer's license as described in divisions (A) (1) to (4) of this section.

(2) The applicant has registered with the board prior to beginning a funeral director apprenticeship.

(3) The applicant, following mortuary science college training described in division (A) (4) of this section, has satisfactorily completed a one-year apprenticeship under a licensed funeral director in this state and has ~~assisted that person~~ participated in directing at least twenty-five funerals.

(4) The applicant has satisfactorily completed the examination for a funeral director's license as required by the board.

(D) In lieu of mortuary science college training required 576
for a funeral director's license under division (C) (1) of this 577
section, the applicant may substitute a satisfactorily completed 578
two-year apprenticeship under a licensed funeral director in 579
this state assisting that person in directing at least fifty 580
funerals. 581

(E) Upon receiving satisfactory evidence that the 582
applicant meets all the requirements of division (C) of this 583
section, the board shall issue to the applicant a funeral 584
director's license. 585

(F) A funeral director or embalmer may request the funeral 586
director's or embalmer's license be placed on inactive status by 587
submitting to the board a form prescribed by the board and such 588
other information as the board may request. A funeral director 589
or embalmer may not place the funeral director's or embalmer's 590
license on inactive status unless the funeral director or 591
embalmer is in good standing with the board and is in compliance 592
with applicable continuing education requirements. A funeral 593
director or embalmer who is granted inactive status is 594
prohibited from participating in any activity for which a 595
funeral director's or embalmer's license is required in this 596
state. A funeral director or embalmer who has been granted 597
inactive status is exempt from the continuing education 598
requirements under section 4717.09 of the Revised Code during 599
the period of the inactive status. 600

(G) A funeral director or embalmer who has been granted 601
inactive status may not return to active status for at least two 602
years following the date that the inactive status was granted. 603
Following a period of at least two years of inactive status, the 604
funeral director or embalmer may apply to return to active 605

status upon completion of all of the following conditions: 606

(1) The funeral director or embalmer files with the board 607
a form prescribed by the board seeking active status and 608
provides any other information as the board may request; 609

(2) The funeral director or embalmer takes and passes the 610
Ohio laws examination for each license being activated; 611

(3) The funeral director or embalmer pays a reactivation 612
fee to the board in the amount of one hundred forty dollars for 613
each license being reactivated. 614

(H) As used in this section: 615

(1) "Community control sanction" has the same meaning as 616
in section 2929.01 of the Revised Code. 617

(2) "Post-release control sanction" has the same meaning 618
as in section 2967.01 of the Revised Code. 619

Sec. 4717.051. (A) Any person who desires to obtain a 620
permit as a crematory operator shall apply to the board of 621
embalmers and funeral directors on a form prescribed by the 622
board. The applicant shall include with the application the 623
initial permit fee set forth in section 4717.07 of the Revised 624
Code and evidence, verified under oath and satisfactory to the 625
board, that the applicant satisfies all of the following 626
requirements: 627

(1) The applicant is at least eighteen years of age and of 628
good moral character; 629

(2) If the applicant has pleaded guilty to, or has been 630
found by a judge or jury to be guilty of, or has had judicial 631
finding of eligibility for treatment in lieu of conviction 632
entered against the applicant in this state for aggravated 633

murder, murder, voluntary manslaughter, felonious assault, 634
kidnapping, rape, sexual battery, gross sexual imposition, 635
aggravated arson, aggravated robbery, or aggravated burglary, or 636
has pleaded guilty to, has been found by a judge or jury to be 637
guilty of, or has had judicial finding of eligibility for 638
treatment in lieu of conviction entered against the applicant in 639
another jurisdiction for a substantially equivalent offense, at 640
least five years has elapsed since the applicant was released 641
from incarceration, a community control sanction, a post-release 642
control sanction, parole, or treatment in connection with the 643
offense. 644

(3) The applicant has satisfactorily completed a crematory 645
operation certification program approved by the board and has 646
presented to the board a certificate showing completion of the 647
program. 648

(B) If the board of embalmers and funeral directors, upon 649
receiving satisfactory evidence, determines that the applicant 650
satisfies all of the requirements of division (A) of this 651
section, the board shall issue to the applicant a permit as a 652
crematory operator. 653

(C) The board of embalmers and funeral directors may 654
revoke or suspend a crematory operator permit or subject a 655
crematory operator permit holder to discipline in accordance 656
with the laws, rules, and procedures applicable to licensees 657
under this chapter. 658

Sec. 4717.06. (A) (1) Any person—A licensed funeral 659
director who desires to obtain a license to operate a funeral 660
home, a licensed embalmer who desires to obtain a license to 661
operate an embalming facility, or a holder of a crematory 662
operator permit who desires to obtain a license to operate a 663

crematory facility shall apply to the board of embalmers and 664
funeral directors on a form ~~provided~~prescribed by the board. 665
The application shall include the initial license application 666
fee set forth in section 4717.07 of the Revised Code and proof 667
satisfactory to the board that the funeral home, embalming 668
facility, or crematory facility is in compliance with rules 669
adopted by the board under section 4717.04 of the Revised Code, 670
rules adopted by the board of building standards under Chapter 671
3781. of the Revised Code, and all other federal, state, and 672
local requirements relating to the safety of the premises. 673

(2) If the funeral home, embalming facility, or crematory 674
facility to which the license application pertains is owned by a 675
corporation or limited liability company, the application shall 676
include the name and address of the corporation's or limited 677
liability company's statutory agent appointed under section 678
1701.07 or 1705.06 of the Revised Code or, in the case of a 679
foreign corporation, the corporation's designated agent 680
appointed under section 1703.041 of the Revised Code. If the 681
funeral home, embalming facility, or crematory facility to which 682
the application pertains is owned by a partnership, the 683
application shall include the name and address of each of the 684
partners. If, at any time after the submission of a license 685
application or issuance of a license, the statutory or 686
designated agent of a corporation or limited liability company 687
owning a funeral home, embalming facility, or crematory facility 688
or the address of the statutory or designated agent changes or, 689
in the case of a partnership, any of the partners of the funeral 690
home, embalming facility, or crematory facility or the address 691
of any of the partners changes, the applicant for or holder of 692
the license to operate the funeral home, embalming facility, or 693
crematory facility shall submit written notice to the board, 694

within thirty days after the change, informing the board of the 695
change and of any name or address of a statutory or designated 696
agent or partner that has changed from that contained in the 697
application for the license or the most recent notice submitted 698
under division (A) (2) of this section. 699

(B) (1) The board of embalmers and funeral directors shall 700
issue a license to operate a funeral home only to a licensed 701
funeral director who is named in the application as the funeral 702
director actually in charge and ultimately responsible for the 703
funeral home. The board shall issue the license only for the 704
address at which the funeral home is physically located and 705
operated. The funeral home license and licenses of the embalmers 706
and funeral directors employed by the funeral home shall be 707
displayed in a conspicuous place within the funeral home. The 708
name of the funeral director to whom the funeral home license 709
has been issued shall be conspicuously displayed immediately on 710
the outside or the inside of the primary entrance to the funeral 711
home that is used by the public. 712

(2) The funeral home shall have on the premises one of the 713
following: 714

(a) If embalming will take place at the funeral home, an 715
embalming room that is adequately equipped and maintained. The 716
embalming room shall be kept in a clean and sanitary manner and 717
used only for the embalming, preparation, or holding of dead 718
human bodies. The embalming room shall contain only the 719
articles, facilities, and instruments necessary for those 720
purposes. 721

(b) If embalming will not take place at the funeral home, 722
a holding room that is adequately equipped and maintained. The 723
holding room shall be kept in a clean and sanitary manner and 724

used only for the preparation, other than embalming, and holding 725
of dead human bodies. The holding room shall contain only the 726
articles and facilities necessary for those purposes. 727

~~(3) Except as provided in division (B) of section 4717.11 728
of the Revised Code, a funeral home shall be established and 729
operated only under the name of a holder of a funeral director's 730
license issued by the board who is actually in charge of and 731
ultimately responsible for the funeral home, and a funeral home 732
license shall not include directional or geographical references 733
in the name of the funeral home. The holder of the funeral home 734
license shall be a funeral director licensed under this chapter 735
who is actually in charge of and ultimately responsible for the 736
funeral home. Nothing in division (B) (3) of this section 737
prohibits the holder of a funeral home license from including 738
directional or geographical references in promotional or 739
advertising materials identifying the location of the funeral 740
home. 741~~

~~(4) Each funeral home shall be directly supervised by a 742
funeral director licensed under this chapter, who may supervise 743
more than one funeral home. 744~~

(C) (1) The board shall issue a license to operate an 745
embalming facility only to a licensed embalmer who is actually 746
in charge of and ultimately responsible for the embalming 747
facility. The board shall issue the license only for the address 748
at which the embalming facility is physically located and 749
operated. The license shall be displayed in a conspicuous place 750
within the facility. The name of the embalmer to whom the 751
embalming facility license has been issued shall be 752
conspicuously displayed on the outside or inside of the primary 753
entrance to the embalming facility. 754

(2) The embalming facility shall be adequately equipped 755
and maintained in a sanitary manner. The embalming room at such 756
a facility shall contain only the articles, facilities, and 757
instruments necessary for its stated purpose. The embalming room 758
shall be kept in a clean and sanitary condition and used only 759
for the care and preparation of dead human bodies. 760

~~(3) An embalming facility license shall be issued only to 761
an embalmer licensed under division (B) of section 4717.05 of 762
the Revised Code, who is actually in charge of the facility. 763~~

(D) (1) The board shall issue a license to operate a 764
crematory facility only to a crematory operator who is actually 765
in charge and ultimately responsible for the crematory facility. 766
The board shall issue the license only for the address at which 767
the crematory facility is physically located and operated. The 768
license shall be displayed in a conspicuous place within the 769
crematory facility. The name of the crematory operator to whom 770
the crematory facility license has been issued shall be 771
conspicuously displayed on the outside or inside of the primary 772
entrance to the crematory facility. 773

(2) The crematory facility shall be adequately equipped 774
and maintained in a clean and sanitary manner. The crematory 775
facility may be located in a funeral home, embalming facility, 776
cemetery building, or other building in which the crematory 777
facility may lawfully operate. If a crematory facility engages 778
in the cremation of animals, the crematory facility shall 779
cremate animals in a cremation chamber that also is not used to 780
cremate dead human bodies or human body parts and shall not 781
cremate animals in a cremation chamber used for the cremation of 782
dead human bodies and human body parts. Cremation chambers that 783
are used for the cremation of dead human bodies or human body 784

parts and cremation chambers used for the cremation of animals 785
may be located in the same area. Cremation chambers used for the 786
cremation of animals shall have conspicuously displayed on the 787
unit a notice that the unit is to be used for animals only. 788

(3) A license to operate a crematory facility shall be 789
issued to the person actually in charge of the crematory 790
facility. This section does not require the individual who is 791
actually in charge of the crematory facility to be an embalmer 792
or funeral director licensed under this chapter. 793

(4) Nothing in this section or rules adopted under section 794
4717.04 of the Revised Code precludes the establishment and 795
operation of a crematory facility on or adjacent to the property 796
on which a cemetery, funeral home, or embalming facility is 797
located. 798

Sec. 4717.07. (A) The board of embalmers and funeral 799
directors shall charge and collect the following fees: 800

(1) For ~~the~~ applying for an initial issuance or biennial 801
renewal of an embalmer's or funeral director's license, one 802
hundred fifty dollars; 803

(2) For ~~the issuance of~~ applying for an embalmer or 804
funeral director registration, twenty-five dollars; 805

(3) For filing an embalmer or funeral director certificate 806
of apprenticeship, ten dollars; 807

(4) For the application to take the examination for a 808
license to practice as an embalmer or funeral director, or to 809
retake a section of the examination, thirty-five dollars; 810

(5) For ~~the~~ applying for an initial issuance of a license 811
to operate a funeral home, three hundred fifty dollars and 812

biennial renewal of a license to operate a funeral home, three 813
hundred fifty dollars; 814

(6) For the reinstatement of a lapsed embalmer's or 815
funeral director's license, the renewal fee prescribed in 816
division (A) (1) of this section plus fifty dollars for each 817
month or portion of a month the license is lapsed, but not more 818
than one thousand dollars; 819

(7) For the reinstatement of a lapsed license to operate a 820
funeral home, the renewal fee prescribed in division (A) (5) of 821
this section plus fifty dollars for each month or portion of a 822
month the license is lapsed until reinstatement, but not more 823
than one thousand dollars; 824

(8) For ~~the initial issuance of~~ applying for a license to 825
operate an embalming facility, three hundred fifty dollars and 826
biennial renewal of a license to operate an embalming facility, 827
three hundred fifty dollars; 828

(9) For the reinstatement of a lapsed license to operate 829
an embalming facility, the renewal fee prescribed in division 830
(A) (8) of this section plus fifty dollars for each month or 831
portion of a month the license is lapsed until reinstatement, 832
but not more than one thousand dollars; 833

(10) For ~~the initial issuance of~~ applying for a license to 834
operate a crematory facility, three hundred fifty dollars and 835
biennial renewal of a license to operate a crematory facility, 836
three hundred fifty dollars; 837

(11) For the reinstatement of a lapsed license to operate 838
a crematory facility, the renewal fee prescribed in division (A) 839
(10) of this section plus fifty dollars for each month or 840
portion of a month the license is lapsed until reinstatement, 841

but not more than one thousand dollars; 842

(12) For applying for the initial or biennial renewal of a crematory operator permit, one hundred dollars; 843
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(13) For the reinstatement of a lapsed crematory operator permit, the renewal fee prescribed in division (A) (12) of this section plus fifty dollars for each month or portion of a month the permit is lapsed, but not more than one thousand dollars; 845
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(14) For the issuance of a duplicate of a license issued under this chapter, ten dollars; 849
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(15) For each preneed funeral contract sold in the state other than those funded by the assignment of an existing insurance policy, ten dollars. 851
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(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. 854
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(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. 858
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Sec. 4717.08. (A) Every license and permit 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 and permits not renewed by the last day of December of each even-numbered year are lapsed. 863
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(B) A holder of a lapsed license to operate a funeral home, license to operate an embalming facility, or license to operate a crematory facility or a crematory operator permit may reinstate the license or permit with the board by paying the lapsed license fee established under section 4717.07 of the Revised Code.

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

Sec. 4717.09. (A) Every two years, licensed embalmers and funeral directors shall attend between twelve and thirty hours of educational programs as a condition for renewal of their licenses. The board of embalmers and funeral directors shall adopt rules governing the administration and enforcement of the continuing education requirements of this section. The board may contract with a professional organization or association or other third party to assist it in performing functions necessary to administer and enforce the continuing education requirements of this section. A professional organization or association or other third party with whom the board so contracts may charge a reasonable fee for performing these functions to licensees or to the persons who provide continuing education programs.

(B) A person holding both an embalmer's license and a funeral director's license need meet only the continuing education requirements established by the board for one or the other of those licenses in order to satisfy the requirement of

division (A) of this section. 900

(C) A person holding a courtesy card permit issued under section 4717.10 of the Revised Code is not required to satisfy the continuing education requirements specified in division (A) of this section as a condition of renewal of the permit. The holder of a temporary license or permit issued under section 4717.05 or 4717.051 of the Revised Code is not required to satisfy the continuing education requirements specified in division (A) of this section. 901
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(D) A crematory operator shall maintain an active certification from a crematory operator certification program as a condition for renewal of the permit. 909
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(E) The board shall not renew the license of a licensee who fails to meet the continuing education requirements of this section and who has not been granted a waiver or an exemption under division ~~(D)~~ (F) or ~~(E)~~ (G) of this section. 912
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~~(D)~~ (F) Any licensee who fails to meet the continuing education requirements of this section because of undue hardship or disability, or who is not actively engaged in the practice of funeral directing or embalming in this state, may apply to the board for a waiver or an exemption. 916
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~~(E)~~ A ~~(G)~~ Any licensee who has been an embalmer or a funeral director for not less than fifty years and who is not actually actively in charge of an embalming facility or a manager or actually in charge of and ultimately responsible for a funeral home or embalming facility in this state may apply to the board for an exemption. 921
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~~(F) The board shall determine, by rule, the procedures for applying for a waiver or an exemption from the continuing~~ 927
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education requirements ~~under specified in division (A) of this~~ 929
~~section and under what conditions a waiver or an exemption may~~ 930
~~be granted.~~ 931

(H) The board shall not renew the crematory operator 932
permit of an individual who fails to satisfy the certification 933
requirement of division (D) of this section. 934

Sec. 4717.10. (A) The board of embalmers and funeral 935
directors may recognize licenses issued to embalmers and funeral 936
directors by other states, and upon presentation of such 937
licenses, may issue to the holder an embalmer's or funeral 938
director's license under this chapter. The board shall charge 939
the same fee as prescribed in section 4717.07 of the Revised 940
Code to issue or renew such an embalmer's or funeral director's 941
license. Such licenses shall be renewed biennially as provided 942
in section 4717.08 of the Revised Code. The board shall not 943
issue a license to any person under division (A) of this section 944
unless the applicant proves that the applicant, in the state in 945
which the applicant is licensed, has complied with requirements 946
substantially equal to those established in section 4717.05 of 947
the Revised Code. 948

(B) The board of embalmers and funeral directors may issue 949
courtesy card permits. A courtesy card permit holder shall be 950
authorized to undertake both the following acts in this state: 951

(1) Prepare and complete those sections of a death 952
certificate and other permits needed for disposition of deceased 953
human remains in this state and sign and file such death 954
certificates and permits; 955

(2) Supervise and conduct funeral ceremonies, interments, 956
and entombments in this state. 957

(C) The board of embalmers and funeral directors may 958
determine under what conditions a courtesy card permit may be 959
issued to funeral directors in bordering states after taking 960
into account whether and under what conditions and fees such 961
border states issue similar courtesy card permits to funeral 962
directors licensed in this state. A courtesy card permit holder 963
shall comply with all applicable laws and rules of this state 964
while engaged in any acts of funeral directing in this state. 965
The board may revoke or suspend a courtesy card permit or 966
subject a courtesy card permit holder to discipline in 967
accordance with the laws, rules, and procedures applicable to 968
funeral ~~director licensees~~ directors under this chapter. 969
Applicants for courtesy card permits shall apply on forms 970
prescribed by the board, pay a biennial fee set by the board for 971
initial applications and renewals, and adhere to such other 972
requirements imposed by the board on courtesy card permit 973
holders. 974

(D) No courtesy card permit holder shall be authorized to 975
undertake any of the following activities in this state: 976

(1) Arranging funerals or disposition services with 977
members of the public in this state; 978

(2) Be employed by or under contract to a funeral home 979
licensed in this state to perform funeral services in this 980
state; 981

(3) Advertise funeral or disposition services in this 982
state; 983

(4) Enter into or execute funeral or disposition contracts 984
in this state; 985

(5) Prepare or embalm deceased human remains in this 986

state; 987

(6) Arrange for or carry out the disinterment of human 988
remains in this state. 989

(E) As used in this section, "courtesy card permit" means 990
a special permit that may be issued to a funeral director 991
licensed in a state that borders this state and who does not 992
hold a funeral director's license under this chapter. 993

Sec. 4717.11. (A) (1) A person who is licensed to operate a 994
funeral home shall ~~obtain a new~~ surrender that person's license 995
~~upon any to operate a funeral home within thirty days after a~~ 996
change in any of the following: 997

(a) The location of the funeral home or any change in 998
~~ownership of the funeral;~~ 999

(b) The person who is actually in charge and ultimately 1000
responsible for the funeral home; 1001

(c) Ownership of the funeral home business that owns the 1002
funeral home that results in a majority of the ownership of the 1003
funeral business being held by one or more persons who solely or 1004
in combination with others did not own a majority of the funeral 1005
business immediately prior to the change in ownership. ~~The~~ 1006
~~person licensed to operate the funeral home shall surrender the~~ 1007
~~current license to the board within~~ 1008

(2) Within thirty days after any such a change described 1009
in division (A) (1) of this section occurs. If a funeral home is 1010
~~sold,~~ the ~~new~~ funeral director who will be actually in charge 1011
and ultimately responsible for the funeral home after the change 1012
shall apply for a ~~license within thirty days after the date of~~ 1013
~~the closing of the purchase of the new funeral home license.~~ 1014
Upon the filing of an application for a funeral home license by 1015

a licensed funeral director, the funeral home may continue to 1016
operate until the board denies the funeral home's application. 1017

~~(B) When the funeral director who is licensed to operate a 1018
funeral home ceases to operate the home because of death, 1019
resignation, employment termination, sale of the funeral home, 1020
or any other reason, the funeral home may continue to operate 1021
under that person's name, provided that the name of the new 1022
person licensed to operate the funeral home is added to the 1023
license within twenty four months after the previous license 1024
holder dies or otherwise ceases to operate the funeral home. The 1025
new licensee shall meet the requirements of section 4717.06 of 1026
the Revised Code. 1027~~

~~(C) A person who is licensed to operate an embalming 1028
facility shall obtain a new license upon any change in (1) A 1029
person who is licensed to operate an embalming facility shall 1030
surrender that person's license to operate an embalming facility 1031
within thirty days after a change in any of the following: 1032~~

~~(a) The location of the embalming facility or any change 1033
in ownership; 1034~~

~~(b) The person who is actually in charge and ultimately 1035
responsible for the embalming facility; 1036~~

~~(c) Ownership of the business entity that owns the 1037
embalming facility that results in a majority of the ownership 1038
of the business entity being held by one or more persons who 1039
solely or in combination with others did not own a majority of 1040
the business entity immediately prior to the change in 1041
ownership. 1042~~

~~The person licensed to operate the facility shall 1043
surrender the current license to the board within thirty days 1044~~

~~after any such change occurs.~~ 1045

~~(D) A person who is licensed to operate a crematory facility shall obtain a new license upon any change in location of the crematory facility or any change in ownership of the business entity operating the facility that results in a majority of the ownership of the business entity being held by one or more persons who solely or in combination with others did not own a majority of the business entity immediately prior to the change in ownership. The person licensed to operate the crematory facility shall surrender the current license to the board within thirty days after any such change occurs.~~ 1046
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(2) Within thirty days after a change described in division (B) (1) of this section occurs, the person who will be actually in charge and ultimately responsible for the embalming facility after the change shall apply for a new license to operate the embalming facility. Upon filing of an application for a license to operate an embalming facility by a licensed embalmer, the embalming facility may continue to operate until the board denies the embalming facility's application. 1056
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(C) (1) A person who is licensed to operate a crematory facility shall surrender that person's license to operate a crematory facility within thirty days after a change in any of the following: 1064
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(a) The location of the crematory facility; 1068

(b) The person who is actually in charge and ultimately responsible for the crematory facility; 1069
1070

(c) Ownership of the business entity that owns the crematory facility that results in a majority of the ownership of the business entity being held by one or more persons who 1071
1072
1073

alone or in combination with others did not own a majority of 1074
the business entity immediately prior to the change in 1075
ownership. 1076

(2) Within thirty days after a change described in 1077
division (C) (1) of this section occurs, the person who will be 1078
actually in charge and ultimately responsible for the crematory 1079
facility after the change shall apply for a new license to 1080
operate the crematory facility. Upon the filing of an 1081
application for a license to operate a crematory facility by a 1082
person holding a crematory operator permit, the crematory 1083
facility may continue to operate until the board denies the 1084
crematory facility's application. 1085

(D) (1) The board of embalmers and funeral directors shall 1086
review applications for new licenses under section 4717.06 of 1087
the Revised Code. 1088

(2) If the board, upon receiving satisfactory evidence, 1089
determines that the applicant satisfies all of the requirements 1090
of divisions (A), (B), or (C) of section 4717.06 of the Revised 1091
Code with respect to a particular funeral home, embalming 1092
facility, or crematory facility, the board shall issue to the 1093
applicant a new license to operate that funeral home, embalming 1094
facility, or crematory facility. 1095

Sec. 4717.13. (A) No person shall do any of the following: 1096

(1) Engage in the business or profession of funeral 1097
directing unless the person is licensed as a funeral director 1098
under this chapter, is certified as an apprentice funeral 1099
director in accordance with rules adopted under section 4717.04 1100
of the Revised Code and ~~is assisting under the supervision of a~~ 1101
funeral director licensed under this chapter, or is a student in 1102

a college of mortuary sciences approved by the board of 1103
embalmers and funeral directors and is under the direct 1104
supervision of a funeral director licensed by the board; 1105

(2) Engage in embalming unless the person is licensed as 1106
an embalmer under this chapter, is certified as an apprentice 1107
embalmer in accordance with rules adopted under section 4717.04 1108
of the Revised Code and is ~~assisting under the supervision of~~ an 1109
embalmer licensed under this chapter, or is a student in a 1110
college of mortuary science approved by the board and is under 1111
the direct supervision of an embalmer licensed by the board; 1112

(3) Advertise or otherwise offer to provide or convey the 1113
impression that the person provides funeral directing services 1114
unless the person is licensed as a funeral director under this 1115
chapter and is employed by or under contract to a licensed 1116
funeral home and performs funeral directing services for that 1117
funeral home in a manner consistent with the advertisement, 1118
offering, or conveyance; 1119

(4) Advertise or otherwise offer to provide or convey the 1120
impression that the person provides embalming services unless 1121
the person is licensed as an embalmer under this chapter and is 1122
employed by or under contract to a licensed funeral home or a 1123
licensed embalming facility and performs embalming services for 1124
the funeral home or embalming facility in a manner consistent 1125
with the advertisement, offering, or conveyance; 1126

(5) Operate a funeral home without a license to operate 1127
the funeral home issued by the board under this chapter; 1128

(6) Practice the business or profession of funeral 1129
directing from any place except from a funeral home that a 1130
person is licensed to operate under this chapter; 1131

(7) Practice embalming from any place except from a 1132
funeral home or embalming facility that a person is licensed to 1133
operate under this chapter; 1134

(8) Operate a crematory or perform cremation without a 1135
license to operate the crematory issued under this chapter; 1136

(9) Cremate animals in a cremation chamber in which dead 1137
human bodies or body parts are cremated or cremate dead human 1138
bodies or human body parts in a cremation chamber in which 1139
animals are cremated. 1140

(10) Hold a dead human body, before final disposition, for 1141
more than forty-eight hours after the time of death unless the 1142
dead human body is embalmed or placed into refrigeration and 1143
maintained at a constant temperature of less than forty degrees. 1144

(11) Refuse to promptly submit the custody of a dead human 1145
body or cremated remains upon the oral or written order of the 1146
person legally entitled to the body or cremated remains. 1147

(12) Except as ordered by the person holding the right of 1148
disposition under section 2108.70 or 2108.81 of the Revised 1149
Code, fail to carry out the final disposition of a dead human 1150
body within thirty days after taking custody of the body. 1151

(B) No funeral director or other person in charge of the 1152
final disposition of a dead human body shall fail to do one of 1153
the following prior to the interment of the body: 1154

(1) Affix to the ankle or wrist of the deceased a tag 1155
encased in a durable and long-lasting material that contains the 1156
name, date of birth, date of death, and social security number 1157
of the deceased; 1158

(2) Place in the casket a capsule containing a tag bearing 1159

the information described in division (B)(1) of this section; 1160

(3) If the body was cremated, place in the vessel 1161
containing the cremated remains a tag bearing the information 1162
described in division (B)(1) of this section. 1163

(C) No person who holds a funeral home license for a 1164
funeral home that is closed, or that is owned by a funeral 1165
business in which changes in the ownership of the funeral 1166
business result in a majority of the ownership of the funeral 1167
business being held by one or more persons who solely or in 1168
combination with others did not own a majority of the funeral 1169
business immediately prior to the change in ownership, shall 1170
fail to submit to the board within thirty days after the closing 1171
or such ~~a~~ change ~~in~~ of ownership of the funeral business owning 1172
the funeral home, a clearly enumerated account of all of the 1173
following from which the licensee, at the time of the closing or 1174
change ~~in~~ of ownership of the funeral business and in connection 1175
with the funeral home, was to receive payment for providing the 1176
funeral services, funeral goods, or any combination of those in 1177
connection with the funeral or final disposition of a dead human 1178
body: 1179

(1) Preneed funeral contracts governed by sections 4717.31 1180
to 4717.38 of the Revised Code; 1181

(2) Life insurance policies or annuities the benefits of 1182
which are payable to the provider of funeral or burial goods or 1183
services; 1184

(3) Accounts at banks or savings banks insured by the 1185
federal deposit insurance corporation, savings and loan 1186
associations insured by the federal savings and loan insurance 1187
corporation or the Ohio deposit guarantee fund, or credit unions 1188

insured by the national credit union administration or a credit 1189
union share guaranty corporation organized under Chapter 1761. 1190
of the Revised Code that are payable upon the death of the 1191
person for whose benefit deposits into the accounts were made. 1192

(D) (1) No person who holds a funeral home license for a 1193
funeral home that is closed shall fail to send written notice to 1194
the purchaser of every preneed funeral contract to which the 1195
funeral business is a party via first class United States mail. 1196
Such notice shall be addressed to the purchaser's last known 1197
address and shall explain that the funeral business is being 1198
closed and the name of any funeral business that has been 1199
designated to assume the obligations of the preneed contract. 1200

(2) Within thirty days of the closing of a funeral home, 1201
the person who held the funeral home license for the closed 1202
funeral home shall transfer all preneed contracts to the funeral 1203
home or funeral homes that have been designated to assume the 1204
obligation of the preneed contracts. If the person who holds a 1205
funeral home license for a funeral home that is closed fails to 1206
designate a successor funeral home or funeral homes to assume 1207
the obligations of the preneed funeral contracts, the board 1208
shall make such designations and order the transfer of the 1209
preneed funeral contracts to the designated funeral home or 1210
funeral homes. 1211

Sec. 4717.14. (A) The board of embalmers and funeral 1212
directors may refuse to grant or renew, or may suspend or 1213
revoke, any license or permit issued under this chapter or may 1214
require the holder of a license or permit to take corrective 1215
action courses for any of the following reasons: 1216

(1) The holder of a license was or permit obtained the 1217
license or permit by fraud or misrepresentation either in the 1218

application or in passing the examination. 1219

(2) The applicant ~~or~~, licensee, or permit holder has been 1220
convicted of or has pleaded guilty to a felony or of any crime 1221
involving moral turpitude. 1222

(3) The applicant ~~or~~, licensee, or permit holder has 1223
purposely violated any provision of sections 4717.01 to 4717.15 1224
or a rule adopted under any of those sections; division (A) or 1225
(B) of section 4717.23; division (B) (1) or (2), (C) (1) or (2), 1226
(D), (E), or (F) (1) or (2), or divisions (H) to (K) of section 1227
4717.26; division (D) (1) of section 4717.27; or divisions (A) to 1228
(C) of section 4717.28 of the Revised Code; or any provisions of 1229
sections 4717.31 to 4717.38 of the Revised Code, any rule or 1230
order of the department of health or a board of health of a 1231
health district governing the disposition of dead human bodies; 1232
or any other rule or order applicable to the applicant or 1233
licensee. 1234

(4) The applicant ~~or~~, licensee, or permit holder has 1235
committed immoral or unprofessional conduct. 1236

(5) The applicant or licensee knowingly permitted an 1237
unlicensed person, other than a person serving an 1238
apprenticeship, to engage in the profession or business of 1239
embalming or funeral directing under the applicant's or 1240
licensee's supervision. 1241

(6) The applicant ~~or~~, licensee, or permit holder has been 1242
habitually intoxicated, or is addicted to the use of morphine, 1243
cocaine, or other habit-forming or illegal drugs. 1244

(7) The applicant ~~or~~, licensee, or permit holder has 1245
refused to promptly submit the custody of a dead human body or 1246
cremated remains upon the express order of the person legally 1247

entitled to the body or cremated remains. 1248

(8) The licensee or permit holder loaned the licensee's 1249
own license or the permit holder's own permit, or the applicant 1250
~~or~~, licensee, or permit holder borrowed or used the license or 1251
permit of another person, or knowingly aided or abetted the 1252
granting of an improper license or permit. 1253

(9) The applicant ~~or~~, licensee ~~transferred a license to~~ 1254
~~operate a funeral home, embalming facility, or crematory from~~ 1255
~~one owner or operator to another, or from one location to~~ 1256
~~another, without notifying the board.~~ 1257

~~(10) The applicant or licensee, or permit holder misled~~ 1258
the public by using false or deceptive advertising. As used in 1259
this division, "false and deceptive advertising" includes, but 1260
is not limited to, any of the following: 1261

(a) Using the names of persons who are not licensed to 1262
practice funeral directing in a way that leads the public to 1263
believe that such persons are engaging in funeral directing; 1264

(b) Using any name for the funeral home other than the 1265
name under which the funeral home is licensed; 1266

(c) Using in the funeral home's name the surname of an 1267
individual who is not directly, actively, or presently 1268
associated with the funeral home, unless such surname has been 1269
previously and continuously used by the funeral home. 1270

(B) (1) The board of embalmers and funeral directors shall 1271
refuse to grant or renew, or shall suspend or revoke, ~~an~~ 1272
~~embalmer's, funeral director's, funeral home, or embalming~~ 1273
~~facility~~ a license or permit only in accordance with Chapter 1274
119. of the Revised Code. 1275

(2) The board shall send to the crematory review board 1276
written notice that it proposes to refuse to issue or renew, or 1277
proposes to suspend or revoke, a license to operate a crematory 1278
facility. If, after the conclusion of the adjudicatory hearing 1279
on the matter conducted under division (F) of section 4717.03 of 1280
the Revised Code, the board of embalmers and funeral directors 1281
finds that any of the circumstances described in divisions (A) 1282
(1) to ~~(10)~~ (9) of this section apply to the person named in its 1283
proposed action, the board may issue a final order under 1284
division (F) of section 4717.03 of the Revised Code refusing to 1285
issue or renew, or suspending or revoking, the person's license 1286
to operate a crematory facility. 1287

(C) If the board of embalmers and funeral directors 1288
determines that there is clear and convincing evidence that any 1289
of the circumstances described in divisions (A) (1) to ~~(10)~~ (9) 1290
of this section apply to the holder of a license or permit 1291
issued under this chapter and that the licensee's or permit 1292
holder's continued practice presents a danger of immediate and 1293
serious harm to the public, the board may suspend the licensee's 1294
license or the permit holder's permit without a prior 1295
adjudicatory hearing. The executive director of the board shall 1296
prepare written allegations for consideration by the board. 1297

The board, after reviewing the written allegations, may 1298
suspend a license or permit without a prior hearing. 1299

The board shall issue a written order of suspension by a 1300
delivery system or in person in accordance with section 119.07 1301
of the Revised Code. Such an order is not subject to suspension 1302
by the court during the pendency of any appeal filed under 1303
section 119.12 of the Revised Code. If the licensee or permit 1304
holder ~~of an embalmer's, funeral director's, funeral home, or~~ 1305

~~embalming facility license~~ requests an adjudicatory hearing by 1306
the board, the date set for the hearing shall be within fifteen 1307
days, but not earlier than seven days, after the licensee or 1308
permit holder has requested a hearing, unless the board and the 1309
licensee or permit holder agree to a different time for holding 1310
the hearing. 1311

Upon issuing a written order of suspension to the holder 1312
of a license to operate a crematory facility, the board of 1313
embalmers and funeral directors shall send written notice of the 1314
issuance of the order to the crematory review board. The 1315
crematory review board shall hold an adjudicatory hearing on the 1316
order under division (F) of section 4717.03 of the Revised Code 1317
within fifteen days, but not earlier than seven days, after the 1318
issuance of the order, unless the crematory review board and the 1319
licensee agree to a different time for holding the adjudicatory 1320
hearing. 1321

Any summary suspension imposed under this division shall 1322
remain in effect, unless reversed on appeal, until a final 1323
adjudicatory order issued by the board of embalmers and funeral 1324
directors pursuant to this division and Chapter 119. of the 1325
Revised Code, or division (F) of section 4717.03 of the Revised 1326
Code, as applicable, becomes effective. The board of embalmers 1327
and funeral directors shall issue its final adjudicatory order 1328
within sixty days after the completion of its hearing or, in the 1329
case of the summary suspension of a license to operate a 1330
crematory facility, within sixty days after completion of the 1331
adjudicatory hearing by the crematory review board. A failure to 1332
issue the order within that time results in the dissolution of 1333
the summary suspension order, but does not invalidate any 1334
subsequent final adjudicatory order. 1335

(D) If the board of embalmers and funeral directors 1336
suspends or revokes a funeral director's license ~~held by a~~ 1337
~~funeral director~~ or a license to operate a funeral home for any 1338
reason identified in division (A) of this section, the board may 1339
file a complaint with the court of common pleas in the county 1340
where the violation occurred requesting appointment of a 1341
receiver and the sequestration of the assets of the funeral home 1342
that held the suspended or revoked license or the licensed 1343
funeral home that employs the funeral director that held the 1344
suspended or revoked license. If the court of common pleas is 1345
satisfied with the application for a receivership, the court may 1346
appoint a receiver. 1347

The board or a receiver may employ and procure whatever 1348
assistance or advice is necessary in the receivership or 1349
liquidation and distribution of the assets of the funeral home, 1350
and, for that purpose, may retain officers or employees of the 1351
funeral home as needed. All expenses of the receivership or 1352
liquidation shall be paid from the assets of the funeral home 1353
and shall be a lien on those assets, and that lien shall be a 1354
priority to any other lien. 1355

(E) Any holder of a license or permit issued under this 1356
chapter who has pleaded guilty to, has been found by a judge or 1357
jury to be guilty of, or has had a judicial finding of 1358
eligibility for treatment in lieu of conviction entered against 1359
the individual in this state for aggravated murder, murder, 1360
voluntary manslaughter, felonious assault, kidnapping, rape, 1361
sexual battery, gross sexual imposition, aggravated arson, 1362
aggravated robbery, or aggravated burglary, or who has pleaded 1363
guilty to, has been found by a judge or jury to be guilty of, or 1364
has had a judicial finding of eligibility for treatment in lieu 1365
of conviction entered against the individual in another 1366

jurisdiction for any substantially equivalent criminal offense, 1367
is hereby suspended from practice under this chapter by 1368
operation of law, and any license or permit issued to the 1369
individual under this chapter is hereby suspended by operation 1370
of law as of the date of the guilty plea, verdict or finding of 1371
guilt, or judicial finding of eligibility for treatment in lieu 1372
of conviction, regardless of whether the proceedings are brought 1373
in this state or another jurisdiction. The board shall notify 1374
the suspended individual of the suspension of the individual's 1375
license or permit by the operation of this division by a 1376
delivery system or in person in accordance with section 119.07 1377
of the Revised Code. If an individual whose license or permit is 1378
suspended under this division fails to make a timely request for 1379
an adjudicatory hearing, the board shall enter a final order 1380
revoking the license. 1381

(F) No person whose license or permit has been suspended 1382
or revoked under or by the operation of this section shall 1383
practice embalming ~~or~~, funeral directing, or cremation, or 1384
operate a funeral home, embalming facility, or crematory 1385
facility until the board has reinstated the person's license or 1386
permit. 1387

Sec. 4717.15. (A) The board of embalmers and funeral 1388
directors, without the necessity for conducting a prior 1389
adjudication hearing, may issue a notice of violation to the 1390
holder of an embalmer's, funeral director's, funeral home, ~~or~~ 1391
embalming facility, or crematory facility license, or a 1392
crematory operator permit or a courtesy card permit issued under 1393
this chapter who the board finds has committed any of the 1394
violations described in ~~divisions~~ division (A) (9) ~~(a) to (g)~~ of 1395
section 4717.04 of the Revised Code. The notice shall set forth 1396
the specific violation committed by the licensee or permit 1397

holder and shall be sent by certified mail. The notice shall be 1398
accompanied by an order requiring the payment of the appropriate 1399
forfeiture prescribed in rules adopted under division (A) (9) of 1400
section 4717.04 of the Revised Code and by a notice informing 1401
the licensee or permit holder that the licensee is entitled to 1402
an adjudicatory hearing on the notice of violation and order if 1403
the licensee or permit holder requests a hearing and if the 1404
board receives the request within thirty days after the mailing 1405
of the notice of violation and order. The board shall conduct 1406
any such adjudicatory hearing in accordance with Chapter 119. of 1407
the Revised Code, except as otherwise provided in this division. 1408

A licensee or permit holder who receives a notice of 1409
violation and order under this division shall pay to the 1410
executive director of the board the full amount of the 1411
forfeiture by certified check within thirty days after the 1412
notice of violation and order were mailed to the licensee or 1413
permit holder unless, within that time, the licensee or permit 1414
holder submits a request for an adjudicatory hearing on the 1415
notice of violation and order. If such a request for an 1416
adjudicatory hearing is timely filed, the licensee or permit 1417
holder need not pay the forfeiture to the executive director 1418
until after a final, nonappealable administrative or judicial 1419
decision is rendered on the order requiring payment of the 1420
forfeiture. If a final nonappealable administrative or judicial 1421
decision is rendered affirming the board's order, the licensee 1422
or permit holder shall pay to the executive director of the 1423
board the full amount of the forfeiture by certified check 1424
within thirty days after notice of the decision was sent to the 1425
licensee. A forfeiture is considered to be paid when the 1426
licensee's or permit holder's certified check is received by the 1427
executive director in Columbus. If the licensee or permit holder 1428

fails to so pay the full amount of the forfeiture to the 1429
executive director within that time, the board shall issue an 1430
order suspending or revoking the individual's license or permit, 1431
as the board considers appropriate. 1432

(B) The board shall send to the crematory review board 1433
written notice that it proposes to issue to the holder of a 1434
license to operate a crematory facility issued under this 1435
chapter a notice of violation and order requiring payment of a 1436
forfeiture specified in rules adopted under division (A) (9) of 1437
section 4717.04 of the Revised Code. If, after the conclusion of 1438
the adjudicatory hearing on the matter conducted under division 1439
(F) of section 4717.03 of the Revised Code, the board of 1440
embalmers and funeral directors finds that the licensee has 1441
committed any of the violations described in ~~divisions~~ division 1442
(A) (9) ~~(a) to (g)~~ of section 4717.04 of the Revised Code in 1443
connection with the operation of a crematory facility or 1444
cremation, the board of embalmers and funeral directors may 1445
issue a final order under division (F) of section 4717.03 of the 1446
Revised Code requiring payment of the appropriate forfeiture 1447
specified in rules adopted under division (A) (9) of section 1448
4717.04 of the Revised Code. A licensee who receives such an 1449
order shall pay the full amount of the forfeiture to the 1450
executive director by certified check within thirty days after 1451
the order was sent to the licensee unless, within that time, the 1452
licensee files a notice of appeal in accordance with division 1453
(F) of section 4717.03 and section 119.12 of the Revised Code. 1454
If such a notice of appeal is timely filed, the licensee or 1455
permit holder need not pay the forfeiture to the executive 1456
director until after a final, nonappealable judicial decision is 1457
rendered in the appeal. If a final, nonappealable judicial 1458
decision is rendered affirming the board's order, the licensee 1459

or permit holder shall pay to the executive director the full amount of the forfeiture by certified check within thirty days after notice of the decision was sent to the licensee or permit holder. A forfeiture is considered paid when the licensee's or permit holder's certified check is received by the executive director in Columbus. If the licensee or permit holder fails to so pay the full amount of the forfeiture to the executive director within that time, the board shall issue an order suspending or revoking the individual's license, as the board considers appropriate.

Sec. 4717.16. On receipt of a notice pursuant to section 3123.43 of the Revised Code, the board of embalmers and funeral directors shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a license or permit issued pursuant to this chapter.

Sec. 4717.21. (A) Any person, on an antemortem basis, may serve as the person's own authorizing agent, authorize the person's own cremation, and specify the arrangements for the final disposition of the person's own cremated remains by executing an antemortem cremation authorization form. A guardian, custodian, or other personal representative who is authorized by law or contract to do so on behalf of a person, on an antemortem basis, may authorize the cremation of the person and specify the arrangements for the final disposition of the person's cremated remains by executing an antemortem cremation authorization form on the person's behalf. Any such antemortem cremation authorization form also shall be signed by one witness. The original copy of the executed authorization form shall be sent to the ~~operator of the~~ crematory facility being authorized to conduct the cremation, and a copy shall be

retained by the person who executed the authorization form. The 1491
person who executed an antemortem cremation authorization form 1492
may revoke the authorization at any time by providing written 1493
notice of the revocation to the ~~operator of the~~ crematory 1494
facility named in the authorization form. The person who 1495
executed the authorization form may transfer the authorization 1496
to another crematory facility by providing written notice to the 1497
~~operator of the~~ crematory facility named in the original 1498
authorization of the revocation of the authorization and, in 1499
accordance with this division, executing a new antemortem 1500
cremation authorization form authorizing ~~the operator of~~ another 1501
crematory facility to conduct the cremation. 1502

(B) (1) Each antemortem cremation authorization form shall 1503
specify the final disposition that is to be made of the cremated 1504
remains. 1505

(2) Every antemortem cremation authorization form entered 1506
into on or after ~~the effective date of this amendment~~ October 1507
12, 2006, shall specify the final disposition that is to be made 1508
of the remains and shall include a provision in substantially 1509
the following form: 1510

NOTICE: Upon the death of the person who is the subject of 1511
this antemortem cremation authorization, the person holding the 1512
right of disposition under section 2108.70 or 2108.81 of the 1513
Revised Code may cancel the cremation arrangements, modify the 1514
arrangements for the final disposition of the cremated remains, 1515
or make alternative arrangements for the final disposition of 1516
the decedent's body. However, the person executing this 1517
antemortem cremation authorization is encouraged to state his or 1518
her preferences as to the manner of final disposition in a 1519
declaration of the right of disposition pursuant to section 1520

2108.72 of the Revised Code, including that the arrangements set 1521
forth in this form shall be followed. 1522

(C) (1) Except as provided in division (C) (2) of this 1523
section, when the ~~operator of a~~ crematory facility is in 1524
possession of a cremation authorization form that has been 1525
executed on an antemortem basis in accordance with this section, 1526
the other conditions set forth in division (A) of section 1527
4717.23 of the Revised Code have been met, the crematory 1528
facility has possession of the decedent to which the antemortem 1529
authorization pertains, and the crematory facility has received 1530
payment for the cremation of the decedent and the final 1531
disposition of the cremated remains of the decedent or is 1532
otherwise assured of payment for those services, the crematory 1533
facility shall cremate the decedent as directed and dispose of 1534
the cremated remains in accordance with the instructions 1535
contained in the antemortem cremation authorization form. 1536

(2) A person with the right of disposition for a decedent 1537
under section 2108.70 or 2108.81 of the Revised Code who is not 1538
disqualified under section 2108.75 of the Revised Code may 1539
cancel the arrangements for the decedent's cremation, modify the 1540
arrangements for the final disposition of the decedent's 1541
cremated remains, or make alternative arrangements for the final 1542
disposition of the decedent's body. If a person with the right 1543
takes any such action, the ~~operator~~ crematory facility shall 1544
disregard the instructions contained in the antemortem cremation 1545
authorization form and follow the instructions of the person 1546
with the right. 1547

(D) An antemortem cremation authorization form executed 1548
under division (A) of this section does not constitute a 1549
contract for conducting the cremation of the person named in the 1550

authorization form or for the final disposition of the person's 1551
cremated remains. Despite the existence of such an antemortem 1552
cremation authorization, a person with the right of disposition 1553
for a decedent under section 2108.70 or 2108.81 of the Revised 1554
Code may modify, in writing, the arrangements for the final 1555
disposition of the cremated remains of the decedent set forth in 1556
the authorization form or may cancel the cremation and claim the 1557
decedent's body for purposes of making alternative arrangements 1558
for the final disposition of the decedent's body. The revocation 1559
of an antemortem cremation authorization form executed under 1560
division (A) of this section, or the cancellation of the 1561
cremation of the person named in the antemortem authorization or 1562
modification of the arrangements for the final disposition of 1563
the person's cremated remains as authorized by this division, 1564
does not affect the validity or enforceability of any contract 1565
entered into for the cremation of the person named in the 1566
antemortem authorization or for the final disposition of the 1567
person's cremated remains. 1568

(E) Nothing in this section applies to any antemortem 1569
cremation authorization form executed prior to ~~the effective~~ 1570
~~date of this section~~ August 5, 1998. Any cemetery, funeral home, 1571
crematory facility, or other party may specify, with the written 1572
approval of the person who executed the antemortem 1573
authorization, that such an antemortem authorization is subject 1574
to sections 4717.21 to 4717.30 of the Revised Code. 1575

Sec. 4717.23. (A) No crematory operator ~~of a or crematory~~ 1576
facility shall cremate or allow the cremation ~~at a crematory~~ 1577
~~facility the operator is licensed to operate under this chapter~~ 1578
of a dead human body, other than one that was donated to science 1579
for purposes of medical education or research, until all of the 1580
following have occurred: 1581

(1) A period of at least twenty-four hours has elapsed 1582
since the decedent's death as indicated on a complete, 1583
nonprovisional death certificate filed under section 3705.16 of 1584
the Revised Code or under the laws of another state that are 1585
substantially equivalent to that section, unless, if the 1586
decedent died from a virulent communicable disease, the 1587
department of health or board of health having territorial 1588
jurisdiction where the death of the decedent occurred requires 1589
by rule or order the cremation to occur prior to the end of that 1590
period; 1591

(2) The ~~operator~~ crematory facility has received a burial 1592
or burial-transit permit that authorizes the cremation of the 1593
decedent; 1594

(3) The ~~operator~~ crematory facility has received a 1595
completed cremation authorization form executed pursuant to 1596
section 4717.21 or 4717.24 of the Revised Code, as applicable, 1597
that authorizes the cremation of the decedent. A blank cremation 1598
authorization form shall be provided by the ~~operator~~ crematory 1599
facility and shall comply with section 4717.24 of the Revised 1600
Code and, if applicable, section 4717.21 of the Revised Code. 1601

(4) The ~~operator~~ crematory facility has received any other 1602
documentation required by this state or a political subdivision 1603
of this state. 1604

(B) No crematory operator ~~of a~~ or crematory facility shall 1605
cremate or allow the cremation of any body parts, including, 1606
without limitation, dead human bodies that were donated to 1607
science for purposes of medical research or education, at a 1608
crematory facility ~~the operator is~~ licensed to operate in this 1609
state until both of the following have occurred: 1610

(1) The ~~operator-crematory facility~~ has received a 1611
completed cremation authorization form executed pursuant to 1612
section 4717.25 of the Revised Code or, if the decedent has 1613
executed an antemortem cremation authorization form in 1614
accordance with section 4717.21 of the Revised Code and has 1615
donated the decedent's body to science for purposes of medical 1616
education or research, such an antemortem cremation 1617
authorization form; 1618

(2) The ~~operator-crematory facility~~ has received any other 1619
documentation required by this state or a political subdivision 1620
of this state. 1621

Sec. 4717.24. (A) A cremation authorization form 1622
authorizing the cremation of a dead human body, other than one 1623
that was donated to science for purposes of medical education or 1624
research, shall include at least all of the following 1625
information and statements: 1626

(1) A statement that the decedent has been identified in 1627
accordance with division (B) of this section; 1628

(2) The name of the funeral director or other individual 1629
who obtained the burial or burial-transit permit authorizing the 1630
cremation of the decedent; 1631

(3) The name of the authorizing agent and the relationship 1632
of the authorizing agent to the decedent; 1633

(4) A statement that the authorizing agent in fact has the 1634
right to authorize cremation of the decedent and that the 1635
authorizing agent does not have actual knowledge of the 1636
existence of any living person who has a superior priority right 1637
to act as the authorizing agent under section 4717.22 of the 1638
Revised Code. If the person executing the cremation 1639

authorization form knows of another living person who has such a 1640
superior priority right, the authorization form shall include a 1641
statement indicating that the person executing the authorization 1642
form has made reasonable efforts to contact the person having 1643
the superior priority right and has been unable to do so and 1644
that the person executing the authorization form has no reason 1645
to believe that the person having the superior priority right 1646
would object to the cremation of the decedent. 1647

(5) A statement of whether the authorizing agent has 1648
actual knowledge of the presence in the decedent of a pacemaker, 1649
defibrillator, or any other mechanical or radioactive device or 1650
implant that poses a hazard to the health or safety of personnel 1651
performing the cremation; 1652

(6) A statement indicating the crematory facility is to 1653
cremate the casket or alternative container in which the 1654
decedent was delivered to or accepted by the crematory facility; 1655

(7) A statement of whether the crematory facility is 1656
authorized to simultaneously cremate the decedent in the same 1657
cremation chamber with one or more other decedents who were 1658
related to the decedent named in the cremation authorization 1659
form by consanguinity or affinity or who, at any time during the 1660
one-year period preceding the decedent's death, lived with the 1661
decedent in a common law marital relationship or otherwise 1662
cohabited with the decedent. A cremation authorization form 1663
executed under this section shall not authorize the simultaneous 1664
cremation of a decedent in the same cremation chamber with one 1665
or more other decedents except under the circumstances described 1666
in the immediately preceding sentence. 1667

(8) The names of any persons designated by the authorizing 1668
agent to be present in the holding facility or cremation room 1669

prior to or during the cremation of the decedent or during the 1670
removal of the cremated remains from the cremation chamber; 1671

(9) The authorization for the crematory facility to 1672
cremate the decedent and to process or pulverize the cremated 1673
remains as is the practice at the particular crematory facility; 1674

(10) A statement of whether it is the crematory facility's 1675
practice to return all of the residue removed from the cremation 1676
chamber following the cremation or to separate and remove 1677
foreign matter from the residue before returning the cremated 1678
remains to the authorizing agent or the person designated on the 1679
authorization form to receive the cremated remains pursuant to 1680
division (A) (11) of this section; 1681

(11) The name of the person who is to receive the cremated 1682
remains of the decedent from the crematory facility; 1683

(12) The manner in which the final disposition of the 1684
cremated remains of the decedent is to occur, if known. If the 1685
cremation authorization form does not specify the manner of the 1686
final disposition of the cremated remains, it shall indicate 1687
that the cremated remains will be held by the crematory facility 1688
for thirty days after the cremation, unless, prior to the end of 1689
that period, they are picked up from the crematory facility by 1690
the person designated on the cremation authorization form to 1691
receive them, the authorizing agent, or, if applicable, the 1692
funeral director who obtained the burial or burial-transit 1693
permit for the decedent, or are delivered or shipped by the 1694
~~operator of the~~ crematory facility to one of those persons. The 1695
authorization form shall indicate that if no instructions for 1696
the final disposition are provided on the authorization form and 1697
that if no arrangements for final disposition have been made 1698
within the thirty-day period, the crematory facility may return 1699

the cremated remains to the authorizing agent. The authorization 1700
form shall further indicate that if no arrangements for the 1701
final disposition of the cremated remains have been made within 1702
sixty days after the completion of the cremation and if the 1703
authorizing agent has not picked them up or caused them to be 1704
picked up within that period, the crematory operator or 1705
crematory facility may dispose of them in accordance with 1706
division (C) of section 4717.27 of the Revised Code. 1707

(13) A listing of the items of value to be delivered to 1708
the crematory facility along with the dead human body, if any, 1709
and instructions regarding how those items are to be handled; 1710

(14) A statement of whether the authorizing agent has made 1711
arrangements for any type of viewing of the decedent or for a 1712
service with the decedent present prior to the cremation and, if 1713
so, the date, time, and place of the service; 1714

(15) A statement of whether the crematory facility may 1715
proceed with the cremation at any time after the conditions set 1716
forth in division (A) of section 4717.23 of the Revised Code 1717
have been met and the decedent has been received at the 1718
facility; 1719

(16) The certification of the authorizing agent to the 1720
effect that all of the information and statements contained in 1721
the authorization form are accurate; 1722

(17) The signature of the authorizing agent and the 1723
signature of at least one witness who observed the authorizing 1724
agent execute the cremation authorization form. 1725

(B) In making the identification of the decedent required 1726
by division (A) (1) of this section, the funeral home arranging 1727
the cremation shall require the authorizing agent or the agent's 1728

appointed representative to visually identify the decedent's 1729
remains or a photograph or other visual image of the remains. If 1730
identification is by photograph or other visual image, the 1731
authorizing agent or representative shall sign the photograph or 1732
other visual image. If visual identification is not feasible, 1733
other positive identification of the decedent may be used 1734
including, but not limited to, reliance upon an identification 1735
made through the coroner's office or identification of 1736
photographs or other visual images of scars, tattoos, or 1737
physical deformities taken from the decedent's remains. 1738

(C) An authorizing agent who is not available to execute a 1739
cremation authorization form in person may designate another 1740
individual to serve as the authorizing agent by providing to the 1741
~~operator of the crematory facility where the cremation is to~~ 1742
occur a written designation, acknowledged before a notary public 1743
or other person authorized to administer oaths, authorizing that 1744
other individual to serve as the authorizing agent, ~~or by~~ 1745
~~sending to the operator a facsimile transmission of the written~~ 1746
~~designation that has been so acknowledged.~~ Any such written 1747
designation shall contain the name of the decedent, the name and 1748
address of the authorizing agent, the relationship of the 1749
authorizing agent to the decedent, and the name and address of 1750
the individual who is being designated to serve as the 1751
authorizing agent. Upon receiving ~~such a written designation or~~ 1752
~~a facsimile transmission of~~ such a written designation, the 1753
operator shall permit the individual named in the written 1754
designation to serve as the authorizing agent and to execute the 1755
cremation authorization form authorizing the cremation of the 1756
decedent named in the written designation. 1757

(D) An authorizing agent who signs a cremation 1758
authorization form under this section is hereby deemed to 1759

warrant the accuracy of the information and statements contained 1760
in such authorization form, including the identification of the 1761
decedent and the agent's authority to authorize the cremation. A 1762
funeral home and its employees are not responsible for verifying 1763
the accuracy of any information or statements the authorizing 1764
agent made on the authorization form, unless the funeral home or 1765
its employees have actual knowledge to the contrary regarding 1766
any such information or statement. When delivering the 1767
decedent's remains to a crematory facility or in carrying out 1768
the disposition in its own facility, the funeral home is 1769
responsible for having the decedent identified pursuant to 1770
division (B) of this section and carrying out the obligations 1771
imposed on the funeral home by division (B) of section 4717.29 1772
of the Revised Code. 1773

(E) At any time after executing a cremation authorization 1774
form and prior to the beginning of the cremation process, the 1775
authorizing agent who executed the cremation authorization form 1776
under division (A) or (C) of this section may, in writing, 1777
modify the arrangements for the final disposition of the 1778
cremated remains of the decedent set forth in the authorization 1779
form or may, in writing, revoke the authorization, cancel the 1780
cremation, and claim the decedent's body for purposes of making 1781
alternative arrangements for the final disposition of the 1782
decedent's body. The ~~operator of a~~ crematory facility shall 1783
cancel the cremation if the ~~operator~~ crematory facility receives 1784
such a revocation before beginning the cremation. 1785

(F) A cremation authorization form executed under this 1786
section does not constitute a contract for conducting the 1787
cremation of the decedent named in the authorization form or for 1788
the final disposition of the cremated remains of the decedent. 1789
The revocation of a cremation authorization form or modification 1790

of the arrangements for the final disposition of the cremated 1791
remains of the decedent pursuant to division (E) of this section 1792
does not affect the validity or enforceability of any contract 1793
for the cremation of the decedent named in the authorization 1794
form or for the final disposition of the cremated remains of the 1795
decedent. 1796

Sec. 4717.25. (A) A cremation authorization form 1797
authorizing the cremation of any body parts, including, without 1798
limitation, dead human bodies that were donated to science for 1799
purposes of medical education or research shall include at least 1800
all of the following information and statements, as applicable: 1801

(1) The identity of the decedent whose body was donated to 1802
science for purposes of medical education or research or the 1803
identity of the living person or such a decedent from whom the 1804
body parts were removed; 1805

(2) The name of the authorizing agent and the relationship 1806
of the authorizing agent to the decedent or the living person 1807
from whom the body parts were removed; 1808

(3) A statement that the authorizing agent in fact has the 1809
right to authorize the cremation of the decedent or the body 1810
parts removed from the decedent or living person and a 1811
description of the basis of the person's right to execute the 1812
cremation authorization form; 1813

(4) A statement of whether the crematory facility is 1814
authorized to simultaneously cremate the decedent or body parts 1815
removed from the decedent or living person with one or more 1816
other decedents whose bodies were donated to science for 1817
purposes of medical education or research or with body parts 1818
removed from one or more other decedents or living persons; 1819

(5) The authorization for the crematory facility to 1820
cremate the decedent or body parts removed from the decedent or 1821
living person and to process or pulverize the cremated remains 1822
as is the practice at the particular crematory facility; 1823

(6) A statement of whether it is the crematory facility's 1824
practice to return all of the residue removed from the cremation 1825
chamber following the cremation or to separate and remove 1826
foreign matter from the residue before returning the cremated 1827
remains to the authorizing agent or the authorizing agent's 1828
designee; 1829

(7) The name of the person who is to receive the cremated 1830
remains from the crematory facility; 1831

(8) The manner in which the final disposition of the 1832
cremated remains is to occur, if known. If the cremation 1833
authorization form does not specify the manner of the final 1834
disposition of the cremated remains, it shall indicate that the 1835
cremated remains will be held by the crematory facility for 1836
thirty days after the cremation, unless, prior to the end of 1837
that period, they are picked up from the crematory facility by 1838
the person designated on the authorization form to receive them 1839
or by the authorizing agent, or are delivered or shipped by the 1840
~~operator of the~~ crematory facility to one of those persons. The 1841
authorization form shall indicate that if no instructions for 1842
the final disposition of the cremated remains are provided on 1843
the authorization form and that if no arrangements for final 1844
disposition have been made within the thirty-day period, the 1845
crematory facility may return the cremated remains to the 1846
authorizing agent. The authorization form shall further indicate 1847
that if no arrangements for the final disposition of the 1848
cremated remains have been made within sixty days after the 1849

cremation and if the authorizing agent or person designated on 1850
the authorization form to receive the cremated remains has not 1851
picked them up or caused them to be picked up within that 1852
period, the crematory operator or the crematory facility may 1853
dispose of them in accordance with division (C)(1) or (2) of 1854
section 4717.27 of the Revised Code. 1855

(9) The certification of the authorizing agent to the 1856
effect that all of the information and statements contained in 1857
the authorization form are accurate. 1858

(B) An authorizing agent who signs a cremation 1859
authorization form under this section is hereby deemed to 1860
warrant the accuracy of the information and statements contained 1861
in the authorization form, including the person's authority to 1862
authorize the cremation. 1863

(C) At any time after executing a cremation authorization 1864
form and prior to the beginning of the cremation process, an 1865
authorizing agent who executed a cremation authorization form 1866
under this section may, in writing, revoke the authorization, 1867
cancel the cremation, and claim the decedent's body or the body 1868
parts for purposes of making alternative arrangements for the 1869
final disposition of the decedent's body or the body parts. The 1870
~~operator of a crematory facility~~ shall cancel the cremation if 1871
the ~~operator~~ crematory facility receives such a revocation 1872
before beginning the cremation. 1873

(D) A cremation authorization form executed under this 1874
section does not constitute a contract for conducting the 1875
cremation of the decedent named in the authorization form or 1876
body parts removed from the decedent or living person named in 1877
the form or for the final disposition of the cremated remains of 1878
the decedent or body parts. The revocation of a cremation 1879

authorization form or modification of the arrangements for the 1880
final disposition of the cremated remains of the decedent or the 1881
body parts pursuant to division (C) of this section does not 1882
affect the validity or enforceability of any contract for the 1883
cremation of the decedent named in the authorization form, the 1884
cremation of body parts from the decedent or living person named 1885
in the authorization form, or the final disposition of the 1886
cremated remains of the decedent or body parts. 1887

Sec. 4717.26. (A) The ~~operator of a~~ crematory facility may 1888
schedule the time for the cremation of a dead human body to 1889
occur at the operator's crematory facility's own convenience at 1890
any time after the conditions set forth in division (A) or (B) 1891
of section 4717.23 of the Revised Code, as applicable, have been 1892
met and the decedent or body parts have been delivered to the 1893
facility, unless, in the case of a dead human body, the ~~operator~~ 1894
crematory facility has received specific instructions to the 1895
contrary on the cremation authorization form authorizing the 1896
cremation of the decedent executed under section 4717.21, 1897
4717.24, or 4717.25 of the Revised Code. The ~~operator of a~~ 1898
crematory facility becomes responsible for a dead human body or 1899
body parts when the body or body parts have been delivered to or 1900
accepted by the facility or an employee or agent of the 1901
facility. 1902

(B) No crematory operator of a or crematory facility shall 1903
fail to do either of the following: 1904

(1) Upon receipt at the crematory facility of any dead 1905
human body that has not been embalmed, and subject to the 1906
prohibition set forth in division (C) (1) of this section, place 1907
the body in a holding or refrigerated facility at the crematory 1908
facility and keep the body in the holding or refrigerated 1909

facility until near the time the cremation process commences or 1910
until the body is held at the facility for eight hours or 1911
longer. If the body is held for eight hours or longer, place the 1912
body in a refrigerated facility at the crematory facility and 1913
keep the body in the refrigerated facility until near the time 1914
the cremation process commences; 1915

(2) Upon receipt of any dead human body that has been 1916
embalmed, place the body in a holding facility at the crematory 1917
facility and keep the body in the holding facility until the 1918
cremation process commences. 1919

(C) No crematory operator ~~of a~~ or crematory facility shall 1920
do either of the following, unless the instructions contained in 1921
the cremation authorization form authorizing the cremation of 1922
the decedent executed under section 4717.21, 4717.24, or 4717.25 1923
of the Revised Code specifically provide otherwise: 1924

(1) Remove any dead human body from the casket or 1925
alternative container in which the body was delivered to or 1926
accepted by the crematory facility; 1927

(2) Fail to cremate the casket or alternative container in 1928
which the body was delivered or accepted, in its entirety with 1929
the body. 1930

(D) No ~~operator of a~~ crematory facility shall 1931
simultaneously cremate more than one decedent or body parts 1932
removed from more than one decedent or living person in the same 1933
cremation chamber unless the cremation authorization forms 1934
executed under section 4717.21, 4717.24, or 4717.25 of the 1935
Revised Code authorizing the cremation of each of the decedents 1936
or body parts removed from each decedent or living person 1937
specifically authorize such a simultaneous cremation. This 1938

division does not prohibit the use of cremation equipment that 1939
contains more than one cremation chamber. 1940

(E) No ~~operator of a~~ crematory facility shall permit any 1941
persons other than employees of the crematory facility, the 1942
authorizing agent for the cremation of the decedent who is to 1943
be, is being, or was cremated, persons designated to be present 1944
at the cremation of the decedent on the cremation authorization 1945
form executed under section 4717.21 or 4717.24 of the Revised 1946
Code, and persons authorized by the individual who is actually 1947
in charge of the crematory facility, to be present in the 1948
holding facility or cremation room while any dead human bodies 1949
or body parts are being held there prior to cremation or are 1950
being cremated or while any cremated remains are being removed 1951
from the cremation chamber. 1952

(F) (1) No ~~operator of a~~ crematory facility shall remove 1953
any dental gold, body parts, organs, or other items of value 1954
from a dead human body prior to the cremation or from the 1955
cremated remains after cremation unless the cremation 1956
authorization form authorizing the cremation of the decedent 1957
executed under section 4717.21 or 4717.24 of the Revised Code 1958
specifically authorizes the removal thereof. 1959

(2) No ~~operator of a~~ crematory facility that removes any 1960
dental gold, body parts, organs, or other items from a dead 1961
human body or assists in such removal shall charge a fee for 1962
doing so that exceeds the actual cost to the crematory facility 1963
for performing or assisting in the removal. 1964

(G) Upon the completion of each cremation, the ~~operator of~~ 1965
~~a~~ crematory facility shall remove from the cremation chamber all 1966
of the cremation residue that is practicably recoverable. If the 1967
cremation authorization form executed under section 4717.21, 1968

4717.24, or 4717.25 of the Revised Code specifies that the 1969
cremated remains are to be placed in an urn, the ~~operator-~~ 1970
crematory facility shall place them in the type of urn specified 1971
on the authorization form. If the authorization form does not 1972
specify that the cremated remains are to be placed in an urn, 1973
the ~~operator-~~crematory facility shall place them in a temporary 1974
container. If not all of the recovered cremated remains will fit 1975
in the urn selected or the temporary container, the ~~operator-~~ 1976
crematory facility shall place the remainder in a separate 1977
temporary container, and the cremated remains placed in the 1978
separate temporary container shall be delivered, released, or 1979
disposed of along with those in the urn or other temporary 1980
container. Nothing in this section requires ~~an operator of a~~ 1981
crematory facility to recover any specified quantity or quality 1982
of cremated remains upon the completion of a cremation, but only 1983
requires ~~an operator-~~a crematory facility to recover from the 1984
cremation chamber all of the cremation residue that is 1985
~~practically-~~practicably recoverable. 1986

(H) No ~~operator of a~~ crematory facility shall knowingly 1987
represent to an authorizing agent or a designee of an 1988
authorizing agent that an urn or temporary container contains 1989
the recovered cremated remains of a specific decedent or of body 1990
parts removed from a specific decedent or living person when it 1991
does not. This division does not prohibit the making of such a 1992
representation because of the presence in the recovered cremated 1993
remains of de minimus amounts of the cremated remains of another 1994
decedent or of body parts removed from another decedent or 1995
living person that were not practicably recoverable and that 1996
remained in the cremation chamber after the cremated remains 1997
from previous cremations were removed. 1998

(I) No ~~operator of a~~ crematory facility or funeral 1999

director shall ship or cause to be shipped any cremated remains 2000
by a class or method of mail, common carrier service, or 2001
delivery service that does not have an internal system for 2002
tracing the location of the cremated remains during shipment and 2003
that does not require a signed receipt from the person accepting 2004
delivery of the cremated remains. 2005

(J) No ~~operator of a~~ crematory facility shall fail to 2006
establish and maintain a system for accurately identifying each 2007
dead human body in the facility's possession, and for 2008
identifying each decedent or living person from which body parts 2009
in the facility's possession were removed, throughout all phases 2010
of the holding and cremation process. 2011

(K) No ~~operator of a~~ crematory facility shall knowingly 2012
use or allow the use of the same cremation chamber for the 2013
cremation of dead human bodies, or human body parts, and 2014
animals. 2015

Sec. 4717.27. (A) The authorizing agent who executed the 2016
cremation authorization form authorizing the cremation of a 2017
decedent under section 4717.24 of the Revised Code or the 2018
cremation of body parts under section 4717.25 of the Revised 2019
Code is ultimately responsible for the final disposition of the 2020
cremated remains of the decedent or body parts. 2021

(B) If the cremation authorization form does not contain 2022
instructions for the final disposition of the cremated remains 2023
of the decedent or body parts, if no arrangements for the 2024
disposition of the cremated remains are made within thirty days 2025
after the completion of the cremation, and if the cremated 2026
remains have not been picked up within that thirty-day period by 2027
the person designated to receive them on the authorization form 2028
or, in the absence of such a designated person, by the 2029

authorizing agent, the ~~operator of the~~ crematory facility or the 2030
funeral home holding the unclaimed cremated remains, at the end 2031
of that thirty-day period, may release or deliver them in person 2032
to, or cause their delivery by a method described in division 2033
(I) of section 4717.26 of the Revised Code that is acceptable 2034
under that division to, the person designated to receive them on 2035
the cremation authorization form or, if no person has been so 2036
designated, to the authorizing agent. 2037

(C) (1) If the cremation authorization form does not 2038
contain instructions for the final disposition of the cremated 2039
remains of the decedent or body parts, if no arrangements for 2040
the final disposition of the cremated remains are made within 2041
sixty days after the completion of the cremation, and if the 2042
cremated remains have not been picked up by the person 2043
designated on the authorization form to receive them or, in the 2044
absence of such a designated person, by the authorizing agent, 2045
the ~~operator of the~~ crematory facility or the funeral home 2046
holding the unclaimed cremated remains may dispose of the 2047
cremated remains in a grave, crypt, or niche, by scattering them 2048
in any dignified manner, including in a memorial garden, at sea, 2049
by air, or at any scattering grounds described in section 2050
1721.21 of the Revised Code, or in any other lawful manner, at 2051
any time after the end of that sixty-day period. 2052

(2) If the cremation authorization form specifies the 2053
manner of the final disposition of the cremated remains, or if 2054
within sixty days after the completion of the cremation the 2055
authorizing agent makes arrangements for the final disposition 2056
of the cremated remains, and if either the arrangements have not 2057
been carried out within that sixty-day period because of the 2058
inaction of a party other than the operator of the crematory 2059
facility or the funeral home holding the unclaimed cremated 2060

remains, or the authorizing agent fails to pick up the cremated 2061
remains within that sixty-day period, the ~~operator of the~~ 2062
crematory facility or the funeral home holding the unclaimed 2063
cremated remains may dispose of the cremated remains in a grave, 2064
crypt, or niche, by scattering them in any dignified manner, 2065
including in a memorial garden, at sea, by air, or at any 2066
scattering grounds described in section 1721.21 of the Revised 2067
Code, or in any other lawful manner, at any time after the end 2068
of that period. 2069

(3) If cremated remains of a decedent who was eighteen 2070
years or older at the time of death are unclaimed under 2071
divisions (C) (1) and (2) of this section, the ~~operator of the~~ 2072
crematory facility or the funeral home holding the cremated 2073
remains shall, before disposing of the unclaimed cremated 2074
remains, notify the secretary of the United States department of 2075
veterans affairs of the name of, and other identifying 2076
information related to, the decedent. If, within sixty days of 2077
the notification, the secretary of the department of veterans 2078
affairs notifies the crematory facility or funeral home that the 2079
decedent was a veteran who is eligible for burial in a national 2080
cemetery under the control of the national cemetery 2081
administration and that the secretary agrees to provide for the 2082
cost of the transportation and burial of the unclaimed cremated 2083
remains in a national cemetery, the crematory facility or 2084
funeral home shall follow the directions of the secretary and 2085
arrange for the burial of the unclaimed remains in the national 2086
cemetery at the secretary's expense. If the secretary does not 2087
assume the right to direct the burial of the unclaimed remains 2088
within sixty days of the notification by the crematory facility 2089
or funeral home, the crematory facility or funeral home may 2090
carry out the disposition of the unclaimed remains under 2091

divisions (C) (1) and (2) of this section. 2092

(4) When cremated remains are disposed of in accordance 2093
with division (C) (1) or (2) of this section, the authorizing 2094
agent who executed the cremation authorization form authorizing 2095
the cremation of the decedent or body parts under section 2096
4717.24 or 4717.25 of the Revised Code is liable to the ~~operator~~ 2097
~~of the~~ crematory facility or the funeral home for the cost of 2098
the final disposition, which cost shall not exceed the 2099
reasonable cost for disposing of the cremated remains in a 2100
common grave or crypt in the county where the cremated remains 2101
were buried or placed in a grave, crypt or niche, or scattered. 2102

(D) (1) Except as provided in division (D) (2) of this 2103
section, no person shall do either of the following: 2104

(a) Dispose of the cremated remains of a dead human body 2105
or body parts in such a manner or in such a location that the 2106
cremated remains are commingled with those of another decedent 2107
or body parts removed from another decedent or living person; 2108

(b) Place the cremated remains of more than one decedent 2109
or of body parts removed from more than one decedent or living 2110
person in the same urn or temporary container. 2111

(2) Division (D) (1) of this section does not prohibit any 2112
of the following: 2113

(a) The scattering of cremated remains at sea or by air or 2114
in a dedicated area at a cemetery used exclusively for the 2115
scattering on the ground of the cremated remains of dead human 2116
bodies or body parts. 2117

(b) The commingling of the cremated remains of more than 2118
one decedent or of body parts removed from more than one 2119
decedent or living person or the placement in the same urn or 2120

temporary container of the cremated remains of more than one 2121
decedent or of body parts removed from more than one decedent or 2122
living person when each authorizing agent who executed the 2123
cremation authorization form authorizing the cremation of each 2124
of the decedents or body parts removed from each of the 2125
decedents or living persons under section 4717.21, 4717.24, or 2126
4717.25 of the Revised Code authorized the commingling of the 2127
cremated remains or the placement of the cremated remains in the 2128
same urn or temporary container on the authorization form. 2129

(c) The commingling, by the individual designated on the 2130
cremation authorization form authorizing the cremation of the 2131
decedent or body parts to receive the cremated remains, other 2132
than a funeral director or employee of a cemetery, or by the 2133
authorizing agent who executed the cremation authorization form, 2134
after receipt of the cremated remains, of the cremated remains 2135
with those of another decedent or of body parts removed from 2136
another decedent or living person or the placing of them by any 2137
such person in the same urn or temporary container with those of 2138
another decedent or of body parts removed from another decedent 2139
or living person. 2140

Sec. 4717.28. (A) No ~~operator of a~~ crematory facility 2141
shall fail to ensure that a written receipt is provided to the 2142
person who delivers a dead human body or body parts to the 2143
facility for cremation. If the dead human body is other than one 2144
that was donated to science for purposes of medical education or 2145
research, the receipt shall be signed by both a representative 2146
of the crematory facility and the person who delivered the 2147
decedent to the crematory facility and shall indicate the name 2148
of the decedent; the date and time of delivery; the type of 2149
casket or alternative container in which the decedent was 2150
delivered to the facility; the name of the person who delivered 2151

the decedent to the facility; if applicable, the name of the 2152
funeral home or other establishment with whom the delivery 2153
person is affiliated; and the name of the person who received 2154
the decedent on behalf of the facility. If the dead human body 2155
was donated to science for purposes of medical education or 2156
research, the receipt shall consist of a copy of the cremation 2157
authorization form executed under section 4717.21, 4717.24, or 2158
4717.25 of the Revised Code that authorizes the cremation of the 2159
decedent or body parts that has been signed by both a 2160
representative of the crematory facility and the person who 2161
delivered the decedent or body parts to the crematory facility 2162
and that indicates the date and time of the delivery. The 2163
operator may provide the copy of the receipt to the person who 2164
delivered the decedent or body parts to the facility either in 2165
person or by certified mail, return receipt requested. 2166

(B) No ~~operator of a~~ crematory facility shall fail to 2167
ensure at the time of releasing cremated remains that a written 2168
receipt signed by both a representative of the crematory 2169
facility and the person who received the cremated remains is 2170
provided to the person who received the cremated remains. Unless 2171
the cremated remains are those of a dead human body that was 2172
donated to science for purposes of medical education or research 2173
or are those of body parts, the receipt shall indicate the name 2174
of the decedent; the date and time of the release; the name of 2175
the person to whom the cremated remains were released; if 2176
applicable, the name of the funeral home, cemetery, or other 2177
entity to whom the cremated remains were released; and the name 2178
of the person who released the cremated remains on behalf of the 2179
crematory facility. If the cremated remains are those of a dead 2180
human body that was donated to science for purposes of medical 2181
education or research or are those of body parts, the receipt 2182

shall consist of a copy of the cremation authorization form 2183
executed under section 4717.21, 4717.24, or 4717.25 of the 2184
Revised Code that authorizes the cremation of the decedent or 2185
body parts that has been signed by both a representative of the 2186
crematory facility and the person who received the cremated 2187
remains and that indicates the date and time of the release. If 2188
the cremated remains were delivered to the authorizing agent or 2189
other individual designated on the cremation authorization form 2190
by a method described in division (I) of section 4717.26 of the 2191
Revised Code that is acceptable under that division, the receipt 2192
required by this division shall accompany the cremated remains, 2193
and the signature of the authorizing agent or other designated 2194
individual on the delivery receipt meets the requirement of this 2195
division that the person receiving the cremated remains sign the 2196
receipt provided by the crematory facility. 2197

(C) No ~~operator of a~~ crematory facility shall fail to make 2198
or keep on file during the time that the ~~operator crematory~~ 2199
facility remains engaged in the business of cremating dead human 2200
bodies or body parts, all of the following records and 2201
documents: 2202

(1) A copy of each receipt issued upon acceptance by or 2203
delivery to the crematory facility of a dead human body under 2204
division (A) of this section; 2205

(2) A record of each cremation conducted at the facility, 2206
containing at least the name of the decedent or, in the case of 2207
body parts, the name of the decedent or living person from whom 2208
the body parts were removed, the date and time of the cremation, 2209
and the final disposition made of the cremated remains; 2210

(3) A copy of each delivery receipt issued under division 2211
(B) of this section; 2212

(4) A separate record of the cremated remains of each 2213
decedent or the body parts removed from each decedent or living 2214
person that were disposed of in accordance with division (C) (1) 2215
or (2) of section 4717.27 of the Revised Code, containing at 2216
least the name of the decedent, the date and time of the 2217
cremation, and the location, date, and manner of final 2218
disposition of the cremated remains. 2219

(D) All records required to be maintained under sections 2220
4717.21 to 4717.30 of the Revised Code are subject to inspection 2221
by the board of embalmers and funeral directors or an authorized 2222
representative of the board, upon reasonable notice, at any 2223
reasonable time. 2224

Sec. 4717.30. (A) ~~The A crematory operator of a ,~~ 2225
~~crematory facility or a ,~~ funeral director, or funeral home is 2226
not liable in damages in a civil action for any of the following 2227
actions or omissions, unless the actions or omissions were made 2228
with malicious purpose, in bad faith, or in a wanton or reckless 2229
manner or unless any of the conditions set forth in divisions 2230
(B) (1) to (3) of this section apply: 2231

(1) (a) For having arranged or performed the cremation of 2232
the decedent, or having released or disposed of the cremated 2233
remains, in accordance with the instructions set forth in the 2234
cremation authorization form executed by the decedent on an 2235
antemortem basis under section 4717.21 of the Revised Code; 2236

(b) For having arranged or performed the cremation of the 2237
decedent or body parts removed from the decedent or living 2238
person or having released or disposed of the cremated remains in 2239
accordance with the instructions set forth in a cremation 2240
authorization form executed by the person authorized to serve as 2241
the authorizing agent for the cremation of the decedent or for 2242

the cremation of body parts of the decedent or living person, 2243
named in the cremation authorization form executed under section 2244
4717.24 or 4717.25 of the Revised Code. 2245

(2) For having arranged or performed the cremation of the 2246
decedent, or having released or disposed of the cremated 2247
remains, in accordance with the instructions set forth in the 2248
cremation authorization form executed by a designated agent 2249
under division (C) of section 4717.24 of the Revised Code. 2250

(B) The crematory operator of a, crematory facility, 2251
funeral director, or funeral home is not liable in damages in a 2252
civil action for refusing to accept a dead human body or body 2253
parts or to perform a cremation under any of the following 2254
circumstances, unless the refusal was made with malicious 2255
purpose, in bad faith, or in a wanton or reckless manner: 2256

(1) The crematory operator, crematory facility, funeral 2257
director, or funeral home has actual knowledge that there is a 2258
dispute regarding the cremation of the decedent or body parts, 2259
until such time as the crematory operator, crematory facility, 2260
funeral director, or funeral home receives an order of the 2261
probate court having jurisdiction ordering the cremation of the 2262
decedent or body parts or until the crematory operator, 2263
crematory facility, funeral director, or funeral home receives 2264
from the parties to the dispute a copy of a written agreement 2265
resolving the dispute and authorizing the cremation to be 2266
performed. 2267

(2) The crematory operator, crematory facility, funeral 2268
director, or funeral home has a reasonable basis for questioning 2269
the accuracy of any of the information or statements contained 2270
in a cremation authorization form executed under section 2271
4717.21, 4717.24, or 4717.25 of the Revised Code, as applicable, 2272

that authorizes the cremation of the decedent or body parts. 2273

(3) The crematory operator, crematory facility, funeral 2274
director, or funeral home has any other lawful reason for 2275
refusing to accept the dead human body or body parts or to 2276
perform the cremation. 2277

(C) ~~The~~ A crematory operator of a, crematory facility or 2278
~~a, funeral director, or funeral home~~ is not liable in damages 2279
in a civil action for refusing to release or dispose of the 2280
cremated remains of a decedent or body parts when the crematory 2281
~~operator or, crematory facility, funeral director, or funeral~~ 2282
home has actual knowledge that there is a dispute regarding the 2283
release or final disposition of the cremated remains in 2284
connection with any damages sustained, prior to the time the 2285
crematory operator, crematory facility, funeral home, or funeral 2286
director receives an order of the probate court having 2287
jurisdiction ordering the release or final disposition of the 2288
cremated remains, or prior to the time the crematory operator or 2289
, crematory facility, funeral director, or funeral home receives 2290
from the parties to the dispute a copy of a written agreement 2291
resolving the dispute and authorizing the cremation to be 2292
performed. 2293

(D) ~~The~~ A crematory operator of a, crematory facility, 2294
funeral director, or funeral home is not liable in damages in a 2295
civil action in connection with the cremation of, or disposition 2296
of the cremated remains of, any dental gold, jewelry, or other 2297
items of value delivered to the crematory facility or funeral 2298
home with a dead human body or body parts, unless either or both 2299
of the following apply: 2300

(1) The cremation authorization form authorizing the 2301
cremation of the decedent or body parts executed under section 2302

4717.21, 4717.24, or 4717.25 of the Revised Code, as applicable, 2303
contains specific instructions for the removal or recovery and 2304
disposition of any such dental gold, jewelry, or other items of 2305
value prior to the cremation, and the crematory operator, 2306
crematory facility, funeral director, or funeral home has failed 2307
to comply with the written instructions. 2308

(2) The actions or omissions of the crematory operator, 2309
crematory facility, funeral director, or funeral home were made 2310
with malicious purpose, in bad faith, or in a wanton or reckless 2311
manner. 2312

(E) (1) This section does not create a new cause of action 2313
against or substantive legal right against ~~the operator of a~~ 2314
crematory operator, crematory facility ~~or a,~~ funeral director, 2315
or funeral home. 2316

(2) This section does not affect any immunities from civil 2317
liability or defenses established by another section of the 2318
Revised Code or available at common law to which ~~the operator of~~ 2319
a crematory ~~or a~~ operator, crematory facility, funeral director, 2320
or funeral home may be entitled under circumstances not covered 2321
by this section. 2322

Sec. 4717.32. (A) Any preneed funeral contract that 2323
involves the payment of money or the purchase or assignment of 2324
an insurance policy or annuity shall be in writing and shall 2325
include all of the following information: 2326

(1) The name, address, and phone number of the seller and 2327
the name and address of the purchaser of the contract, and, if 2328
the contract beneficiary is someone other than the purchaser of 2329
the contract, the name and address of the contract beneficiary, 2330
and if the contract involves the payment of money but not the 2331

purchase or assignment of an insurance policy or annuity, the 2332
social security number of the purchaser of the contract or if 2333
the contract beneficiary is someone other than the purchaser, 2334
the social security number of the contract beneficiary; 2335

(2) A statement of the funeral goods and funeral services 2336
purchased, which disclosure may be made by attaching a copy of 2337
the completed statement of funeral goods and services selected 2338
to the preneed funeral contract; 2339

(3) A disclosure informing the purchaser whether the 2340
contract is either a guaranteed preneed funeral contract or a 2341
nonguaranteed preneed funeral contract, and, if the contract is 2342
guaranteed only in part, a disclosure specifying the funeral 2343
goods or funeral services included in the guarantee; 2344

(4) If the preneed funeral contract is a guaranteed 2345
contract, a disclosure that the seller, in exchange for all of 2346
the proceeds of the trust, insurance policy, or annuity, shall 2347
provide the funeral goods and funeral services set forth in the 2348
preneed funeral contract without regard to the actual cost of 2349
such funeral goods and funeral services prevailing at the time 2350
of performance and that the seller may receive any excess funds 2351
remaining after all expenses for the funeral have been paid. 2352

(5) If the preneed funeral contract is a nonguaranteed 2353
contract, a disclosure that the proceeds of the trust, insurance 2354
policy, or annuity shall be applied to the retail prices in 2355
effect at the time of the funeral for the funeral goods and 2356
funeral services set forth in the contract, that any excess 2357
funds remaining after all expenses for the funeral have been 2358
paid shall be paid to the estate of the decedent or the 2359
beneficiary named in the life insurance policy if the preneed 2360
funeral contract is funded by a life insurance policy, and that, 2361

in the event of an insufficiency in funds, the seller shall not 2362
be required to perform until payment arrangements satisfactory 2363
to the seller have been made. 2364

(6) A disclosure that the purchaser has the right to make 2365
the contract irrevocable and that if the preneed funeral 2366
contract is irrevocable, the purchaser does not have a right to 2367
revoke the contract; 2368

(7) A disclosure informing the purchaser of the initial 2369
right to cancel the preneed funeral contract within seven days 2370
as provided in division (A) of section 4717.34 of the Revised 2371
Code and the right to revoke a revocable preneed funeral 2372
contract in accordance with section 4717.35 or division ~~(E)~~(F) 2373
of section 4717.36 of the Revised Code, as applicable; 2374

(8) A disclosure that the seller may substitute funeral 2375
goods or funeral services of equal quality, value, and 2376
workmanship if those specified in the preneed funeral contract 2377
are unavailable at the time of need; 2378

(9) A disclosure that any purchaser of funeral goods and 2379
funeral services is entitled to receive price information prior 2380
to making that purchase in accordance with the federal trade 2381
commission's funeral industry practices revised rule, 16 C.F.R. 2382
part 453; 2383

(10) The following notice in boldface print and in 2384
substantially the following form: 2385

"NOTICE: Under Ohio law, the person holding the right of 2386
disposition of the remains of the individual contract 2387
beneficiary pursuant to section 2108.70 or 2108.81 of the 2388
Revised Code will have the right to make funeral arrangements 2389
inconsistent with the arrangements set forth in this contract. 2390

However, the individual contract beneficiary is encouraged to 2391
state his or her preferences as to funeral arrangements in a 2392
declaration of the right of disposition pursuant to section 2393
2108.72 of the Revised Code, including that the arrangements set 2394
forth in this contract shall be followed." 2395

(11) The notice described in division (A) of section 2396
4717.34 of the Revised Code. 2397

(12) A disclosure that any purchaser of funeral goods or 2398
funeral services funded in whole or in part in advance of death 2399
under a preneed funeral contract sold by a licensee under this 2400
chapter may be eligible for reimbursement of financial losses 2401
suffered as a result of malfeasance, misfeasance, default, 2402
failure, or insolvency of the licensee. 2403

(B) If a preneed funeral contract is funded by any means 2404
other than an insurance policy or policies, or an annuity or 2405
annuities, the preneed funeral contract shall include all of the 2406
following information in addition to the information required to 2407
be included under division (A) of this section: 2408

(1) Disclosures ~~identifying that~~ identify the name and 2409
address of the trustee of the preneed funeral contract trust 2410
established pursuant to section 4717.36 of the Revised Code, 2411
~~indicating that direct that any payments made by the purchaser~~ 2412
of the preneed funeral contract shall be made directly to the 2413
trustee identified in the preneed funeral contract, that 2414
indicate whether fees, expenses, ~~or and~~ taxes will be deducted 2415
from the trust, and ~~a statement of who that identify whether the~~ 2416
trust or the purchaser will be responsible for the taxes owed on 2417
the trust earnings; 2418

(2) A disclosure explaining the form in which the purchase 2419

price must be paid and, if the price is to be paid in 2420
installments, a disclosure to the purchaser regarding what 2421
constitutes a default under the preneed funeral contract and the 2422
consequences of the default; 2423

(3) The following notice in boldface print and in 2424
substantially the following form: 2425

"NOTICE: You, as the purchaser of this contract, will be 2426
notified in writing when the trustee of this contract has 2427
received a deposit of the funds you paid the seller under this 2428
contract. If you do not receive that notice within sixty days 2429
after the date you paid the funds to the seller, you should 2430
contact the trustee identified in the contract." 2431

(4) A disclosure that ~~a purchaser of if a~~ preneed funeral 2432
contract ~~that is irrevocable and that stipulates a firm or fixed~~ 2433
or firm or guaranteed price for the funeral goods and services 2434
~~and goods to be provided under the preneed funeral contract may~~ 2435
~~be charged a whether the seller will charge any initial service~~ 2436
fee as permitted by division (B) of section 4717.36 and a 2437
cancellation or transfer fee as specified in division 2438
~~(F) permitted by divisions (G) (2), (H), or (J) of section 4717.36~~ 2439
of the Revised Code ~~if the purchaser wishes to transfer the~~ 2440
~~contract to another seller.~~ 2441

(C) If a preneed funeral contract is funded by the 2442
purchase or assignment of one or more insurance policies or 2443
annuities, the preneed funeral contract shall include all of the 2444
following information in addition to the information required to 2445
be included under division (A) of this section: 2446

(1) The name and address of each applicable insurance 2447
company and any right the purchaser has regarding canceling or 2448

transferring the applicable insurance policies or annuities; 2449

(2) A directive that any payment made by the purchaser of 2450
the preneed funeral contract shall be made directly to the 2451
insurance company and, if premiums are being paid in 2452
installments, a description of the terms of payment for any 2453
remaining payments due if the funding is to be paid in 2454
installments; 2455

(3) A list of actions that constitute default under a 2456
preneed funeral contract and the consequences of a default; 2457

(4) The following notice in boldface print and in 2458
substantially the following form: 2459

"NOTICE: You, as the purchaser of this contract, will be 2460
notified in writing by the insurance company identified in this 2461
contract when the insurance policy or policies, or annuity or 2462
annuities, that will fund this contract have been issued. If you 2463
do not receive the notice within sixty days after the date you 2464
paid the funds to the seller, you should contact the insurance 2465
company identified in the contract." 2466

(D) The seller of a preneed funeral contract that is 2467
funded by the purchase or assignment of one or more insurance 2468
policies or annuities does not need to include in the contract 2469
the information described in divisions (C) (2) and (3) of this 2470
section if those disclosures are provided in the application for 2471
a life insurance policy or annuity or in the life insurance 2472
policy or annuity. 2473

Sec. 4717.33. (A) If a preneed funeral contract is funded 2474
by any means other than an insurance policy or policies, or an 2475
annuity or annuities, the trustee of the trust created pursuant 2476
to section 4717.36 of the Revised Code shall notify the 2477

purchaser of the preneed funeral contract in writing, within 2478
fifteen days after the trustee receives any payment to be 2479
deposited into the trust, that the trustee has received payment. 2480
The notice shall include all of the following information: 2481

- (1) The amount the trustee received; 2482
- (2) The name and address of the institution described in 2483
division ~~(B)~~ (D) of section 4717.36 of the Revised Code where 2484
the trust is being held; 2485
- (3) The name of the beneficiary of that trust. 2486

(B) If a preneed funeral contract is funded by the 2487
purchase or assignment of one or more insurance policies or 2488
annuities, the insurance company shall notify the purchaser of 2489
the preneed funeral contract in writing within sixty days after 2490
the insurance company receives an initial premium payment 2491
applicable to that preneed funeral contract. The notice shall 2492
include all of the following information that is pertinent to 2493
that preneed funeral contract: 2494

- (1) The amount the insurance company received; 2495
- (2) The name and address of the insurance company; 2496
- (3) The name of the insured; 2497
- (4) The amount of the death benefit; 2498
- (5) The policy or contract number of the insurance policy, 2499
annuity, or contract. 2500

(C) For purposes of division (B) of this section, delivery 2501
of an insurance policy, certificate, annuity, or contract to the 2502
purchaser shall satisfy the notice requirement specified in that 2503
division. 2504

Sec. 4717.35. If a preneed funeral contract contains a 2505
provision stating that the preneed funeral contract will be 2506
funded by the purchase of an insurance policy, the insurance 2507
agent who sold the policy that will fund that preneed funeral 2508
contract shall require that any payment made by the purchaser be 2509
made in the form of a check, cashier's check, or money order 2510
payable only to the insurance company. The insurance agent shall 2511
remit the application for insurance and the premium paid to the 2512
insurance company designated in the preneed funeral contract 2513
within the time period specified in division (B) (15) of section 2514
3905.14 of the Revised Code, unless the purchaser rescinds the 2515
preneed funeral contract in accordance with division (A) of 2516
section 4717.34 of the Revised Code. 2517

If the purchaser of a preneed funeral contract that is 2518
revocable and that is funded by an insurance policy or annuity 2519
elects to cancel the preneed funeral contract, the purchaser 2520
shall provide a written notice to the seller and the insurance 2521
company designated in the contract stating that the purchaser 2522
intends to cancel that contract. Fifteen days after the 2523
purchaser provides the notice to the seller of the contract and 2524
the insurance company, the purchaser may cancel the preneed 2525
funeral contract and change the beneficiary of the insurance 2526
policy or annuity or reassign the benefits under the policy or 2527
annuity. 2528

The purchaser of a preneed funeral contract that is 2529
irrevocable and that is funded by an insurance policy or annuity 2530
may transfer the preneed funeral contract to a successor seller 2531
by notifying the original seller of the designation of a 2532
successor seller. Within fifteen days after receiving the 2533
written notice of the designation of the successor seller from 2534
the purchaser, the original seller shall assign the seller's 2535

rights to the proceeds of the policy to the successor seller. 2536
The insurance company shall confirm the change of assignment by 2537
providing written notice to the policyholder. 2538

Sec. 4717.36. (A) This section applies only to preneed 2539
funeral contracts that are funded by any means other than an 2540
insurance policy or policies, or an annuity or annuities. 2541

~~One hundred per cent of all payments for funeral goods and 2542
funeral services made under a preneed funeral contract shall 2543
remain intact and held in trust in accordance with this section 2544
for the benefit of the contract beneficiary. No money in a 2545
preneed funeral contract trust shall be distributed from the 2546
trust except as provided in this section. Within thirty days 2547
after the provider of the funeral goods or funeral services 2548
receives any payment under a preneed funeral contract, the 2549
seller of the preneed funeral contract shall deliver the moneys 2550
received for that preneed funeral contract that have not been 2551
returned to the purchaser as provided in division (A) of section 2552
4717.34 of the Revised Code to the trustee designated in the 2553
preneed funeral contract. No money in a preneed funeral contract 2554
trust shall be distributed from the trust except as provided in 2555
this section. 2556~~

(B) A seller of a preneed funeral contract that stipulates 2557
a fixed or firm or guaranteed price for the funeral services and 2558
goods to be provided under the preneed funeral contract may 2559
charge an initial service fee not to exceed ten per cent of the 2560
total amount of all payments to be made under the preneed 2561
funeral contract. If the amount to be paid by the purchaser is 2562
to be paid in installments, not more than one-half of any 2563
payment may be applied to the initial service fee. If the 2564
preneed funeral contract is revoked by the purchaser, any 2565

portion of the initial service fee that has not been paid under 2566
the preneed funeral contract is no longer due and payable to the 2567
seller. 2568

(C) All payments made by the purchaser of a preneed 2569
funeral contract, except for the initial service fee permitted 2570
by division (B) of this section, shall be made in the form of a 2571
check, cashier's check, money order, or debit or credit card, 2572
payable only to the trustee of the preneed funeral contract 2573
trust. The funds deposited with the trustee shall remain intact 2574
and held in trust for the contract beneficiary. 2575

(D) The seller shall establish a preneed funeral contract 2576
trust at one of the following types of institutions and shall 2577
designate that institution as the trustee of the preneed funeral 2578
contract trust: 2579

(1) A trust company licensed under Chapter 1111. of the 2580
Revised Code; 2581

(2) A national bank, federal savings bank, or federal 2582
savings association that pledges securities in accordance with 2583
section 1111.04 of the Revised Code; 2584

(3) A credit union authorized to conduct business in this 2585
state pursuant to Chapter 1733. of the Revised Code. 2586

~~(C)~~ (E) Moneys deposited in a preneed funeral contract 2587
trust fund shall be held and invested in the manner in which 2588
trust funds are permitted to be held and invested pursuant to 2589
Chapter 1111. of the Revised Code. 2590

~~(D)~~ (F) The seller shall establish a separate preneed 2591
funeral contract trust for the moneys paid under each preneed 2592
funeral contract, unless the purchaser or purchasers of a 2593
preneed funeral contract or contracts authorize the seller to 2594

place the moneys paid for that contract or those contracts in a 2595
combined preneed funeral contract trust. The trustee of a 2596
combined preneed funeral contract trust shall keep exact records 2597
of the corpus, income, expenses, and disbursements with regard 2598
to each purchaser and contract beneficiary for whom moneys are 2599
held in the trust. The terms of a preneed funeral contract trust 2600
are governed by this section and the payments from that trust 2601
are governed by Chapter 1111. of the Revised Code, except as 2602
otherwise provided in this section. 2603

A trustee of a preneed funeral contract trust may pay 2604
taxes and expenses for a preneed funeral contract trust and may 2605
charge a fee for managing a preneed funeral contract trust. The 2606
fee shall not exceed the amount regularly or usually charged for 2607
similar services rendered by the institutions described in 2608
division ~~(B)~~(D) of this section when serving as a trustee. The 2609
taxes, expenses, and fees shall be paid only from the 2610
accumulated income on that trust. 2611

~~(E)~~(G) If the purchaser of a preneed funeral contract 2612
that is revocable elects to cancel the contract, the purchaser 2613
shall provide a written notice to the seller of the contract and 2614
the trustee of the preneed funeral contract trust stating that 2615
the purchaser intends to cancel the contract. Fifteen days after 2616
the purchaser provides that notice to the seller and trustee, 2617
the purchaser may cancel the contract. Upon canceling a preneed 2618
funeral contract pursuant to this division, one of the following 2619
shall occur, as applicable: 2620

(1) If the preneed funeral contract does not stipulate a 2621
firm or fixed or guaranteed price for funeral goods and funeral 2622
services to be provided under the preneed funeral contract, the 2623
trustee shall give to the purchaser all of the assets of the 2624

trust that exist at the time of cancellation, less any fees 2625
charged, distributions paid, and expenses incurred by the 2626
trustee pursuant to division ~~(D)~~ (F) of this section. 2627

(2) If the preneed funeral contract does stipulate a firm 2628
or fixed or guaranteed price for funeral goods and funeral 2629
services to be provided under the contract, the purchaser may 2630
request and receive from the trustee all of the assets of the 2631
trust at the time of cancellation, less a cancellation fee that 2632
the original seller may collect from the trustee that is equal 2633
to or less than ten per cent of the value of the assets of the 2634
trust on the date the trust is cancelled, provided, however, 2635
that to the extent the original seller took an initial service 2636
fee as permitted by division (B) of this section, the aggregate 2637
amount of the cancellation fee and ~~less~~ the initial service fee 2638
may not exceed ten per cent of the value of those assets. In 2639
addition to any cancellation fee, there may also be deducted any 2640
fees charged, distributions paid, and expenses incurred by the 2641
trustee pursuant to division ~~(D)~~ (F) of this section. 2642

If more than one purchaser enters into the contract, all 2643
of those purchasers must request cancellation of the contract 2644
for it to be effective under this division, and the trustee 2645
shall refund to each purchaser only those funds that purchaser 2646
has paid under the contract and any income earned on those funds 2647
in an amount that is in direct proportion to the amount of funds 2648
that purchaser paid relative to the total amount of payments 2649
deposited in that trust, less any fees charged, distributions 2650
paid, and expenses incurred by the trustee pursuant to division 2651
~~(D)~~ (F) of this section, the amount of which are in direct 2652
proportion to the amount of funds that purchaser paid relative 2653
to the total amount of payments deposited in that trust. 2654

~~(F)~~ (H) The purchaser of a preneed funeral contract that 2655
is irrevocable may transfer the preneed funeral contract to a 2656
successor seller. A purchaser who elects to make such a transfer 2657
shall provide a written notice of the designation of a successor 2658
seller to the trustee and the original seller. Within fifteen 2659
days after receiving the written notice of the new designation 2660
from the purchaser, the trustee shall list the successor seller 2661
as the seller of the preneed funeral contract and the original 2662
seller shall relinquish and transfer all rights under the 2663
preneed funeral contract to the successor seller. The trustee 2664
shall confirm the transfer by providing written notice of the 2665
transfer to the original seller, the successor seller, and the 2666
purchaser. If the preneed funeral contract stipulates a firm or 2667
fixed or guaranteed price for the funeral goods and funeral 2668
services to be provided under the preneed funeral contract, the 2669
original seller may collect from the trustee a transfer fee from 2670
the trust that equals up to ten per cent of the value of the 2671
assets of the trust on the date the trust is transferred, 2672
provided, however, that to the extent the original seller took 2673
an initial service fee as permitted by division (B) of this 2674
section, the aggregate amount of the transfer fee and the 2675
initial service fee may not exceed ten per cent of the value of 2676
those assets. If the preneed funeral contract does not stipulate 2677
a firm or fixed or guaranteed price for funeral goods and 2678
funeral services to be provided under the preneed funeral 2679
contract, no transfer fee shall be collected by the original 2680
seller. 2681

~~(G)~~ (I) If a seller of a preneed funeral contract elects 2682
to transfer a preneed funeral contract trust from an institution 2683
listed in divisions (B) (1) to (3) of this section to a different 2684
institution, the trustee of the original trust shall notify the 2685

purchaser of the preneed funeral contract of that transfer in 2686
writing within thirty days after the transfer occurred and shall 2687
provide the purchaser with the name of and the contact 2688
information for the institution where the new trust is 2689
maintained. Upon receipt of the trust, the trustee of the 2690
transferred trust shall notify the purchaser of the receipt of 2691
the trusts in accordance with division (A) of section 4717.33 of 2692
the Revised Code. 2693

~~(H)~~ (J) If a seller receives a notice that the contract 2694
beneficiary has died and that funeral goods and funeral services 2695
have been provided by a provider other than the seller, except 2696
as otherwise specified in this section, the seller shall direct 2697
the trustee, within thirty days after receiving that notice, to 2698
pay to the provider that provided the funeral goods and 2699
services, if still unpaid, or the estate of the contract 2700
beneficiary all funds held by the trustee, less any fees 2701
charged, distributions paid, and expenses incurred by the 2702
trustee pursuant to division (D) of this section. In the event 2703
the preneed funeral contract stipulates a firm or fixed or 2704
guaranteed price for funeral goods and funeral services that 2705
were to be provided under the preneed funeral contract, the 2706
seller may collect from the trustee a cancellation fee not 2707
exceeding ten per cent of the value of the assets of the trust 2708
on the date the trust is transferred, provided, however, that to 2709
the extent the original seller took an initial service fee as 2710
permitted by division (B) of this section, the aggregate amount 2711
of the transfer fee and the initial service fee shall not exceed 2712
ten per cent of the value of those assets. If the preneed 2713
funeral trust does not stipulate a firm or fixed or guaranteed 2714
price for funeral goods and funeral services to be provided 2715
under the preneed funeral contract, no cancellation fees shall 2716

be collected by the original seller. 2717

~~(I)~~ (K) A certified copy of the certificate of death or 2718
other evidence of death satisfactory to the trustee shall be 2719
furnished to the trustee as evidence of death, and the trustee 2720
shall promptly pay the accumulated payments and income, if any, 2721
according to the preneed funeral contract. Such payment of the 2722
accumulated payments and income pursuant to this section and, 2723
when applicable, the preneed funeral contract, relieves the 2724
trustee of any further liability on the accumulated payments and 2725
income. 2726

Sec. 4717.41. (A) There is hereby created the preneed 2727
recovery fund, which shall be in the custody of the treasurer of 2728
state but shall not be part of the state treasury. All fees 2729
collected under division (A) (15) of section 4717.07 of the 2730
Revised Code shall be deposited into the fund. The fund shall be 2731
used to reimburse purchasers of preneed funeral contracts who 2732
have suffered financial loss as a result of the malfeasance, 2733
misfeasance, default, failure, or insolvency in connection with 2734
the sale of a preneed funeral contract by any licensee under 2735
this chapter, regardless of whether the sale of such contract 2736
occurred before or after the establishment of the fund. The 2737
fund, and all investment earnings thereon, shall only be used 2738
for the purposes set forth in this section and shall not be used 2739
for any other purposes. The fund shall be administered by the 2740
board of embalmers and funeral directors. 2741

(B) All fees collected under division (A) (15) of section 2742
4717.07 of the Revised Code shall be deposited into the fund. 2743
Deposits to and disbursements from the fund account shall be 2744
subject to rules established by the board. 2745

(C) If at the end of any fiscal year for this state, the 2746

balance in the fund exceeds two million dollars, the fee 2747
required by division (A) (15) of section 4717.07 of the Revised 2748
Code for the upcoming fiscal year shall be reduced by fifty per 2749
cent. If the balance in the fund at the end of a fiscal year 2750
exceeds three million dollars, the payment of the fee required 2751
by division (A) (15) of section 4717.07 of the Revised Code shall 2752
be suspended for the upcoming fiscal year. 2753

(D) The board shall adopt rules governing management of 2754
the fund, the presentation and processing of applications for 2755
reimbursement, subrogation, or assignment of the rights of any 2756
reimbursed applicant. 2757

(E) The board may expand moneys in the fund for the 2758
following purposes: 2759

(1) To make reimbursements on approved applications; 2760

(2) To purchase insurance to cover losses as considered 2761
appropriate by the board and not inconsistent with the purposes 2762
of the fund; 2763

(3) To invest such portions of the fund as are not 2764
currently needed to reimburse losses and maintain adequate 2765
reserves, as are permitted to be made by fiduciaries under the 2766
laws of this state; 2767

(4) To pay the expenses of the board for administering the 2768
fund, including employment of local counsel to prosecute 2769
subrogation claims. 2770

(F) Reimbursements from the fund shall be made only to the 2771
extent to which those losses are not bonded or otherwise 2772
covered, protected, or reimbursed and only after the applicant 2773
has complied with all applicable rules of the board. 2774

(G) The board shall investigate all applications made and 2775
may reject or allow such claims in whole or in part to the 2776
extent that moneys are available in the fund. The board shall 2777
have complete discretion to determine the order and manner of 2778
payment of approved applications. All payments shall be a matter 2779
of privilege and not of right, and no person shall have any 2780
right in the fund as a third-party beneficiary or otherwise. No 2781
attorney may be compensated by the board for prosecuting an 2782
application for reimbursement. 2783

(H) If reimbursement is made to an applicant under this 2784
section, the board shall be subrogated in the reimbursement 2785
amount and may bring any action it considers advisable against 2786
any person. The board may enforce any claims it may have for 2787
restitution or otherwise and may employ and compensate 2788
consultants, agents, legal counsel, accountants, and other 2789
persons it considers appropriate. 2790

Section 2. That existing sections 4717.01, 4717.02, 2791
4717.03, 4717.04, 4717.05, 4717.06, 4717.07, 4717.08, 4717.09, 2792
4717.10, 4717.11, 4717.13, 4717.14, 4717.15, 4717.16, 4717.21, 2793
4717.23, 4717.24, 4717.25, 4717.26, 4717.27, 4717.28, 4717.30, 2794
4717.32, 4717.33, 4717.35, and 4717.36 of the Revised Code are 2795
hereby repealed. 2796