

**As Introduced**

**133rd General Assembly  
Regular Session  
2019-2020**

**H. B. No. 524**

**Representative Ghanbari**

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**A BILL**

To amend sections 2108.75, 2108.82, 3705.20, 1  
4513.17, 4717.04, 4717.05, 4717.07, 4717.10, 2  
4717.13, 4717.14, 4717.28, 4717.30, 4717.31, 3  
4717.35, and 4717.36 of the Revised Code to make 4  
changes to the laws that impact funeral homes, 5  
funeral professionals, funeral hearses, funeral 6  
escort vehicles, and preneed funeral contracts. 7

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

**Section 1.** That sections 2108.75, 2108.82, 3705.20, 8  
4513.17, 4717.04, 4717.05, 4717.07, 4717.10, 4717.13, 4717.14, 9  
4717.28, 4717.30, 4717.31, 4717.35, and 4717.36 of the Revised 10  
Code be amended to read as follows: 11

**Sec. 2108.75.** (A) A person shall be disqualified from 12  
serving as a representative or successor representative, or from 13  
having the right of disposition for a deceased adult pursuant to 14  
section 2108.81 of the Revised Code, if any of the following 15  
occurs: 16

(1) The person dies. 17

(2) A probate court declares or determines that the person 18  
is incompetent. 19

(3) The person resigns or declines to exercise the right 20  
as described in section 2108.88 of the Revised Code. 21

(4) The person ~~refuses~~ fails to exercise the right within 22  
~~two days~~ forty-eight hours after notification of the declarant's 23  
or deceased adult's death or, if there is no notification, 24  
within seventy-two hours of the declarant's or deceased adult's 25  
death. 26

(5) The person cannot be located with reasonable effort. 27

(6) The person meets the criteria described in section 28  
2108.76 or 2108.77 of the Revised Code. 29

(7) The person refuses to assume the liability for the 30  
costs of disposition. 31

(B) No owner, employee, or agent of a funeral home, 32  
cemetery, or crematory providing funeral, burial, or cremation 33  
services for a declarant shall serve as a representative or 34  
successor representative for the declarant unless the owner, 35  
employee, or agent is related to the declarant by blood, 36  
marriage, or adoption. 37

(C) Subject to divisions (C) (2) and ~~(D) (2)~~ (D) of section 38  
2108.70 of the Revised Code, if a person is disqualified from 39  
serving as the declarant's representative or successor 40  
representative, or from having the right of disposition for a 41  
deceased adult pursuant to section 2108.81 of the Revised Code, 42  
as described in division (A) of this section, the right is 43  
automatically reassigned to, and vests in, the next person who 44  
has the right pursuant to the declarant's written declaration or 45  
pursuant to the order of priority in section 2108.81 of the 46  
Revised Code. 47

If a right of disposition for a deceased adult is assigned 48

to a funeral director under division (B) (9) of section 2108.81 49  
of the Revised Code, the funeral director is not liable for the 50  
cost of disposition. 51

**Sec. 2108.82.** (A) Notwithstanding section 2108.81 of the 52  
Revised Code and in accordance with division (B) of this 53  
section, the probate court for the county in which the declarant 54  
or deceased person resided at the time of death may, on its own 55  
motion or the motion of another person, assign to any person the 56  
right of disposition for a declarant or deceased person. 57

(B) In making a determination for purposes of division (A) 58  
of this section and division (C) of section 2108.79 of the 59  
Revised Code, the court shall consider the following: 60

(1) Whether evidence presented to, or in the possession of 61  
the court, demonstrates that the person who is the subject of 62  
the motion and the declarant or deceased person had a close 63  
personal relationship; 64

(2) The reasonableness and practicality of any plans that 65  
the person who is the subject of the motion may have for the 66  
declarant's or deceased person's funeral, burial, cremation, or 67  
final disposition, including the degree to which such plans 68  
allow maximum participation by all persons who wish to pay their 69  
final respects to the deceased person; 70

~~(3) The willingness of the person who is the subject of~~ 71  
~~the motion to assume the responsibility to pay for the~~ 72  
~~declarant's or deceased person's funeral, burial, cremation, or~~ 73  
~~final disposition and the desires of that person;~~ 74

~~(4) The convenience and needs of other families and~~ 75  
~~friends wishing to pay their final respects to the declarant or~~ 76  
~~deceased person;~~ 77

~~(5)-(4)~~ The express written desires of the declarant or  
deceased person. 78  
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~~(C) Except to the extent considered under division (B) (3)~~  
~~of this section, the following persons do~~ The personal  
representative of either the declarant or the deceased person  
does not have a greater claim to the right of disposition than  
such persons otherwise have pursuant to law. 80  
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~~(1) A person who is willing to assume the responsibility~~  
~~to pay for the declarant's or deceased person's funeral, burial,~~  
~~cremation, or final disposition;~~ 85  
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~~(2) The personal representative of the declarant or~~  
~~deceased person.~~ 88  
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**Sec. 3705.20.** (A) The fetal death of the product of human  
conception of at least twenty weeks of gestation shall be  
registered on a fetal death certificate. 90  
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On application of the funeral director or either parent,  
the fetal death of the product of human conception prior to  
twenty weeks of gestation shall be registered on a fetal death  
certificate, except that the fetal death certificate shall not  
list the cause of death. 93  
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The funeral director or the parent shall include with the  
application a copy of the statement required by division (B) (1)  
of section 3727.16 or division (B) (1) of section 4731.82 of the  
Revised Code. If the father submits the application, he shall  
also include with it a signed and notarized document from the  
mother attesting that she voluntarily provided the father with a  
copy of the statement. 98  
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A fetal death certificate for the product of human  
conception prior to twenty weeks gestation is not proof of a 105  
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live birth for purposes of federal, state, and local taxes. 107

(B) The product of human conception of at least twenty 108  
weeks of gestation that suffers a fetal death occurring in Ohio 109  
shall not be interred, deposited in a vault or tomb, cremated, 110  
or otherwise disposed of by a funeral director or other person 111  
until a fetal death certificate or provisional death certificate 112  
has been filed with and a burial permit is issued by the local 113  
registrar of vital statistics of the registration district in 114  
which the fetal death occurs, or the body is found. 115

A burial permit for the product of human conception that 116  
suffers a fetal death prior to twenty weeks of gestation shall 117  
be issued by the local registrar of vital statistics of the 118  
registration district in which the fetal death occurs if the 119  
funeral director or either parent files a fetal death 120  
certificate with that registrar. 121

(C) (1) The department of health and the local registrar 122  
shall keep a separate record and index record of fetal death 123  
certificates. 124

(2) The personal or statistical information on the fetal 125  
death certificate shall be obtained by the funeral director or 126  
other person in charge of interment or cremation from the best 127  
qualified persons or sources available. 128

(D) When a burial permit is issued under division (B) of 129  
this section for the product of human conception of at least 130  
twenty weeks of gestation that suffers a fetal death, the local 131  
registrar shall inform the parent or parents listed on the fetal 132  
death certificate or provisional death certificate of the option 133  
of applying for a certificate that is issued under division (B) 134  
(3) of section 3705.23 of the Revised Code. 135

Sec. 4513.17. (A) Whenever a motor vehicle equipped with 136  
headlights also is equipped with any auxiliary lights or 137  
spotlight or any other light on the front thereof projecting a 138  
beam of an intensity greater than three hundred candle power, 139  
not more than a total of five of any such lights on the front of 140  
a vehicle shall be lighted at any one time when the vehicle is 141  
upon a highway. 142

(B) Any lighted light or illuminating device upon a motor 143  
vehicle, other than headlights, spotlights, signal lights, or 144  
auxiliary driving lights, that projects a beam of light of an 145  
intensity greater than three hundred candle power, shall be so 146  
directed that no part of the beam will strike the level of the 147  
roadway on which the vehicle stands at a distance of more than 148  
seventy-five feet from the vehicle. 149

(C) (1) Flashing lights are prohibited on motor vehicles, 150  
except as a means for indicating a right or a left turn, or in 151  
the presence of a vehicular traffic hazard requiring unusual 152  
care in approaching, or overtaking or passing. ~~This~~ 153

(2) The prohibition in division (C) (1) of this section 154  
does not apply to ~~emergency~~ any of the following: 155

(a) Emergency vehicles, road service vehicles servicing or 156  
towing a disabled vehicle, stationary waste collection vehicles 157  
actively collecting garbage, refuse, trash, or recyclable 158  
materials on the roadside, rural mail delivery vehicles, 159  
vehicles as provided in section 4513.182 of the Revised Code, 160  
highway maintenance vehicles, ~~funeral hearses, funeral escort~~ 161  
~~vehicles,~~ and similar equipment operated by the department or 162  
local authorities, ~~which shall be~~ provided such vehicles are 163  
equipped with and display, when used on a street or highway for 164  
the special purpose necessitating such lights, a flashing, 165

oscillating, or rotating amber light, ~~but shall not display a~~ 166  
~~flashing, oscillating, or rotating light of any other color, nor~~ 167  
~~to vehicles;~~ 168

(b) Vehicles or machinery permitted by section 4513.11 of 169  
the Revised Code to have a flashing red light. 170

~~(2) When used on a street or highway, farm;~~ 171

(c) Farm machinery and vehicles escorting farm machinery 172  
may be, provided such machinery and vehicles are equipped with 173  
and display, when used on a street or highway, a flashing, 174  
oscillating, or rotating amber light, ~~and the prohibition~~ 175  
~~contained in division (C) (1) of this section does not apply to~~ 176  
~~such machinery or vehicles.~~ Farm machinery also may display the 177  
lights described in section 4513.11 of the Revised Code. 178

(d) A funeral hearse or funeral escort vehicle, provided 179  
that the funeral hearse or funeral escort vehicle is equipped 180  
with and displays, when used on a street or highway for the 181  
special purpose necessitating such lights, a flashing, 182  
oscillating, or rotating purple or amber light. 183

(D) (1) Except a person operating a public safety vehicle, 184  
as defined in division (E) of section 4511.01 of the Revised 185  
Code, or a school bus, no person shall operate, move, or park 186  
upon, or permit to stand within the right-of-way of any public 187  
street or highway any vehicle or equipment that is equipped with 188  
and displaying a flashing red or a flashing combination red and 189  
white light, or an oscillating or rotating red light, or a 190  
combination red and white oscillating or rotating light, ~~and~~ 191  
~~except.~~ 192

(2) Except a public law enforcement officer, or other 193  
person sworn to enforce the criminal and traffic laws of the 194

state, operating a public safety vehicle when on duty, no person 195  
shall operate, move, or park upon, or permit to stand within the 196  
right-of-way of any street or highway any vehicle or equipment 197  
that is equipped with, or upon which is mounted, and displaying 198  
a flashing blue or a flashing combination blue and white light, 199  
or an oscillating or rotating blue light, or a combination blue 200  
and white oscillating or rotating light. 201

(E) This section does not prohibit the use of warning 202  
lights required by law or the simultaneous flashing of turn 203  
signals on disabled vehicles or on vehicles being operated in 204  
unfavorable atmospheric conditions in order to enhance their 205  
visibility. This section also does not prohibit the simultaneous 206  
flashing of turn signals or warning lights either on farm 207  
machinery or vehicles escorting farm machinery, when used on a 208  
street or highway. 209

(F) Whoever violates this section is guilty of a minor 210  
misdemeanor. 211

**Sec. 4717.04.** (A) The board of embalmers and funeral 212  
directors shall adopt rules in accordance with Chapter 119. of 213  
the Revised Code for the government, transaction of the 214  
business, and the management of the affairs of the board of 215  
embalmers and funeral directors and the crematory review board, 216  
and for the administration and enforcement of this chapter. 217  
These rules shall include all of the following: 218

(1) The nature, scope, content, and form of the 219  
application that must be completed and license examination that 220  
must be passed in order to receive an embalmer's license or a 221  
funeral director's license under section 4717.05 of the Revised 222  
Code. The rules shall ensure both of the following: 223

(a) That the embalmer's license examination tests the applicant's knowledge through at least a comprehensive section and an Ohio laws section;	224 225 226
(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.	227 228 229
(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;	230 231 232
(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;	233 234 235 236
(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;	237 238 239 240
(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;	241 242 243 244 245
(6) Continuing education requirements for licensed embalmers and funeral directors;	246 247
(7) Requirements for the licensing and operation of funeral homes;	248 249
(8) Requirements for the licensing and operation of embalming facilities;	250 251

(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:	252 253 254 255
(a) Obtaining a license under this chapter by fraud or misrepresentation either in the application or in passing the required examination for the license;	256 257 258
(b) Purposely violating 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;	259 260 261 262 263 264 265
(c) Committing unprofessional conduct;	266
(d) Knowingly permitting 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;	267 268 269 270
(e) Refusing to promptly submit the custody of a dead human body or cremated remains upon the express order of the person legally entitled to the body;	271 272 273
(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 <u>and following the requirements of section 4717.11 of the Revised Code;</u>	274 275 276 277 278
(g) Misleading the public using false or deceptive advertising;	279 280

(h) Failing to forward to the board on or before its due 281  
date the annual report of preneed funeral sales required by 282  
division (J) of section 4717.31 of the Revised Code. If the 283  
annual report is sent to the board by United States mail, it 284  
shall be postmarked on or before the due date for the submission 285  
of the annual report in order to be timely filed with the board. 286  
Mail that is not postmarked shall be considered filed on the 287  
date it is received by the board. 288

Each instance of the commission of any of the types of 289  
conduct described in division (A) (9) of this section is a 290  
separate violation. The rules adopted under division (A) (9) of 291  
this section shall establish the amount of the forfeiture for a 292  
violation of each of those divisions. The forfeiture for a first 293  
violation shall not exceed five thousand dollars, and the 294  
forfeiture for a second or subsequent violation shall not exceed 295  
ten thousand dollars. The amount of the forfeiture may differ 296  
among the types of violations according to what the board 297  
considers the seriousness of each violation. 298

(10) Requirements for the licensing and operation of 299  
crematory facilities; 300

(11) Procedures for the board to take possession of and to 301  
arrange the lawful disposition of unclaimed cremated remains 302  
that were held or stored at a funeral home or crematory that has 303  
been closed; 304

(12) Procedures for the issuance of duplicate licenses; 305

(13) Requirements for criminal records checks of 306  
applicants under section 4776.03 of the Revised Code; 307

(14) The amount and content of corrective action courses 308  
required by the board under section 4717.14 of the Revised Code; 309

(15) Requirements for the sale of preneed funeral services 310  
and preneed funeral goods, the content and funding of preneed 311  
funeral contracts, and the payment and administration of preneed 312  
funeral funds. 313

(B) The board may adopt rules governing the educational 314  
standards for licensure as an embalmer or funeral director, or 315  
obtaining a permit to be a crematory operator, and the standards 316  
of service and practice to be followed in embalming, funeral 317  
directing, and cremation, and in the operation of funeral homes, 318  
embalming facilities, and crematory facilities in this state. 319

(C) Nothing in this chapter authorizes the board of 320  
embalmers and funeral directors to regulate cemeteries, except 321  
that the board shall license and regulate funeral homes, 322  
embalming facilities, and crematory facilities located at 323  
cemeteries in accordance with this chapter. 324

**Sec. 4717.05.** (A) Any person who desires to be licensed as 325  
an embalmer shall apply to the board of embalmers and funeral 326  
directors on a form provided by the board. The applicant shall 327  
include with the application an initial license fee as set forth 328  
in section 4717.07 of the Revised Code and evidence, verified by 329  
oath and satisfactory to the board, that the applicant meets all 330  
of the following requirements: 331

(1) The applicant is at least eighteen years of age and of 332  
good moral character. 333

(2) If the applicant has pleaded guilty to, has been found 334  
by a judge or jury to be guilty of, or has had a judicial 335  
finding of eligibility for treatment in lieu of conviction 336  
entered against the applicant in this state for aggravated 337  
murder, murder, voluntary manslaughter, felonious assault, 338

kidnapping, rape, sexual battery, gross sexual imposition, 339  
aggravated arson, aggravated robbery, or aggravated burglary, or 340  
has pleaded guilty to, has been found by a judge or jury to be 341  
guilty of, or has had a judicial finding of eligibility for 342  
treatment in lieu of conviction entered against the applicant in 343  
another jurisdiction for a substantially equivalent offense, at 344  
least five years has elapsed since the applicant was released 345  
from incarceration, a community control sanction, a post-release 346  
control sanction, parole, or treatment in connection with the 347  
offense. 348

(3) The applicant holds at least a bachelor's degree from 349  
a college or university authorized to confer degrees by the 350  
department of higher education or the comparable legal agency of 351  
another state in which the college or university is located and 352  
submits an official transcript from that college or university 353  
with the application. 354

(4) The applicant has satisfactorily completed at least 355  
twelve months of instruction in a prescribed course in mortuary 356  
science as approved by the board and has presented to the board 357  
a certificate showing successful completion of the course. The 358  
course of mortuary science college training may be completed 359  
either before or after the completion of the educational 360  
standard set forth in division (A) (3) of this section. 361

(5) The applicant has been certified by the board prior to 362  
beginning an embalmer apprenticeship. 363

(6) The applicant has satisfactorily completed at least 364  
one year of apprenticeship under an embalmer licensed in this 365  
state and has participated in embalming at least twenty-five 366  
dead human bodies. 367

(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 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 been certified by 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 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 397  
for a funeral director's license under division (C) (1) of this 398  
section, the applicant may substitute a satisfactorily completed 399  
two-year apprenticeship under a licensed funeral director in 400  
this state assisting that person in directing at least fifty 401  
funerals. 402

(E) Upon receiving satisfactory evidence that the 403  
applicant meets all the requirements of division (C) of this 404  
section, the board shall issue to the applicant a funeral 405  
director's license. 406

(F) A funeral director or embalmer may request the funeral 407  
director's or embalmer's license be placed on inactive status by 408  
submitting to the board a form prescribed by the board and such 409  
other information as the board may request. A funeral director 410  
or embalmer may not place the funeral director's or embalmer's 411  
license on inactive status unless the funeral director or 412  
embalmer is in good standing with the board and is in compliance 413  
with applicable continuing education requirements. A funeral 414  
director or embalmer who is granted inactive status is 415  
prohibited from participating in any activity for which a 416  
funeral director's or embalmer's license is required in this 417  
state. A funeral director or embalmer who has been granted 418  
inactive status is exempt from the continuing education 419  
requirements under section 4717.09 of the Revised Code during 420  
the period of the inactive status. 421

(G) A funeral director or embalmer who has been granted 422  
inactive status may not return to active status for at least two 423  
years following the date that the inactive status was granted. 424  
Following a period of at least two years of inactive status, the 425  
funeral director or embalmer may apply to return to active 426

status upon completion of all of the following conditions: 427

(1) The funeral director or embalmer files with the board 428  
a form prescribed by the board seeking active status and 429  
provides any other information as the board may request; 430

(2) The funeral director or embalmer takes and passes the 431  
Ohio laws examination for each license being activated; 432

(3) The funeral director or embalmer pays ~~a reactivation~~ 433  
~~fee to the board in the amount of one hundred forty dollars for~~ 434  
~~each license being reactivated~~the reactivation fee described in 435  
division (A) (1) of section 4717.07 of the Revised Code. 436

(H) As used in this section: 437

(1) "Community control sanction" has the same meaning as 438  
in section 2929.01 of the Revised Code. 439

(2) "Post-release control sanction" has the same meaning 440  
as in section 2967.01 of the Revised Code. 441

**Sec. 4717.07.** (A) The board of embalmers and funeral 442  
directors shall charge and collect the following fees: 443

(1) For applying for an initial or biennial renewal of an 444  
embalmer's or funeral director's license, or a reactivation of a 445  
license as described in division (G) of section 4717.05 of the 446  
Revised Code, two hundred dollars; 447

(2) For applying for an embalmer or funeral director 448  
certificate of apprenticeship, thirty-five dollars; 449

(3) For the application to take the examination for a 450  
license to practice as an embalmer or funeral director, or to 451  
retake a section of the examination, thirty-five dollars; 452

(4) For applying for an initial license to operate a 453

funeral home, four hundred dollars and biennial renewal of a 454  
license to operate a funeral home, four hundred dollars; 455

(5) For the reinstatement of a lapsed embalmer's or 456  
funeral director's license, the renewal fee prescribed in 457  
division (A) (1) of this section plus fifty dollars for each 458  
month or portion of a month the license is lapsed, but not more 459  
than one thousand dollars; 460

(6) For the reinstatement of a lapsed license to operate a 461  
funeral home, the renewal fee prescribed in division (A) (4) of 462  
this section plus fifty dollars for each month or portion of a 463  
month the license is lapsed until reinstatement, but not more 464  
than one thousand dollars; 465

(7) For applying for a license to operate an embalming 466  
facility, four hundred dollars and biennial renewal of a license 467  
to operate an embalming facility, four hundred dollars; 468

(8) For the reinstatement of a lapsed license to operate 469  
an embalming facility, the renewal fee prescribed in division 470  
(A) (7) of this section plus fifty dollars for each month or 471  
portion of a month the license is lapsed until reinstatement, 472  
but not more than one thousand dollars; 473

(9) For applying for a license to operate a crematory 474  
facility, four hundred dollars and biennial renewal of a license 475  
to operate a crematory facility, four hundred dollars; 476

(10) For the reinstatement of a lapsed license to operate 477  
a crematory facility, the renewal fee prescribed in division (A) 478  
(9) of this section plus fifty dollars for each month or portion 479  
of a month the license is lapsed until reinstatement, but not 480  
more than five hundred dollars; 481

(11) For applying for the initial or biennial renewal of a 482

crematory operator permit, one hundred fifty dollars; 483

(12) For the reinstatement of a lapsed crematory operator 484  
permit, the renewal fee prescribed in division (A) (11) of this 485  
section plus fifty dollars for each month or portion of a month 486  
the permit is lapsed, but not more than five hundred dollars; 487

(13) For the issuance of a duplicate of a license issued 488  
under this chapter, ten dollars; 489

(14) For each preneed funeral contract sold in the state 490  
other than those funded by the assignment of an existing 491  
insurance policy, ten dollars. 492

(B) In addition to the fees set forth in division (A) of 493  
this section, an applicant shall pay the examination fee 494  
assessed by any examining agency the board uses for any section 495  
of an examination required under this chapter. 496

(C) Subject to the approval of the controlling board, the 497  
board of embalmers and funeral directors may establish fees in 498  
excess of the amounts set forth in this section, provided that 499  
these fees do not exceed the amounts set forth in this section 500  
by more than fifty per cent. 501

**Sec. 4717.10.** (A) The board of embalmers and funeral 502  
directors may recognize ~~licenses~~ a license issued to ~~embalmers~~ 503  
~~and an embalmer or a funeral directors director by other states,~~ 504  
~~and upon another state.~~ Upon presentation of such 505  
~~licenses~~ license and evidence satisfactory to the board showing 506  
such embalmer or funeral director meets all requirements of this 507  
division and is in good standing in that other state, ~~may the~~ 508  
board shall issue to the holder an embalmer's or funeral 509  
director's license under this chapter. The board shall charge 510  
the same fee as prescribed in section 4717.07 of the Revised 511

Code to issue or renew such an embalmer's or funeral director's 512  
license. Such licenses shall be renewed biennially as provided 513  
in section 4717.08 of the Revised Code. The board shall not 514  
issue a license to any person under this division ~~(A) of this~~ 515  
~~section~~ unless the applicant proves that the applicant, in the 516  
state in which the applicant is licensed, has complied with 517  
requirements substantially equal to those established in section 518  
4717.05 of the Revised Code. 519

(B) The board of embalmers and funeral directors may issue 520  
courtesy card permits. A courtesy card permit holder shall be 521  
authorized to undertake both the following acts in this state: 522

(1) Prepare and complete those sections of a death 523  
certificate and other permits needed for disposition of deceased 524  
human remains in this state and sign and file such death 525  
certificates and permits; 526

(2) Supervise and conduct funeral ceremonies, interments, 527  
and entombments in this state. 528

(C) The board of embalmers and funeral directors ~~may shall~~ 529  
determine under what conditions a courtesy card permit ~~may shall~~ 530  
be issued to funeral directors in bordering states after taking 531  
into account whether and under what conditions and fees such 532  
border states issue similar courtesy card permits to funeral 533  
directors licensed in this state. A courtesy card permit holder 534  
shall comply with all applicable laws and rules of this state 535  
while engaged in any acts of funeral directing in this state. 536  
The board may revoke or suspend a courtesy card permit or 537  
subject a courtesy card permit holder to discipline in 538  
accordance with the laws, rules, and procedures applicable to 539  
funeral directors under this chapter. Applicants for courtesy 540  
card permits shall apply on forms prescribed by the board, pay a 541

biennial fee set by the board for initial applications and 542  
renewals, and adhere to such other requirements imposed by the 543  
board on courtesy card permit holders. 544

(D) No courtesy card permit holder shall be authorized to 545  
undertake any of the following activities in this state: 546

(1) Arranging funerals or disposition services with 547  
members of the public in this state; 548

(2) Be employed by or under contract to a funeral home 549  
licensed in this state to perform funeral services in this 550  
state; 551

(3) Advertise funeral or disposition services in this 552  
state; 553

(4) Enter into or execute funeral or disposition contracts 554  
in this state; 555

(5) Prepare or embalm deceased human remains in this 556  
state; 557

(6) Arrange for or carry out the disinterment of human 558  
remains in this state. 559

(E) As used in this section, "courtesy card permit" means 560  
a special permit that may be issued to a funeral director 561  
licensed in a state that borders this state and who does not 562  
hold a funeral director's license under this chapter. 563

**Sec. 4717.13.** (A) No person shall do any of the following: 564

(1) Engage in the business or profession of funeral 565  
directing unless the person is licensed as a funeral director 566  
under this chapter, is certified as an apprentice funeral 567  
director in accordance with rules adopted under section 4717.04 568

of the Revised Code and under the supervision of a funeral 569  
director licensed under this chapter, or is a student in a 570  
college of mortuary sciences approved by the board of embalmers 571  
and funeral directors and is under the direct supervision of a 572  
funeral director licensed by the board; 573

(2) Engage in embalming unless the person is licensed as 574  
an embalmer under this chapter, is certified as an apprentice 575  
embalmer in accordance with rules adopted under section 4717.04 576  
of the Revised Code and is under the supervision of an embalmer 577  
licensed under this chapter, or is a student in a college of 578  
mortuary science approved by the board and is under the direct 579  
supervision of an embalmer licensed by the board; 580

(3) Advertise or otherwise offer to provide or convey the 581  
impression that the person provides funeral directing services 582  
unless the person is licensed as a funeral director under this 583  
chapter and is employed by or under contract to a licensed 584  
funeral home and performs funeral directing services for that 585  
funeral home in a manner consistent with the advertisement, 586  
offering, or conveyance; 587

(4) Advertise or otherwise offer to provide or convey the 588  
impression that the person provides embalming services unless 589  
the person is licensed as an embalmer under this chapter and is 590  
employed by or under contract to a licensed funeral home or a 591  
licensed embalming facility and performs embalming services for 592  
the funeral home or embalming facility in a manner consistent 593  
with the advertisement, offering, or conveyance; 594

(5) Operate a funeral home without a license to operate 595  
the funeral home issued by the board under this chapter; 596

(6) Practice the business or profession of funeral 597

directing from any place except from a funeral home that a	598
person is licensed to operate under this chapter;	599
(7) Practice embalming from any place except from a	600
funeral home or embalming facility that a person is licensed to	601
operate under this chapter;	602
(8) Operate a crematory or perform cremation without a	603
license to operate the crematory issued under this chapter;	604
(9) Cremate animals in a cremation chamber in which dead	605
human bodies or body parts are cremated or cremate dead human	606
bodies or human body parts in a cremation chamber in which	607
animals are cremated;	608
(10) Hold a dead human body, before final disposition, for	609
more than forty-eight hours after the time of death unless the	610
dead human body is embalmed or placed into refrigeration and	611
maintained at a constant temperature of less than forty degrees;	612
(11) Knowingly refuse to promptly submit the custody of a	613
dead human body or cremated remains upon the oral or written	614
order of the person legally entitled to the body or cremated	615
remains;	616
(12) Except as ordered by the coroner or the person	617
holding the right of disposition under section 2108.70 or	618
2108.81 of the Revised Code, knowingly fail to carry out the	619
final disposition of a dead human body within thirty days after	620
taking custody of the body;	621
(13) Engage in cremation as defined in section 4717.01 of	622
the Revised Code unless the person holds a crematory operator	623
permit under this chapter;	624
(14) Engage in the business or profession of funeral	625

directing, engage in embalming, or operate a crematory or 626  
perform cremation with a lapsed license as defined under section 627  
4717.01 of the Revised Code. 628

(B) No funeral director or other person in charge of the 629  
final disposition of a dead human body shall fail to do one of 630  
the following prior to the interment of the body: 631

(1) Affix to the ankle or wrist of the deceased a tag 632  
encased in a durable and long-lasting material that contains the 633  
name, date of birth, date of death, and social security number 634  
of the deceased; 635

(2) Place in the casket a capsule containing a tag bearing 636  
the information described in division (B)(1) of this section; 637

(3) If the body was cremated, place ~~in the vessel~~ 638  
~~containing the cremated remains~~ a tag bearing the information 639  
described in division (B)(1) of this section in any vessel 640  
containing either of the following: 641

(a) All the cremated remains; 642

(b) More than ten cubic inches of the cremated remains. 643

(C) No person who holds a funeral home license for a 644  
funeral home that is closed, or that is owned by a funeral 645  
business in which changes in the ownership of the funeral 646  
business result in a majority of the ownership of the funeral 647  
business being held by one or more persons who solely or in 648  
combination with others did not own a majority of the funeral 649  
business immediately prior to the change in ownership, shall 650  
fail to submit to the board within thirty days after the closing 651  
or such change of ownership of the funeral business owning the 652  
funeral home, a clearly enumerated account of all of the 653  
following from which the licensee, at the time of the closing or 654

change of ownership of the funeral business and in connection 655  
with the funeral home, was to receive payment for providing the 656  
funeral services, funeral goods, or any combination of those in 657  
connection with the funeral or final disposition of a dead human 658  
body: 659

(1) Preneed funeral contracts governed by sections 4717.31 660  
to 4717.38 of the Revised Code; 661

(2) Life insurance policies or annuities the benefits of 662  
which are payable to the provider of funeral or burial goods or 663  
services; 664

(3) Accounts at banks or savings banks insured by the 665  
federal deposit insurance corporation, savings and loan 666  
associations insured by the federal savings and loan insurance 667  
corporation or the Ohio deposit guarantee fund, or credit unions 668  
insured by the national credit union administration or a credit 669  
union share guaranty corporation organized under Chapter 1761. 670  
of the Revised Code that are payable upon the death of the 671  
person for whose benefit deposits into the accounts were made. 672

(D) (1) No person who holds a funeral home license for a 673  
funeral home that is closed shall negligently fail to send 674  
written notice to the purchaser of every preneed funeral 675  
contract to which the funeral business is a party via first 676  
class United States mail. Such notice shall be addressed to the 677  
purchaser's last known address and shall explain that the 678  
funeral business is being closed and the name of any funeral 679  
business that has been designated to assume the obligations of 680  
the preneed contract. 681

(2) Within thirty days of the closing of a funeral home, 682  
no person who held the funeral home license for the closed 683

funeral home shall negligently fail to transfer all preneed 684  
contracts to the funeral home or funeral homes that have been 685  
designated to assume the obligation of the preneed contracts. If 686  
the person who holds a funeral home license for a funeral home 687  
that is closed fails to designate a successor funeral home or 688  
funeral homes to assume the obligations of the preneed funeral 689  
contracts, the board shall make such designations and order the 690  
transfer of the preneed funeral contracts to the designated 691  
funeral home or funeral homes. 692

(E) No person who holds a license under this chapter for a 693  
facility that is going out of business and that is in possession 694  
of unclaimed cremated remains shall fail to submit to the board, 695  
within thirty days prior to the closing, a copy of the written 696  
notice required in division (F) of this section and a clearly 697  
enumerated account of all unclaimed cremated remains in 698  
possession of the facility. 699

(F) Within thirty days prior to the closing of a facility 700  
that is going out of business and that is in possession of 701  
unclaimed cremated remains, the person who is actually in charge 702  
of and ultimately responsible for the facility shall send 703  
written notice via first-class mail to the last known address of 704  
the authorizing agent who executed the cremation authorization 705  
form or the person designated on the cremation authorization 706  
form to receive the cremated remains. Such notice shall include 707  
the following: 708

(1) A statement that the funeral business is going out of 709  
business and will close; 710

(2) The expected date of closure; 711

(3) The manner in which the unclaimed cremated remains 712

will be disposed and, if applicable, the location from which the 713  
cremated remains can be retrieved. 714

(G) If the person who is actually in charge of and 715  
ultimately responsible for the facility is unable to comply with 716  
divisions (F) (1) to (3) of this section and cannot locate the 717  
last known address of the authorizing agent who executed the 718  
cremation authorization form or the person designated on the 719  
cremation authorization form to receive the cremated remains, 720  
the person who is actually in charge of and ultimately 721  
responsible for the facility may seek a declaratory judgment to 722  
dispose of the unclaimed cremated remains from the probate court 723  
in the county in which the facility is located. 724

(H) Within thirty days prior to the closing of a facility 725  
that is going out of business, no person who held the license 726  
for the facility shall negligently fail to dispose of all 727  
unclaimed cremated remains as designated in the written notice 728  
or, if unclaimed in excess of sixty days, in a manner consistent 729  
with section 4717.27 of the Revised Code. 730

**Sec. 4717.14.** (A) The board of embalmers and funeral 731  
directors may refuse to grant or renew, or may suspend or 732  
revoke, any license or permit issued under this chapter or may 733  
require the holder of a license or permit to take corrective 734  
action courses for any of the following reasons: 735

(1) The holder of a license or permit obtained the license 736  
or permit by fraud or misrepresentation either in the 737  
application or in passing the examination. 738

(2) The applicant, licensee, or permit holder has been 739  
convicted of or has pleaded guilty to a felony or of any crime 740  
involving moral turpitude. 741

(3) The applicant, licensee, or permit holder has 742  
recklessly violated any provision of sections 4717.01 to 4717.15 743  
or a rule adopted under any of those sections; division (A) or 744  
(B) of section 4717.23; division (B) (1) or (2), (C) (1) or (2), 745  
(D), (E), or (F) (1) or (2), or divisions (H) to (K) of section 746  
4717.26; division (D) (1) of section 4717.27; or divisions (A) to 747  
(C) of section 4717.28 of the Revised Code; or any provisions of 748  
sections 4717.31 to 4717.38 of the Revised Code; any rule or 749  
order of the department of health or a board of health of a 750  
health district governing the disposition of dead human bodies; 751  
or any other rule or order applicable to the applicant or 752  
licensee. 753

(4) The applicant, licensee, or permit holder has 754  
committed immoral or unprofessional conduct. 755

(5) The applicant or licensee knowingly permitted an 756  
unlicensed person, other than a person serving an 757  
apprenticeship, to engage in the profession or business of 758  
embalming or funeral directing under the applicant's or 759  
licensee's supervision. 760

(6) The applicant, licensee, or permit holder has been 761  
habitually intoxicated, or is addicted to the use of morphine, 762  
cocaine, or other habit-forming or illegal drugs. 763

(7) The applicant, licensee, or permit holder has refused 764  
to promptly submit the custody of a dead human body or cremated 765  
remains upon the express order of the person legally entitled to 766  
the body or cremated remains. 767

(8) The licensee or permit holder loaned the licensee's 768  
own license or the permit holder's own permit, or the applicant, 769  
licensee, or permit holder borrowed or used the license or 770

permit of another person, or knowingly aided or abetted the 771  
granting of an improper license or permit. 772

(9) The applicant, licensee, or permit holder misled the 773  
public by using false or deceptive advertising. As used in this 774  
division, "false and deceptive advertising" includes, but is not 775  
limited to, any of the following: 776

(a) Using the names of persons who are not licensed to 777  
practice funeral directing in a way that leads the public to 778  
believe that such persons are engaging in funeral directing; 779

(b) Using any name for the funeral home other than the 780  
name under which the funeral home is licensed; 781

(c) Using in the funeral home's name the surname of an 782  
individual who is not directly, actively, or presently 783  
associated with the funeral home, unless such surname has been 784  
previously and continuously used by the funeral home. 785

(10) The licensee or permit holder provided services to a 786  
person knowing that those services were sold to that person by 787  
another person who lacked a license or permit under this chapter 788  
to perform the services. 789

(B) (1) The board of embalmers and funeral directors shall 790  
refuse to grant or renew, or shall suspend or revoke a license 791  
or permit only in accordance with Chapter 119. of the Revised 792  
Code. 793

(2) The board shall send to the crematory review board 794  
written notice that it proposes to refuse to issue or renew, or 795  
proposes to suspend or revoke, a license to operate a crematory 796  
facility. If, after the conclusion of the adjudicatory hearing 797  
on the matter conducted under division (F) of section 4717.03 of 798  
the Revised Code, the board of embalmers and funeral directors 799

finds that any of the circumstances described in divisions (A) 800  
(1) to (9) of this section apply to the person named in its 801  
proposed action, the board may issue a final order under 802  
division (F) of section 4717.03 of the Revised Code refusing to 803  
issue or renew, or suspending or revoking, the person's license 804  
to operate a crematory facility. 805

(C) If the board of embalmers and funeral directors 806  
determines that there is clear and convincing evidence that any 807  
of the circumstances described in divisions (A) (1) to (9) of 808  
this section apply to the holder of a license or permit issued 809  
under this chapter and that the licensee's or permit holder's 810  
continued practice presents a danger of immediate and serious 811  
harm to the public, the board may suspend the licensee's license 812  
or permit holder's permit without a prior adjudicatory hearing. 813  
The executive director of the board shall prepare written 814  
allegations for consideration by the board. 815

The board, after reviewing the written allegations, may 816  
suspend a license or permit without a prior hearing. 817

Notwithstanding section 121.22 of the Revised Code, the 818  
board may suspend a license or permit under this division by 819  
utilizing a telephone conference call to review the allegations 820  
and to take a vote. 821

The board shall issue a written order of suspension by a 822  
delivery system or in person in accordance with section 119.07 823  
of the Revised Code. Such an order is not subject to suspension 824  
by the court during the pendency of any appeal filed under 825  
section 119.12 of the Revised Code. If the licensee or permit 826  
holder requests an adjudicatory hearing by the board, the date 827  
set for the hearing shall be within fifteen days, but not 828  
earlier than seven days, after the licensee or permit holder has 829

requested a hearing, unless the board and the licensee or permit holder agree to a different time for holding the hearing. 830  
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Upon issuing a written order of suspension to the holder of a license to operate a crematory facility, the board of embalmers and funeral directors shall send written notice of the issuance of the order to the crematory review board. The crematory review board shall hold an adjudicatory hearing on the order under division (F) of section 4717.03 of the Revised Code within fifteen days, but not earlier than seven days, after the issuance of the order, unless the crematory review board and the licensee agree to a different time for holding the adjudicatory hearing. 832  
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Any summary suspension imposed under this division shall remain in effect, unless reversed on appeal, until a final adjudicatory order issued by the board of embalmers and funeral directors pursuant to this division and Chapter 119. of the Revised Code, or division (F) of section 4717.03 of the Revised Code, as applicable, becomes effective. The board of embalmers and funeral directors shall issue its final adjudicatory order within sixty days after the completion of its hearing or, in the case of the summary suspension of a license to operate a crematory facility, within sixty days after completion of the adjudicatory hearing by the crematory review board. A failure to issue the order within that time results in the dissolution of the summary suspension order, but does not invalidate any subsequent final adjudicatory order. 842  
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(D) If the board of embalmers and funeral directors suspends or revokes a funeral director's license or a license to operate a funeral home for any reason identified in division (A) of this section, the board may file a complaint with the court 856  
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of common pleas in the county where the violation occurred 860  
requesting appointment of a receiver and the sequestration of 861  
the assets of the funeral home that held the suspended or 862  
revoked license or the licensed funeral home that employs the 863  
funeral director that held the suspended or revoked license. If 864  
the court of common pleas is satisfied with the application for 865  
a receivership, the court may appoint a receiver. 866

The board or a receiver may employ and procure whatever 867  
assistance or advice is necessary in the receivership or 868  
liquidation and distribution of the assets of the funeral home, 869  
and, for that purpose, may retain officers or employees of the 870  
funeral home as needed. All expenses of the receivership or 871  
liquidation shall be paid from the assets of the funeral home 872  
and shall be a lien on those assets, and that lien shall be a 873  
priority to any other lien. 874

(E) Any holder of a license or permit issued under this 875  
chapter who has pleaded guilty to, has been found by a judge or 876  
jury to be guilty of, or has had a judicial finding of 877  
eligibility for treatment in lieu of conviction entered against 878  
the individual in this state for aggravated murder, murder, 879  
voluntary manslaughter, felonious assault, kidnapping, rape, 880  
sexual battery, gross sexual imposition, aggravated arson, 881  
aggravated robbery, or aggravated burglary, or who has pleaded 882  
guilty to, has been found by a judge or jury to be guilty of, or 883  
has had a judicial finding of eligibility for treatment in lieu 884  
of conviction entered against the individual in another 885  
jurisdiction for any substantially equivalent criminal offense, 886  
is hereby suspended from practice under this chapter by 887  
operation of law, and any license or permit issued to the 888  
individual under this chapter is hereby suspended by operation 889  
of law as of the date of the guilty plea, verdict or finding of 890

guilt, or judicial finding of eligibility for treatment in lieu 891  
of conviction, regardless of whether the proceedings are brought 892  
in this state or another jurisdiction. The board shall notify 893  
the suspended individual of the suspension of the individual's 894  
license or permit by the operation of this division by a 895  
delivery system or in person in accordance with section 119.07 896  
of the Revised Code. If an individual whose license or permit is 897  
suspended under this division fails to make a timely request for 898  
an adjudicatory hearing, the board shall enter a final order 899  
revoking the license. 900

(F) No person whose license or permit has been suspended 901  
or revoked under or by the operation of this section shall 902  
knowingly practice embalming, funeral directing, or cremation, 903  
or operate a funeral home, embalming facility, or crematory 904  
facility until the board has reinstated the person's license or 905  
permit. 906

**Sec. 4717.28.** (A) No crematory facility shall fail to 907  
ensure that a written receipt is provided to the person who 908  
delivers a dead human body or body parts to the facility for 909  
cremation. If the dead human body is other than one that was 910  
donated to science for purposes of medical education or 911  
research, the receipt shall be signed by both a representative 912  
of the crematory facility and the person who delivered the 913  
decedent to the crematory facility and shall indicate the name 914  
of the decedent; the date and time of delivery; the type of 915  
casket or alternative container in which the decedent was 916  
delivered to the facility; the name of the person who delivered 917  
the decedent to the facility; if applicable, the name of the 918  
funeral home or other establishment with whom the delivery 919  
person is affiliated; and the name of the person who received 920  
the decedent on behalf of the facility. If the dead human body 921

was donated to science for purposes of medical education or 922  
research, the receipt shall consist of a copy of the cremation 923  
authorization form executed under section 4717.21, 4717.24, or 924  
4717.25 of the Revised Code that authorizes the cremation of the 925  
decedent or body parts that has been signed by both a 926  
representative of the crematory facility and the person who 927  
delivered the decedent or body parts to the crematory facility 928  
and that indicates the date and time of the delivery. The 929  
operator may provide the copy of the receipt to the person who 930  
delivered the decedent or body parts to the facility either in 931  
person or by certified mail, return receipt requested. 932

(B) No crematory facility shall fail to ensure at the time 933  
of releasing cremated remains that a written receipt signed by 934  
both a representative of the crematory facility and the person 935  
who received the cremated remains is provided to the person who 936  
received the cremated remains. Unless the cremated remains are 937  
those of a dead human body that was donated to science for 938  
purposes of medical education or research or are those of body 939  
parts, the receipt shall indicate the name of the decedent; the 940  
date and time of the release; the name of the person to whom the 941  
cremated remains were released; if applicable, the name of the 942  
funeral home, cemetery, or other entity to whom the cremated 943  
remains were released; and the name of the person who released 944  
the cremated remains on behalf of the crematory facility. If the 945  
cremated remains are those of a dead human body that was donated 946  
to science for purposes of medical education or research or are 947  
those of body parts, the receipt shall consist of a copy of the 948  
cremation authorization form executed under section 4717.21, 949  
4717.24, or 4717.25 of the Revised Code that authorizes the 950  
cremation of the decedent or body parts that has been signed by 951  
both a representative of the crematory facility and the person 952

who received the cremated remains and that indicates the date 953  
and time of the release. If the cremated remains were delivered 954  
to the authorizing agent or other individual designated on the 955  
cremation authorization form by a method described in division 956  
(I) of section 4717.26 of the Revised Code that is acceptable 957  
under that division, the receipt required by this division shall 958  
accompany the cremated remains, and the signature of the 959  
authorizing agent or other designated individual on the delivery 960  
receipt meets the requirement of this division that the person 961  
receiving the cremated remains sign the receipt provided by the 962  
crematory facility. 963

(C) ~~No~~ For each cremation carried out at a crematory 964  
facility shall fail to make or keep on file during the time 965  
~~that,~~ the crematory facility remains engaged in the business of 966  
~~cremating dead human bodies or body parts, all of shall make and~~ 967  
keep on file the following records and documents for the time 968  
period described in division (E) of this section: 969

(1) A copy of each receipt issued upon acceptance by or 970  
delivery to the crematory facility of a dead human body under 971  
division (A) of this section; 972

(2) A copy of each delivery receipt issued under division 973  
(B) of this section; 974

(3) A record of each cremation conducted at the facility, 975  
containing at least the name of the decedent or, in the case of 976  
body parts, the name of the decedent or living person from whom 977  
the body parts were removed, the date and time of the cremation, 978  
and the final disposition made of the cremated remains; 979

~~(3) A copy of each delivery receipt issued under division~~ 980  
~~(B) of this section;~~ 981

(4) A separate record of the cremated remains of each 982  
decedent or the body parts removed from each decedent or living 983  
person that were disposed of in accordance with division (C) (1) 984  
or (2) of section 4717.27 of the Revised Code, containing at 985  
least the name of the decedent, the date and time of the 986  
cremation, and the location, date, and manner of final 987  
disposition of the cremated remains. 988

(D) All records required to be maintained under sections 989  
4717.21 to 4717.30 of the Revised Code are subject to inspection 990  
by the board of embalmers and funeral directors or an authorized 991  
representative of the board, upon reasonable notice, at any 992  
reasonable time. 993

(E) The documents listed in divisions (C) (1) and (2) of 994  
this section shall be retained for the shorter of the time that 995  
the crematory facility remains engaged in the business of 996  
cremating dead human bodies or body parts or ten years following 997  
the date of the cremation. The documents listed in divisions (C) 998  
(3) and (4) of this section shall be retained during the time 999  
that the crematory facility remains engaged in the business of 1000  
cremating dead human bodies or body parts. 1001

**Sec. 4717.30.** (A) A crematory operator, crematory 1002  
facility, funeral director, or funeral home is not liable in 1003  
damages in a civil action for any of the following actions or 1004  
omissions, unless the actions or omissions were made with 1005  
malicious purpose, in bad faith, or in a wanton or reckless 1006  
manner or unless any of the conditions set forth in divisions 1007  
(B) (1) to (3) of this section apply: 1008

(1) (a) For having arranged or performed the cremation of 1009  
the decedent, or having released or disposed of the cremated 1010  
remains, in accordance with the instructions set forth in the 1011

cremation authorization form executed by the decedent on an 1012  
antemortem basis under section 4717.21 of the Revised Code; 1013

(b) For having arranged or performed the cremation of the 1014  
decedent or body parts removed from the decedent or living 1015  
person or having released or disposed of the cremated remains in 1016  
accordance with section 4717.27 of the Revised Code or the 1017  
instructions set forth in a cremation authorization form 1018  
executed by the person authorized to serve as the authorizing 1019  
agent for the cremation of the decedent or for the cremation of 1020  
body parts of the decedent or living person, named in the 1021  
cremation authorization form executed under section 4717.24 or 1022  
4717.25 of the Revised Code. 1023

(2) For having arranged or performed the cremation of the 1024  
decedent, or having released or disposed of the cremated 1025  
remains, in accordance with section 4717.27 of the Revised Code 1026  
or the instructions set forth in the cremation authorization 1027  
form executed by a designated agent under division (C) of 1028  
section 4717.24 of the Revised Code. 1029

(B) The crematory operator, crematory facility, funeral 1030  
director, or funeral home is not liable in damages in a civil 1031  
action for refusing to accept a dead human body or body parts or 1032  
to perform a cremation under any of the following circumstances, 1033  
unless the refusal was made with malicious purpose, in bad 1034  
faith, or in a wanton or reckless manner: 1035

(1) The crematory operator, crematory facility, funeral 1036  
director, or funeral home has actual knowledge that there is a 1037  
dispute regarding the cremation of the decedent or body parts, 1038  
until such time as the crematory operator, crematory facility, 1039  
funeral director, or funeral home receives an order of the 1040  
probate court having jurisdiction ordering the cremation of the 1041

decedent or body parts or until the crematory operator, 1042  
crematory facility, funeral director, or funeral home receives 1043  
from the parties to the dispute a copy of a written agreement 1044  
resolving the dispute and authorizing the cremation to be 1045  
performed. 1046

(2) The crematory operator, crematory facility, funeral 1047  
director, or funeral home has a reasonable basis for questioning 1048  
the accuracy of any of the information or statements contained 1049  
in a cremation authorization form executed under section 1050  
4717.21, 4717.24, or 4717.25 of the Revised Code, as applicable, 1051  
that authorizes the cremation of the decedent or body parts. 1052

(3) The crematory operator, crematory facility, funeral 1053  
director, or funeral home has any other lawful reason for 1054  
refusing to accept the dead human body or body parts or to 1055  
perform the cremation. 1056

(C) A crematory operator, crematory facility, funeral 1057  
director, or funeral home is not liable in damages in a civil 1058  
action for refusing to release or dispose of the cremated 1059  
remains of a decedent or body parts when the crematory operator, 1060  
crematory facility, funeral director, or funeral home has actual 1061  
knowledge that there is a dispute regarding the release or final 1062  
disposition of the cremated remains in connection with any 1063  
damages sustained, prior to the time the crematory operator, 1064  
crematory facility, funeral home, or funeral director receives 1065  
an order of the probate court having jurisdiction ordering the 1066  
release or final disposition of the cremated remains, or prior 1067  
to the time the crematory operator, crematory facility, funeral 1068  
director, or funeral home receives from the parties to the 1069  
dispute a copy of a written agreement resolving the dispute and 1070  
authorizing the cremation to be performed. 1071

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

(1) The cremation authorization form authorizing the cremation of the decedent or body parts executed under section 4717.21, 4717.24, or 4717.25 of the Revised Code, as applicable, contains specific instructions for the removal or recovery and disposition of any such dental gold, jewelry, or other items of value prior to the cremation, and the crematory operator, crematory facility, funeral director, or funeral home has failed to comply with the written instructions.

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

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

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

**Sec. 4717.31.** (A) Only a funeral director licensed pursuant to this chapter may sell a preneed funeral contract

that includes funeral services. Sections 4717.31 to 4717.38 of 1101  
the Revised Code do not prohibit a person who is not a licensed 1102  
funeral director from selling funeral goods pursuant to a 1103  
preneed funeral contract; however, when a seller sells funeral 1104  
goods pursuant to a preneed funeral contract, that seller shall 1105  
comply with those sections unless the seller is specifically 1106  
exempt from compliance under section 4717.38 of the Revised 1107  
Code. 1108

(B) An insurance agent licensed pursuant to Chapter 3905. 1109  
of the Revised Code may sell, solicit, or negotiate the sale of 1110  
an insurance policy or annuity that will be used to fund a 1111  
preneed funeral contract, but in so doing the insurance agent 1112  
may not offer advice or make recommendations about funeral 1113  
services and may not discuss the advantages or disadvantages of 1114  
any funeral service. In selling, soliciting, or negotiating the 1115  
sale of an insurance policy or annuity that will be used to fund 1116  
a preneed funeral contract, the insurance agent may do any of 1117  
the following: 1118

(1) Provide the person purchasing the insurance policy or 1119  
annuity with price lists from one or more funeral homes and 1120  
other materials that may assist the person in determining the 1121  
cost of funeral goods and services; 1122

(2) Discuss the cost of funeral goods and services with 1123  
the person in order to assist the person in selecting the 1124  
appropriate amount of life insurance or annuity coverage; 1125

(3) Complete a worksheet or other record to calculate the 1126  
estimated cost of a funeral. 1127

(C) Activities conducted pursuant to division (B) of this 1128  
section by an insurance agent licensed pursuant to Chapter 3905. 1129

of the Revised Code do not constitute funeral directing, funeral 1130  
arranging, the business of directing and supervising funerals 1131  
for profit, or the sale of a preneed funeral contract. 1132

(D) No seller shall fail to comply with the requirements 1133  
and duties specified in this section and sections 4717.32 to 1134  
4717.38 of the Revised Code. 1135

(E) No trustee of a preneed funeral contract trust shall 1136  
fail to comply with sections 4717.33, 4717.34, 4717.36, and 1137  
4717.37 of the Revised Code. 1138

(F) No insurance agent or insurance company that sells or 1139  
offers life insurance policies or annuities used to fund a 1140  
preneed funeral contract shall fail to comply with this section 1141  
and sections 4717.33, 4717.34, 4717.35, and 4717.37 of the 1142  
Revised Code. To the extent this section and sections 4717.33, 1143  
4717.34, 4717.35, and 4717.37 of the Revised Code apply to 1144  
insurance companies or insurance agents, those sections 1145  
constitute laws of this state relating to insurance for purposes 1146  
of sections 3901.03 and 3901.04 of the Revised Code and the 1147  
superintendent of insurance shall enforce those sections with 1148  
respect to insurance companies and insurance agents. The 1149  
superintendent may adopt rules in accordance with Chapter 119. 1150  
of the Revised Code for purposes of administering and enforcing 1151  
this section and sections 4717.33, 4717.34, 4717.35, and 4717.37 1152  
of the Revised Code as those sections apply to insurance 1153  
companies or insurance agents. 1154

(G) A preneed funeral contract may be funded by the 1155  
purchase or assignment of an insurance policy or annuity in 1156  
accordance with section 3905.45 of the Revised Code. A preneed 1157  
funeral contract that is funded by the purchase or assignment of 1158  
an insurance policy or annuity in accordance with section 1159

3905.45 of the Revised Code is not subject to section 4717.36 of 1160  
the Revised Code. 1161

(H) The board of embalmers and funeral directors shall 1162  
administer and enforce the provisions of sections 4717.31 to 1163  
4717.38 of the Revised Code concerning the requirements for and 1164  
sale of preneed funeral contracts. The superintendent of 1165  
insurance shall enforce sections 4717.31, 4717.33, 4717.34, 1166  
4717.35, and 4717.37 of the Revised Code to the extent those 1167  
sections apply to insurance companies and insurance agents. 1168  
Payments from a trust, insurance policy, or annuity, including 1169  
any fraudulent activities in which a person engages to obtain 1170  
payments from a trust, insurance policy, or annuity, shall be 1171  
regulated in accordance with Chapter 1111. or Title XXXIX of the 1172  
Revised Code, as applicable. 1173

(I) Except as provided in division (K) of this section, a 1174  
seller of a preneed funeral contract that is funded by insurance 1175  
or otherwise annually shall submit to the board the reports the 1176  
board requires pursuant to division (J) of this section. 1177

(J) Except as provided in division (K) of this section, 1178  
the board shall adopt rules specifying the procedures and 1179  
requirements for annual reporting of the sales of all preneed 1180  
funeral contracts sold by every seller who is subject to 1181  
sections 4717.31 to 4717.38 of the Revised Code. 1182

(K) A cemetery company or cemetery association that sells 1183  
merchandise or services pursuant to a preneed cemetery 1184  
merchandise and services contract and that also sells funeral 1185  
goods pursuant to a preneed funeral contract shall be deemed to 1186  
have met the requirements in divisions (I) and (J) of this 1187  
section by submitting the annual preneed funeral contract report 1188  
to the division of real estate of the department of commerce 1189

along with or as part of the annual cemetery merchandise and 1190  
services contract affidavit required under division (F) (1) of 1191  
section 1721.211 of the Revised Code. With the exception of the 1192  
submission of an annual preneed funeral contract report under 1193  
this division, a cemetery company or cemetery association that 1194  
sells funeral goods, including caskets, pursuant to a preneed 1195  
funeral contract is subject to all requirements of sections 1196  
4717.31 to 4717.38 of the Revised Code that apply to such sales. 1197

**Sec. 4717.35.** If a preneed funeral contract contains a 1198  
provision stating that the preneed funeral contract will be 1199  
funded by the purchase of an insurance policy, the insurance 1200  
agent who sold the policy that will fund that preneed funeral 1201  
contract shall require that any payment made by the purchaser be 1202  
made in the form of a check, cashier's check, money order, or 1203  
debit or credit card, payable only to the insurance company. The 1204  
insurance agent shall remit the application for insurance and 1205  
the premium paid to the insurance company designated in the 1206  
preneed funeral contract within the time period specified in 1207  
division (B) (15) of section 3905.14 of the Revised Code, unless 1208  
the purchaser rescinds the preneed funeral contract in 1209  
accordance with division (A) of section 4717.34 of the Revised 1210  
Code. If the purchaser made payment in the form of a check made 1211  
payable to the seller, the seller may, within five business days 1212  
of receiving the check, sign over and forward the check to the 1213  
insurance company designated in the preneed funeral contract. 1214

If the purchaser of a preneed funeral contract that is 1215  
revocable and that is funded by an insurance policy or annuity 1216  
elects to cancel the preneed funeral contract, the purchaser 1217  
shall provide a written notice to the seller and the insurance 1218  
company designated in the contract stating that the purchaser 1219  
intends to cancel that contract. Fifteen days after the 1220

purchaser provides the notice to the seller of the contract and 1221  
the insurance company, the purchaser may cancel the preneed 1222  
funeral contract and change the beneficiary of the insurance 1223  
policy or annuity or reassign the benefits under the policy or 1224  
annuity. 1225

The purchaser of a preneed funeral contract that is 1226  
irrevocable and that is funded by an insurance policy or annuity 1227  
may transfer the preneed funeral contract to a successor seller 1228  
by notifying the original seller of the designation of a 1229  
successor seller. Within fifteen days after receiving the 1230  
written notice of the designation of the successor seller from 1231  
the purchaser, the original seller shall assign the seller's 1232  
rights to the proceeds of the policy to the successor seller. 1233  
The insurance company shall confirm the change of assignment by 1234  
providing written notice to the policyholder. 1235

If, after a preneed funeral contract has been performed 1236  
and paid for by the proceeds of an insurance policy or annuity, 1237  
there are excess funds that the purchaser previously assigned by 1238  
a written contract to the seller to pay for preneed funeral 1239  
services or funeral goods for other individuals, the insurance 1240  
company or annuity company holding such excess funds shall pay 1241  
those funds directly to the seller, and the seller shall deposit 1242  
the funds into a trust or purchase insurance or annuity policies 1243  
to fund additional preneed funeral contracts. 1244

**Sec. 4717.36.** (A) This section applies only to preneed 1245  
funeral contracts that are funded by any means other than an 1246  
insurance policy or policies, or an annuity or annuities. 1247

No money in a preneed funeral contract trust shall be 1248  
distributed from the trust except as provided in this section. 1249

(B) A seller of a preneed funeral contract that stipulates 1250  
a fixed or firm or guaranteed price for funeral services and 1251  
funeral goods to be provided under a preneed funeral contract 1252  
may charge an initial service fee not to exceed ten per cent of 1253  
the total amount of all payments to be paid under the preneed 1254  
funeral contract for such guaranteed price funeral services and 1255  
funeral goods. If the amount to be paid by the purchaser is to 1256  
be paid in installments, the seller may collect the initial 1257  
service fee only after all of the installments have been paid. 1258

(C) ~~All~~ (1) Except for the following, all payments made by 1259  
the purchaser of a preneed funeral contract, ~~except for the~~ 1260  
~~initial service fee permitted by division (B) of this section~~ 1261  
~~and any applicable sales tax,~~ shall be made in the form of a 1262  
check, cashier's check, money order, or debit or credit card, 1263  
payable only to the trustee of the preneed funeral contract 1264  
trust or to the trustee's designated depository. 1265

(a) The initial service fee permitted by division (B) of 1266  
this section; 1267

(b) The fee collected under division (A) (14) of section 1268  
4717.07 of the Revised Code; 1269

(c) Any applicable sales tax. 1270

(2) If the purchaser makes payment in the form of a check 1271  
made payable to the seller, the seller may, within five business 1272  
days of receiving the check, sign over and forward the check to 1273  
the trustee or the trustee's designated depository. 1274

(3) Within thirty days of the seller receiving any form of 1275  
payment made payable to the trustee or the trustee's designee, 1276  
the seller shall remit the payment to the trustee or the 1277  
trustee's designee unless the purchaser rescinds the preneed 1278

funeral contract in accordance with division (A) of section 1279  
4717.34 of the Revised Code. The funds deposited with the 1280  
trustee shall remain intact and held in trust for the contract 1281  
beneficiary. 1282

(D) The seller shall establish a preneed funeral contract 1283  
trust at one of the following types of institutions and shall 1284  
designate that institution as the trustee of the preneed funeral 1285  
contract trust: 1286

(1) A trust company licensed under Chapter 1111. of the 1287  
Revised Code; 1288

(2) A national bank, federal savings bank, or federal 1289  
savings association that pledges securities in accordance with 1290  
section 1111.04 of the Revised Code; 1291

(3) A credit union authorized to conduct business in this 1292  
state pursuant to Chapter 1733. of the Revised Code. 1293

(E) Moneys deposited in a preneed funeral contract trust 1294  
fund shall be held and invested in the manner in which trust 1295  
funds are permitted to be held and invested pursuant to Chapter 1296  
1111. of the Revised Code. 1297

(F) The seller shall establish a separate preneed funeral 1298  
contract trust for the moneys paid under each preneed funeral 1299  
contract, unless the purchaser or purchasers of a preneed 1300  
funeral contract or contracts authorize the seller to place the 1301  
moneys paid for that contract or those contracts in a combined 1302  
preneed funeral contract trust. The trustee of a combined 1303  
preneed funeral contract trust shall keep exact records of the 1304  
corpus, income, expenses, and disbursements with regard to each 1305  
purchaser and contract beneficiary for whom moneys are held in 1306  
the trust. The terms of a preneed funeral contract trust are 1307

governed by this section and the payments from that trust are 1308  
governed by Chapter 1111. of the Revised Code, except as 1309  
otherwise provided in this section. 1310

A trustee of a preneed funeral contract trust may pay 1311  
taxes and expenses for a preneed funeral contract trust and may 1312  
charge a fee for managing a preneed funeral contract trust. The 1313  
fee shall not exceed the amount regularly or usually charged for 1314  
similar services rendered by the institutions described in 1315  
division (D) of this section when serving as a trustee. 1316

(G) If the purchaser of a preneed funeral contract that is 1317  
revocable elects to cancel the contract, the purchaser shall 1318  
provide a written notice to the seller of the contract and the 1319  
trustee of the preneed funeral contract trust stating that the 1320  
purchaser intends to cancel the contract. Fifteen days after the 1321  
purchaser provides that notice to the seller and trustee, the 1322  
purchaser may cancel the contract. Upon canceling a preneed 1323  
funeral contract pursuant to this division, one of the following 1324  
shall occur, as applicable: 1325

(1) If the preneed funeral contract does not stipulate a 1326  
firm or fixed or guaranteed price for funeral goods and funeral 1327  
services to be provided under the preneed funeral contract, the 1328  
trustee shall give to the purchaser all of the assets of the 1329  
trust that exist at the time of cancellation, less any fees 1330  
charged, distributions paid, and expenses incurred by the 1331  
trustee pursuant to division (F) of this section. 1332

(2) If the preneed funeral contract does stipulate a firm 1333  
or fixed or guaranteed price for funeral goods and funeral 1334  
services to be provided under the contract, the purchaser may 1335  
request and receive from the trustee all of the assets of the 1336  
trust at the time of cancellation, less a cancellation fee that 1337

the original seller may collect from the trustee that is equal 1338  
to or less than ten per cent of the value of the assets of the 1339  
trust on the date the trust is cancelled, provided, however, 1340  
that to the extent the original seller took an initial service 1341  
fee as permitted by division (B) of this section, the aggregate 1342  
amount of the cancellation fee and the initial service fee may 1343  
not exceed ten per cent of the value of those assets. In 1344  
addition to any cancellation fee, there may also be deducted any 1345  
fees charged, distributions paid, and expenses incurred by the 1346  
trustee pursuant to division (F) of this section. 1347

If more than one purchaser enters into the contract, all 1348  
of those purchasers must request cancellation of the contract 1349  
for it to be effective under this division, and the trustee 1350  
shall refund to each purchaser only those funds that purchaser 1351  
has paid under the contract and any income earned on those funds 1352  
in an amount that is in direct proportion to the amount of funds 1353  
that purchaser paid relative to the total amount of payments 1354  
deposited in that trust, less any fees charged, distributions 1355  
paid, and expenses incurred by the trustee pursuant to division 1356  
(F) of this section, the amount of which are in direct 1357  
proportion to the amount of funds that purchaser paid relative 1358  
to the total amount of payments deposited in that trust. 1359

(H) The purchaser of a preneed funeral contract that is 1360  
irrevocable may transfer the preneed funeral contract to a 1361  
successor seller. A purchaser who elects to make such a transfer 1362  
shall provide a written notice of the designation of a successor 1363  
seller to the trustee and the original seller. Within fifteen 1364  
days after receiving the written notice of the new designation 1365  
from the purchaser, the trustee shall list the successor seller 1366  
as the seller of the preneed funeral contract and the original 1367  
seller shall relinquish and transfer all rights under the 1368

preneed funeral contract to the successor seller. The trustee 1369  
shall confirm the transfer by providing written notice of the 1370  
transfer to the original seller, the successor seller, and the 1371  
purchaser. If the preneed funeral contract stipulates a firm or 1372  
fixed or guaranteed price for the funeral goods and funeral 1373  
services to be provided under the preneed funeral contract, the 1374  
original seller may collect from the trustee a transfer fee from 1375  
the trust that equals up to ten per cent of the value of the 1376  
assets of the trust on the date the trust is transferred, 1377  
provided, however, that to the extent the original seller took 1378  
an initial service fee as permitted by division (B) of this 1379  
section, the aggregate amount of the transfer fee and the 1380  
initial service fee may not exceed ten per cent of the value of 1381  
those assets. If the preneed funeral contract does not stipulate 1382  
a firm or fixed or guaranteed price for funeral goods and 1383  
funeral services to be provided under the preneed funeral 1384  
contract, no transfer fee shall be collected by the original 1385  
seller. 1386

(I) If a seller of a preneed funeral contract elects to 1387  
transfer a preneed funeral contract trust from an institution 1388  
listed in divisions (D) (1) to (3) of this section to a different 1389  
institution, the trustee of the original trust shall notify the 1390  
purchaser of the preneed funeral contract of that transfer in 1391  
writing within thirty days after the transfer occurred and shall 1392  
provide the purchaser with the name of and the contact 1393  
information for the institution where the new trust is 1394  
maintained. Upon receipt of the trust, the trustee of the 1395  
transferred trust shall notify the purchaser of the receipt of 1396  
the trusts in accordance with division (A) of section 4717.33 of 1397  
the Revised Code. 1398

(J) If a seller receives a notice that the contract 1399

beneficiary has died and that funeral goods and funeral services 1400  
have been provided by a provider other than the seller, ~~except~~ 1401  
~~as otherwise specified in this section,~~ the seller shall direct 1402  
the trustee, within thirty days after receiving that notice, to 1403  
pay to the provider that provided the funeral goods and 1404  
services, if still unpaid, ~~or the estate of the contract~~ 1405  
~~beneficiary~~ all funds held by the trustee, less any fees 1406  
charged, distributions paid, and expenses incurred by the 1407  
trustee pursuant to division (F) of this section. 1408

If the provider has already been paid for providing the 1409  
funeral goods and funeral services to the contract beneficiary, 1410  
the seller shall direct the trustee to pay to either the estate 1411  
of the contract beneficiary or any person with the right of 1412  
disposition under section 2108.81 of the Revised Code all funds 1413  
held by the trustee, less any fees charged, distributions paid, 1414  
and expenses incurred by the trustee pursuant to division (F) of 1415  
this section. 1416

In the event the preneed funeral contract stipulates a 1417  
firm or fixed or guaranteed price for funeral goods and funeral 1418  
services that were to be provided under the preneed funeral 1419  
contract, the seller may collect from the trustee a cancellation 1420  
fee not exceeding ten per cent of the value of the assets of the 1421  
trust on the date the trust is transferred, provided, however, 1422  
that to the extent the original seller took an initial service 1423  
fee as permitted by division (B) of this section, the aggregate 1424  
amount of the transfer fee and the initial service fee shall not 1425  
exceed ten per cent of the value of those assets. If the preneed 1426  
funeral trust does not stipulate a firm or fixed or guaranteed 1427  
price for funeral goods and funeral services to be provided 1428  
under the preneed funeral contract, no cancellation fees shall 1429  
be collected by the original seller. 1430

(K) A certified copy of the certificate of death or other 1431  
evidence of death satisfactory to the trustee shall be furnished 1432  
to the trustee as evidence of death, and the trustee shall 1433  
promptly pay the accumulated payments and income, if any, 1434  
according to the preneed funeral contract. Such payment of the 1435  
accumulated payments and income pursuant to this section and, 1436  
when applicable, the preneed funeral contract, relieves the 1437  
trustee of any further liability on the accumulated payments and 1438  
income. 1439

If, after a preneed funeral contract has been performed 1440  
and paid for by the proceeds of a preneed trust fund, there are 1441  
excess funds that the purchaser previously assigned by a written 1442  
contract to the seller to pay for preneed funeral services or 1443  
funeral goods for other individuals, the trustee holding such 1444  
excess funds shall pay those funds directly to the seller, and 1445  
the seller shall deposit the funds into a trust or purchase 1446  
insurance or annuity policies to fund additional preneed funeral 1447  
contracts. 1448

**Section 2.** That existing sections 2108.75, 2108.82, 1449  
3705.20, 4513.17, 4717.04, 4717.05, 4717.07, 4717.10, 4717.13, 1450  
4717.14, 4717.28, 4717.30, 4717.31, 4717.35, and 4717.36 of the 1451  
Revised Code are hereby repealed. 1452