

**TESTIMONY OF  
KIRK ROBERTS  
PRESIDENT OF THE  
OHIO CEMETERY ASSOCIATION  
REGARDING AMENDMENT SC2828/AY to HB 166  
BEFORE THE  
SENATE FINANCE COMMITTEE  
June 5, 2019**

Chairman Dolan, Vice Chairman Burke, Ranking Member Sykes and members of the Committee, my name is Kirk Roberts. I am the President of Sherwood Memorial Gardens and American Cemetery Services in Wooster. I have worked in the cemetery industry for thirty-one years. I also served on the Ohio Cemetery Dispute Resolution Commission for a three-year term. I have also been a licensed funeral director in Ohio since 1996. Finally, I am currently the President of the Ohio Cemetery Association, a statewide trade association of Ohio cemeteries. The OCA's members include not-for-profit associations, for profit cemeteries, township and municipal cemeteries and religious cemeteries. I offer my testimony today in my capacity as President of the OCA.

The OCA understands that this Committee is considering adoption of an amendment SC 2828/AY and that the Immediate Past President of the Ohio Funeral Directors Association has testified in support of such amendment. While the OCA has no concern with most of the amendment, we must voice our concern and opposition to lines 153 through 156 of the amendment, as they are currently written, which would create a new 15<sup>th</sup> category of Chapter 119 rule-making authority for the Board of Embalmers and Funeral Directors.

Such expansion would grant the Board of Embalmers and Funeral Directors rule-making authority over "requirements for the sale of preneed funeral services and **preneed funeral goods**, the content and funding of preneed funeral contracts, and the payment and administration of preneed funeral funds". Such provision is overbroad and improper as it relates to the sale of "preneed funeral goods".

Funeral goods, unlike funeral services, may be sold by persons and entities that are not funeral directors. Additionally, when cemeteries sell any type of goods or services, including "funeral goods", on a preneed basis, they do so pursuant to Preneed Cemetery Merchandise and Services Contracts and Ohio Revised Code Section 1721.211 and report such contracts and the required deposits to their Preneed Cemetery Merchandise and Services Trust to the Department of Commerce, Division of Real Estate, Cemetery Section. As such, subsection (A) (15) to Ohio Revised Code 4717.04, as proposed in the amendment, would allow for rule-making that is inconsistent with such underlying statutory scheme and should be removed from the amendment or appropriately modified.

I would be pleased to address any questions. In that regard, Tim Long, the OCA's counsel and lobbyist, is also here today too and can assist, as needed.