

Michael Schoedinger
President, Schoedinger Funeral and Cremation Services
229 E. State Street
Columbus, Ohio 43215

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Proponent Testimony on Senate Bill 224
Ohio House Committee on Civil Justice

Chairman Hillyer, Vice Chair Grendell, Ranking Member Galonski and members of the committee: my name is Michael Schoedinger and I have served as a licensed funeral director in Central Ohio for more than 30 years. The Schoedinger family has been providing professional funeral and cremation services in Central Ohio since 1855 and I am proud to also serve as the Secretary-Treasurer of the Ohio Funeral Directors Association (OFDA).

OFDA has been working tirelessly with the State Board of Embalmers and Funeral Directors (SBEFD) on crafting a comprehensive bill to address some issues in the Ohio Revised Code pertaining to funeral and cremation services. On behalf of OFDA and myself as a practitioner in the funeral industry, I am pleased to stand here today in support of Senate Bill 224.

As you have heard from my friends and colleagues Scott Gilligan and Chip Billow, this bill is indeed comprehensive in its scope. The bill not only provides for meaningful changes in the funeral industry to ease the administrative burdens on our profession, but Senate Bill 224 also allows us to better assist the grieving families that seek our services daily, easing their burdens as well.

As you have heard today and throughout the work done in the Ohio Senate, this bill:

- Strengthens Ohio's preneed funeral law;
- Streamlines cremation requirements and simplifies record keeping requirements;
- Clarifies the right of disposition;
- Assists grieving families by empowering and permitting funeral directors to, among other things, request a fetal death certificate so grieving parents do not have to do this themselves; and,
- Makes a host of miscellaneous changes to Ohio law on signage requirements, ensure out-of-state funeral directors are in good standing before they apply for a license in Ohio, and allows for certain types of vehicle lights during funeral processions.

In short, this is a pro-business and pro-consumer bill proposal that has the support of the OFDA and SBEFD. After eight hearings in the Ohio Senate and amendments to alleviate the concerns of stakeholders throughout the process, the bill passed out of the Ohio Senate nearly unanimously (29-1) in March with no opposition from interested parties. We are appreciative to Senator Jerry Cirino, the members of the Senate General Budget Committee, President Huffman and Leader Yuko for favorably adopting this proposal in March.

Unclaimed Funds

Under current law, when consumers engage in a preneed funeral contract with a funeral home (prepaying for funeral services for themselves or loved ones), funeral homes are required to invest those dollars to ensure they will be there when the decedent passes away. Under the bill, if those funds are not utilized by the decedent (perhaps they chose to go to another funeral home or forgot they had an existing contract), those funds are ultimately transferred to the Ohio Department of Commerce's Division of Unclaimed Funds when the policy holder turns 105, unless it can be confirmed that the preneed consumer is still alive. We support that provision and appreciate its inclusion.

However, under the bill, additional language was added at the request of the Department that requires funeral homes to first contact the holder of the policy 30 days prior to their 95th birthday to see if they are still alive; if it cannot be confirmed that they are alive, the funds are turned over to the state. Therefore, every year, or conceivably every month, all of Ohio's thousands of funeral directors will have to verify the "status" of their preneed contracts. **There are thousands of Ohioans with pre-need arrangements that live well-beyond their 95th birthday and, while this amendment is well-intentioned, asking a funeral director to do this check at the age of 95 presents an unnecessary and very awkward situation for the funeral director, the consumer, and their family if they are still alive. Transferring the preneed funds prematurely would cause a financial burden and emotional stress on countless families.**

OFDA has spent some time crafting language that we believe will strike the balance between accomplishing the goal of the Department of Commerce to ensure unclaimed trusts are turned over to the Department when appropriate while also ensuring funeral directors and consumers are not unnecessarily burdened in this process. We have draft language that has been submitted to the chairman and we will be submitting each of you and the Ohio Department of Commerce for consideration before Senate Bill 224 leaves this committee and we would ask your favorable consideration. In sum, it will require a reasonable attempt to assess the policy holder's status at age 105.

Again, we have appreciated the opportunity to work with Commerce on this in the Senate, and will continue to do so here in the House.

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As has been stated throughout this testimony and in the hearings in the Ohio Senate, this bill will have a positive and meaningful impact on our industry right away. Death is not something anyone wants to deal with, but our thousands of dedicated professionals throughout Ohio can do even more to help the countless families that rely on our services every day with the passage of this bill.

My sincere thanks to Chairman Hillyer and Members of the Committee for allowing me to testify today. I would be glad to answer any questions.