

I am writing to you on behalf of Spring Grove Cemetery and Arboretum regarding Senate Bill 224 (“SB 224”). I appreciate the opportunity to provide comment on this proposed legislation.

Spring Grove Cemetery and Arboretum is a nonprofit corporation formed by a special act of the Ohio General Assembly in 1845 and is one of the largest nonprofit cemeteries in the United States. We are also the oldest perpetual care cemetery in Ohio and a National Historic Landmark. Our mission is to honor, celebrate and remember life by providing superior end-of-life services for Cincinnati families while preserving and building Spring Grove’s beauty and heritage.

While we at Spring Grove have no concern with most of SB 224, we believe the following two specific provisions of SB 224 are unnecessary and unwarranted and would harm the interests of Ohio cemeteries and the citizens of Ohio: (1) the provision that would expand the Board of Embalmers and Funeral Directors’ rule-making authority over the sale of preneed funeral goods by cemeteries; and (2) the provision significantly increasing cemeteries’ trust requirements for sales of preneed goods.

Regarding the first provision, currently when cemeteries sell funeral goods, such as caskets, on a preneed basis, they are regulated by the Department of Commerce pursuant to Ohio Revised Code Section 1721 and have specific reporting requirements with respect to such sales. This regulatory framework has been in place for over 20 years, and we are unaware of any concerns that have been expressed by consumers regarding the current rules.

SB 224 places undue burdens on cemeteries by making them subject to additional regulations from the Ohio Board of Embalmers and Funeral Directors (the “Board”) with respect to the sale of preneed funeral goods. This is unnecessary and inappropriate, as it would subject cemeteries to an entirely different and potentially conflicting set of regulations. In addition, having cemeteries be subject to such rules enacted by the Board raises antitrust concerns and likely makes it more difficult for cemeteries to competitively sell funeral goods on a preneed basis.

Regarding the second provision, SB 224 would impose much higher trust requirements on cemeteries in connection with their sale of preneed goods, which would reduce funds that cemeteries have available for maintenance and other needs and would likely make it impractical or impossible for many cemeteries to sell funeral goods on a preneed basis. Many cemeteries, particularly nonprofit cemeteries, operate on narrow margins, and this proposed change would harm many cemeteries’ financial health. Again, we are unaware of any consumer protection issues or complaints with respect to the current regulatory framework.

If made into law, these two provisions of SB 224 would not address any existing regulatory failing or result in any increased protection for consumers; instead, they would harm many cemeteries’ financial health and would result in reduced competition for caskets and other preneed funeral goods, likely increasing prices for consumers. This is not in the interest of the citizens of Ohio.

We respectfully ask that these two provisions of SB 224 be removed, for the reasons stated above. Thank you for considering our thoughts on this matter. I would be happy to discuss these issues with you further.

Sincerely,

Gary Freytag

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