

**TESTIMONY OF  
KIRK ROBERTS  
ON BEHALF OF THE  
OHIO CEMETERY ASSOCIATION  
REGARDING SENATE BILL 224  
BEFORE THE  
SENATE GENERAL GOVERNMENT BUDGET COMMITTEE**

**March 1, 2022**

## **The Ohio Cemetery Association**

**219 Webbshaw Drive  
Centerville, Ohio 45458**

The Senate General Government Budget Committee:

Chairman Peterson, Vice Chairman Cirino, Ranking Member Craig and members of the Committee, my name is Kirk Roberts. I am the President of Sherwood Memorial Gardens, Roberts Funeral Homes and American Cemetery Services in Wooster. I have worked in the cemetery industry in Ohio for thirty-three years. I am currently the Chairman of the Ohio Cemetery Dispute Resolution Commission. I have been a licensed funeral director in Ohio since 1996. Finally, I am a Past President of the Ohio Cemetery Association and currently serve on the OCA's Legislative Committee. I offer my written testimony today on behalf of the OCA.

While I testified before this Committee on October 19, 2021, the Committee functioned only as a Subcommittee on such date due to attendance issues. As such, Timothy C. Long, our lobbyist and counsel, testified before the full Committee on November 30, 2021 to summarize the OCA's objections to Senate Bill 224. While you can easily review such earlier testimony and, as such, we do not wish to impede any more that absolutely necessary on your time, as Amendment 2478-3 (the "Amendment") is before the Committee for consideration, we am compelled to provide detail on why the OCA opposes both Senate Bill 224, as introduced, and, now, the Amendment.

The Amendment is just as objectionable to the OCA as the problematic portions of SB 224. At line 1474 the Bill, as introduced, would require cemeteries that sell caskets on a preneed basis to comply with ORC 4717.31 through 4717.38 (i.e. the funeral directors' laws). The Amendment would, instead of incorporating such requirements by reference, specifically add mirror images of them to Preneed Cemetery Merchandise and Services laws (ORC 1721.211). The style of such inclusion does not matter. Substantively, placing such requirements upon cemeteries will have detrimental impacts on cemeteries and consumers.

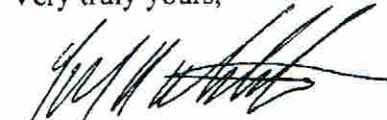
As we have consistently indicated, including through testimony before the Committee, placing such requirements on not-for-profit cemeteries would make it practically impossible for them to sell caskets on a preneed basis. Specifically, the 90% vesting requirement coupled with not-for-profit cemeteries' inability to sell insurance would effectively remove such cemeteries from the marketplace as preneed sellers of caskets. The detrimental impact to consumers is obvious.

Finally, we would like to point out that the Amendment would incorporate funeral home law requirements into the cemetery laws **that are largely irrelevant for funeral homes**. The OFDA statistics reveal that 80% of preneed funeral contracts utilize an insurance product instead of trusting of the sales proceeds.

Of course, I would welcome the opportunity to elaborate on any questions or concerns.

Regardless, thank you for your time and attention to these matters that are critical to Ohio's cemeteries and consumers.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Kirk Roberts', with a long horizontal flourish extending to the right.

Kirk Roberts  
President