

As Introduced

**134th General Assembly
Regular Session
2021-2022**

H. B. No. 604

Representative Hicks-Hudson

A BILL

To amend section 4717.04 of the Revised Code to 1
require the executive director of the State 2
Board of Embalmers and Funeral Directors to 3
investigate and cause the prosecution of persons 4
engaging in unlicensed funeral directing or 5
operating a funeral home without a license. 6

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

Section 1. That section 4717.04 of the Revised Code be 7
amended to read as follows: 8

Sec. 4717.04. (A) The board of embalmers and funeral 9
directors shall adopt rules in accordance with Chapter 119. of 10
the Revised Code for the government, transaction of the 11
business, and the management of the affairs of the board of 12
embalmers and funeral directors and the crematory review board, 13
and for the administration and enforcement of this chapter. 14
These rules shall include all of the following: 15

(1) The nature, scope, content, and form of the 16
application that must be completed and license examination that 17
must be passed in order to receive an embalmer's license or a 18
funeral director's license under section 4717.05 of the Revised 19

Code. The rules shall ensure both of the following:	20
(a) That the embalmer's license examination tests the applicant's knowledge through at least a comprehensive section and an Ohio laws section;	21 22 23
(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.	24 25 26
(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;	27 28 29
(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;	30 31 32 33
(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;	34 35 36 37
(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;	38 39 40 41 42
(6) Continuing education requirements for licensed embalmers and funeral directors;	43 44
(7) Requirements for the licensing and operation of funeral homes;	45 46
(8) Requirements for the licensing and operation of	47

embalming facilities;	48
(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:	49 50 51 52
(a) Obtaining a license under this chapter by fraud or misrepresentation either in the application or in passing the required examination for the license;	53 54 55
(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;	56 57 58 59 60 61 62
(c) Committing unprofessional conduct;	63
(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;	64 65 66 67
(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;	68 69 70
(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;	71 72 73 74
(g) Misleading the public using false or deceptive	75

advertising;	76
(h) Failing to forward to the board on or before its due date the annual report of preneed funeral sales required by division (J) of section 4717.31 of the Revised Code. If the annual report is sent to the board by United States mail, it shall be postmarked on or before the due date for the submission of the annual report in order to be timely filed with the board. Mail that is not postmarked shall be considered filed on the date it is received by the board.	77 78 79 80 81 82 83 84
Each instance of the commission of any of the types of conduct described in division (A) (9) of this section is a separate violation. The rules adopted under division (A) (9) of this section shall establish the amount of the forfeiture for a violation of each of those divisions. The forfeiture for a first violation shall not exceed five thousand dollars, and the forfeiture for a second or subsequent violation shall not exceed ten thousand dollars. The amount of the forfeiture may differ among the types of violations according to what the board considers the seriousness of each violation.	85 86 87 88 89 90 91 92 93 94
(10) Requirements for the licensing and operation of crematory facilities;	95 96
(11) Procedures for the board to take possession of and to arrange the lawful disposition of unclaimed cremated remains that were held or stored at a funeral home or crematory that has been closed;	97 98 99 100
(12) Procedures for the issuance of duplicate licenses;	101
(13) Requirements for criminal records checks of applicants under section 4776.03 of the Revised Code;	102 103
(14) The amount and content of corrective action courses	104

required by the board under section 4717.14 of the Revised Code. 105

(B) The board may adopt rules governing the educational 106
standards for licensure as an embalmer or funeral director, or 107
obtaining a permit to be a crematory operator, and the standards 108
of service and practice to be followed in embalming, funeral 109
directing, and cremation, and in the operation of funeral homes, 110
embalming facilities, and crematory facilities in this state. 111

(C) Nothing in this chapter authorizes the board of 112
embalmers and funeral directors to regulate cemeteries, except 113
that the board shall license and regulate funeral homes, 114
embalming facilities, and crematory facilities located at 115
cemeteries in accordance with this chapter. 116

(D) If the executive director of the board has knowledge 117
or notice of a violation of division (A) (1), (3), (5), or (6) of 118
section 4717.13 of the Revised Code or that a person is engaging 119
in the business or profession of funeral directing in violation 120
of division (A) (14) of that section, the executive director 121
shall investigate the matter, and, upon probable cause 122
appearing, cause an attorney employed by or contracting with the 123
board to file a complaint and prosecute the offender. When 124
requested by the executive director, the prosecuting attorney of 125
the proper county or the attorney general shall take charge of 126
and conduct such prosecution. 127

Section 2. That existing section 4717.04 of the Revised 128
Code is hereby repealed. 129