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134th General Assembly

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Am. Sub. S. B. No. 224

Senator Cirino

Cosponsors: Senators Lang, Schaffer, Blessing, Hackett, Peterson, Rulli, Thomas, Yuko Representatives Baldrige, Carruthers, Crossman, Fowler Arthur, Galonski, Ginter, Grendell, Hicks-Hudson, Hillyer, Humphrey, Ingram, Jones, Leland, Lepore-Hagan, Liston, Loychik, Miller, A., Miller, J., Pavliga, Seitz, Sheehy, Sobecki, Sykes, West, Young, T.

A BILL

To amend sections 169.02, 2108.75, 2108.77, 1
2108.81, 2108.82, 3517.152, 3705.20, 4513.17, 2
4717.04, 4717.05, 4717.06, 4717.07, 4717.10, 3
4717.13, 4717.14, 4717.24, 4717.28, 4717.30, 4
4717.35, and 4717.36 and to enact sections 5
305.43 and 4717.311 of the Revised Code to make 6
changes to the laws that impact funeral homes, 7
funeral professionals, funeral hearses, funeral 8
escort vehicles, preneed funeral contracts, and 9
the parental right of disposition for a deceased 10
adult child, and to require the appointment of 11
alternates to the Ohio Elections Commission. 12

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

Section 1. That sections 169.02, 2108.75, 2108.77, 13
2108.81, 2108.82, 3517.152, 3705.20, 4513.17, 4717.04, 4717.05, 14
4717.06, 4717.07, 4717.10, 4717.13, 4717.14, 4717.24, 4717.28, 15
4717.30, 4717.35, and 4717.36 be amended and sections 305.43 and 16
4717.311 of the Revised Code be enacted to read as follows: 17

Sec. 169.02. Subject to division (B) of section 169.01 of 18
the Revised Code, the following constitute unclaimed funds: 19

(A) Except as provided in division (R) of this section, 20
any demand, savings, or matured time deposit account, or matured 21
certificate of deposit, together with any interest or dividend 22
on it, less any lawful claims, that is held or owed by a holder 23
which is a financial organization, unclaimed for a period of 24
five years; 25

(B) Any funds paid toward the purchase of withdrawable 26
shares or other interest in a financial organization, and any 27
interest or dividends on them, less any lawful claims, that is 28
held or owed by a holder which is a financial organization, 29
unclaimed for a period of five years; 30

(C) Except as provided in division (A) of section 3903.45 31
of the Revised Code, moneys held or owed by a holder, including 32
a fraternal association, providing life insurance, including 33
annuity or endowment coverage, unclaimed for three years after 34
becoming payable as established from the records of such holder 35
under any life or endowment insurance policy or annuity contract 36
that has matured or terminated. An insurance policy, the 37
proceeds of which are payable on the death of the insured, not 38
matured by proof of death of the insured is deemed matured and 39
the proceeds payable if such policy was in force when the 40
insured attained the limiting age under the mortality table on 41
which the reserve is based. 42

Moneys otherwise payable according to the records of such 43
holder are deemed payable although the policy or contract has 44
not been surrendered as required. 45

(D) Any deposit made to secure payment or any sum paid in 46

advance for utility services of a public utility and any amount 47
refundable from rates or charges collected by a public utility 48
for utility services held or owed by a holder, less any lawful 49
claims, that has remained unclaimed for one year after the 50
termination of the services for which the deposit or advance 51
payment was made or one year from the date the refund was 52
payable, whichever is earlier; 53

(E) Except as provided in division (R) of this section, 54
any certificates, securities as defined in section 1707.01 of 55
the Revised Code, nonwithdrawable shares, other instruments 56
evidencing ownership, or rights to them or funds paid toward the 57
purchase of them, or any dividend, capital credit, profit, 58
distribution, interest, or payment on principal or other sum, 59
held or owed by a holder, including funds deposited with a 60
fiscal agent or fiduciary for payment of them, and instruments 61
representing an ownership interest, unclaimed for five years. 62
Any underlying share or other intangible instrument representing 63
an ownership interest in a business association, in which the 64
issuer has recorded on its books the issuance of the share but 65
has been unable to deliver the certificate to the shareholder, 66
constitutes unclaimed funds if such underlying share is 67
unclaimed for five years. In addition, an underlying share 68
constitutes unclaimed funds if a dividend, distribution, or 69
other sum payable as a result of the underlying share has 70
remained unclaimed by the owner for five years. 71

This division shall not prejudice the rights of fiscal 72
agents or fiduciaries for payment to return the items described 73
in this division to their principals, according to the terms of 74
an agency or fiduciary agreement, but such a return shall 75
constitute the principal as the holder of the items and shall 76
not interrupt the period for computing the time for which the 77

items have remained unclaimed. 78

In the case of any such funds accruing and held or owed by 79
a corporation under division (E) of section 1701.24 of the 80
Revised Code, such corporation shall comply with this chapter, 81
subject to the limitation contained in section 1701.34 of the 82
Revised Code. The period of time for which such funds have gone 83
unclaimed specified in section 1701.34 of the Revised Code shall 84
be computed, with respect to dividends or distributions, 85
commencing as of the dates when such dividends or distributions 86
would have been payable to the shareholder had such shareholder 87
surrendered the certificates for cancellation and exchange by 88
the date specified in the order relating to them. 89

Capital credits of a cooperative which after January 1, 90
1972, have been allocated to members and which by agreement are 91
expressly required to be paid if claimed after death of the 92
owner are deemed payable, for the purpose of this chapter, 93
fifteen years after either the termination of service by the 94
cooperative to the owner or upon the nonactivity as provided in 95
division (B) of section 169.01 of the Revised Code, whichever 96
occurs later, provided that this provision does not apply if the 97
payment is not mandatory. 98

(F) Any sum payable on certified checks or other written 99
instruments certified or issued and representing funds held or 100
owed by a holder, less any lawful claims, that are unclaimed for 101
five years from the date payable or from the date of issuance if 102
payable on demand; except that the unclaimed period for money 103
orders that are not third party bank checks is seven years, and 104
the unclaimed period for traveler's checks is fifteen years, 105
from the date payable or from the date of issuance if payable on 106
demand. 107

As used in this division, "written instruments" include, 108
but are not limited to, certified checks, cashier's checks, 109
bills of exchange, letters of credit, drafts, money orders, and 110
traveler's checks. 111

If there is no address of record for the owner or other 112
person entitled to the funds, such address is presumed to be the 113
address where the instrument was certified or issued. 114

(G) Except as provided in division (R) of this section, 115
all moneys, rights to moneys, or other intangible property, 116
arising out of the business of engaging in the purchase or sale 117
of securities, or otherwise dealing in intangibles, less any 118
lawful claims, that are held or owed by a holder and are 119
unclaimed for five years from the date of transaction. 120

(H) Except as provided in division (A) of section 3903.45 121
of the Revised Code, all moneys, rights to moneys, and other 122
intangible property distributable in the course of dissolution 123
or liquidation of a holder that are unclaimed for one year after 124
the date set by the holder for distribution; 125

(I) All moneys, rights to moneys, or other intangible 126
property removed from a safe-deposit box or other safekeeping 127
repository located in this state or removed from a safe-deposit 128
box or other safekeeping repository of a holder, on which the 129
lease or rental period has expired, or any amount arising from 130
the sale of such property, less any lawful claims, that are 131
unclaimed for three years from the date on which the lease or 132
rental period expired; 133

(J) Subject to division (M)(2) of this section, all 134
moneys, rights to moneys, or other intangible property, and any 135
income or increment on them, held or owed by a holder which is a 136

fiduciary for the benefit of another, or a fiduciary or 137
custodian of a qualified retirement plan or individual 138
retirement arrangement under section 401 or 408 of the Internal 139
Revenue Code, unclaimed for three years after the final date for 140
distribution; 141

(K) All moneys, rights to moneys, or other intangible 142
property held or owed in this state or held for or owed to an 143
owner whose last known address is within this state, by the 144
United States government or any state, as those terms are 145
described in division (E) of section 169.01 of the Revised Code, 146
unclaimed by the owner for three years, excluding any property 147
in the control of any court in a proceeding in which a final 148
adjudication has not been made; 149

(L) Amounts payable pursuant to the terms of any policy of 150
insurance, other than life insurance, or any refund available 151
under such a policy, held or owed by any holder, unclaimed for 152
three years from the date payable or distributable; 153

(M) (1) Subject to division (M) (2) of this section, any 154
funds constituting rents or lease payments due, any deposit made 155
to secure payment of rents or leases, or any sum paid in advance 156
for rents, leases, possible damage to property, unused services, 157
performance requirements, or any other purpose, held or owed by 158
a holder unclaimed for one year; 159

(2) Any escrow funds, security deposits, or other moneys 160
that are received by a licensed broker in a fiduciary capacity 161
and that, pursuant to division (A) (26) of section 4735.18 of the 162
Revised Code, are required to be deposited into and maintained 163
in a special or trust, noninterest-bearing bank account separate 164
and distinct from any personal or other account of the licensed 165
broker, held or owed by the licensed broker unclaimed for two 166

years.	167
(N) Any sum greater than fifty dollars payable as wages,	168
any sum payable as salaries or commissions, any sum payable for	169
services rendered, funds owed or held as royalties, oil and	170
mineral proceeds, funds held for or owed to suppliers, and	171
moneys owed under pension and profit-sharing plans, held or owed	172
by any holder unclaimed for one year from date payable or	173
distributable, and all other credits held or owed, or to be	174
refunded to a retail customer, by any holder unclaimed for three	175
years from date payable or distributable;	176
(O) Amounts held in respect of or represented by lay-aways	177
sold after January 1, 1972, less any lawful claims, when such	178
lay-aways are unclaimed for three years after the sale of them;	179
(P) All moneys, rights to moneys, and other intangible	180
property not otherwise constituted as unclaimed funds by this	181
section, including any income or increment on them, less any	182
lawful claims, which are held or owed by any holder, other than	183
a holder which holds a permit issued pursuant to Chapter 3769.	184
of the Revised Code, and which have remained unclaimed for three	185
years after becoming payable or distributable;	186
(Q) All moneys that arise out of a sale held pursuant to	187
section 5322.03 of the Revised Code, that are held by a holder	188
for delivery on demand to the appropriate person pursuant to	189
division (I) of that section, and that are unclaimed for two	190
years after the date of the sale.	191
(R) (1) Any funds that are subject to an agreement between	192
the holder and owner providing for automatic reinvestment and	193
that constitute dividends, distributions, or other sums held or	194
owed by a holder in connection with a security as defined in	195

section 1707.01 of the Revised Code, an ownership interest in an 196
investment company registered under the "Investment Company Act 197
of 1940," 54 Stat. 789, 15 U.S.C. 80a-1, as amended, or a 198
certificate of deposit, unclaimed for a period of five years. 199

(2) The five-year period under division (R) (1) of this 200
section commences from the date a second shareholder 201
notification or communication mailing to the owner of the funds 202
is returned to the holder as undeliverable by the United States 203
postal service or other carrier. The notification or 204
communication mailing by the holder shall be no less frequent 205
than quarterly. 206

All moneys in a personal allowance account, as defined by 207
rules adopted by the medicaid director, up to and including the 208
maximum resource limitation, of a medicaid recipient who has 209
died after receiving care in a long-term care facility, and for 210
whom there is no identifiable heir or sponsor, are not subject 211
to this chapter. 212

(S) (1) Funds held or owed by a holder pursuant to a 213
preneed funeral contract, as defined in section 4717.01 of the 214
Revised Code, unclaimed as of the last day of the calendar year 215
in which the beneficiary turns one hundred five years of age, 216
unless the holder or the seller or successor seller confirms 217
during that calendar year that the beneficiary is still alive; 218

(2) Funds held or owed by a holder that is the trustee of 219
a preneed funeral contract trust if the trustee was unable to 220
pay the net funds held by the trustee as required by division 221
(J) (2) of section 4717.36 of the Revised Code upon the 222
expiration of the one-hundred-eighty-day period specified in 223
that division. 224

(3) Funds held or owed by a holder which is a trustee of a 225
preneed funeral contract trust that the trustee was unable to 226
pay as required by division (J) (2) of section 4717.36 of the 227
Revised Code upon the expiration of the one hundred eighty-day- 228
period specified in that division. 229

Sec. 305.43. If a county commissioner is required by law 230
to serve as an ex officio member on a board, commission, or 231
other body of the county or of another political subdivision, 232
including a joint district, but has or may have a conflict of 233
interest under division (D) of section 102.03 of the Revised 234
Code, or has or may have an unlawful interest in a public 235
contract under section 2921.42 of the Revised Code, regarding 236
the commissioner's membership on that body, the other two county 237
commissioners shall appoint an individual to serve on that body 238
in place of the commissioner who has or may have a conflict or 239
unlawful interest. 240

Sec. 2108.75. (A) A person shall be disqualified from 241
serving as a representative or successor representative, or from 242
having the right of disposition for a deceased ~~adult~~ person 243
pursuant to section 2108.81 of the Revised Code, if any of the 244
following occurs: 245

(1) The person dies. 246

(2) A probate court declares or determines that the person 247
is incompetent. 248

(3) The person resigns or declines to exercise the right 249
as described in section 2108.88 of the Revised Code. 250

(4) The person ~~refuses~~ fails to exercise the right within 251
~~two days~~ forty-eight hours after notification of the declarant's 252
or deceased person's death or, if there is no notification, 253

<u>within seventy-two hours of either of the following, as</u>	254
<u>applicable:</u>	255
<u>(a) The declarant's or deceased person's death;</u>	256
<u>(b) The discovery of the declarant's or deceased person's</u>	257
<u>remains, when such discovery occurs more than an hour after the</u>	258
<u>declarant's or deceased person's death.</u>	259
(5) The person cannot be located with reasonable effort.	260
(6) The person meets the criteria described in section	261
2108.76 or 2108.77 of the Revised Code.	262
<u>(7) The person refuses to assume the liability for the</u>	263
<u>costs of disposition.</u>	264
(B) No owner, employee, or agent of a funeral home,	265
cemetery, or crematory providing funeral, burial, or cremation	266
services for a declarant shall serve as a representative or	267
successor representative for the declarant unless the owner,	268
employee, or agent is related to the declarant by blood,	269
marriage, or adoption.	270
(C) Subject to divisions (C) (2) and (D) (2) <u>(D)</u> of section	271
2108.70 of the Revised Code, if a person is disqualified from	272
serving as the declarant's representative or successor	273
representative, or from having the right of disposition for a	274
deceased adult <u>person</u> pursuant to section 2108.81 of the Revised	275
Code, as described in division (A) of this section, the right is	276
automatically reassigned to, and vests in, the next person who	277
has the right pursuant to the declarant's written declaration or	278
pursuant to the order of priority in section 2108.81 of the	279
Revised Code.	280
<u>If a right of disposition for a deceased person is</u>	281

assigned to a funeral director under division (B) (9) of section 282
2108.81 of the Revised Code, the funeral director is not liable 283
for the cost of disposition. 284

Sec. 2108.77. If the person named as the declarant's 285
representative or successor representative in a written 286
declaration, or the person who has a deceased ~~adult's~~ person's 287
right of disposition pursuant to section 2108.81 of the Revised 288
Code, meets any of the following criteria, the person shall be 289
disqualified from serving as the representative or successor 290
representative, or from having the right: 291

(A) (1) Subject to division (A) (2) of this section, the 292
person has been charged with murder, aggravated murder, or 293
voluntary manslaughter. 294

(2) If the charges against the person described in 295
division (A) (1) of this section are dismissed or if the person 296
is acquitted of such charges, the right is restored to the 297
person. 298

(B) (1) Subject to division (B) (2) of this section, the 299
person has been charged with an act of domestic violence under 300
section 2919.25 of the Revised Code and it has been alleged in 301
the charging instrument or accompanying papers that the act 302
resulted in or contributed to the declarant's death. 303

(2) If the charges against the person described in 304
division (B) (1) of this section are dismissed or if the person 305
is acquitted of such charges, the right is restored to the 306
person. 307

(C) The person and the declarant or deceased ~~adult~~ person 308
are spouses and an action to terminate the marriage pursuant to 309
Chapter 3105. of the Revised Code was pending at the time of the 310

declarant's or deceased ~~adult's~~person's death. 311

(D) The person and the declarant or deceased ~~adult~~person 312
are spouses and a probate court, on the motion of any other 313
person or its own motion, determines that the declarant's or 314
deceased ~~adult's~~person's spouse and the declarant were 315
estranged at the time of the declarant's or deceased ~~adult's~~person's 316
person's death. As used in this division, "estranged" means that 317
a declarant's or a deceased ~~adult's~~person's spouse and the 318
declarant or deceased ~~adult~~person were physically and 319
emotionally separated from each other, at the time of the 320
declarant's or deceased ~~adult's~~person's death, and had been 321
separated for a period of time that clearly demonstrates an 322
absence of due affection, trust, and regard between spouse and 323
the declarant ~~of or~~ deceased ~~adult~~person. 324

Sec. 2108.81. (A) If either of the following is true, 325
division (B) of this section shall apply: 326

(1) ~~An adult~~ A person has not executed a written 327
declaration pursuant to sections 2108.70 to 2108.73 of the 328
Revised Code that remains in force at the time of the ~~adult's~~person's 329
person's death. 330

(2) Each person to whom the right of disposition has been 331
assigned or reassigned pursuant to a written declaration is 332
disqualified from exercising the right as described in section 333
2108.75 of the Revised Code. 334

(B) Subject to division (A) of this section and sections 335
2108.75 and 2108.79 of the Revised Code, the right of 336
disposition is assigned to the following persons, if mentally 337
competent adults who can be located with reasonable effort, in 338
the order of priority stated: 339

- (1) The deceased person's surviving spouse; 340
- (2) The sole surviving child of the deceased person or, if 341
there is more than one surviving child, all of the surviving 342
children, collectively; 343
- (3) The deceased person's surviving parent or parents, 344
subject to division (C) of this section; 345
- (4) The deceased person's surviving sibling, whether of 346
the whole or of the half blood or, if there is more than one 347
sibling of the whole or of the half blood, all of the surviving 348
siblings, collectively; 349
- (5) The deceased person's surviving grandparent or 350
grandparents; 351
- (6) The deceased person's surviving grandchild, or if 352
there is more than one surviving grandchild, all of the 353
surviving grandchildren collectively; 354
- (7) The lineal descendants of the deceased person's 355
grandparents, as described in division (I) of section 2105.06 of 356
the Revised Code; 357
- (8) The person who was the deceased person's guardian at 358
the time of the deceased person's death, if a guardian had been 359
appointed; 360
- (9) Any other person willing to assume the right of 361
disposition, including the personal representative of the 362
deceased person's estate or the licensed funeral director with 363
custody of the deceased person's body, after attesting in 364
writing that a good faith effort has been made to locate the 365
persons in divisions (B) (1) to (8) of this section. 366
- (10) If the deceased person was an indigent person or 367

other person the final disposition of whose body is the 368
financial and statutory responsibility of the state or a 369
political subdivision of this state, the public officer or 370
employee responsible for arranging the final disposition of the 371
remains of the deceased person. 372

(C) (1) If a parent was the residential parent and legal 373
custodian of the deceased person at the time the deceased person 374
reached the age of majority, that parent's right of disposition 375
for the deceased person shall take precedence over the parent 376
who was not the residential parent and legal custodian of the 377
deceased person at that time. 378

(2) Division (C) (1) of this section shall not apply if the 379
parent with precedence is disqualified from the right of 380
disposition for the deceased person under section 2108.75 of the 381
Revised Code. 382

(3) Section 2108.79 of the Revised Code shall not affect 383
the precedence under division (C) (1) of this section; 384

(4) For purposes of this section, a parent's status as a 385
residential parent and legal custodian of a child shall be 386
established by a court order or decree that allocates parental 387
rights and responsibilities for the care of the child and was in 388
effect up to or at the time that the deceased person reached the 389
age of majority, or by other uncontroverted evidence. No funeral 390
director, embalmer, or crematory operator is required to 391
investigate whether or not the person claiming to be the 392
residential parent and legal custodian of a deceased person is 393
in fact the residential parent and legal custodian. 394

Sec. 2108.82. (A) Notwithstanding section 2108.81 of the 395
Revised Code and in accordance with division (B) of this 396

section, the probate court for the county in which the declarant 397
or deceased person resided at the time of death may, on its own 398
motion or the motion of another person, assign to any person the 399
right of disposition for a declarant or deceased person. 400

(B) In making a determination for purposes of division (A) 401
of this section and division (C) of section 2108.79 of the 402
Revised Code, the court shall consider the following: 403

(1) Whether evidence presented to, or in the possession of 404
the court, demonstrates that the person who is the subject of 405
the motion and the declarant or deceased person had a close 406
personal relationship; 407

(2) The reasonableness and practicality of any plans that 408
the person who is the subject of the motion may have for the 409
declarant's or deceased person's funeral, burial, cremation, or 410
final disposition, including the degree to which such plans 411
allow maximum participation by all persons who wish to pay their 412
final respects to the deceased person; 413

~~(3) The willingness of the person who is the subject of 414
the motion to assume the responsibility to pay for the 415
declarant's or deceased person's funeral, burial, cremation, or 416
final disposition and the desires of that person; 417~~

~~(4) The convenience and needs of other families and 418
friends wishing to pay their final respects to the declarant or 419
deceased person; 420~~

~~(5) (4) The express written desires of the declarant or 421
deceased person. 422~~

~~(C) Except to the extent considered under division (B) (3) 423
of this section, the following persons do The personal 424
representative of either the declarant or the deceased person 425~~

does not have a greater claim to the right of disposition than 426
such persons otherwise have pursuant to law. 427

~~(1) A person who is willing to assume the responsibility 428
to pay for the declarant's or deceased person's funeral, burial, 429
cremation, or final disposition; 430~~

~~(2) The personal representative of the declarant or 431
deceased person. 432~~

Sec. 3517.152. (A) (1) There is hereby created the Ohio 433
elections commission consisting of seven members. 434

Not later than forty-five days after August 24, 1995, the 435
speaker of the house of representatives and the leader in the 436
senate of the political party of which the speaker is a member 437
shall jointly submit to the governor a list of five persons who 438
are affiliated with that political party. Not later than forty- 439
five days after August 24, 1995, the two legislative leaders in 440
the two houses of the general assembly of the major political 441
party of which the speaker is not a member shall jointly submit 442
to the governor a list of five persons who are affiliated with 443
the major political party of which the speaker is not a member. 444
Not later than fifteen days after receiving each list, the 445
governor shall appoint three persons from each list to the 446
commission. The governor shall appoint one person from each list 447
to a term that ends on December 31, 1996, one person from each 448
list to a term that ends on December 31, 1997, and one person 449
from each list to a term that ends on December 31, 1998. 450

Not later than thirty days after the governor appoints 451
these six members, they shall, by a majority vote, appoint to 452
the commission a seventh member, who shall not be affiliated 453
with a political party. If the six members fail to appoint the 454

seventh member within this thirty-day period, the chief justice 455
of the supreme court, not later than thirty days after the end 456
of the period during which the six members were required to 457
appoint a member, shall appoint the seventh member, who shall 458
not be affiliated with a political party. The seventh member 459
shall be appointed to a term that ends on December 31, 2001. 460
Terms of the initial members appointed under this division begin 461
on January 1, 1996. 462

~~(2)~~ (2) (a) If a vacancy occurs in the position of the 463
seventh member, who is not affiliated with a political party, 464
the six remaining members by a majority vote shall appoint, not 465
later than forty-five days after the date of the vacancy, the 466
seventh member of the commission, who shall not be affiliated 467
with a political party. If these members fail to appoint the 468
seventh member within this forty-five-day period, the chief 469
justice of the supreme court, within fifteen days after the end 470
of this period, shall appoint the seventh member, who shall not 471
be affiliated with a political party. 472

(b) If a vacancy occurs in any of the other six positions 473
on the commission, the legislative leaders of the political 474
party from whose list of persons the member being replaced was 475
appointed shall submit to the governor, not later than thirty 476
days after the date of the vacancy, a list of three persons who 477
are affiliated with that political party. Not later than fifteen 478
days after receiving the list, the governor, with the advice and 479
consent of the senate, shall appoint one person from the list to 480
the commission. 481

~~(3)~~ (3) (a) For the purpose of appointing alternates to the 482
commission, not later than forty-five days after the effective 483
date of this section, the speaker of the house of 484

representatives and the leader in the senate of the political 485
party of which the speaker is a member shall jointly submit to 486
the governor a list of three persons who are affiliated with 487
that political party. Not later than forty-five days after the 488
effective date of this section, the two legislative leaders in 489
the two houses of the general assembly of the major political 490
party of which the speaker is not a member shall jointly submit 491
to the governor a list of three persons who are affiliated with 492
the major political party of which the speaker is not a member. 493
Not later than fifteen days after receiving each list, the 494
governor shall appoint one person from each list as an alternate 495
to the commission to a term that ends on December 31, 2026. The 496
initial term described in this division begins upon appointment 497
by the governor. If a vacancy occurs in the position of 498
alternate under this division, the vacancy shall be filled in 499
the same manner as described in division (A) (2) (b) of this 500
section. 501

(b) For the purpose of appointing an alternate for the 502
seventh member who is not affiliated with a political party, the 503
six members who are affiliated with a political party by a 504
majority vote shall appoint, not later than forty-five days 505
after the effective date of this amendment, the alternate for 506
the seventh member of the commission, who shall not be 507
affiliated with a political party. If these members fail to 508
appoint the alternate for the seventh member within this forty- 509
five-day period, the chief justice of the supreme court, within 510
fifteen days after the end of that period, shall appoint the 511
alternate for the seventh member, who shall not be affiliated 512
with a political party. The seventh member shall be appointed to 513
a term that ends on December 31, 2026. The initial term 514
described in this division begins upon the appointment of the 515

alternate. If a vacancy occurs in the position of alternate for 516
the seventh member who is not affiliated with a political party, 517
the vacancy shall be filled in the same manner as described in 518
division (A) (2) (a) of this section. 519

(4) At no time shall more than six members of the 520
commission be affiliated with a political party, and, of these 521
six members, not more than three shall be affiliated with the 522
same political party. 523

~~(4)~~(5) In making appointments to the commission, 524
including alternates, the governor shall take into consideration 525
the various geographic areas of this state and shall appoint 526
members and alternates so that those areas are represented on 527
the commission in a balanced manner, to the extent feasible. 528

~~(5)~~(6) Members and alternates of the commission shall be 529
registered electors and shall be of good moral character. 530

(7) Alternates shall serve on the commission when a member 531
of the commission is recused from hearing a complaint or is 532
otherwise unable to hear a complaint. Alternates shall serve on 533
the commission during a vacancy until the vacancy is filled. An 534
alternate may only serve in lieu of a member affiliated with the 535
same political party as the alternate. The alternate for the 536
unaffiliated seventh member of the commission may only serve in 537
lieu of the unaffiliated seventh member of the commission. When 538
serving in this capacity, alternates count as members of the 539
commission for the purpose of constituting a quorum under 540
division (G) (3) of this section. 541

(B) Each member and alternate of the Ohio elections 542
commission shall hold office from the date of the member's 543
appointment until the end of the term for which the member was 544

appointed. A member appointed to fill a vacancy occurring prior 545
to the expiration of the term for which the member's predecessor 546
was appointed shall hold office for the remainder of that term. 547
A member shall continue in office subsequent to the expiration 548
date of the member's term until the member's successor takes 549
office or until a period of sixty days has elapsed, whichever 550
occurs first. After the initial terms of office provided for in 551
~~division~~divisions (A) (1) and (3) of this section, terms of 552
office shall be for five years. 553

(C) A vacancy in the Ohio elections commission may be 554
caused by death, resignation, or three absences from commission 555
meetings in a calendar year if those absences are caused by 556
reasons declared invalid by a vote of five members of the 557
remaining members of the commission. 558

(D) Each member of the Ohio elections commission while in 559
the performance of the business of the commission shall be 560
entitled to receive compensation at the rate of twenty-five 561
thousand dollars per year. Members shall be reimbursed for 562
expenses actually and necessarily incurred in the performance of 563
their duties. 564

Each alternate of the Ohio elections commission, when 565
serving on the commission as described in division (A) (7) of 566
this section, shall be paid at the per diem rate of one hundred 567
fifty dollars, and shall be reimbursed for expenses actually and 568
necessarily incurred in the performance of the alternate's 569
duties. 570

(E) No member of the Ohio elections commission shall serve 571
more than one full term unless the terms served are served 572
nonconsecutively. 573

(F) (1) No member <u>or alternate</u> of the Ohio elections	574
commission shall do or be any of the following:	575
(a) Hold, or be a candidate for, a public office;	576
(b) Serve on a committee supporting or opposing a	577
candidate or ballot question or issue;	578
(c) Be an officer of the state central committee, a county	579
central committee, or a district, city, township, or other	580
committee of a political party or an officer of the executive	581
committee of the state central committee, a county central	582
committee, or a district, city, township, or other committee of	583
a political party;	584
(d) Be a legislative agent as defined in section 101.70 of	585
the Revised Code or an executive agency lobbyist as defined in	586
section 121.60 of the Revised Code;	587
(e) Solicit or be involved in soliciting contributions on	588
behalf of a candidate, campaign committee, political party,	589
political action committee, or political contributing entity;	590
(f) Be in the unclassified service under section 124.11 of	591
the Revised Code;	592
(g) Be a person or employee who is excluded from the	593
definition of public employee pursuant to division (C) of	594
section 4117.01 of the Revised Code.	595
(2) No member, <u>alternate</u> , or employee of the commission	596
shall make a contribution to, or for the benefit of, a campaign	597
committee or committee in support of or opposition to a ballot	598
question or issue, a political party, a legislative campaign	599
fund, a political action committee, or a political contributing	600
entity.	601

(G) (1) The members of the Ohio elections commission shall 602
elect a chairperson and a vice-chairperson. At no time shall the 603
chairperson and vice-chairperson be affiliated with the same 604
political party. The chairperson shall serve in that capacity 605
for one year and shall not serve as chairperson more than twice 606
during a term as a member of the commission. No two successive 607
chairpersons shall be affiliated with the same political party. 608

(2) The commission shall meet at the call of the 609
chairperson or upon the written request of a majority of the 610
members. The meetings and hearings of the commission or a panel 611
of the commission under sections 3517.153 to 3517.157 of the 612
Revised Code are subject to section 121.22 of the Revised Code. 613

(3) The commission shall adopt rules for its procedures in 614
accordance with Chapter 119. of the Revised Code. Five of the 615
seven members constitute a quorum. Except as otherwise provided 616
in this section and in sections 3517.154 to 3517.157 of the 617
Revised Code, no action shall be taken without the concurrence 618
of a majority of the members. 619

(H) (1) The Ohio elections commission shall employ the 620
technical, professional, and clerical employees that are 621
necessary for it to carry out its duties. 622

(2) (a) Notwithstanding section 109.02 of the Revised Code, 623
the commission shall employ a full-time attorney, and, as 624
needed, one or more investigatory attorneys to conduct 625
investigations for the commission or a panel of the commission. 626
The commission may employ or contract for the services of 627
additional attorneys, as needed. The full-time attorney shall do 628
all of the following: 629

(i) Serve as the commission's attorney in regard to all 630

legal matters, including representing the commission at appeals 631
from a final determination of the commission, except that the 632
full-time attorney shall not perform the duties that an 633
investigatory attorney is required or requested to perform or 634
that another attorney the commission employs or contracts with 635
for services is required or requested to perform, and shall not 636
represent the commission in any legal proceeding in which the 637
commission is a named party; 638

(ii) At the request of the commission or a panel of the 639
commission, be present at a hearing held under sections 3517.154 640
to 3517.156 of the Revised Code to rule on the admissibility of 641
evidence and to advise on the conduct of procedure; 642

(iii) Perform other duties as required by rule of the 643
commission. 644

(b) An attorney employed by or under contract with the 645
commission shall be licensed to practice law in this state. 646

(3) (a) Except as otherwise provided in division (H) (3) (b) 647
of this section, at least five members of the commission shall 648
agree on the employment of a person, a majority of the members 649
shall agree on the discharge of an employee, and a person 650
employed by the commission shall serve at the pleasure of the 651
commission. 652

(b) At least five of the seven members shall agree on the 653
discharge of an investigatory attorney. 654

(I) There is hereby created in the state treasury the Ohio 655
elections commission fund. All moneys credited to the fund shall 656
be used solely for the purpose of paying expenses related to the 657
operation of the Ohio elections commission. 658

Sec. 3705.20. (A) The fetal death of the product of human 659

conception of at least twenty weeks of gestation shall be 660
registered on a fetal death certificate. 661

On application of the funeral director or either parent, 662
the fetal death of the product of human conception prior to 663
twenty weeks of gestation shall be registered on a fetal death 664
certificate, except that the fetal death certificate shall not 665
list the cause of death. 666

The funeral director or the parent shall include with the 667
application a copy of the statement required by division (B)(1) 668
of section 3727.16 or division (B)(1) of section 4731.82 of the 669
Revised Code. If the father submits the application, he shall 670
also include with it a signed and notarized document from the 671
mother attesting that she voluntarily provided the father with a 672
copy of the statement. 673

A fetal death certificate for the product of human 674
conception prior to twenty weeks gestation is not proof of a 675
live birth for purposes of federal, state, and local taxes. 676

(B) The product of human conception of at least twenty 677
weeks of gestation that suffers a fetal death occurring in Ohio 678
shall not be interred, deposited in a vault or tomb, cremated, 679
or otherwise disposed of by a funeral director or other person 680
until a fetal death certificate or provisional death certificate 681
has been filed with and a burial permit is issued by the local 682
registrar of vital statistics of the registration district in 683
which the fetal death occurs, or the body is found. 684

A burial permit for the product of human conception that 685
suffers a fetal death prior to twenty weeks of gestation shall 686
be issued by the local registrar of vital statistics of the 687
registration district in which the fetal death occurs if the 688

funeral director or either parent files a fetal death 689
certificate with that registrar. 690

(C) (1) The department of health and the local registrar 691
shall keep a separate record and index record of fetal death 692
certificates. 693

(2) The personal or statistical information on the fetal 694
death certificate shall be obtained by the funeral director or 695
other person in charge of interment or cremation from the best 696
qualified persons or sources available. 697

(D) When a burial permit is issued under division (B) of 698
this section for the product of human conception of at least 699
twenty weeks of gestation that suffers a fetal death, the local 700
registrar shall inform the parent or parents listed on the fetal 701
death certificate or provisional death certificate of the option 702
of applying for a certificate that is issued under division (B) 703
(3) of section 3705.23 of the Revised Code. 704

Sec. 4513.17. (A) Whenever a motor vehicle equipped with 705
headlights also is equipped with any auxiliary lights or 706
spotlight or any other light on the front thereof projecting a 707
beam of an intensity greater than three hundred candle power, 708
not more than a total of five of any such lights on the front of 709
a vehicle shall be lighted at any one time when the vehicle is 710
upon a highway. 711

(B) Any lighted light or illuminating device upon a motor 712
vehicle, other than headlights, spotlights, signal lights, or 713
auxiliary driving lights, that projects a beam of light of an 714
intensity greater than three hundred candle power, shall be so 715
directed that no part of the beam will strike the level of the 716
roadway on which the vehicle stands at a distance of more than 717

seventy-five feet from the vehicle. 718

(C) (1) Flashing lights are prohibited on motor vehicles, 719
except as a means for indicating a right or a left turn, or in 720
the presence of a vehicular traffic hazard requiring unusual 721
care in approaching, or overtaking or passing. ~~This~~ 722

(2) The prohibition in division (C) (1) of this section 723
does not apply to ~~emergency~~ any of the following: 724

(a) Emergency vehicles, road service vehicles servicing or 725
towing a disabled vehicle, stationary waste collection vehicles 726
actively collecting garbage, refuse, trash, or recyclable 727
materials on the roadside, rural mail delivery vehicles, 728
vehicles as provided in section 4513.182 of the Revised Code, 729
highway maintenance vehicles, ~~funeral hearses, funeral escort~~ 730
~~vehicles,~~ and similar equipment operated by the department or 731
local authorities, ~~which shall be provided such vehicles are~~ 732
equipped with and display, when used on a street or highway for 733
the special purpose necessitating such lights, a flashing, 734
oscillating, or rotating amber light, ~~but shall not display a~~ 735
~~flashing, oscillating, or rotating light of any other color, nor~~ 736
~~to vehicles;~~ 737

(b) Vehicles or machinery permitted by section 4513.11 of 738
the Revised Code to have a flashing red light. 739

~~(2) When used on a street or highway, farm;~~ 740

(c) Farm machinery and vehicles escorting farm machinery 741
~~may be, provided such machinery and vehicles are~~ equipped with 742
~~and display, when used on a street or highway,~~ a flashing, 743
oscillating, or rotating amber light, ~~and the prohibition~~ 744
~~contained in division (C) (1) of this section does not apply to~~ 745
~~such machinery or vehicles.~~ Farm machinery also may display the 746

lights described in section 4513.11 of the Revised Code. 747

(d) A funeral hearse or funeral escort vehicle, provided 748
that the funeral hearse or funeral escort vehicle is equipped 749
with and displays, when used on a street or highway for the 750
special purpose necessitating such lights, a flashing, 751
oscillating, or rotating purple or amber light. 752

(D) (1) Except a person operating a public safety vehicle, 753
as defined in division (E) of section 4511.01 of the Revised 754
Code, or a school bus, no person shall operate, move, or park 755
upon, or permit to stand within the right-of-way of any public 756
street or highway any vehicle or equipment that is equipped with 757
and displaying a flashing red or a flashing combination red and 758
white light, or an oscillating or rotating red light, or a 759
combination red and white oscillating or rotating light, ~~and~~ 760
~~except.~~ 761

(2) Except a public law enforcement officer, or other 762
person sworn to enforce the criminal and traffic laws of the 763
state, operating a public safety vehicle when on duty, no person 764
shall operate, move, or park upon, or permit to stand within the 765
right-of-way of any street or highway any vehicle or equipment 766
that is equipped with, or upon which is mounted, and displaying 767
a flashing blue or a flashing combination blue and white light, 768
or an oscillating or rotating blue light, or a combination blue 769
and white oscillating or rotating light. 770

(E) This section does not prohibit the use of warning 771
lights required by law or the simultaneous flashing of turn 772
signals on disabled vehicles or on vehicles being operated in 773
unfavorable atmospheric conditions in order to enhance their 774
visibility. This section also does not prohibit the simultaneous 775
flashing of turn signals or warning lights either on farm 776

machinery or vehicles escorting farm machinery, when used on a 777
street or highway. 778

(F) Whoever violates this section is guilty of a minor 779
misdemeanor. 780

Sec. 4717.04. (A) The board of embalmers and funeral 781
directors shall adopt rules in accordance with Chapter 119. of 782
the Revised Code for the government, transaction of the 783
business, and the management of the affairs of the board of 784
embalmers and funeral directors and the crematory review board, 785
and for the administration and enforcement of this chapter. 786
These rules shall include all of the following: 787

(1) The nature, scope, content, and form of the 788
application that must be completed and license examination that 789
must be passed in order to receive an embalmer's license or a 790
funeral director's license under section 4717.05 of the Revised 791
Code. The rules shall ensure both of the following: 792

(a) That the embalmer's license examination tests the 793
applicant's knowledge through at least a comprehensive section 794
and an Ohio laws section; 795

(b) That the funeral director's license examination tests 796
the applicant's knowledge through at least a comprehensive 797
section, an Ohio laws section, and a sanitation section. 798

(2) The minimum license examination score necessary to be 799
licensed under section 4717.05 of the Revised Code as an 800
embalmer or as a funeral director; 801

(3) Procedures for determining the dates of the embalmer's 802
and funeral director's license examinations, which shall be 803
administered at least once each year, the time and place of each 804
examination, and the supervision required for each examination; 805

(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;	806 807 808 809
(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;	810 811 812 813 814
(6) Continuing education requirements for licensed embalmers and funeral directors;	815 816
(7) Requirements for the licensing and operation of funeral homes;	817 818
(8) Requirements for the licensing and operation of embalming facilities;	819 820
(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:	821 822 823 824
(a) Obtaining a license under this chapter by fraud or misrepresentation either in the application or in passing the required examination for the license;	825 826 827
(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;	828 829 830 831 832 833 834

(c) Committing unprofessional conduct;	835
(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;	836 837 838 839
(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;	840 841 842
(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 <u>and following the requirements of section 4717.11 of the Revised Code</u> ;	843 844 845 846 847
(g) Misleading the public using false or deceptive advertising;	848 849
(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.	850 851 852 853 854 855 856 857
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	858 859 860 861 862 863

forfeiture for a second or subsequent violation shall not exceed 864
ten thousand dollars. The amount of the forfeiture may differ 865
among the types of violations according to what the board 866
considers the seriousness of each violation. 867

(10) Requirements for the licensing and operation of 868
crematory facilities; 869

(11) Procedures for the board to take possession of and to 870
arrange the lawful disposition of unclaimed cremated remains 871
that were held or stored at a funeral home or crematory that has 872
been closed; 873

(12) Procedures for the issuance of duplicate licenses; 874

(13) Requirements for criminal records checks of 875
applicants under section 4776.03 of the Revised Code; 876

(14) The amount and content of corrective action courses 877
required by the board under section 4717.14 of the Revised Code. 878

(B) The board may adopt rules governing the educational 879
standards for licensure as an embalmer or funeral director, or 880
obtaining a permit to be a crematory operator, and the standards 881
of service and practice to be followed in embalming, funeral 882
directing, and cremation, and in the operation of funeral homes, 883
embalming facilities, and crematory facilities in this state. 884

(C) Nothing in this chapter authorizes the board of 885
embalmers and funeral directors to regulate cemeteries, except 886
that the board shall license and regulate funeral homes, 887
embalming facilities, and crematory facilities located at 888
cemeteries in accordance with this chapter. 889

(D) If the executive director of the board has knowledge 890
or notice of a violation of division (A) (1), (3), (5), or (6) of 891

section 4717.13 of the Revised Code or that a person is engaging 892
in the business or profession of funeral directing in violation 893
of division (A) (14) of that section, the executive director 894
shall investigate the matter, and, upon probable cause 895
appearing, cause an attorney employed by or contracting with the 896
board to file a complaint and prosecute the offender. When 897
requested by the executive director, the prosecuting attorney of 898
the proper county or the attorney general shall take charge of 899
and conduct such prosecution. 900

Sec. 4717.05. (A) Any person who desires to be licensed as 901
an embalmer shall apply to the board of embalmers and funeral 902
directors on a form provided by the board. The applicant shall 903
include with the application an initial license fee as set forth 904
in section 4717.07 of the Revised Code and evidence, verified by 905
oath and satisfactory to the board, that the applicant meets all 906
of the following requirements: 907

(1) The applicant is at least eighteen years of age. 908

(2) The applicant holds at least a bachelor's degree from 909
a college or university authorized to confer degrees by the 910
department of higher education or the comparable legal agency of 911
another state in which the college or university is located and 912
submits an official transcript from that college or university 913
with the application. 914

(3) The applicant has satisfactorily completed at least 915
twelve months of instruction in a prescribed course in mortuary 916
science as approved by the board and has presented to the board 917
a certificate showing successful completion of the course. The 918
course of mortuary science college training may be completed 919
either before or after the completion of the educational 920
standard set forth in division (A) (2) of this section. 921

(4) The applicant has been certified by the board prior to beginning an embalmer apprenticeship.	922 923
(5) The applicant has satisfactorily completed at least one year of apprenticeship under an embalmer licensed in this state and has participated in embalming at least twenty-five dead human bodies.	924 925 926 927
(6) The applicant, upon meeting the educational standards provided for in divisions (A) (2) and (3) of this section and completing the apprenticeship required in division (A) (5) of this section, has completed the examination for an embalmer's license required by the board.	928 929 930 931 932
(B) Upon receiving satisfactory evidence verified by oath that the applicant meets all the requirements of division (A) of this section, the board shall issue the applicant an embalmer's license.	933 934 935 936
(C) Any person who desires to be licensed as a funeral director shall apply to the board on a form prescribed by the board. The application shall include an initial license fee as set forth in section 4717.07 of the Revised Code and evidence, verified by oath and satisfactory to the board, that the applicant meets all of the following requirements:	937 938 939 940 941 942
(1) Except as otherwise provided in division (D) of this section, the applicant has satisfactorily met all the requirements for an embalmer's license as described in divisions (A) (1) to (3) of this section.	943 944 945 946
(2) The applicant has been certified by the board prior to beginning a funeral director apprenticeship.	947 948
(3) The applicant, following mortuary science college training described in division (A) (3) of this section, has	949 950

satisfactorily completed a one-year apprenticeship under a 951
licensed funeral director in this state and has participated in 952
directing at least twenty-five funerals. 953

(4) The applicant has satisfactorily completed the 954
examination for a funeral director's license as required by the 955
board. 956

(D) In lieu of mortuary science college training required 957
for a funeral director's license under division (C) (1) of this 958
section, the applicant may substitute a satisfactorily completed 959
two-year apprenticeship under a licensed funeral director in 960
this state assisting that person in directing at least fifty 961
funerals. 962

(E) Upon receiving satisfactory evidence that the 963
applicant meets all the requirements of division (C) of this 964
section, the board shall issue to the applicant a funeral 965
director's license. 966

(F) A funeral director or embalmer may request the funeral 967
director's or embalmer's license be placed on inactive status by 968
submitting to the board a form prescribed by the board and such 969
other information as the board may request. A funeral director 970
or embalmer may not place the funeral director's or embalmer's 971
license on inactive status unless the funeral director or 972
embalmer is in good standing with the board and is in compliance 973
with applicable continuing education requirements. A funeral 974
director or embalmer who is granted inactive status is 975
prohibited from participating in any activity for which a 976
funeral director's or embalmer's license is required in this 977
state. A funeral director or embalmer who has been granted 978
inactive status is exempt from the continuing education 979
requirements under section 4717.09 of the Revised Code during 980

the period of the inactive status. 981

(G) A funeral director or embalmer who has been granted 982
inactive status may not return to active status for at least two 983
years following the date that the inactive status was granted. 984
Following a period of at least two years of inactive status, the 985
funeral director or embalmer may apply to return to active 986
status upon completion of all of the following conditions: 987

(1) The funeral director or embalmer files with the board 988
a form prescribed by the board seeking active status and 989
provides any other information as the board may request; 990

(2) The funeral director or embalmer takes and passes the 991
Ohio laws examination for each license being activated; 992

(3) The funeral director or embalmer pays ~~a reactivation~~ 993
~~fee to the board in the amount of one hundred forty dollars for~~ 994
~~each license being reactivated~~the reactivation fee described in 995
division (A) (1) of section 4717.07 of the Revised Code. 996

Sec. 4717.06. (A) (1) A licensed funeral director who 997
desires to obtain a license to operate a funeral home, a 998
licensed embalmer who desires to obtain a license to operate an 999
embalming facility, or a holder of a crematory operator permit 1000
who desires to obtain a license to operate a crematory facility 1001
shall apply to the board of embalmers and funeral directors on a 1002
form prescribed by the board. The application shall include the 1003
initial license application fee set forth in section 4717.07 of 1004
the Revised Code and proof satisfactory to the board that the 1005
funeral home, embalming facility, or crematory facility is in 1006
compliance with rules adopted by the board under section 4717.04 1007
of the Revised Code, rules adopted by the board of building 1008
standards under Chapter 3781. of the Revised Code, and all other 1009

federal, state, and local requirements relating to the safety of 1010
the premises. 1011

(2) If the funeral home, embalming facility, or crematory 1012
facility to which the license application pertains is owned by a 1013
corporation or limited liability company, the application shall 1014
include the name and address of the corporation's or limited 1015
liability company's statutory agent appointed under section 1016
1701.07 of the Revised Code, former section 1705.06 of the 1017
Revised Code as that section existed prior to February 11, 2022, 1018
or section 1706.09 of the Revised Code or, in the case of a 1019
foreign corporation, the corporation's designated agent 1020
appointed under section 1703.041 of the Revised Code. If the 1021
funeral home, embalming facility, or crematory facility to which 1022
the application pertains is owned by a partnership, the 1023
application shall include the name and address of each of the 1024
partners. If, at any time after the submission of a license 1025
application or issuance of a license, the statutory or 1026
designated agent of a corporation or limited liability company 1027
owning a funeral home, embalming facility, or crematory facility 1028
or the address of the statutory or designated agent changes or, 1029
in the case of a partnership, any of the partners of the funeral 1030
home, embalming facility, or crematory facility or the address 1031
of any of the partners changes, the applicant for or holder of 1032
the license to operate the funeral home, embalming facility, or 1033
crematory facility shall submit written notice to the board, 1034
within thirty days after the change, informing the board of the 1035
change and of any name or address of a statutory or designated 1036
agent or partner that has changed from that contained in the 1037
application for the license or the most recent notice submitted 1038
under division (A) (2) of this section. 1039

(B) (1) The board of embalmers and funeral directors shall 1040

issue a license to operate a funeral home only to a licensed 1041
funeral director who is named in the application as the funeral 1042
director actually in charge and ultimately responsible for the 1043
funeral home. The board shall issue the license only for the 1044
address at which the funeral home is physically located and 1045
operated. The funeral home license and licenses of the embalmers 1046
and funeral directors employed by the funeral home shall be 1047
displayed in a conspicuous place within the funeral home. ~~The~~ 1048
~~name of the funeral director to whom the funeral home license~~ 1049
~~has been issued shall be conspicuously displayed immediately on~~ 1050
~~the outside or the inside of the primary entrance to the funeral~~ 1051
~~home that is used by the public.~~ 1052

(2) The funeral home shall have on the premises one of the 1053
following: 1054

(a) If embalming will take place at the funeral home, an 1055
embalming room that is adequately equipped and maintained. The 1056
embalming room shall be kept in a clean and sanitary manner and 1057
used only for the embalming, preparation, or holding of dead 1058
human bodies. The embalming room shall contain only the 1059
articles, facilities, and instruments necessary for those 1060
purposes. 1061

(b) If embalming will not take place at the funeral home, 1062
a holding room that is adequately equipped and maintained. The 1063
holding room shall be kept in a clean and sanitary manner and 1064
used only for the preparation, other than embalming, and holding 1065
of dead human bodies. The holding room shall contain only the 1066
articles and facilities necessary for those purposes. 1067

(3) Each funeral home shall be directly supervised by a 1068
funeral director licensed under this chapter, who may supervise 1069
more than one funeral home. 1070

(C) (1) The board shall issue a license to operate an 1071
embalming facility only to a licensed embalmer who is actually 1072
in charge of and ultimately responsible for the embalming 1073
facility. The board shall issue the license only for the address 1074
at which the embalming facility is physically located and 1075
operated. The license shall be displayed in a conspicuous place 1076
within the facility. ~~The name of the embalmer to whom the~~ 1077
~~embalming facility license has been issued shall be~~ 1078
~~conspicuously displayed on the outside or inside of the primary~~ 1079
~~entrance to the embalming facility.~~ 1080

(2) The embalming facility shall be adequately equipped 1081
and maintained in a sanitary manner. The embalming room at such 1082
a facility shall contain only the articles, facilities, and 1083
instruments necessary for its stated purpose. The embalming room 1084
shall be kept in a clean and sanitary condition and used only 1085
for the care and preparation of dead human bodies. 1086

(D) (1) The board shall issue a license to operate a 1087
crematory facility only to a crematory operator who is actually 1088
in charge and ultimately responsible for the crematory facility. 1089
The board shall issue the license only for the address at which 1090
the crematory facility is physically located and operated. The 1091
license shall be displayed in a conspicuous place within the 1092
crematory facility. ~~The name of the crematory operator to whom~~ 1093
~~the crematory facility license has been issued shall be~~ 1094
~~conspicuously displayed on the outside or inside of the primary~~ 1095
~~entrance to the crematory facility.~~ 1096

(2) The crematory facility shall be adequately equipped 1097
and maintained in a clean and sanitary manner. The crematory 1098
facility may be located in a funeral home, embalming facility, 1099
cemetery building, or other building in which the crematory 1100

facility may lawfully operate. If a crematory facility engages 1101
in the cremation of animals, the crematory facility shall 1102
cremate animals in a cremation chamber that also is not used to 1103
cremate dead human bodies or human body parts and shall not 1104
cremate animals in a cremation chamber used for the cremation of 1105
dead human bodies and human body parts. Cremation chambers that 1106
are used for the cremation of dead human bodies or human body 1107
parts and cremation chambers used for the cremation of animals 1108
may be located in the same area. Cremation chambers used for the 1109
cremation of animals shall have conspicuously displayed on the 1110
unit a notice that the unit is to be used for animals only. 1111

(3) A license to operate a crematory facility shall be 1112
issued to the person actually in charge of the crematory 1113
facility. This section does not require the individual who is 1114
actually in charge of the crematory facility to be an embalmer 1115
or funeral director licensed under this chapter. 1116

(4) Nothing in this section or rules adopted under section 1117
4717.04 of the Revised Code precludes the establishment and 1118
operation of a crematory facility on or adjacent to the property 1119
on which a cemetery, funeral home, or embalming facility is 1120
located. 1121

Sec. 4717.07. (A) The board of embalmers and funeral 1122
directors shall charge and collect the following fees: 1123

(1) For applying for an initial or biennial renewal of an 1124
embalmer's or funeral director's license, or a reactivation of a 1125
license as described in division (G) of section 4717.05 of the 1126
Revised Code, two hundred dollars; 1127

(2) For applying for an embalmer or funeral director 1128
certificate of apprenticeship, thirty-five dollars; 1129

(3) For the application to take the examination for a license to practice as an embalmer or funeral director, or to retake a section of the examination, thirty-five dollars;

(4) For applying for an initial license to operate a funeral home, four hundred dollars and biennial renewal of a license to operate a funeral home, four hundred dollars;

(5) For the reinstatement of a lapsed embalmer's or funeral director's license, the renewal fee prescribed in division (A) (1) of this section plus fifty dollars for each month or portion of a month the license is lapsed, but not more than one thousand dollars;

(6) For the reinstatement of a lapsed license to operate a funeral home, the renewal fee prescribed in division (A) (4) of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement, but not more than one thousand dollars;

(7) For applying for a license to operate an embalming facility, four hundred dollars and biennial renewal of a license to operate an embalming facility, four hundred dollars;

(8) For the reinstatement of a lapsed license to operate an embalming facility, the renewal fee prescribed in division (A) (7) of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement, but not more than one thousand dollars;

(9) For applying for a license to operate a crematory facility, four hundred dollars and biennial renewal of a license to operate a crematory facility, four hundred dollars;

(10) For the reinstatement of a lapsed license to operate a crematory facility, the renewal fee prescribed in division (A)

(9) of this section plus fifty dollars for each month or portion 1159
of a month the license is lapsed until reinstatement, but not 1160
more than five hundred dollars; 1161

(11) For applying for the initial or biennial renewal of a 1162
crematory operator permit, one hundred fifty dollars; 1163

(12) For the reinstatement of a lapsed crematory operator 1164
permit, the renewal fee prescribed in division (A) (11) of this 1165
section plus fifty dollars for each month or portion of a month 1166
the permit is lapsed, but not more than five hundred dollars; 1167

(13) For the issuance of a duplicate of a license issued 1168
under this chapter, ten dollars; 1169

(14) For each preneed funeral contract sold in the state 1170
other than those funded by the assignment of an existing 1171
insurance policy, ten dollars. 1172

(B) In addition to the fees set forth in division (A) of 1173
this section, an applicant shall pay the examination fee 1174
assessed by any examining agency the board uses for any section 1175
of an examination required under this chapter. 1176

(C) Subject to the approval of the controlling board, the 1177
board of embalmers and funeral directors may establish fees in 1178
excess of the amounts set forth in this section, provided that 1179
these fees do not exceed the amounts set forth in this section 1180
by more than fifty per cent. 1181

Sec. 4717.10. (A) The board of embalmers and funeral 1182
directors may recognize ~~licenses~~ a license issued to ~~embalmers~~ 1183
~~and an embalmer or a funeral directors~~ director by other states, 1184
~~and upon another state.~~ Upon presentation of such 1185
~~licenses~~ license and evidence satisfactory to the board showing 1186
such embalmer or funeral director meets all requirements of this 1187

division and is in good standing in that other state, ~~may the~~ 1188
board shall issue to the holder an embalmer's or funeral 1189
director's license under this chapter. The board shall charge 1190
the same fee as prescribed in section 4717.07 of the Revised 1191
Code to issue or renew such an embalmer's or funeral director's 1192
license. Such licenses shall be renewed biennially as provided 1193
in section 4717.08 of the Revised Code. The board shall not 1194
issue a license to any person under this division ~~(A) of this~~ 1195
~~section~~ unless the applicant proves that the applicant, in the 1196
state in which the applicant is licensed, has complied with 1197
requirements substantially equal to those established in section 1198
4717.05 of the Revised Code. 1199

(B) The board of embalmers and funeral directors may issue 1200
courtesy card permits. A courtesy card permit holder shall be 1201
authorized to undertake both the following acts in this state: 1202

(1) Prepare and complete those sections of a death 1203
certificate and other permits needed for disposition of deceased 1204
human remains in this state and sign and file such death 1205
certificates and permits; 1206

(2) Supervise and conduct funeral ceremonies, interments, 1207
and entombments in this state. 1208

(C) The board of embalmers and funeral directors ~~may shall~~ 1209
determine under what conditions a courtesy card permit ~~may shall~~ 1210
be issued to funeral directors in bordering states after taking 1211
into account whether and under what conditions and fees such 1212
border states issue similar courtesy card permits to funeral 1213
directors licensed in this state. A courtesy card permit holder 1214
shall comply with all applicable laws and rules of this state 1215
while engaged in any acts of funeral directing in this state. 1216
The board may revoke or suspend a courtesy card permit or 1217

subject a courtesy card permit holder to discipline in 1218
accordance with the laws, rules, and procedures applicable to 1219
funeral directors under this chapter. Applicants for courtesy 1220
card permits shall apply on forms prescribed by the board, pay a 1221
biennial fee set by the board for initial applications and 1222
renewals, and adhere to such other requirements imposed by the 1223
board on courtesy card permit holders. 1224

(D) No courtesy card permit holder shall be authorized to 1225
undertake any of the following activities in this state: 1226

(1) Arranging funerals or disposition services with 1227
members of the public in this state; 1228

(2) Be employed by or under contract to a funeral home 1229
licensed in this state to perform funeral services in this 1230
state; 1231

(3) Advertise funeral or disposition services in this 1232
state; 1233

(4) Enter into or execute funeral or disposition contracts 1234
in this state; 1235

(5) Prepare or embalm deceased human remains in this 1236
state; 1237

(6) Arrange for or carry out the disinterment of human 1238
remains in this state. 1239

(E) As used in this section, "courtesy card permit" means 1240
a special permit that may be issued to a funeral director 1241
licensed in a state that borders this state and who does not 1242
hold a funeral director's license under this chapter. 1243

Sec. 4717.13. (A) No person shall do any of the following: 1244

(1) Engage in the business or profession of funeral directing unless the person is licensed as a funeral director under this chapter, is certified as an apprentice funeral director in accordance with rules adopted under section 4717.04 of the Revised Code and under the supervision of a funeral director licensed under this chapter, or is a student in a college of mortuary sciences approved by the board of embalmers and funeral directors and is under the direct supervision of a funeral director licensed by the board;

(2) Engage in embalming unless the person is licensed as an embalmer under this chapter, is certified as an apprentice embalmer in accordance with rules adopted under section 4717.04 of the Revised Code and is under the supervision of an embalmer licensed under this chapter, or is a student in a college of mortuary science approved by the board and is under the direct supervision of an embalmer licensed by the board;

(3) Advertise or otherwise offer to provide or convey the impression that the person provides funeral directing services unless the person is licensed as a funeral director under this chapter and is employed by or under contract to a licensed funeral home and performs funeral directing services for that funeral home in a manner consistent with the advertisement, offering, or conveyance;

(4) Advertise or otherwise offer to provide or convey the impression that the person provides embalming services unless the person is licensed as an embalmer under this chapter and is employed by or under contract to a licensed funeral home or a licensed embalming facility and performs embalming services for the funeral home or embalming facility in a manner consistent with the advertisement, offering, or conveyance;

(5) Operate a funeral home without a license to operate	1275
the funeral home issued by the board under this chapter;	1276
(6) Practice the business or profession of funeral	1277
directing from any place except from a funeral home that a	1278
person is licensed to operate under this chapter;	1279
(7) Practice embalming from any place except from a	1280
funeral home or embalming facility that a person is licensed to	1281
operate under this chapter;	1282
(8) Operate a crematory or perform cremation without a	1283
license to operate the crematory issued under this chapter;	1284
(9) Cremate animals in a cremation chamber in which dead	1285
human bodies or body parts are cremated or cremate dead human	1286
bodies or human body parts in a cremation chamber in which	1287
animals are cremated;	1288
(10) Hold a dead human body, before final disposition, for	1289
more than forty-eight hours after the time of death unless the	1290
dead human body is embalmed or placed into refrigeration and	1291
maintained at a constant temperature of less than forty degrees;	1292
(11) Knowingly refuse to promptly submit the custody of a	1293
dead human body or cremated remains upon the oral or written	1294
order of the person legally entitled to the body or cremated	1295
remains;	1296
(12) Except as ordered by the coroner or the person	1297
holding the right of disposition under section 2108.70 or	1298
2108.81 of the Revised Code, knowingly fail to carry out the	1299
final disposition of a dead human body within thirty days after	1300
taking custody of the body;	1301
(13) Engage in cremation as defined in section 4717.01 of	1302

the Revised Code unless the person holds a crematory operator 1303
permit under this chapter; 1304

(14) Engage in the business or profession of funeral 1305
directing, engage in embalming, or operate a crematory or 1306
perform cremation with a lapsed license as defined under section 1307
4717.01 of the Revised Code. 1308

(B) No funeral director or other person in charge of the 1309
final disposition of a dead human body shall fail to do one of 1310
the following prior to the interment of the body: 1311

(1) Affix to the ankle or wrist of the deceased a tag 1312
encased in a durable and long-lasting material that contains the 1313
name, date of birth, date of death, and social security number 1314
of the deceased; 1315

(2) Place in the casket a capsule containing a tag bearing 1316
the information described in division (B)(1) of this section; 1317

(3) If the body was cremated, place ~~in the vessel~~ 1318
~~containing the cremated remains~~ a tag bearing the information 1319
described in division (B)(1) of this section in any vessel 1320
containing either of the following: 1321

(a) All the cremated remains; 1322

(b) More than ten cubic inches of the cremated remains. 1323

(C) No person who holds a funeral home license for a 1324
funeral home that is closed, or that is owned by a funeral 1325
business in which changes in the ownership of the funeral 1326
business result in a majority of the ownership of the funeral 1327
business being held by one or more persons who solely or in 1328
combination with others did not own a majority of the funeral 1329
business immediately prior to the change in ownership, shall 1330

fail to submit to the board within thirty days after the closing 1331
or such change of ownership of the funeral business owning the 1332
funeral home, a clearly enumerated account of all of the 1333
following from which the licensee, at the time of the closing or 1334
change of ownership of the funeral business and in connection 1335
with the funeral home, was to receive payment for providing the 1336
funeral services, funeral goods, or any combination of those in 1337
connection with the funeral or final disposition of a dead human 1338
body: 1339

(1) Preneed funeral contracts governed by sections 4717.31 1340
to 4717.38 of the Revised Code; 1341

(2) Life insurance policies or annuities the benefits of 1342
which are payable to the provider of funeral or burial goods or 1343
services; 1344

(3) Accounts at banks or savings banks insured by the 1345
federal deposit insurance corporation, savings and loan 1346
associations insured by the federal savings and loan insurance 1347
corporation or the Ohio deposit guarantee fund, or credit unions 1348
insured by the national credit union administration or a credit 1349
union share guaranty corporation organized under Chapter 1761. 1350
of the Revised Code that are payable upon the death of the 1351
person for whose benefit deposits into the accounts were made. 1352

(D) (1) No person who holds a funeral home license for a 1353
funeral home that is closed shall negligently fail to send 1354
written notice to the purchaser of every preneed funeral 1355
contract to which the funeral business is a party via first 1356
class United States mail. Such notice shall be addressed to the 1357
purchaser's last known address and shall explain that the 1358
funeral business is being closed and the name of any funeral 1359
business that has been designated to assume the obligations of 1360

the preneed contract. 1361

(2) Within thirty days of the closing of a funeral home, 1362
no person who held the funeral home license for the closed 1363
funeral home shall negligently fail to transfer all preneed 1364
contracts to the funeral home or funeral homes that have been 1365
designated to assume the obligation of the preneed contracts. If 1366
the person who holds a funeral home license for a funeral home 1367
that is closed fails to designate a successor funeral home or 1368
funeral homes to assume the obligations of the preneed funeral 1369
contracts, the board shall make such designations and order the 1370
transfer of the preneed funeral contracts to the designated 1371
funeral home or funeral homes. 1372

(E) No person who holds a license under this chapter for a 1373
facility that is going out of business and that is in possession 1374
of unclaimed cremated remains shall fail to submit to the board, 1375
within thirty days prior to the closing, a copy of the written 1376
notice required in division (F) of this section and a clearly 1377
enumerated account of all unclaimed cremated remains in 1378
possession of the facility. 1379

(F) Within thirty days prior to the closing of a facility 1380
that is going out of business and that is in possession of 1381
unclaimed cremated remains, the person who is actually in charge 1382
of and ultimately responsible for the facility shall send 1383
written notice via first-class mail to the last known address of 1384
the authorizing agent who executed the cremation authorization 1385
form or the person designated on the cremation authorization 1386
form to receive the cremated remains. Such notice shall include 1387
the following: 1388

(1) A statement that the funeral business is going out of 1389
business and will close; 1390

<u>(2) The expected date of closure;</u>	1391
<u>(3) The manner in which the unclaimed cremated remains</u>	1392
<u>will be disposed and, if applicable, the location from which the</u>	1393
<u>cremated remains can be retrieved.</u>	1394
<u>(G) If the person who is actually in charge of and</u>	1395
<u>ultimately responsible for the facility is unable to comply with</u>	1396
<u>divisions (F) (1) to (3) of this section and cannot locate the</u>	1397
<u>last known address of the authorizing agent who executed the</u>	1398
<u>cremation authorization form or the person designated on the</u>	1399
<u>cremation authorization form to receive the cremated remains,</u>	1400
<u>the person who is actually in charge of and ultimately</u>	1401
<u>responsible for the facility may seek a declaratory judgment to</u>	1402
<u>dispose of the unclaimed cremated remains from the probate court</u>	1403
<u>in the county in which the facility is located.</u>	1404
<u>(H) Within thirty days prior to the closing of a facility</u>	1405
<u>that is going out of business, no person who held the license</u>	1406
<u>for the facility shall negligently fail to dispose of all</u>	1407
<u>unclaimed cremated remains as designated in the written notice</u>	1408
<u>or, if unclaimed in excess of sixty days, in a manner consistent</u>	1409
<u>with section 4717.27 of the Revised Code.</u>	1410
Sec. 4717.14. (A) The board of embalmers and funeral	1411
directors may, except as provided in division (G) of this	1412
section, refuse to grant or renew, or may suspend or revoke, any	1413
license or permit issued under this chapter or may require the	1414
holder of a license or permit to take corrective action courses	1415
for any of the following reasons:	1416
(1) The holder of a license or permit obtained the license	1417
or permit by fraud or misrepresentation either in the	1418
application or in passing the examination.	1419

(2) The licensee or permit holder has been convicted of or 1420
has pleaded guilty to a felony or of any crime involving moral 1421
turpitude. 1422

(3) The applicant, licensee, or permit holder has 1423
recklessly violated any provision of sections 4717.01 to 4717.15 1424
or a rule adopted under any of those sections; division (A) or 1425
(B) of section 4717.23; division (B) (1) or (2), (C) (1) or (2), 1426
(D), (E), or (F) (1) or (2), or divisions (H) to (K) of section 1427
4717.26; division (D) (1) of section 4717.27; or divisions (A) to 1428
(C) of section 4717.28 of the Revised Code; or any provisions of 1429
sections 4717.31 to 4717.38 of the Revised Code; any rule or 1430
order of the department of health or a board of health of a 1431
health district governing the disposition of dead human bodies; 1432
or any other rule or order applicable to the applicant or 1433
licensee. 1434

(4) The licensee or permit holder has committed immoral or 1435
unprofessional conduct. 1436

(5) The applicant or licensee knowingly permitted an 1437
unlicensed person, other than a person serving an 1438
apprenticeship, to engage in the profession or business of 1439
embalming or funeral directing under the applicant's or 1440
licensee's supervision. 1441

(6) The applicant, licensee, or permit holder has been 1442
habitually intoxicated, or is addicted to the use of morphine, 1443
cocaine, or other habit-forming or illegal drugs. 1444

(7) The applicant, licensee, or permit holder has refused 1445
to promptly submit the custody of a dead human body or cremated 1446
remains upon the express order of the person legally entitled to 1447
the body or cremated remains. 1448

(8) The licensee or permit holder loaned the licensee's 1449
own license or the permit holder's own permit, or the applicant, 1450
licensee, or permit holder borrowed or used the license or 1451
permit of another person, or knowingly aided or abetted the 1452
granting of an improper license or permit. 1453

(9) The applicant, licensee, or permit holder misled the 1454
public by using false or deceptive advertising. As used in this 1455
division, "false and deceptive advertising" includes, but is not 1456
limited to, any of the following: 1457

(a) Using the names of persons who are not licensed to 1458
practice funeral directing in a way that leads the public to 1459
believe that such persons are engaging in funeral directing; 1460

(b) Using any name for the funeral home other than the 1461
name under which the funeral home is licensed; 1462

(c) Using in the funeral home's name the surname of an 1463
individual who is not directly, actively, or presently 1464
associated with the funeral home, unless such surname has been 1465
previously and continuously used by the funeral home. 1466

(10) The licensee or permit holder provided services to a 1467
person knowing that those services were sold to that person by 1468
another person who lacked a license or permit under this chapter 1469
to perform the services. 1470

(B) (1) The board of embalmers and funeral directors shall 1471
refuse to grant or renew, or shall suspend or revoke a license 1472
or permit only in accordance with Chapter 119. of the Revised 1473
Code. 1474

(2) The board shall send to the crematory review board 1475
written notice that it proposes to refuse to issue or renew, or 1476
proposes to suspend or revoke, a license to operate a crematory 1477

facility. If, after the conclusion of the adjudicatory hearing 1478
on the matter conducted under division (F) of section 4717.03 of 1479
the Revised Code, the board of embalmers and funeral directors 1480
finds that any of the circumstances described in divisions (A) 1481
(1) to (9) of this section apply to the person named in its 1482
proposed action, the board may issue a final order under 1483
division (F) of section 4717.03 of the Revised Code refusing to 1484
issue or renew, or suspending or revoking, the person's license 1485
to operate a crematory facility. 1486

(C) If the board of embalmers and funeral directors 1487
determines that there is clear and convincing evidence that any 1488
of the circumstances described in divisions (A)(1) to (9) of 1489
this section apply to the holder of a license or permit issued 1490
under this chapter and that the licensee's or permit holder's 1491
continued practice presents a danger of immediate and serious 1492
harm to the public, the board may suspend the licensee's license 1493
or permit holder's permit without a prior adjudicatory hearing. 1494
The executive director of the board shall prepare written 1495
allegations for consideration by the board. 1496

The board, after reviewing the written allegations, may 1497
suspend a license or permit without a prior hearing. 1498

Notwithstanding section 121.22 of the Revised Code, the 1499
board may suspend a license or permit under this division by 1500
utilizing a telephone conference call to review the allegations 1501
and to take a vote. 1502

The board shall issue a written order of suspension by a 1503
delivery system or in person in accordance with section 119.07 1504
of the Revised Code. Such an order is not subject to suspension 1505
by the court during the pendency of any appeal filed under 1506
section 119.12 of the Revised Code. If the licensee or permit 1507

holder requests an adjudicatory hearing by the board, the date 1508
set for the hearing shall be within fifteen days, but not 1509
earlier than seven days, after the licensee or permit holder has 1510
requested a hearing, unless the board and the licensee or permit 1511
holder agree to a different time for holding the hearing. 1512

Upon issuing a written order of suspension to the holder 1513
of a license to operate a crematory facility, the board of 1514
embalmers and funeral directors shall send written notice of the 1515
issuance of the order to the crematory review board. The 1516
crematory review board shall hold an adjudicatory hearing on the 1517
order under division (F) of section 4717.03 of the Revised Code 1518
within fifteen days, but not earlier than seven days, after the 1519
issuance of the order, unless the crematory review board and the 1520
licensee agree to a different time for holding the adjudicatory 1521
hearing. 1522

Any summary suspension imposed under this division shall 1523
remain in effect, unless reversed on appeal, until a final 1524
adjudicatory order issued by the board of embalmers and funeral 1525
directors pursuant to this division and Chapter 119. of the 1526
Revised Code, or division (F) of section 4717.03 of the Revised 1527
Code, as applicable, becomes effective. The board of embalmers 1528
and funeral directors shall issue its final adjudicatory order 1529
within sixty days after the completion of its hearing or, in the 1530
case of the summary suspension of a license to operate a 1531
crematory facility, within sixty days after completion of the 1532
adjudicatory hearing by the crematory review board. A failure to 1533
issue the order within that time results in the dissolution of 1534
the summary suspension order, but does not invalidate any 1535
subsequent final adjudicatory order. 1536

(D) If the board of embalmers and funeral directors 1537

suspends or revokes a funeral director's license or a license to 1538
operate a funeral home for any reason identified in division (A) 1539
of this section, the board may file a complaint with the court 1540
of common pleas in the county where the violation occurred 1541
requesting appointment of a receiver and the sequestration of 1542
the assets of the funeral home that held the suspended or 1543
revoked license or the licensed funeral home that employs the 1544
funeral director that held the suspended or revoked license. If 1545
the court of common pleas is satisfied with the application for 1546
a receivership, the court may appoint a receiver. 1547

The board or a receiver may employ and procure whatever 1548
assistance or advice is necessary in the receivership or 1549
liquidation and distribution of the assets of the funeral home, 1550
and, for that purpose, may retain officers or employees of the 1551
funeral home as needed. All expenses of the receivership or 1552
liquidation shall be paid from the assets of the funeral home 1553
and shall be a lien on those assets, and that lien shall be a 1554
priority to any other lien. 1555

(E) Any holder of a license or permit issued under this 1556
chapter who has pleaded guilty to, has been found by a judge or 1557
jury to be guilty of, or has had a judicial finding of 1558
eligibility for treatment in lieu of conviction entered against 1559
the individual in this state for aggravated murder, murder, 1560
voluntary manslaughter, felonious assault, kidnapping, rape, 1561
sexual battery, gross sexual imposition, aggravated arson, 1562
aggravated robbery, or aggravated burglary, or who has pleaded 1563
guilty to, has been found by a judge or jury to be guilty of, or 1564
has had a judicial finding of eligibility for treatment in lieu 1565
of conviction entered against the individual in another 1566
jurisdiction for any substantially equivalent criminal offense, 1567
is hereby suspended from practice under this chapter by 1568

operation of law, and any license or permit issued to the 1569
individual under this chapter is hereby suspended by operation 1570
of law as of the date of the guilty plea, verdict or finding of 1571
guilt, or judicial finding of eligibility for treatment in lieu 1572
of conviction, regardless of whether the proceedings are brought 1573
in this state or another jurisdiction. The board shall notify 1574
the suspended individual of the suspension of the individual's 1575
license or permit by the operation of this division by a 1576
delivery system or in person in accordance with section 119.07 1577
of the Revised Code. If an individual whose license or permit is 1578
suspended under this division fails to make a timely request for 1579
an adjudicatory hearing, the board shall enter a final order 1580
revoking the license. 1581

(F) No person whose license or permit has been suspended 1582
or revoked under or by the operation of this section shall 1583
knowingly practice embalming, funeral directing, or cremation, 1584
or operate a funeral home, embalming facility, or crematory 1585
facility until the board has reinstated the person's license or 1586
permit. 1587

(G) The board shall not refuse to issue a license or 1588
permit to an applicant because of a conviction of or plea of 1589
guilty to a criminal offense unless the refusal is in accordance 1590
with section 9.79 of the Revised Code. 1591

Sec. 4717.24. (A) A cremation authorization form 1592
authorizing the cremation of a dead human body, other than one 1593
that was donated to science for purposes of medical education or 1594
research, shall include at least all of the following 1595
information and statements: 1596

(1) A statement that the decedent has been identified in 1597
accordance with division (B) of this section; 1598

(2) The name of the funeral director or other individual 1599
who obtained the burial or burial-transit permit authorizing the 1600
cremation of the decedent; 1601

(3) The name of the authorizing agent and the relationship 1602
of the authorizing agent to the decedent; 1603

(4) A statement that the authorizing agent in fact has the 1604
right to authorize cremation of the decedent and that the 1605
authorizing agent does not have actual knowledge of the 1606
existence of any living person who has a superior priority right 1607
to act as the authorizing agent under section 4717.22 of the 1608
Revised Code. If the person executing the cremation 1609
authorization form knows of another living person who has such a 1610
superior priority right, the authorization form shall include a 1611
statement indicating that the person executing the authorization 1612
form has made reasonable efforts to contact the person having 1613
the superior priority right and has been unable to do so and 1614
that the person executing the authorization form has no reason 1615
to believe that the person having the superior priority right 1616
would object to the cremation of the decedent. 1617

(5) A statement of whether the authorizing agent has 1618
actual knowledge of the presence in the decedent of a pacemaker, 1619
defibrillator, or any other mechanical or radioactive device or 1620
implant that poses a hazard to the health or safety of personnel 1621
performing the cremation; 1622

(6) A statement indicating the crematory facility is to 1623
cremate the casket or alternative container in which the 1624
decedent was delivered to or accepted by the crematory facility; 1625

(7) A statement of whether the crematory facility is 1626
authorized to simultaneously cremate the decedent in the same 1627

cremation chamber with one or more other decedents who were 1628
related to the decedent named in the cremation authorization 1629
form by consanguinity or affinity or who, at any time during the 1630
one-year period preceding the decedent's death, lived with the 1631
decedent in a common law marital relationship or otherwise 1632
cohabited with the decedent. A cremation authorization form 1633
executed under this section shall not authorize the simultaneous 1634
cremation of a decedent in the same cremation chamber with one 1635
or more other decedents except under the circumstances described 1636
in the immediately preceding sentence. 1637

(8) The names of any persons designated by the authorizing 1638
agent to be present in the holding facility or cremation room 1639
prior to or during the cremation of the decedent or during the 1640
removal of the cremated remains from the cremation chamber; 1641

(9) The authorization for the crematory facility to 1642
cremate the decedent and to process or pulverize the cremated 1643
remains as is the practice at the particular crematory facility; 1644

(10) A statement of whether it is the crematory facility's 1645
practice to return all of the residue removed from the cremation 1646
chamber following the cremation or to separate and remove 1647
foreign matter from the residue before returning the cremated 1648
remains to the authorizing agent or the person designated on the 1649
authorization form to receive the cremated remains pursuant to 1650
division (A) (11) of this section; 1651

(11) The name of the person who is to receive the cremated 1652
remains of the decedent from the crematory facility; 1653

(12) The manner in which the final disposition of the 1654
cremated remains of the decedent is to occur, if known. If the 1655
cremation authorization form does not specify the manner of the 1656

final disposition of the cremated remains, it shall indicate 1657
that the cremated remains will be held by the crematory facility 1658
for thirty days after the cremation, unless, prior to the end of 1659
that period, they are picked up from the crematory facility by 1660
the person designated on the cremation authorization form to 1661
receive them, the authorizing agent, or, if applicable, the 1662
funeral director who obtained the burial or burial-transit 1663
permit for the decedent, or are delivered or shipped by the 1664
crematory facility to one of those persons. The authorization 1665
form shall indicate that if no instructions for the final 1666
disposition are provided on the authorization form and that if 1667
no arrangements for final disposition have been made within the 1668
thirty-day period, the crematory facility may return the 1669
cremated remains to the authorizing agent. The authorization 1670
form shall further indicate that if no arrangements for the 1671
final disposition of the cremated remains have been made within 1672
sixty days after the completion of the cremation and if the 1673
authorizing agent has not picked them up or caused them to be 1674
picked up within that period, the crematory operator or 1675
crematory facility may dispose of them in accordance with 1676
division (C) of section 4717.27 of the Revised Code. 1677

(13) A listing of the items of value to be delivered to 1678
the crematory facility along with the dead human body, if any, 1679
and instructions regarding how those items are to be handled; 1680

(14) A statement of whether the authorizing agent has made 1681
arrangements for any type of viewing of the decedent or for a 1682
service with the decedent present prior to the cremation and, if 1683
so, the date, time, and place of the service; 1684

(15) A statement of whether the crematory facility may 1685
proceed with the cremation at any time after the conditions set 1686

forth in division (A) of section 4717.23 of the Revised Code 1687
have been met and the decedent has been received at the 1688
facility; 1689

(16) The certification of the authorizing agent to the 1690
effect that all of the information and statements contained in 1691
the authorization form are accurate; 1692

(17) The signature of the authorizing agent and the 1693
signature of at least one witness who observed the authorizing 1694
agent execute the cremation authorization form. 1695

(B) In making the identification of the decedent required 1696
by division (A) (1) of this section, the funeral home arranging 1697
the cremation shall require the authorizing agent or the agent's 1698
appointed representative to visually identify the decedent's 1699
remains or a photograph or other visual image of the remains. If 1700
identification is by photograph or other visual image, the 1701
authorizing agent or representative shall sign the photograph or 1702
other visual image. If visual identification is not feasible, 1703
other positive identification of the decedent may be used 1704
including, but not limited to, reliance upon an identification 1705
made through the coroner's office or identification of 1706
photographs or other visual images of scars, tattoos, or 1707
physical deformities taken from the decedent's remains. 1708

(C) An authorizing agent who is not available to execute a 1709
cremation authorization form in person may designate another 1710
individual to serve as the authorizing agent by providing to the 1711
crematory facility where the cremation is to occur a written 1712
designation, ~~acknowledged before a notary public or other person~~ 1713
~~authorized to administer oaths, signed by the authorizing agent~~ 1714
and by a witness who observed the authorizing agent execute the 1715
designation, authorizing that other individual to serve as the 1716

authorizing agent. Any such written designation shall contain 1717
the name of the decedent, the name and address of the 1718
authorizing agent, the relationship of the authorizing agent to 1719
the decedent, and the name and address of the individual who is 1720
being designated to serve as the authorizing agent. Upon 1721
receiving such a written designation, the operator shall permit 1722
the individual named in the written designation to serve as the 1723
authorizing agent and to execute the cremation authorization 1724
form authorizing the cremation of the decedent named in the 1725
written designation. 1726

(D) An authorizing agent who signs a cremation 1727
authorization form under this section is hereby deemed to 1728
warrant the accuracy of the information and statements contained 1729
in such authorization form, including the identification of the 1730
decedent and the agent's authority to authorize the cremation. A 1731
funeral home and its employees are not responsible for verifying 1732
the accuracy of any information or statements the authorizing 1733
agent made on the authorization form, unless the funeral home or 1734
its employees have actual knowledge to the contrary regarding 1735
any such information or statement. When delivering the 1736
decedent's remains to a crematory facility or in carrying out 1737
the disposition in its own facility, the funeral home is 1738
responsible for having the decedent identified pursuant to 1739
division (B) of this section and carrying out the obligations 1740
imposed on the funeral home by division (B) of section 4717.29 1741
of the Revised Code. 1742

(E) At any time after executing a cremation authorization 1743
form and prior to the beginning of the cremation process, the 1744
authorizing agent who executed the cremation authorization form 1745
under division (A) or (C) of this section may, in writing, 1746
modify the arrangements for the final disposition of the 1747

cremated remains of the decedent set forth in the authorization 1748
form or may, in writing, revoke the authorization, cancel the 1749
cremation, and claim the decedent's body for purposes of making 1750
alternative arrangements for the final disposition of the 1751
decedent's body. The crematory facility shall cancel the 1752
cremation if the crematory facility receives such a revocation 1753
before beginning the cremation. 1754

(F) A cremation authorization form executed under this 1755
section does not constitute a contract for conducting the 1756
cremation of the decedent named in the authorization form or for 1757
the final disposition of the cremated remains of the decedent. 1758
The revocation of a cremation authorization form or modification 1759
of the arrangements for the final disposition of the cremated 1760
remains of the decedent pursuant to division (E) of this section 1761
does not affect the validity or enforceability of any contract 1762
for the cremation of the decedent named in the authorization 1763
form or for the final disposition of the cremated remains of the 1764
decedent. 1765

Sec. 4717.28. (A) No crematory facility shall fail to 1766
ensure that a written receipt is provided to the person who 1767
delivers a dead human body or body parts to the facility for 1768
cremation. If the dead human body is other than one that was 1769
donated to science for purposes of medical education or 1770
research, the receipt shall be signed by both a representative 1771
of the crematory facility and the person who delivered the 1772
decedent to the crematory facility and shall indicate the name 1773
of the decedent; the date and time of delivery; the type of 1774
casket or alternative container in which the decedent was 1775
delivered to the facility; the name of the person who delivered 1776
the decedent to the facility; if applicable, the name of the 1777
funeral home or other establishment with whom the delivery 1778

person is affiliated; and the name of the person who received 1779
the decedent on behalf of the facility. If the dead human body 1780
was donated to science for purposes of medical education or 1781
research, the receipt shall consist of a copy of the cremation 1782
authorization form executed under section 4717.21, 4717.24, or 1783
4717.25 of the Revised Code that authorizes the cremation of the 1784
decedent or body parts that has been signed by both a 1785
representative of the crematory facility and the person who 1786
delivered the decedent or body parts to the crematory facility 1787
and that indicates the date and time of the delivery. The 1788
operator may provide the copy of the receipt to the person who 1789
delivered the decedent or body parts to the facility either in 1790
person or by certified mail, return receipt requested. 1791

(B) No crematory facility shall fail to ensure at the time 1792
of releasing cremated remains that a written receipt signed by 1793
both a representative of the crematory facility and the person 1794
who received the cremated remains is provided to the person who 1795
received the cremated remains. Unless the cremated remains are 1796
those of a dead human body that was donated to science for 1797
purposes of medical education or research or are those of body 1798
parts, the receipt shall indicate the name of the decedent; the 1799
date and time of the release; the name of the person to whom the 1800
cremated remains were released; if applicable, the name of the 1801
funeral home, cemetery, or other entity to whom the cremated 1802
remains were released; and the name of the person who released 1803
the cremated remains on behalf of the crematory facility. If the 1804
cremated remains are those of a dead human body that was donated 1805
to science for purposes of medical education or research or are 1806
those of body parts, the receipt shall consist of a copy of the 1807
cremation authorization form executed under section 4717.21, 1808
4717.24, or 4717.25 of the Revised Code that authorizes the 1809

cremation of the decedent or body parts that has been signed by 1810
both a representative of the crematory facility and the person 1811
who received the cremated remains and that indicates the date 1812
and time of the release. If the cremated remains were delivered 1813
to the authorizing agent or other individual designated on the 1814
cremation authorization form by a method described in division 1815
(I) of section 4717.26 of the Revised Code that is acceptable 1816
under that division, the receipt required by this division shall 1817
accompany the cremated remains, and the signature of the 1818
authorizing agent or other designated individual on the delivery 1819
receipt meets the requirement of this division that the person 1820
receiving the cremated remains sign the receipt provided by the 1821
crematory facility. 1822

(C) ~~No~~ For each cremation carried out at a crematory 1823
facility shall fail to make or keep on file during the time 1824
~~that,~~ the crematory facility remains engaged in the business of 1825
~~cremating dead human bodies or body parts, all of shall make and~~ 1826
keep on file the following records and documents for the time 1827
period described in division (E) of this section: 1828

(1) A copy of each receipt issued upon acceptance by or 1829
delivery to the crematory facility of a dead human body under 1830
division (A) of this section; 1831

(2) A copy of each delivery receipt issued under division 1832
(B) of this section; 1833

(3) A record of each cremation conducted at the facility, 1834
containing at least the name of the decedent or, in the case of 1835
body parts, the name of the decedent or living person from whom 1836
the body parts were removed, the date and time of the cremation, 1837
and the final disposition made of the cremated remains; 1838

~~(3) A copy of each delivery receipt issued under division
(B) of this section,~~ 1839
1840

(4) A separate record of the cremated remains of each 1841
decedent or the body parts removed from each decedent or living 1842
person that were disposed of in accordance with division (C) (1) 1843
or (2) of section 4717.27 of the Revised Code, containing at 1844
least the name of the decedent, the date and time of the 1845
cremation, and the location, date, and manner of final 1846
disposition of the cremated remains. 1847

(D) All records required to be maintained under sections 1848
4717.21 to 4717.30 of the Revised Code are subject to inspection 1849
by the board of embalmers and funeral directors or an authorized 1850
representative of the board, upon reasonable notice, at any 1851
reasonable time. 1852

(E) The documents listed in divisions (C) (1) and (2) of 1853
this section shall be retained for the shorter of the time that 1854
the crematory facility remains engaged in the business of 1855
cremating dead human bodies or body parts or ten years following 1856
the date of the cremation. The documents listed in divisions (C) 1857
(3) and (4) of this section shall be retained during the time 1858
that the crematory facility remains engaged in the business of 1859
cremating dead human bodies or body parts. 1860

Sec. 4717.30. (A) A crematory operator, crematory 1861
facility, funeral director, or funeral home is not liable in 1862
damages in a civil action for any of the following actions or 1863
omissions, unless the actions or omissions were made with 1864
malicious purpose, in bad faith, or in a wanton or reckless 1865
manner or unless any of the conditions set forth in divisions 1866
(B) (1) to (3) of this section apply: 1867

(1) (a) For having arranged or performed the cremation of 1868
the decedent, or having released or disposed of the cremated 1869
remains, in accordance with the instructions set forth in the 1870
cremation authorization form executed by the decedent on an 1871
antemortem basis under section 4717.21 of the Revised Code; 1872

(b) For having arranged or performed the cremation of the 1873
decedent or body parts removed from the decedent or living 1874
person or having released or disposed of the cremated remains in 1875
accordance with section 4717.27 of the Revised Code or the 1876
instructions set forth in a cremation authorization form 1877
executed by the person authorized to serve as the authorizing 1878
agent for the cremation of the decedent or for the cremation of 1879
body parts of the decedent or living person, named in the 1880
cremation authorization form executed under section 4717.24 or 1881
4717.25 of the Revised Code. 1882

(2) For having arranged or performed the cremation of the 1883
decedent, or having released or disposed of the cremated 1884
remains, in accordance with section 4717.27 of the Revised Code 1885
or the instructions set forth in the cremation authorization 1886
form executed by a designated agent under division (C) of 1887
section 4717.24 of the Revised Code. 1888

(B) The crematory operator, crematory facility, funeral 1889
director, or funeral home is not liable in damages in a civil 1890
action for refusing to accept a dead human body or body parts or 1891
to perform a cremation under any of the following circumstances, 1892
unless the refusal was made with malicious purpose, in bad 1893
faith, or in a wanton or reckless manner: 1894

(1) The crematory operator, crematory facility, funeral 1895
director, or funeral home has actual knowledge that there is a 1896
dispute regarding the cremation of the decedent or body parts, 1897

until such time as the crematory operator, crematory facility, 1898
funeral director, or funeral home receives an order of the 1899
probate court having jurisdiction ordering the cremation of the 1900
decedent or body parts or until the crematory operator, 1901
crematory facility, funeral director, or funeral home receives 1902
from the parties to the dispute a copy of a written agreement 1903
resolving the dispute and authorizing the cremation to be 1904
performed. 1905

(2) The crematory operator, crematory facility, funeral 1906
director, or funeral home has a reasonable basis for questioning 1907
the accuracy of any of the information or statements contained 1908
in a cremation authorization form executed under section 1909
4717.21, 4717.24, or 4717.25 of the Revised Code, as applicable, 1910
that authorizes the cremation of the decedent or body parts. 1911

(3) The crematory operator, crematory facility, funeral 1912
director, or funeral home has any other lawful reason for 1913
refusing to accept the dead human body or body parts or to 1914
perform the cremation. 1915

(C) A crematory operator, crematory facility, funeral 1916
director, or funeral home is not liable in damages in a civil 1917
action for refusing to release or dispose of the cremated 1918
remains of a decedent or body parts when the crematory operator, 1919
crematory facility, funeral director, or funeral home has actual 1920
knowledge that there is a dispute regarding the release or final 1921
disposition of the cremated remains in connection with any 1922
damages sustained, prior to the time the crematory operator, 1923
crematory facility, funeral home, or funeral director receives 1924
an order of the probate court having jurisdiction ordering the 1925
release or final disposition of the cremated remains, or prior 1926
to the time the crematory operator, crematory facility, funeral 1927

director, or funeral home receives from the parties to the 1928
dispute a copy of a written agreement resolving the dispute and 1929
authorizing the cremation to be performed. 1930

(D) A crematory operator, crematory facility, funeral 1931
director, or funeral home is not liable in damages in a civil 1932
action in connection with the cremation of, or disposition of 1933
the cremated remains of, any dental gold, jewelry, or other 1934
items of value delivered to the crematory facility or funeral 1935
home with a dead human body or body parts, unless either or both 1936
of the following apply: 1937

(1) The cremation authorization form authorizing the 1938
cremation of the decedent or body parts executed under section 1939
4717.21, 4717.24, or 4717.25 of the Revised Code, as applicable, 1940
contains specific instructions for the removal or recovery and 1941
disposition of any such dental gold, jewelry, or other items of 1942
value prior to the cremation, and the crematory operator, 1943
crematory facility, funeral director, or funeral home has failed 1944
to comply with the written instructions. 1945

(2) The actions or omissions of the crematory operator, 1946
crematory facility, funeral director, or funeral home were made 1947
with malicious purpose, in bad faith, or in a wanton or reckless 1948
manner. 1949

(E) (1) This section does not create a new cause of action 1950
against or substantive legal right against a crematory operator, 1951
crematory facility, funeral director, or funeral home. 1952

(2) This section does not affect any immunities from civil 1953
liability or defenses established by another section of the 1954
Revised Code or available at common law to which a crematory 1955
operator, crematory facility, funeral director, or funeral home 1956

may be entitled under circumstances not covered by this section. 1957

Sec. 4717.311. (A) The holder of funds for a preneed funeral contract shall, in the calendar year in which the beneficiary of that contract reaches one hundred five years of age, contact the seller or successor seller to inform the seller or successor seller of the beneficiary's one hundred fifth birthday in that calendar year. 1958
1959
1960
1961
1962
1963

(B) The holder and the seller or successor seller shall agree to one of the following: 1964
1965

(1) That the holder shall make a reasonable attempt to confirm that the beneficiary is still alive. If the holder cannot confirm that the beneficiary is still alive during that calendar year, then, within one hundred eighty days of the end of that calendar year, the holder shall report and remit the funds to the director of commerce pursuant to Chapter 169. of the Revised Code. 1966
1967
1968
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(2) That the seller or successor seller shall make a reasonable attempt to confirm that the beneficiary is still alive. If the seller or successor seller cannot confirm that the beneficiary is still alive during that calendar year, then, within thirty days of the end of the calendar year, the seller or successor seller shall notify the holder. Within one hundred eighty days of receiving the notification, the holder shall report and remit the funds to the director of commerce pursuant to Chapter 169. of the Revised Code. 1973
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Sec. 4717.35. If a preneed funeral contract contains a provision stating that the preneed funeral contract will be funded by the purchase of an insurance policy, the insurance agent who sold the policy that will fund that preneed funeral 1982
1983
1984
1985

contract shall require that any payment made by the purchaser be 1986
made in the form of a check, cashier's check, money order, or 1987
debit or credit card, payable only to the insurance company. The 1988
insurance agent shall remit the application for insurance and 1989
the premium paid to the insurance company designated in the 1990
preneed funeral contract within the time period specified in 1991
division (B) (15) of section 3905.14 of the Revised Code, unless 1992
the purchaser rescinds the preneed funeral contract in 1993
accordance with division (A) of section 4717.34 of the Revised 1994
Code. If the purchaser made payment in the form of a check made 1995
payable to the seller, the seller may, within five business days 1996
of receiving the check, sign over and forward the check to the 1997
insurance company designated in the preneed funeral contract. 1998

If the purchaser of a preneed funeral contract that is 1999
revocable and that is funded by an insurance policy or annuity 2000
elects to cancel the preneed funeral contract, the purchaser 2001
shall provide a written notice to the seller and the insurance 2002
company designated in the contract stating that the purchaser 2003
intends to cancel that contract. Fifteen days after the 2004
purchaser provides the notice to the seller of the contract and 2005
the insurance company, the purchaser may cancel the preneed 2006
funeral contract and change the beneficiary of the insurance 2007
policy or annuity or reassign the benefits under the policy or 2008
annuity. 2009

The purchaser of a preneed funeral contract that is 2010
irrevocable and that is funded by an insurance policy or annuity 2011
may transfer the preneed funeral contract to a successor seller 2012
by notifying the original seller of the designation of a 2013
successor seller. Within fifteen days after receiving the 2014
written notice of the designation of the successor seller from 2015
the purchaser, the original seller shall assign the seller's 2016

rights to the proceeds of the policy to the successor seller. 2017
The insurance company shall confirm the change of assignment by 2018
providing written notice to the policyholder. 2019

If, after a preneed funeral contract has been performed 2020
and paid for by the proceeds of an insurance policy or annuity, 2021
there are excess funds that the purchaser previously assigned by 2022
a written contract to the seller to pay for preneed funeral 2023
services or funeral goods for other individuals, the insurance 2024
company or annuity company holding such excess funds shall pay 2025
those funds directly to the seller, and the seller shall deposit 2026
the funds into a trust or purchase insurance or annuity policies 2027
to fund additional preneed funeral contracts. 2028

Sec. 4717.36. (A) This section applies only to preneed 2029
funeral contracts that are funded by any means other than an 2030
insurance policy or policies, or an annuity or annuities. 2031

No money in a preneed funeral contract trust shall be 2032
distributed from the trust except as provided in this section. 2033

(B) A seller of a preneed funeral contract that stipulates 2034
a fixed or firm or guaranteed price for funeral services and 2035
funeral goods to be provided under a preneed funeral contract 2036
may charge an initial service fee not to exceed ten per cent of 2037
the total amount of all payments to be paid under the preneed 2038
funeral contract for such guaranteed price funeral services and 2039
funeral goods. If the amount to be paid by the purchaser is to 2040
be paid in installments, the seller may collect the initial 2041
service fee only after all of the installments have been paid. 2042

~~(C) All (1) Except for the following, all payments made by 2043~~
~~the purchaser of a preneed funeral contract, except for the 2044~~
~~initial service fee permitted by division (B) of this section 2045~~

~~and any applicable sales tax,~~ shall be made in the form of a 2046
check, cashier's check, money order, or debit or credit card, 2047
payable only to the trustee of the preneed funeral contract 2048
trust or to the trustee's designated depository: 2049

(a) The initial service fee permitted by division (B) of 2050
this section; 2051

(b) The fee collected under division (A) (14) of section 2052
4717.07 of the Revised Code; 2053

(c) Any applicable sales tax. 2054

(2) If the purchaser makes payment in the form of a check 2055
made payable to the seller, the seller may, within five business 2056
days of receiving the check, sign over and forward the check to 2057
the trustee or the trustee's designated depository. 2058

(3) Within thirty days of the seller receiving any form of 2059
payment made payable to the trustee or the trustee's designee, 2060
the seller shall remit the payment to the trustee or the 2061
trustee's designee unless the purchaser rescinds the preneed 2062
funeral contract in accordance with division (A) of section 2063
4717.34 of the Revised Code. The funds deposited with the 2064
trustee shall remain intact and held in trust for the contract 2065
beneficiary. 2066

(D) The seller shall establish a preneed funeral contract 2067
trust at one of the following types of institutions and shall 2068
designate that institution as the trustee of the preneed funeral 2069
contract trust: 2070

(1) A trust company licensed under Chapter 1111. of the 2071
Revised Code; 2072

(2) A national bank, federal savings bank, or federal 2073

savings association that pledges securities in accordance with 2074
section 1111.04 of the Revised Code; 2075

(3) A credit union authorized to conduct business in this 2076
state pursuant to Chapter 1733. of the Revised Code. 2077

(E) Moneys deposited in a preneed funeral contract trust 2078
fund shall be held and invested in the manner in which trust 2079
funds are permitted to be held and invested pursuant to Chapter 2080
1111. of the Revised Code. 2081

(F) The seller shall establish a separate preneed funeral 2082
contract trust for the moneys paid under each preneed funeral 2083
contract, unless the purchaser or purchasers of a preneed 2084
funeral contract or contracts authorize the seller to place the 2085
moneys paid for that contract or those contracts in a combined 2086
preneed funeral contract trust. The trustee of a combined 2087
preneed funeral contract trust shall keep exact records of the 2088
corpus, income, expenses, and disbursements with regard to each 2089
purchaser and contract beneficiary for whom moneys are held in 2090
the trust. The terms of a preneed funeral contract trust are 2091
governed by this section and the payments from that trust are 2092
governed by Chapter 1111. of the Revised Code, except as 2093
otherwise provided in this section. 2094

A trustee of a preneed funeral contract trust may pay 2095
taxes and expenses for a preneed funeral contract trust and may 2096
charge a fee for managing a preneed funeral contract trust. The 2097
fee shall not exceed the amount regularly or usually charged for 2098
similar services rendered by the institutions described in 2099
division (D) of this section when serving as a trustee. 2100

(G) If the purchaser of a preneed funeral contract that is 2101
revocable elects to cancel the contract, the purchaser shall 2102

provide a written notice to the seller of the contract and the trustee of the preneed funeral contract trust stating that the purchaser intends to cancel the contract. Fifteen days after the purchaser provides that notice to the seller and trustee, the purchaser may cancel the contract. Upon canceling a preneed funeral contract pursuant to this division, one of the following shall occur, as applicable:

(1) If the preneed funeral contract does not stipulate a firm or fixed or guaranteed price for funeral goods and funeral services to be provided under the preneed funeral contract, the trustee shall give to the purchaser all of the assets of the trust that exist at the time of cancellation, less any fees charged, distributions paid, and expenses incurred by the trustee pursuant to division (F) of this section.

(2) If the preneed funeral contract does stipulate a firm or fixed or guaranteed price for funeral goods and funeral services to be provided under the contract, the purchaser may request and receive from the trustee all of the assets of the trust at the time of cancellation, less a cancellation fee that the original seller may collect from the trustee that is equal to or less than ten per cent of the value of the assets of the trust on the date the trust is cancelled, provided, however, that to the extent the original seller took an initial service fee as permitted by division (B) of this section, the aggregate amount of the cancellation fee and the initial service fee may not exceed ten per cent of the value of those assets. In addition to any cancellation fee, there may also be deducted any fees charged, distributions paid, and expenses incurred by the trustee pursuant to division (F) of this section.

If more than one purchaser enters into the contract, all

of those purchasers must request cancellation of the contract 2133
for it to be effective under this division, and the trustee 2134
shall refund to each purchaser only those funds that purchaser 2135
has paid under the contract and any income earned on those funds 2136
in an amount that is in direct proportion to the amount of funds 2137
that purchaser paid relative to the total amount of payments 2138
deposited in that trust, less any fees charged, distributions 2139
paid, and expenses incurred by the trustee pursuant to division 2140
(F) of this section, the amount of which are in direct 2141
proportion to the amount of funds that purchaser paid relative 2142
to the total amount of payments deposited in that trust. 2143

(H) The purchaser of a preneed funeral contract that is 2144
irrevocable may transfer the preneed funeral contract to a 2145
successor seller. A purchaser who elects to make such a transfer 2146
shall provide a written notice of the designation of a successor 2147
seller to the trustee and the original seller. Within fifteen 2148
days after receiving the written notice of the new designation 2149
from the purchaser, the trustee shall list the successor seller 2150
as the seller of the preneed funeral contract and the original 2151
seller shall relinquish and transfer all rights under the 2152
preneed funeral contract to the successor seller. The trustee 2153
shall confirm the transfer by providing written notice of the 2154
transfer to the original seller, the successor seller, and the 2155
purchaser. If the preneed funeral contract stipulates a firm or 2156
fixed or guaranteed price for the funeral goods and funeral 2157
services to be provided under the preneed funeral contract, the 2158
original seller may collect from the trustee a transfer fee from 2159
the trust that equals up to ten per cent of the value of the 2160
assets of the trust on the date the trust is transferred, 2161
provided, however, that to the extent the original seller took 2162
an initial service fee as permitted by division (B) of this 2163

section, the aggregate amount of the transfer fee and the 2164
initial service fee may not exceed ten per cent of the value of 2165
those assets. If the preneed funeral contract does not stipulate 2166
a firm or fixed or guaranteed price for funeral goods and 2167
funeral services to be provided under the preneed funeral 2168
contract, no transfer fee shall be collected by the original 2169
seller. 2170

(I) If a seller of a preneed funeral contract elects to 2171
transfer a preneed funeral contract trust from an institution 2172
listed in divisions (D) (1) to (3) of this section to a different 2173
institution, the trustee of the original trust shall notify the 2174
purchaser of the preneed funeral contract of that transfer in 2175
writing within thirty days after the transfer occurred and shall 2176
provide the purchaser with the name of and the contact 2177
information for the institution where the new trust is 2178
maintained. Upon receipt of the trust, the trustee of the 2179
transferred trust shall notify the purchaser of the receipt of 2180
the trusts in accordance with division (A) of section 4717.33 of 2181
the Revised Code. 2182

(J) (1) If a seller receives a notice that the contract 2183
beneficiary has died and that funeral goods and funeral services 2184
have been provided by a provider other than the seller, ~~except~~ 2185
~~as otherwise specified in this section,~~ the seller shall direct 2186
the trustee, within thirty days after receiving that notice, to 2187
pay to the provider that provided the funeral goods and 2188
services, if still unpaid, ~~or the estate of the contract~~ 2189
~~beneficiary~~ all funds held by the trustee, less any fees 2190
charged, distributions paid, and expenses incurred by the 2191
trustee pursuant to division (F) of this section. 2192

(2) If the provider has already been paid for providing 2193

the funeral goods and funeral services to the contract 2194
beneficiary, the seller shall direct the trustee to pay to the 2195
estate of the contract beneficiary or, if no estate has been 2196
opened, to any person with the right of disposition under 2197
section 2108.81 of the Revised Code all funds held by the 2198
trustee, less any fees charged, distributions paid, and expenses 2199
incurred by the trustee pursuant to division (F) of this 2200
section. The trustee shall make a reasonable attempt to pay the 2201
estate or person with the right of disposition within one 2202
hundred eighty days of receipt of notice that the contract 2203
beneficiary has died. If the trustee is unable to make payment 2204
within one hundred eighty days, the trustee shall report and 2205
remit the funds to the director of commerce pursuant to Chapter 2206
169. of the Revised Code. 2207

(3) In the event the preneed funeral contract stipulates a 2208
firm or fixed or guaranteed price for funeral goods and funeral 2209
services that were to be provided under the preneed funeral 2210
contract, the seller may collect from the trustee a cancellation 2211
fee not exceeding ten per cent of the value of the assets of the 2212
trust on the date the trust is transferred, provided, however, 2213
that to the extent the original seller took an initial service 2214
fee as permitted by division (B) of this section, the aggregate 2215
amount of the transfer fee and the initial service fee shall not 2216
exceed ten per cent of the value of those assets. If the preneed 2217
funeral trust does not stipulate a firm or fixed or guaranteed 2218
price for funeral goods and funeral services to be provided 2219
under the preneed funeral contract, no cancellation fees shall 2220
be collected by the original seller. 2221

(K) A certified copy of the certificate of death or other 2222
evidence of death satisfactory to the trustee shall be furnished 2223
to the trustee as evidence of death, and the trustee shall 2224

promptly pay the accumulated payments and income, if any, 2225
according to the preneed funeral contract. Such payment of the 2226
accumulated payments and income pursuant to this section and, 2227
when applicable, the preneed funeral contract, relieves the 2228
trustee of any further liability on the accumulated payments and 2229
income. 2230

If, after a preneed funeral contract has been performed 2231
and paid for by the proceeds of a preneed trust fund, there are 2232
excess funds that the purchaser previously assigned by a written 2233
contract to the seller to pay for preneed funeral services or 2234
funeral goods for other individuals, the trustee holding such 2235
excess funds shall pay those funds directly to the seller, and 2236
the seller shall deposit the funds into a trust or purchase 2237
insurance or annuity policies to fund additional preneed funeral 2238
contracts. 2239

Section 2. That existing sections 169.02, 2108.75, 2240
2108.77, 2108.81, 2108.82, 3517.152, 3705.20, 4513.17, 4717.04, 2241
4717.05, 4717.06, 4717.07, 4717.10, 4717.13, 4717.14, 4717.24, 2242
4717.28, 4717.30, 4717.35, and 4717.36 of the Revised Code are 2243
hereby repealed. 2244

Section 3. The General Assembly intends to review and 2245
consider changes to the statutory provisions governing preneed 2246
funeral contracts and preneed cemetery merchandise and services 2247
contracts in order to clarify the trusting requirements for 2248
caskets purchased on a preneed basis. To further this intent, 2249
the State Board of Embalmers and Funeral Directors shall study 2250
such trusting requirements as they exist in other states and 2251
submit a report of its findings to the General Assembly not 2252
later than three months after the effective date of this 2253
section. 2254