

Sub. H.B. 33
As Passed by the Senate
FUNCD2

_____ moved to amend as follows:

In line 146 of the title, after "4715.30," insert "4717.04," 1

In line 329 of the title, delete "version" and insert 2
"versions"; delete "section" and insert "sections 4717.04 and" 3

In line 330, delete "is" and insert "are" 4

In line 869, after "4715.30," insert "4717.04," 5

After line 83697, insert: 6

"Sec. 4717.04. (A) The board of embalmers and funeral 7
directors shall adopt rules in accordance with Chapter 119. of the 8
Revised Code for the government, transaction of the business, and 9
the management of the affairs of the board of embalmers and 10
funeral directors and the crematory review board, and for the 11
administration and enforcement of this chapter. These rules shall 12
include all of the following: 13

(1) The nature, scope, content, and form of the application 14
that must be completed and license examination that must be passed 15
in order to receive an embalmer's license or a funeral director's 16
license under section 4717.05 of the Revised Code. The rules shall 17
ensure both of the following: 18

- (a) That the embalmer's license examination tests the applicant's knowledge through at least a comprehensive section and an Ohio laws section;
- (b) That the funeral director's license examination tests the applicant's knowledge through at least a comprehensive section, an Ohio laws section, and a sanitation section.
- (2) The minimum license examination score necessary to be licensed under section 4717.05 of the Revised Code as an embalmer or as a funeral director;
- (3) Procedures for determining the dates of the embalmer's and funeral director's license examinations, which shall be administered at least once each year, the time and place of each examination, and the supervision required for each examination;
- (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;
- (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;
- (6) Continuing education requirements for licensed embalmers and funeral directors;
- (7) Requirements for the licensing and operation of funeral homes;
- (8) Requirements for the licensing and operation of embalming facilities;

(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:	47 48 49 50
(a) Obtaining a license under this chapter by fraud or misrepresentation either in the application or in passing the required examination for the license;	51 52 53
(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;	54 55 56 57 58 59
(c) Committing unprofessional conduct;	60
(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;	61 62 63 64
(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;	65 66 67
(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 and following the requirements of section 4717.11 of the Revised Code;	68 69 70 71 72
(g) Misleading the public using false or deceptive advertising;	73 74
(h) Failing to forward to the board on or before its due date	75

the annual report of preneed funeral sales required by division 76
 (J) of section 4717.31 of the Revised Code. If the annual report 77
 is sent to the board by United States mail, it shall be postmarked 78
 on or before the due date for the submission of the annual report 79
 in order to be timely filed with the board. Mail that is not 80
 postmarked shall be considered filed on the date it is received by 81
 the board. 82

Each instance of the commission of any of the types of 83
 conduct described in division (A)(9) of this section is a separate 84
 violation. The rules adopted under division (A)(9) of this section 85
 shall establish the amount of the forfeiture for a violation of 86
 each of those divisions. The forfeiture for a first violation 87
 shall not exceed five thousand dollars, and the forfeiture for a 88
 second or subsequent violation shall not exceed ten thousand 89
 dollars. The amount of the forfeiture may differ among the types 90
 of violations according to what the board considers the 91
 seriousness of each violation. 92

(10) Requirements for the licensing and operation of 93
 crematory facilities; 94

(11) Procedures for the board to take possession of and to 95
 arrange the lawful disposition of unclaimed cremated remains that 96
 were held or stored at a funeral home or crematory that has been 97
 closed; 98

(12) Procedures for the issuance of duplicate licenses; 99

(13) Requirements for criminal records checks of applicants 100
 under section 4776.03 of the Revised Code; 101

(14) The amount and content of corrective action courses 102
 required by the board under section 4717.14 of the Revised Code. 103

(B) The board may adopt rules governing the educational 104

standards for licensure as an embalmer or funeral director, or
 obtaining a permit to be a crematory operator, and the standards
 of service and practice to be followed in embalming, funeral
 directing, and cremation, and in the operation of funeral homes,
 embalming facilities, and crematory facilities in this state.

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

(D) If the executive director of the board has knowledge or
 notice of a violation of division (A)(1), (3), (5), or (6) of
 section 4717.13 of the Revised Code or that a person is engaging
 in the business or profession of funeral directing in violation of
 division (A)(14) of that section, the executive director shall
~~investigate the matter, and, upon probable cause appearing, cause~~
~~an attorney employed by or contracting with the board to file a~~
~~complaint and prosecute the offender. When requested by the~~
~~executive director, the prosecuting attorney of the proper county~~
~~or the attorney general shall take charge of and conduct such~~
prosecution notify the appropriate law enforcement authority for
investigation."

In line 124693, after "4715.30," insert "4717.04,"

In line 128827, delete "version" and insert "versions";
 delete "section" and insert "sections 4717.04 and"

In line 128828, delete "is" and insert "are"

After line 128829, insert:

"**Sec. 4717.04.** (A) The board of embalmers and funeral

directors shall adopt rules in accordance with Chapter 119. of the 133
Revised Code for the government, transaction of the business, and 134
the management of the affairs of the board of embalmers and 135
funeral directors and the crematory review board, and for the 136
administration and enforcement of this chapter. These rules shall 137
include all of the following: 138

(1) The nature, scope, content, and form of the application 139
that must be completed and license examination that must be passed 140
in order to receive an embalmer's license or a funeral director's 141
license under section 4717.05 of the Revised Code. The rules shall 142
ensure both of the following: 143

(a) That the embalmer's license examination tests the 144
applicant's knowledge through at least a comprehensive section and 145
an Ohio laws section; 146

(b) That the funeral director's license examination tests the 147
applicant's knowledge through at least a comprehensive section, an 148
Ohio laws section, and a sanitation section. 149

(2) The minimum license examination score necessary to be 150
licensed under section 4717.05 of the Revised Code as an embalmer 151
or as a funeral director; 152

(3) Procedures for determining the dates of the embalmer's 153
and funeral director's license examinations, which shall be 154
administered at least once each year, the time and place of each 155
examination, and the supervision required for each examination; 156

(4) Procedures for determining whether the board shall accept 157
an applicant's compliance with the licensure, registration, or 158
certification requirements of another state as grounds for 159
granting the applicant a license under this chapter; 160

(5) A determination of whether completion of a nationally 161

recognized embalmer's or funeral director's examination	162
sufficiently meets the license requirements for the comprehensive	163
section of either the embalmer's or the funeral director's license	164
examination administered under this chapter;	165
(6) Continuing education requirements for licensed embalmers	166
and funeral directors;	167
(7) Requirements for the licensing and operation of funeral	168
homes;	169
(8) Requirements for the licensing and operation of embalming	170
facilities;	171
(9) A schedule that lists, and specifies a forfeiture	172
commensurate with, each of the following types of conduct which,	173
for the purposes of division (A)(9) of this section and section	174
4717.15 of the Revised Code, are violations of this chapter:	175
(a) Obtaining a license under this chapter by fraud or	176
misrepresentation either in the application or in passing the	177
required examination for the license;	178
(b) Purposely violating any provision of sections 4717.01 to	179
4717.15 of the Revised Code or a rule adopted under any of those	180
sections; division (A) or (B) of section 4717.23; division (B)(1)	181
or (2), (C)(1) or (2), (D), (E), or (F)(1) or (2), or divisions	182
(H) to (K) of section 4717.26; division (D)(1) of section 4717.27;	183
or divisions (A) to (C) of section 4717.28 of the Revised Code;	184
(c) Committing unprofessional conduct;	185
(d) Knowingly permitting an unlicensed person, other than a	186
person serving an apprenticeship, to engage in the profession or	187
business of embalming or funeral directing under the licensee's	188
supervision;	189

(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;

(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 and following the requirements of section 4717.11 of the Revised Code;

(g) Misleading the public using false or deceptive advertising;

(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.

Each instance of the commission of any of the types of conduct described in division (A)(9) of this section is a separate violation. The rules adopted under division (A)(9) of this section shall establish the amount of the forfeiture for a violation of each of those divisions. The forfeiture for a first violation shall not exceed five thousand dollars, and the forfeiture for a second or subsequent violation shall not exceed ten thousand dollars. The amount of the forfeiture may differ among the types of violations according to what the board considers the seriousness of each violation.

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

(11) Procedures for the board to take possession of and to arrange the lawful disposition of unclaimed cremated remains that were held or stored at a funeral home or crematory that has been closed; 220
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(12) Procedures for the issuance of duplicate licenses; 224

(13) Requirements for criminal records checks of applicants under section 4776.03 of the Revised Code; 225
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(14) The amount and content of corrective action courses required by the board under section 4717.14 of the Revised Code; 227
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(15) Requirements that a crematory operator maintain, and file with the board of embalmers and funeral directors evidence of, an active certification from a national crematory operator certification program as a condition for acting as a crematory operator in this state. 229
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(B) The board may adopt rules governing the educational standards for licensure as an embalmer or funeral director, and the standards of service and practice to be followed in embalming, funeral directing, and cremation, and in the operation of funeral homes, embalming facilities, and crematory facilities in this state. 234
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(C) Nothing in this chapter authorizes the board of embalmers and funeral directors to regulate cemeteries, except that the board shall license and regulate funeral homes, embalming facilities, and crematory facilities located at cemeteries in accordance with this chapter. 240
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(D) If the executive director of the board has knowledge or notice of a violation of division (A)(1), (3), (5), or (6) of section 4717.13 of the Revised Code or that a person is engaging in the business or profession of funeral directing in violation of 245
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division (A)(14) of that section, the executive director shall 249
~~investigate the matter, and, upon probable cause appearing, cause~~ 250
~~an attorney employed by or contracting with the board to file a~~ 251
~~complaint and prosecute the offender. When requested by the~~ 252
~~executive director, the prosecuting attorney of the proper county~~ 253
~~or the attorney general shall take charge of and conduct such~~ 254
~~prosecution~~ notify the appropriate law enforcement authority for 255
investigation." 256

In line 128875, delete "version" and insert "versions"; 257
delete "section" and insert "sections 4717.04 and" 258

In line 128876, delete "is" and insert "are" 259

In line 128877, delete "is" and insert "are" 260

The motion was _____ agreed to.

SYNOPSIS

Notify law enforcement of unlicensed funeral directing 261

R.C. 4717.04; Sections 110.30 and 110.31 262

Restores a provision of the House-passed bill requiring the 263
Executive Director of the Board of Embalmers and Funeral Directors 264
to notify law enforcement if they are aware of a person engaged in 265
funeral directing without a license. Currently, the Executive 266
Director must investigate the alleged violation and, upon finding 267
probable cause, direct an attorney under contract with the Board, 268
a county prosecutor, or the Attorney General to prosecute the 269
offender. 270