



**State of Ohio Board of
Embalmers and Funeral Directors**

Mike DeWine, Governor
Jon Husted, Lt. Governor

Cheryl Grossman, Executive Director

Good morning, Chair Jones, Ranking Member Miller and members of the House Finance Subcommittee on Agriculture, Development and Natural Resources. I am Cheryl Grossman, the Executive Director of the Ohio Embalmers and Funeral Directors Board (Fun Board). I am grateful for the opportunity to provide an overview of our Board and present information on behalf of the Fun Board.

Our proposed SFY 2024 budget is \$2,273,000, and SFY 2025 is \$2,275,000.

The Fun Board is the regulatory body for the licensing and registering of 6,713 funeral directors, funeral homes, embalmers, embalmer apprentices, funeral director apprentices, crematories, embalming facility, courtesy card permits, and crematory operators.

Our Board monitors compliance with continuing education requirements, approves provider program relevance to practice in Ohio and educates the licensees on the laws and rules which govern licensees and consumers on services provided by the licensees.

The governing board is comprised of seven members appointed by the governor which include five members who are Licensed Practicing Funeral Directors, four of which shall also be Licensed Embalmers.

In addition, one of the Funeral Director members must hold a Crematory Operator Permit and be knowledgeable and experienced in operating a crematory. Two members sitting on the Board must represent the public; at least one of these members shall be at least sixty years of age.

The mission of the Fun Board is to protect consumers and regulate the funeral profession and cremation services to ensure competency and ethical behavior. Our board has a standard of conduct for our licensees and internally handles all the investigations of all complaints against licensed professionals for compliance with the applicable laws, rules, and regulations.

We are often referred to as being among the top two states in the country in the establishment of professional practice standards and licensure of those professions. Our full-time staff consists of an executive director, three inspectors, one auditor and four administrative personnel.

The budget funding for fiscal year 2024 is \$2,273,000. Funding for fiscal year 2025 is \$2,275,000 for a biennium budget of \$4,548,000. The Fun Board is self-supported through revenue generated from license applications and renewal fees. As required by ORC 4734.54, all receipts of the Fun Board are deposited into the 4K90 fund.

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We receive \$1,000,000 annually for the Indigent Burial and Cremation Support Program (IBCSP) from the GRF Fund. The IBCSP program was approved by the Ohio Legislature in FY2020-2021 to reimburse cities and townships providing indigent burials and cremations. There were very few townships and cities originally participating with the program until the recent addition of a program administrator to oversee the program. There currently are 84 out of 88 counties participating with the program.

We administer the Automated Reporting and Preneed Payment Program (ARPPS) which was approved in the 132nd GA, H.B. 48 as a result of fraudulent record keeping and theft of preneed funds in Ohio. Preneed contracts in Ohio are estimated to be over \$800 million.

The oversight of this program is extremely important to provide consumer protection oversight. Our ARPPS program is often referred to as the best in the country and is used as a model for other states.

The pre-need ARPPS is a non-GRF, non-state fund. The fund is managed outside of the Ohio Administrative Knowledge System (OAKS). Money collected is not paid into nor credited to the state treasury. The fund is in the custody of the Treasurer of State but not part of the State Treasury.

In closing, the Fun Board has an enormous responsibility to act in the best interest to protect and serve Ohioans during some of the most stressful periods of their lives. While dealing with death is never easy, it is important to have qualified, dedicated death care professionals to assist individuals during difficult times.

The Embalmers and Funeral Directors Board is grateful for the opportunity to share our story and seek your continued support on behalf of Ohio's death care professionals. I am grateful for your time and attention while I welcome your questions.

Amendment G_135_0102

In 2019, the 133rd GA granted the Embalmers and Funeral Directors Board a new program through Am. Sub. House Bill 166, Ohio's FY-2020-2021 General Operating Budget. The GA transferred the responsibility for the administration of the Indigent Burial and Cremation Support Program from the Department of Job and Family Services to the Board of Embalmers and Funeral Directors. The bill included the creation of a new general revenue fund (GRF) appropriation item for the board to use to reimburse local government entities for the cost of providing burials or cremations to indigent deceased persons. The line item appropriates \$1 million in each fiscal year.

Funding to support the administration of the program was not included in the appropriation. The board was challenged to create and adopt rules, make available an application form, and develop a mechanism to receive and review applications in a short period of time.

The program was not utilized without staff available to administer the program. The board was able to hire a staff member to administer the program in January 2021. Since that time, 84 of 88 counties are actively participating with program with a total of 1,796 applications being reviewed.

This program has been very important with the onset of Covid, suicide and overdose deaths.

No new fees would be required with this amendment. The requested funding is \$160,000 in total payroll and benefits charges to the board beginning in FY-2023.

In the past three fiscal years, the board has disbursed funds back to local government entities adding up to a total of 1,093,123.01 through December 31, 2022.

_____ moved to amend as follows:

In line _____ of the title, after "_____" insert "and to make an appropriation" 1
2

After line _____, insert: 3

"Section 1. All items in this act are hereby appropriated 4
as designated out of any moneys in the state treasury to the 5
credit of the designated fund. For all operating appropriations 6
made in this act, those in the first column are for fiscal year 7
2024 and those in the second column are for fiscal year 2025. 8
The operating appropriations made in this act are in addition to 9
any other operating appropriations made for these fiscal years." 10

After line _____, insert: 11

"Section 2. 12

13

	1	2	3	4	5
A	FUN State Board of Embalmers and Funeral Directors				
B	Dedicated Purpose Fund Group				
C	4K90	881609	Operating Expenses	\$80,000	\$80,000

D	TOTAL Dedicated Purpose Fund Group	\$80,000	\$80,000	
E	TOTAL ALL BUDGET FUND GROUPS	\$80,000	\$80,000	
	OPERATING EXPENSES			14
	Of the foregoing appropriation item 881609, Operating			15
	Expenses, up to \$80,000 in each fiscal year shall be used to			16
	employ an Indigent Burial and Cremation Support Program Burial			17
	Administrator."			18
	After line _____, insert:			19
	"Section 3. Within the limits set forth in this act, the			20
	Director of Budget and Management shall establish accounts			21
	indicating the source and amount of funds for each appropriation			22
	made in this act, and shall determine the manner in which			23
	appropriation accounts shall be maintained. Expenditures from			24
	operating appropriations contained in this act shall be			25
	accounted for as though made in, and are subject to all			26
	applicable provisions of, the main operating appropriations act			27
	of the 135th General Assembly."			28

The motion was _____ agreed to.

SYNOPSIS 29

State Board of Embalmers and Funeral Directors 30

Sections 1, 2, and 3 31

Provides funding of up to \$80,000 in each fiscal year of 32
the FY 2024-FY 2025 biennium under Fund 4K90 ALI 881609, 33
Operating Expenses, to employ an Indigent Burial and Cremation 34

Support Program Burial Administrator.

Amendment G_135_0103

The Automated Reporting and Preneed Payment Program (ARPPS) was approved in the 132nd GA, H.B. 49 as a result of fraudulent record keeping and theft of preneed funds in Ohio. Preneed contracts in Ohio amount to well over \$800 million and must be properly overseen and accountable.

This is an extremely important consumer protection program that has now been successfully monitored on behalf of consumers and is acknowledged as one of the best in the country.

Each preneed contract that is issued pays a \$10 fee to the ARPPS fund. Currently that amount is approximately \$1.5 million.

The language created by the Ohio Embalmers and Funeral Directors Board was intended to pay for the administration of this program. Based on the interpretation by OBM, we currently cannot utilize these funds for reimbursement.

No new fees would be required by this amendment. The requested funding is \$180,000 in total payroll and benefits charges to the board beginning in FY-2023.

The pre-need recovery fund is a non-GRF, non-state fund. The fund is managed outside of the Ohio Administrative Knowledge System (OAKS). Money collected is not paid into nor credited to the state treasury. The fund is in the custody of the Treasurer of State but not part of the State Treasury.

_____ moved to amend as follows:

In line _____ of the title, after "_____" insert "and to make an appropriation" 1
2

After line _____, insert: 3

"Section 1. All items in this act are hereby appropriated 4
as designated out of any moneys in the state treasury to the 5
credit of the designated fund. For all operating appropriations 6
made in this act, those in the first column are for fiscal year 7
2024 and those in the second column are for fiscal year 2025. 8
The operating appropriations made in this act are in addition to 9
any other operating appropriations made for these fiscal years." 10

After line _____, insert: 11

"Section 2. 12

13

	1	2	3	4	5
A	FUN State Board of Embalmers and Funeral Directors				
B	Dedicated Purpose Fund Group				
C	4K90	881609	Operating Expenses	\$92,000	\$92,000

D	TOTAL Dedicated Purpose Fund Group	\$92,000	\$92,000
E	TOTAL ALL BUDGET FUND GROUPS	\$92,000	\$92,000

OPERATING EXPENSES 14

Of the foregoing appropriation item 881609, Operating 15
Expenses, up to \$92,000 in each fiscal year shall be used to 16
employ an Automated Reporting and Preneed Payment Systems 17
(ARPPS) Administrator." 18

After line _____, insert: 19

"Section 3. Within the limits set forth in this act, the 20
Director of Budget and Management shall establish accounts 21
indicating the source and amount of funds for each appropriation 22
made in this act, and shall determine the manner in which 23
appropriation accounts shall be maintained. Expenditures from 24
operating appropriations contained in this act shall be 25
accounted for as though made in, and are subject to all 26
applicable provisions of, the main operating appropriations act 27
of the 135th General Assembly." 28

The motion was _____ agreed to.

SYNOPSIS 29

State Board of Embalmers and Funeral Directors 30

Sections 1, 2, and 3 31

Provides funding of up to \$92,000 in each fiscal year of 32
the FY 2024-FY 2025 biennium under Fund 4K90 ALI 881609, 33
Operating Expenses, to employ an Automated Reporting and Preneed 34

Payment Systems (ARPPS) Administrator.

35

Ohio



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Amendment G_135_0104

H.B. 49, Sec. 4717.26(F)(1) in the 132nd GA included a drafting error. This amendment corrects the error relating to a prohibition against removing items of value from a body prior to or after cremation without proper authorization.

No new fees are required for this amendment.

_____ moved to amend as follows:

In line _____ of the title, after " _____ " insert "4717.26" 1

In line _____ of the title, after " _____ " insert "and to make 2
changes to the law regarding cremation" 3

After line _____, insert: 4

"**Section 1.** That section 4717.26 of the Revised Code be 5
amended to read as follows: 6

Sec. 4717.26. (A) The crematory facility may schedule the 7
time for the cremation of a dead human body to occur at the 8
crematory facility's own convenience at any time after the 9
conditions set forth in division (A) or (B) of section 4717.23 10
of the Revised Code, as applicable, have been met and the 11
decedent or body parts have been delivered to the facility, 12
unless, in the case of a dead human body, the crematory facility 13
has received specific instructions to the contrary on the 14
cremation authorization form authorizing the cremation of the 15
decedent executed under section 4717.21, 4717.24, or 4717.25 of 16
the Revised Code. The crematory facility becomes responsible for 17
a dead human body or body parts when the body or body parts have 18
been delivered to or accepted by the facility or an employee or 19
agent of the facility. 20

(B) No crematory operator or crematory facility shall fail 21
to do either of the following: 22

(1) Upon receipt at the crematory facility of any dead human body that has not been embalmed, and subject to the prohibition set forth in division (C)(1) of this section, place the body in a holding or refrigerated facility at the crematory facility and keep the body in the holding or refrigerated facility until near the time the cremation process commences or until the body is held at the facility for eight hours or longer. If the body is held for eight hours or longer, place the body in a refrigerated facility at the crematory facility and keep the body in the refrigerated facility until near the time the cremation process commences;

(2) Upon receipt of any dead human body that has been embalmed, place the body in a holding facility at the crematory facility and keep the body in the holding facility until the cremation process commences.

(C) No crematory operator or crematory facility shall do either of the following, unless the instructions contained in the cremation authorization form authorizing the cremation of the decedent executed under section 4717.21, 4717.24, or 4717.25 of the Revised Code specifically provide otherwise:

(1) Remove any dead human body from the casket or alternative container in which the body was delivered to or accepted by the crematory facility;

(2) Fail to cremate the casket or alternative container in which the body was delivered or accepted, in its entirety with the body.

(D) No crematory facility shall simultaneously cremate more than one decedent or body parts removed from more than one decedent or living person in the same cremation chamber unless

the cremation authorization forms executed under section 52
4717.21, 4717.24, or 4717.25 of the Revised Code authorizing the 53
cremation of each of the decedents or body parts removed from 54
each decedent or living person specifically authorize such a 55
simultaneous cremation. This division does not prohibit the use 56
of cremation equipment that contains more than one cremation 57
chamber. 58

(E) No crematory facility shall permit any persons other 59
than employees of the crematory facility, the authorizing agent 60
for the cremation of the decedent who is to be, is being, or was 61
cremated, persons designated to be present at the cremation of 62
the decedent on the cremation authorization form executed under 63
section 4717.21 or 4717.24 of the Revised Code, and persons 64
authorized by the individual who is actually in charge of the 65
crematory facility, to be present in the holding facility or 66
cremation room while any dead human bodies or body parts are 67
being held there prior to cremation or are being cremated or 68
while any cremated remains are being removed from the cremation 69
chamber. 70

(F) (1) No crematory facility shall remove any dental gold, 71
body parts, organs, or other items of value from a dead human 72
body prior to the cremation or from the cremated remains after 73
cremation unless the cremation authorization form authorizing 74
the cremation of the decedent executed under section 4717.21 or 75
4717.24 of the Revised Code specifically authorizes the removal 76
thereof. 77

(2) No crematory facility that removes any dental gold, 78
body parts, organs, or other items from a dead human body or 79
assists in such removal shall charge a fee for doing so that 80
exceeds the actual cost to the crematory facility for performing 81

or assisting in the removal. 82

(G) Upon the completion of each cremation, the crematory 83
facility shall remove from the cremation chamber all of the 84
cremation residue that is practicably recoverable. If the 85
cremation authorization form executed under section 4717.21, 86
4717.24, or 4717.25 of the Revised Code specifies that the 87
cremated remains are to be placed in an urn, the crematory 88
facility shall place them in the type of urn specified on the 89
authorization form. If the authorization form does not specify 90
that the cremated remains are to be placed in an urn, the 91
crematory facility shall place them in a temporary container. If 92
not all of the recovered cremated remains will fit in the urn 93
selected or the temporary container, the crematory facility 94
shall place the remainder in a separate temporary container, and 95
the cremated remains placed in the separate temporary container 96
shall be delivered, released, or disposed of along with those in 97
the urn or other temporary container. Nothing in this section 98
requires a crematory facility to recover any specified quantity 99
or quality of cremated remains upon the completion of a 100
cremation, but only requires a crematory facility to recover 101
from the cremation chamber all of the cremation residue that is 102
practicably recoverable. 103

(H) No crematory facility shall knowingly represent to an 104
authorizing agent or a designee of an authorizing agent that an 105
urn or temporary container contains the recovered cremated 106
remains of a specific decedent or of body parts removed from a 107
specific decedent or living person when it does not. This 108
division does not prohibit the making of such a representation 109
because of the presence in the recovered cremated remains of de 110
minimus amounts of the cremated remains of another decedent or 111
of body parts removed from another decedent or living person 112

that were not practicably recoverable and that remained in the 113
cremation chamber after the cremated remains from previous 114
cremations were removed. 115

(I) No crematory facility or funeral director shall ship 116
or cause to be shipped any cremated remains by a class or method 117
of mail, common carrier service, or delivery service that does 118
not have an internal system for tracing the location of the 119
cremated remains during shipment and that does not require a 120
signed receipt from the person accepting delivery of the 121
cremated remains. 122

(J) No crematory facility shall fail to establish and 123
maintain a system for accurately identifying each dead human 124
body in the facility's possession, and for identifying each 125
decedent or living person from which body parts in the 126
facility's possession were removed, throughout all phases of the 127
holding and cremation process. 128

(K) No crematory facility shall knowingly use or allow the 129
use of the same cremation chamber for the cremation of dead 130
human bodies, or human body parts, and animals. 131

Section 2. That existing section 4717.26 of the Revised 132
Code is hereby repealed." 133

The motion was _____ agreed to.

SYNOPSIS 134

**Removing items of value from a body before or after 135
cremation 136**

R.C. 4717.26	137
Corrects a drafting error relating to a prohibition	138
against removing items of value from a body prior to or after	139
cremation without proper authorization.	140



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Amendment awaiting LSC's completion

LSC is currently awaiting clarification on this amendment. Information follows.

Crematory Operators Permit

The Crematory Operators Permit was eliminated in Sub. H.B. 509, 134 GA.

The Crematory Operators Permit was originally legislated as a result of disturbing problems with a crematory in Ohio before a certified permit was required.

Violations by crematory operators have continued throughout the years. If there is no crematory operator permit, there is no one to charge if a violation occurs.

This amendment is important because of accountability by someone properly trained to operate a crematory.

Deceased remains must be treated with respect.

The crematory operator permit holds the cremation process to a consistent standard.

Protects consumers

Elimination of the crematory operator permit affects several current statutes in Chapter 4717 of the Ohio Revised Code:

A crematory operator must hold a crematory operator permit. R.C. Section 4717.01 (Q) "*Crematory operator*" means the person who engages, in whole or in part, in cremation from one or more crematories licensed under this chapter and who has been issued a crematory operator permit under this chapter.

One of the five funeral director members of the board appointed by the governor must hold a crematory operator permit. R.C. Section 4717.02 (A) states in part, "*In addition, one of the funeral director members shall hold a crematory operator permit and be knowledgeable and experienced in operating a crematory.*"

One member of the board's crematory review board must hold a crematory operator permit. R.C. Section 4717.03 (D) states in part, "*Those members of the crematory review board designated by the president to serve and three members designated by the cemetery dispute resolution commission shall designate, by a majority vote, one person who holds a crematory operator permit, who is experienced in the operation of a crematory facility, and who is not affiliated with a cemetery or a funeral home to serve on the crematory review board for such time as the crematory review board finds appropriate.*"

The board's crematory review board may only conduct an adjudicatory hearing on matters involving a summarily suspension of a crematory operator permit, according to R.C. Section 4717.03 (F)(3).

The board may only issue a license to operate a crematory facility to a crematory operator. R.C. Section 4717.06 (D)(1) *The board shall issue a license to operate a crematory facility only to a crematory operator who is actually in charge and ultimately responsible for the crematory facility. The board shall issue the license only for the address at which the crematory facility is physically located and operated. The license shall be displayed in a conspicuous place within the crematory facility.*

It is prohibited conduct for a person to engage in cremation without a crematory operator permit, according to R.C. 4717.13 (13).

Generally, a person who holds a crematory operator permit has completed a minimum level of education and training to meet satisfactory competency standard. Often, a certification program including multiple disciplines associated with cremation prepares a person to perform cremation safely and effectively. In return, this lessens the risk of danger to the public and coworkers.