



OHIO FUNERAL DIRECTORS ASSOCIATION

Ohio Senate Health Committee Proponent Testimony on Am. Substitute House Bill 33 May 10, 2023

Good morning Chairman Huffman, Vice Chairman Johnson, Ranking Member Antonio and members of the Committee. My name is Andrew Allman and I serve as the executive director of the Ohio Funeral Directors Association (OFDA). I am here today on behalf of OFDA, which proudly represents nearly 1,000 funeral homes and over 4,300 professional licensees employed by those firms, residing in all of Ohio's 88 counties. Ohio is often regarded as the gold standard in the funeral profession, thanks in large part to the legislature's thoughtful approach to governing our profession.

Today, I would like to offer OFDA's full support for Amended Substitute House Bill 33, the state's biennial budget bill, as passed by the House. Our Association proactively sought several non-appropriation amendments to the bill in the Ohio House of Representatives and ask that the Ohio Senate maintain the House's changes.

Reinstating the Crematory Operator Permit

As you may recall, we had a very robust dialogue during the last General Assembly on House Bill 509, which proposed changes to the state's licensing boards. We are grateful to all members of the Senate, particularly Senator Cirino and Senator Johnson, for working with OFDA to address the majority of our concerns throughout the process. There was only one outstanding item from that bill that there appeared to be some confusion on in the waning hours of lame duck that we hope will be addressed in the budget bill.

In 2017, OFDA and the Ohio Board of Embalmers and Funeral Directors (OBEFD) asked the legislature to require the individual crematory *operator* to be licensed, in addition to the crematory *facility*. We did so to be certain that the person operating the crematory is properly trained and vetted and the process in Ohio is working very well. Throughout 22 states, crematory operators must have training provided by one of four national entities and state certification before they are granted licensure. The industry standards training provided by national partners is the first step. The second step belongs to the individual states that then license individuals to make sure the operators are current on their own state's laws, rules, and regulations as well as critical background checks on the individual. This state permit is **not** duplicative of the national training. A main reason that the licensure exists in various states is the due to lack of oversight. Over 20 years ago, the Tri-State Crematory scandal occurred in Noble, Georgia, gaining national attention when 350 decomposing bodies were found on the property of a crematory facility. Since that time, numerous other reports have been released of smaller scale, with two being reported in Indiana, a state that has not adopted crematory operator licensure.

House Bill 509 from the 134th General Assembly required that Ohio's crematory operator permit sunset at the end of 2024. We believe this is a dangerous precedent to set for Ohio's consumers. There are examples prevalent in other states without a crematory operator permit where unscrupulous individuals do not handle or transport bodies correctly, do not store bodies properly prior to cremation, do not provide families with the cremated remains of their loved one; or facilities are not run properly causing panic in the communities when discolored or a massive amount of smoke emits from a crematory. These situations have made national news because the state has no way to ensure compliance because they do not require crematory operators to be permitted. We want to prevent these types of scenarios from happening in Ohio, which is exactly why OFDA believes it is critically important to have certified crematory operators who are accountable for cremations. As the Association and the Board have shared previously, if only the *facility* is licensed, there is no way to discipline the operator for these types of offenses.

Amended Substitute House Bill 33 as currently rewritten reinstates the crematory operator permit and we ask that language remain intact. As cremation rates increase across the United States, and liability concerns increase, the importance of proper training and oversight for crematory operators is even more important. The Cremation Association of North America supports Ohio's efforts and commends the state for its implementation of the licensure in 2017. We would appreciate your support in maintaining the House language on this provision.

Correction of 2017 Drafting Error

Recently, it was brought to the Association's attention that a drafting error occurred in 2017 that we are asking the legislature to correct. Specifically, the budget language before you corrects a drafting error in existing law. Existing law allows the removal of items of value from a body (such as dental gold, pacemakers, titanium implants) before or after cremation. The budget language before you would *only* allow removal of such items if there was authorization by the family or next-of-kin.

Miscellaneous Items

Additionally, the Ohio Board of Embalmers and Funeral Directors (OBEFD) sought several changes to the budget bill, none of which have any fiscal effect, but are meaningful improvements to their operations. OFDA is supportive of those changes, which include:

- Requiring the Executive Director to notify law enforcement if they are aware of a person engaged in funeral directing without a license, in contrast to current law which requires the Executive Director to *investigate* the alleged violation and, upon finding probable cause, direct an attorney under contract with the Board, a county prosecutor, or the Attorney General to prosecute the offender.
- Allow existing dollars within the Board's budgeted funds to be earmarked for Automated Reporting and Preneed Payment Systems (ARPPS) Administrator and for an Indigent Burial and Cremation Support Program Administrator. No additional funding is being sought for this language change.

Thank you for allowing me to testify in support of Amended Substitute House Bill 33 as passed by the House. I am happy to answer any questions you may have.