

As Introduced

135th General Assembly

Regular Session

2023-2024

H. B. No. 699

Representatives Brewer, Piccolantonio

Cosponsor: Representative McNally



A BILL

To amend sections 9.15, 313.12, 759.01, 1713.36, 1
1721.06, 1721.18, 1721.21, 2108.15, 2108.70, 2
2108.72, 2108.75, 2108.82, 2108.83, 2108.84, 3
2108.85, 2108.86, 2108.87, 2111.13, 2743.51, 4
2925.01, 3705.01, 3705.17, 3705.18, 3705.19, 5
3705.20, 3707.19, 4511.451, 4717.01, 4717.03, 6
4717.04, 4717.06, 4717.07, 4717.072, 4717.08, 7
4717.11, 4717.13, 4717.14, 4717.15, 4717.20, 8
4717.21, 4717.22, 4717.23, 4717.24, 4717.25, 9
4717.26, 4717.27, 4717.28, 4717.29, 4717.30, 10
4717.36, 4717.41, 4767.05, 5120.45, 5121.11, 11
5121.53, 5901.25, 5901.26, 5901.27, 5901.29, and 12
5901.32 and to enact section 4717.052 of the 13
Revised Code to authorize the use of natural 14
organic reduction and alkaline hydrolysis as a 15
form of disposition and to amend the version of 16
section 4717.07 of the Revised Code that is 17
scheduled to take effect on December 29, 2023, 18
and the versions of sections 4717.01, 4717.03, 19
4717.04, 4717.06, 4717.07, 4717.08, 4717.11, 20
4717.13, 4717.15, 4717.36, and 4717.41 of the 21
Revised Code that are scheduled to take effect 22

on December 31, 2024, to continue the change on 23
and after those dates. 24

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

Section 1. That sections 9.15, 313.12, 759.01, 1713.36, 25
1721.06, 1721.18, 1721.21, 2108.15, 2108.70, 2108.72, 2108.75, 26
2108.82, 2108.83, 2108.84, 2108.85, 2108.86, 2108.87, 2111.13, 27
2743.51, 2925.01, 3705.01, 3705.17, 3705.18, 3705.19, 3705.20, 28
3707.19, 4511.451, 4717.01, 4717.03, 4717.04, 4717.06, 4717.07, 29
4717.08, 4717.11, 4717.13, 4717.14, 4717.15, 4717.20, 4717.21, 30
4717.22, 4717.23, 4717.24, 4717.25, 4717.26, 4717.27, 4717.28, 31
4717.29, 4717.30, 4717.36, 4717.41, 4767.05, 5120.45, 5121.11, 32
5121.53, 5901.25, 5901.26, 5901.27, 5901.29, and 5901.32 be 33
amended and section 4717.052 of the Revised Code be enacted to 34
read as follows: 35

Sec. 9.15. As used in this section, "legal residence" 36
means a permanent place of abode used or occupied as living 37
quarters at the time of a person's death, including a nursing 38
home, hospital, or other care facility. 39

When the body of a dead person is found in a township or 40
municipal corporation, and such person was not an inmate of a 41
correctional, benevolent, or charitable institution of this 42
state, and the body is not claimed by any person for private 43
interment ~~or~~, cremation, reduction, or hydrolysis at the 44
person's own expense, or delivered for the purpose of medical or 45
surgical study or dissection in accordance with section 1713.34 46
of the Revised Code, it shall be disposed of as follows: 47

(A) If the person was a legal resident of the county, the 48

proper officers of the township or municipal corporation in 49
which the person's body was found shall cause it to be buried~~or~~ 50
, cremated, reduced, or hydrolyzed at the expense of the 51
township or municipal corporation in which the person had a 52
legal residence at the time of death. 53

(B) If the person had a legal residence in any other 54
county of the state at the time of death, the superintendent of 55
the county home of the county in which such body was found shall 56
cause it to be buried~~or~~, cremated, reduced, or hydrolyzed at 57
the expense of the township or municipal corporation in which 58
the person had a legal residence at the time of death. 59

(C) If the person was an inmate of a correctional 60
institution of the county or a patient or resident of a 61
benevolent institution of the county, the person had no legal 62
residence in the state, or the person's legal residence is 63
unknown, the superintendent shall cause the person to be buried 64
~~or~~, cremated, reduced, or hydrolyzed at the expense of the 65
county. 66

Such officials shall provide, at the grave of the person 67
or, if the person's cremated, reduced, or hydrolyzed remains are 68
buried, at the grave of the person's ~~cremated~~ remains, a metal, 69
stone, or concrete marker on which the person's name and age, if 70
known, and date of death shall be inscribed. 71

A political subdivision is not relieved of its duty to 72
bury~~or~~, cremate, reduce, or hydrolyze a person at its expense 73
under this section when the body is claimed by an indigent 74
person. As used in this section, "indigent person" means a 75
person whose income does not exceed one hundred fifty per cent 76
of the federal poverty line, as revised annually by the United 77
States department of health and human services in accordance 78

with section 673(2) of the "Omnibus Budget Reconciliation Act of 79
1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family 80
size equal to the size of the person's family. 81

Sec. 313.12. (A) When any person dies as a result of 82
criminal or other violent means, by casualty, by suicide, or in 83
any suspicious or unusual manner, when any person, including a 84
child under two years of age, dies suddenly when in apparent 85
good health, or when any person with a developmental disability 86
dies regardless of the circumstances, the physician called in 87
attendance, or any member of an ambulance service, emergency 88
squad, or law enforcement agency who obtains knowledge thereof 89
arising from the person's duties, shall immediately notify the 90
office of the coroner of the known facts concerning the time, 91
place, manner, and circumstances of the death, and any other 92
information that is required pursuant to sections 313.01 to 93
313.22 of the Revised Code. In such cases, if a request is made 94
for cremation, reduction, or hydrolysis, the funeral director 95
called in attendance shall immediately notify the coroner. 96

(B) As used in this section, "developmental disability" 97
has the same meaning as in section 5123.01 of the Revised Code. 98

Sec. 759.01. Any municipal corporation may provide public 99
cemeteries and ~~crematories~~ crematory, reduction, and hydrolysis 100
facilities for burial ~~or~~, incineration, reduction, or 101
hydrolysis of the dead and regulate public and private 102
cemeteries and ~~crematories~~ crematory, reduction, and hydrolysis 103
facilities. Any cemetery established by a municipal corporation 104
shall register with the division of real estate in the 105
department of commerce pursuant to section 4767.03 of the 106
Revised Code. Any cemetery of that nature is subject to Chapter 107
4767. and to sections 517.23 to 517.25 and 1721.211 of the 108

Revised Code in addition to being subject to this chapter. 109

Sec. 1713.36. After the bodies referred to in section 110
1713.34 of the Revised Code have been subjected to medical or 111
surgical examination or dissection or for the study of 112
embalming, the remains thereof shall be interred, or shall be 113
cremated, reduced, or hydrolyzed and the ~~ashes~~remains interred, 114
in some suitable place at the expense of the parties in whose 115
keeping the corpse was placed. 116

Sec. 1721.06. After paying for its land, a cemetery 117
company or association shall apply all its receipts and income, 118
whether from sale of lots, from donations, or otherwise, 119
exclusively to laying out, preserving, protecting, and 120
embellishing the cemetery and avenues within it or leading to 121
it, to the erection of buildings necessary or appropriate for 122
cemetery purposes, and to paying the necessary expenses of the 123
cemetery company or association. No debts shall be incurred by 124
the cemetery company or association except for purchasing, 125
laying out, inclosing, and embellishing the ground, buildings 126
necessary or appropriate for cemetery purposes, and avenues, for 127
which purposes it may contract debts to be paid out of future 128
receipts. For purposes of this section, buildings appropriate 129
for cemetery purposes include, but are not limited to, buildings 130
for crematory, reduction, or hydrolysis facilities, funeral 131
homes, and other buildings intended to produce income for the 132
cemetery company or association. 133

No part of the funds of a cemetery company or association, 134
or of the proceeds of land sold by it, shall ever be divided 135
among its stockholders or lot owners, and all its funds shall be 136
used exclusively for the purposes of the company or association 137
as specified in this section, or invested in a fund the income 138

of which shall be so used and appropriated. 139

Sec. 1721.18. Any company or association incorporated for 140
the erection and maintenance of a crematory, reduction, or 141
hydrolysis facility may exercise all the rights and powers 142
conferred by sections 1721.01 to 1721.18, inclusive, of the 143
Revised Code, subject to the conditions provided in such 144
sections. No building shall be erected for such a purpose within 145
two hundred yards of a dwelling house unless the owner of the 146
dwelling house gives ~~his~~ the owner's consent. No person, 147
company, association, or firm shall establish a morgue on a 148
street upon which there are dwelling houses unless the owners or 149
occupants of all dwelling houses within two hundred yards of the 150
proposed morgue give their written consent thereto. This section 151
does not apply to a crematory built, or a morgue established, ~~as~~ 152
~~of~~ on or before April 3, 1900. 153

Sec. 1721.21. (A) As used in this section: 154

(1) "Person" means any corporation, company, partnership, 155
individual, or other entity owning or operating a cemetery for 156
the disposition of human remains. 157

(2) "Cemetery" means any one or a combination of more than 158
one of the following: 159

(a) A burial ground for earth interments; 160

(b) A mausoleum for crypt entombments; 161

(c) A columbarium for the deposit of cremated, reduced, or 162
hydrolyzed remains; 163

(d) A scattering ground for the spreading of cremated, reduced, or hydrolyzed remains. 164
165

(3) "Interment" means the disposition of human remains by 166

earth burial, entombment, or inurnment.	167
(4) "Burial right" means the right of earth interment.	168
(5) "Entombment right" means the right of entombment in a mausoleum.	169 170
(6) "Columbarium right" means the right of inurnment in a columbarium for cremated, <u>reduced, or hydrolyzed</u> remains.	171 172
(7) "Human remains" means any part of the body of a deceased human being, in any stage of decomposition or state of preservation, or the remaining bone fragments from the body of a deceased human being that has been reduced by cremation, <u>reduction, hydrolysis,</u> or alternative disposition.	173 174 175 176 177
(B) No person shall operate or continue to operate any cemetery in this state unless an endowment care trust is established and maintained as required by this section.	178 179 180
(C) Any person desiring to operate any cemetery that is organized or developed after July 1, 1970, before offering to sell or selling any burial lot, burial right, entombment right, or columbarium right in that cemetery, shall first establish an endowment care trust, segregated from other assets, and place in that fund a minimum of fifty thousand dollars in cash or in bonds of the United States, this state, or any county or municipal corporation of this state.	181 182 183 184 185 186 187 188
Whenever any person described in this division has placed another fifty thousand dollars in the endowment care trust out of gross sales proceeds, in addition to the deposit required by this division, that person, after submitting proof of this fact to the trustees of the endowment care trust, may be paid a distribution in the sum of fifty thousand dollars from the endowment care trust.	189 190 191 192 193 194 195

(D) Any person desiring to operate or to continue to 196
operate any cemetery after July 1, 1970, shall place into the 197
endowment care trust as required by this section not less than 198
ten per cent of the gross sales proceeds received from the sale 199
of any burial lot, burial right, entombment right, or 200
columbarium right. This percentage shall be placed in the 201
endowment care trust no later than thirty days following the 202
month in which the entire gross sales are received. 203

(E) The trustees of the endowment care trust shall consist 204
of at least three individuals who have been residents of the 205
county in which the cemetery is located for at least one year, 206
or a trust company licensed under Chapter 1111. of the Revised 207
Code or a national bank or federal savings association that has 208
securities pledged in accordance with section 1111.04 of the 209
Revised Code. If the trustees are not a financial institution or 210
trust company, the trustees shall be bonded by a fidelity bond, 211
or insured under an insurance policy less any deductible, in an 212
aggregate amount of not less than one hundred per cent of the 213
funds held by the trustees. The trustees or their agent shall, 214
on a continuous basis, keep exact records as to the amount of 215
funds under any joint account or trust instrument being held for 216
the individual beneficiaries showing the amount paid, the amount 217
deposited and invested, and accruals and income. 218

The funds of the endowment care trust shall be held and 219
invested in the manner in which trust funds are permitted to be 220
held and invested pursuant to sections 2109.37 and 2109.371 of 221
the Revised Code or, if provided for in the instrument creating 222
the trust, pursuant to the Ohio Uniform Prudent Investor Act. 223

(F) Any person offering to sell or selling any burial lot, 224
burial right, entombment right, or columbarium right shall give 225

to the purchaser of the lot or right, at the time of sale, a 226
written agreement that identifies and unconditionally guarantees 227
to the purchaser the specific location of the lot or the 228
specific location to which the right applies. 229

(G) No person shall open or close any grave, crypt, or 230
niche for the interment of human remains in a cemetery without 231
the permission of the cemetery association or other entity 232
having control and management of the cemetery. 233

(H) Except as provided in division (G) of this section, 234
this section does not apply to a family cemetery as defined in 235
section 4767.02 of the Revised Code, to any cemetery that is 236
owned and operated entirely and exclusively by churches, 237
religious societies, established fraternal organizations, 238
municipal corporations, or other political subdivisions of the 239
state, or to a national cemetery. 240

(I) The distribution from the endowment care trust shall 241
be used only to pay for both of the following: 242

(1) The cost and expenses incurred to establish, manage, 243
invest, and administer the records and the trust; 244

(2) The maintenance, supervision, improvement, and 245
preservation of the grounds, lots, buildings, equipment, 246
statuary, and other real and personal property of the cemetery. 247

(J) (1) Annual reports of all the assets and investments of 248
the endowment care trust shall be prepared and maintained, and 249
shall be available for inspection at reasonable times by any 250
owner of interment rights in the cemetery. 251

(2) Every cemetery required to establish and maintain an 252
endowment care trust shall ensure each of the following: 253

(a) That the cemetery has deposited, at the time specified	254
in division (D) of this section, the amounts required by that	255
division in the cemetery's endowment care trust;	256
(b) That the cemetery used the amounts withdrawn only for	257
the purposes specified in division (I) of this section;	258
(c) Subject to division (K) (5) of this section, that all	259
principal and capital gains, less any payment of taxes	260
associated with such gains, have remained in the endowment care	261
trust;	262
(d) That the endowment care trust has not been used to	263
collateralize or guarantee loans and has not otherwise been	264
subjected to any consensual lien;	265
(e) That the endowment care trust is invested in	266
compliance with the investing standards set forth in sections	267
2109.37 and 2109.371 of the Revised Code, or, if provided for in	268
the instrument creating the trust, the Ohio Uniform Prudent	269
Investor Act.	270
(3) Every cemetery required to establish and maintain an	271
endowment care trust shall do both of the following:	272
(a) File an affidavit annually with the division of real	273
estate of the department of commerce, in a form prescribed by	274
the division, certifying under oath the cemetery satisfied	275
division (J) (2) of this section;	276
(b) Notify the division of real estate of the department	277
of commerce, in a form prescribed by the division, of the	278
percentage of the unitrust distribution from the endowment care	279
trust, as described in divisions (K) (2) (a) (ii) and (b) of this	280
section.	281

(K) (1) Every cemetery shall choose the distribution of	282
either of the following from the endowment care trust:	283
(a) All net ordinary income, which includes collected	284
dividends, interest, and other income earned by the trust,	285
reduced by any expenses, including, but not limited to, taxes on	286
income, fees, commissions, and costs;	287
(b) A unitrust disbursement not exceeding five per cent of	288
the fair market value of the endowment care fund. "Fair market	289
value," for the purpose of division (K) (1) (b) of this section,	290
means the average of the net fair market value of the assets of	291
the endowment care trust as of the last trading day for each of	292
the three preceding fiscal year ends.	293
(2) (a) A cemetery that selects the unitrust disbursement	294
distribution method, as provided in division (K) (1) (b) of this	295
section, shall do both of the following:	296
(i) Deliver to the trustees of the endowment care trust	297
written instructions, including the disbursement percentage	298
selected, not later than sixty days prior to the beginning of a	299
calendar year;	300
(ii) Deliver to the division of real estate of the	301
department of commerce notification that the cemetery selected	302
the unitrust disbursement method and the percentage selected, in	303
compliance with division (J) (3) (b) of this section.	304
(b) The distribution method and, if a unitrust	305
disbursement, the disbursement percentage selected shall remain	306
in effect unless the cemetery notifies the trustees and the	307
division of real estate of the department of commerce of its	308
desire to effect a change. The trustees shall ensure that an	309
investment policy is in place whose goals and objectives are	310

supportive of the growth of the endowment care trust. 311

(3) Distributions from the endowment care trust shall be 312
made on a monthly, quarterly, semiannual, or annual basis, as 313
agreed upon by the cemetery and the trustees. If the trustees do 314
not receive written instructions from the cemetery informing the 315
trustees of the method of calculation and distribution chosen, 316
the trustees shall calculate and distribute the net income, as 317
earned, on a monthly basis. 318

(4) In order to withdraw a unitrust disbursement, the fair 319
market value of the endowment care trust after the disbursement 320
shall be greater than eighty per cent of the aggregate fair 321
market value of the endowment care trust as of the end of the 322
immediately preceding calendar year. Should this not be the 323
case, disbursement shall be limited for that year to net 324
ordinary income. 325

(5) The trustees shall pay reasonable operating expenses 326
and taxes of the endowment care trust itself. If the operating 327
expenses and taxes paid are greater than two and one-half per 328
cent of the fair market value for the preceding calendar year 329
end and the cemetery has selected a unitrust disbursement, the 330
trustees shall reduce the unitrust disbursement by the amount 331
exceeding two and one-half per cent. 332

Sec. 2108.15. Subject to division (I) of section 2108.11 333
and sections 2108.26 to 2108.272 of the Revised Code, the rights 334
of the person to which a part passes under section 2108.11 of 335
the Revised Code shall be superior to the rights of all others 336
with respect to the part. The person may accept or reject an 337
anatomical gift in whole or in part. 338

Subject to the terms of the document of gift and sections 339

2108.01 to 2108.29 of the Revised Code, a person that accepts an anatomical gift of an entire body may allow embalming, burial, ~~or~~ cremation, reduction, or hydrolysis, and use of remains in a funeral service. If the gift is of a part, the person to whom the part passes under section 2108.11 of the Revised Code, upon the death of the donor and before embalming, burial, ~~or~~ cremation, reduction, or hydrolysis, shall cause the part to be removed without unnecessary mutilation. After removal of the part, custody of the remainder of the decedent's body passes to the persons to whom the right of disposition for the body has been assigned pursuant to section 2108.70 of the Revised Code or who have the right of disposition for the body as described in section 2108.81 of the Revised Code.

Sec. 2108.70. (A) As used in this section and sections 2108.71 to 2108.90 of the Revised Code:

(1) "Adult" means an individual who is eighteen years of age or older.

(2) "Declarant" means an adult who has executed a written declaration described in division (B) of this section.

(3) "Representative" means an adult or a group of adults, collectively, to whom a declarant has assigned the right of disposition.

(4) "Right of disposition" means one or more of the rights described in division (B) of this section that a declarant chooses to assign to a representative in a written declaration executed under that division or all of the rights described in division (B) of this section that are assigned to a person pursuant to section 2108.81 of the Revised Code.

(5) "Successor representative" means an adult or group of

adults, collectively, to whom the right of disposition for a 369
declarant has been reassigned because the declarant's 370
representative is disqualified from exercising the right under 371
section 2108.75 of the Revised Code. Each successor 372
representative shall be considered in the order the 373
representative is designated by the declarant. 374

(B) An adult who is of sound mind may execute at any time 375
a written declaration assigning to a representative one or more 376
of the following rights: 377

(1) The right to direct the disposition, after death, of 378
the declarant's body or any part of the declarant's body that 379
becomes separated from the body before death. This right 380
includes the right to determine the location, manner, and 381
conditions of the disposition of the declarant's bodily remains. 382

(2) The right to make arrangements and purchase goods and 383
services for the declarant's funeral. This right includes the 384
right to determine the location, manner, and condition of the 385
declarant's funeral. 386

(3) The right to make arrangements and purchase goods and 387
services for the declarant's burial, cremation, reduction, 388
hydrolysis, or other manner of final disposition. This right 389
includes the right to determine the location, manner, and 390
condition of the declarant's burial, cremation, reduction, 391
hydrolysis, or other manner of final disposition. 392

(C) (1) Subject to division (C) (2) of this section, a 393
declarant may designate a successor representative. 394

(2) If a representative is a group of persons and not all 395
of the persons in the group meet at least one criterion to be 396
disqualified from serving as the representative, as described in 397

section 2108.75 of the Revised Code, the persons in the group 398
who are not disqualified shall remain the representative who has 399
the right of disposition. 400

(D) The assignment or reassignment of a right of 401
disposition to a representative and a successor representative 402
~~supercedes~~supersedes an assignment of a right of disposition 403
under section 2108.81 of the Revised Code. 404

Sec. 2108.72. (A) The written declaration described in 405
section 2108.70 of the Revised Code shall include all of the 406
following: 407

(1) The declarant's legal name and present address; 408

(2) A statement that the declarant, an adult being of 409
sound mind, willfully and voluntarily appoints a representative 410
to have the declarant's right of disposition for the declarant's 411
body upon the declarant's death; 412

(3) A statement that all decisions made by the declarant's 413
representative with respect to the right of disposition are 414
binding; 415

(4) The name, last known address, and last known telephone 416
number of the representative or, if the representative is a 417
group of persons, the name, last known address, and last known 418
telephone number of each person in the group; 419

(5) If the declarant chooses to have a successor 420
representative, a statement that if any person or group of 421
persons named as the declarant's representative is disqualified 422
from serving in such position as described in section 2108.75 of 423
the Revised Code, the declarant appoints a successor 424
representative; 425

(6) If applicable, the name, last known address, and last known telephone number of the successor representative or, if the successor representative is a group of persons, the name, last known address, and last known telephone number of each person in the group;

(7) A space where the declarant may indicate the declarant's preferences regarding how the right of disposition should be exercised, including any religious observances the declarant wishes the person with the right of disposition to consider;

(8) A space where the declarant may indicate one or more sources of funds that may be used to pay for goods and services associated with the exercise of the right of disposition;

(9) A statement that the declarant's written declaration becomes effective on the declarant's death;

(10) A statement that the declarant revokes any written declaration that the declarant executed, in accordance with section 2108.70 of the Revised Code, prior to the execution of the present written declaration;

(11) A space where the declarant can sign and date the written declaration;

(12) A space where a notary public or two witnesses can sign and date the written declaration as described in section 2108.73 of the Revised Code.

(B) A written declaration may take the following form:

APPOINTMENT OF REPRESENTATIVE FOR DISPOSITION OF BODILY REMAINS, FUNERAL ARRANGEMENTS, AND BURIAL-OR-CREMATION,REDUCTION, OR HYDROLYSIS GOODS AND SERVICES:

I, _____ (legal name and present address of 454
declarant), an adult being of sound mind, willfully and 455
voluntarily appoint my representative, named below, to have the 456
right of disposition, as defined in section 2108.70 of the 457
Revised Code, for my body upon my death. All decisions made by 458
my representative with respect to the right of disposition shall 459
be binding. 460

REPRESENTATIVE: 461

(If the representative is a group of persons, indicate the 462
name, last known address, and telephone number of each person in 463
the group.) 464

Name(s): _____ 465

Address(es): _____ 466

Telephone Number(s): _____ 467

SUCCESSOR REPRESENTATIVE: 468

If my representative is disqualified from serving as my 469
representative as described in section 2108.75 of the Revised 470
Code, then I hereby appoint the following person or group of 471
persons to serve as my successor representative. 472

(If the successor representative is a group of persons, 473
indicate the name, last known address, and telephone number of 474
each person in the group.) 475

Name(s): _____ 476

Address(es): _____ 477

Telephone Number(s): _____ 478

PREFERENCES REGARDING HOW THE RIGHT OF DISPOSITION SHOULD 479
BE EXERCISED, INCLUDING ANY RELIGIOUS OBSERVANCES THE DECLARANT 480

WISHES A REPRESENTATIVE OR A SUCCESSOR REPRESENTATIVE TO	481
CONSIDER:	482
_____	483
_____	484
_____	485
_____	486
ONE OR MORE SOURCES OF FUNDS THAT COULD BE USED TO PAY FOR	487
GOODS AND SERVICES ASSOCIATED WITH AN EXERCISE OF THE RIGHT OF	488
DISPOSITION:	489
_____	490
_____	491
_____	492
_____	493
DURATION:	494
The appointment of my representative and, if applicable,	495
successor representative, becomes effective upon my death.	496
PRIOR APPOINTMENTS REVOKED:	497
I hereby revoke any written declaration that I executed in	498
accordance with section 2108.70 of the Ohio Revised Code prior	499
to the date of execution of this written declaration indicated	500
below.	501
AUTHORIZATION TO ACT:	502
I hereby agree that any of the following that receives a	503
copy of this written declaration may act under it:	504
- Cemetery organization;	505
- <u>Reduction facility operator;</u>	506
- <u>Hydrolysis facility operator;</u>	507

- Crematory operator;	508
- Business operating a columbarium;	509
- Funeral director;	510
- Embalmer;	511
- Funeral home;	512
- Any other person asked to assist with my funeral,	513
burial, cremation, <u>reduction, hydrolysis</u> , or other manner of	514
final disposition.	515
MODIFICATION AND REVOCATION - WHEN EFFECTIVE:	516
Any modification or revocation of this written declaration	517
is not effective as to any party until that party receives	518
actual notice of the modification or revocation.	519
LIABILITY:	520
No person who acts in accordance with a properly executed	521
copy of this written declaration shall be liable for damages of	522
any kind associated with the person's reliance on this	523
declaration.	524
Signed this _____ day of _____	525
_____	526
(Signature of declarant)	527
ACKNOWLEDGMENT OF ASSUMPTION OF OBLIGATIONS AND COSTS:	528
By signing below, the representative, or successor	529
representative, if applicable, acknowledges that he or she, as	530
representative or successor representative, assumes the right of	531
disposition as defined in section 2108.70 of the Revised Code,	532
and understands that he or she is liable for the reasonable	533

costs of exercising the right, including any goods and services 534
that are purchased. 535

ACCEPTANCE (OPTIONAL): 536

The undersigned hereby accepts this appointment as 537
representative or successor representative, as applicable, for 538
the right of disposition as defined in section 2108.70 of the 539
Revised Code. 540

Signed this _____ day of _____ 541

_____ 542

Signature of representative (if 543

representative is a group of persons, 544

each person in the group shall sign) 545

Signed this _____ day of _____ 546

_____ 547

Signature of successor representative 548

(if successor representative is a 549

group of persons, each person in the 550

group shall sign) 551

WITNESSES: 552

I attest that the declarant signed or acknowledged this 553
assignment of the right of disposition under section 2108.70 of 554
the Revised Code in my presence and that the declarant is at 555
least eighteen years of age and appears to be of sound mind and 556
not under or subject to duress, fraud, or undue influence. I 557
further attest that I am not the declarant's representative or 558

successor representative, I am at least eighteen years of age, 559
and I am not related to the declarant by blood, marriage, or 560
adoption. 561

First witness: 562

Name (printed): 563

_____ Residing at: _____ 564

Signature: _____ 565

_____ 566

Date: 567

_____ 568

Second witness: 569

Name (printed): 570

_____ Residing at: _____ 571

Signature: _____ 572

_____ 573

Date: 574

_____ 575

OR 576

NOTARY ACKNOWLEDGMENT 577

State of Ohio 578

County of _____ SS. 579

On _____, before me, the undersigned notary 580

public, personally appeared _____, known to me or 581

satisfactorily proven to be the person whose name is subscribed 582

as the declarant, and who has acknowledged that he or she 583
executed this written declaration under section 2108.70 of the 584
Revised Code for the purposes expressed in that section. I 585
attest that the declarant is at least eighteen years of age and 586
appears to be of sound mind and not under or subject to duress, 587
fraud, or undue influence. 588

Signature of notary public 589

_____ 590

My commission expires on: 591

_____ 592

(C) Completion of a federal Record of Emergency Data form, 593
DD Form 93, or its successor form, by a member of the military, 594
is sufficient to constitute a written declaration under section 595
2108.70 of the Revised Code if section 13a of DD Form 93, 596
entitled "Person Authorized to Direct Disposition," has been 597
properly completed by the member of the military who has 598
subsequently died while under active duty orders as described in 599
10 U.S.C. 1481. 600

Sec. 2108.75. (A) A person shall be disqualified from 601
serving as a representative or successor representative, or from 602
having the right of disposition for a deceased person pursuant 603
to section 2108.81 of the Revised Code, if any of the following 604
occurs: 605

(1) The person dies. 606

(2) A probate court declares or determines that the person 607
is incompetent. 608

(3) The person resigns or declines to exercise the right 609
as described in section 2108.88 of the Revised Code. 610

(4) The person fails to exercise the right within forty- 611
eight hours after notification of the declarant's or deceased 612
person's death or, if there is no notification, within seventy- 613
two hours of either of the following, as applicable: 614

(a) The declarant's or deceased person's death; 615

(b) The discovery of the declarant's or deceased person's 616
remains, when such discovery occurs more than an hour after the 617
declarant's or deceased person's death. 618

(5) The person cannot be located with reasonable effort. 619

(6) The person meets the criteria described in section 620
2108.76 or 2108.77 of the Revised Code. 621

(7) The person refuses to assume the liability for the 622
costs of disposition. 623

(B) No owner, employee, or agent of a funeral home, 624
cemetery, or crematory, reduction, or hydrolysis facility 625
providing funeral, burial, ~~or cremation, reduction, or~~ 626
hydrolysis services for a declarant shall serve as a 627
representative or successor representative for the declarant 628
unless the owner, employee, or agent is related to the declarant 629
by blood, marriage, or adoption. 630

(C) Subject to divisions (C) (2) and (D) of section 2108.70 631
of the Revised Code, if a person is disqualified from serving as 632
the declarant's representative or successor representative, or 633
from having the right of disposition for a deceased person 634
pursuant to section 2108.81 of the Revised Code, as described in 635
division (A) of this section, the right is automatically 636
reassigned to, and vests in, the next person who has the right 637
pursuant to the declarant's written declaration or pursuant to 638
the order of priority in section 2108.81 of the Revised Code. 639

If a right of disposition for a deceased person is 640
assigned to a funeral director under division (B) (9) of section 641
2108.81 of the Revised Code, the funeral director is not liable 642
for the cost of disposition. 643

Sec. 2108.82. (A) Notwithstanding section 2108.81 of the 644
Revised Code and in accordance with division (B) of this 645
section, the probate court for the county in which the declarant 646
or deceased person resided at the time of death may, on its own 647
motion or the motion of another person, assign to any person the 648
right of disposition for a declarant or deceased person. 649

(B) In making a determination for purposes of division (A) 650
of this section and division (C) of section 2108.79 of the 651
Revised Code, the court shall consider the following: 652

(1) Whether evidence presented to, or in the possession of 653
the court, demonstrates that the person who is the subject of 654
the motion and the declarant or deceased person had a close 655
personal relationship; 656

(2) The reasonableness and practicality of any plans that 657
the person who is the subject of the motion may have for the 658
declarant's or deceased person's funeral, burial, cremation, 659
reduction, hydrolysis, final disposition, redistribution, or 660
disinterment, including the degree to which such plans allow 661
maximum participation by all persons who wish to pay their final 662
respects to the deceased person; 663

(3) The convenience and needs of other family members and 664
friends wishing to pay their final respects to the declarant or 665
deceased person; 666

(4) The express written desires of the declarant or 667
deceased person; 668

(5) The religious beliefs or other evidence of the desires of the declarant or deceased person;	669 670
(6) The conduct of the persons involved in the proceedings related to the circumstances concerning the deceased person, the deceased person's estate, and other family members;	671 672 673
(7) The length of time that has elapsed since the original or last disposition;	674 675
(8) Whether there is a change of circumstances, including, but not limited to, any of the following:	676 677
(a) A change to the physical or environmental conditions of the cemetery or other location of the deceased person's bodily remains or the surrounding area;	678 679 680
(b) A change to the financial condition of the cemetery operator or organization containing the deceased person's bodily remains;	681 682 683
(c) A change related to the residence of the deceased person's family members;	684 685
(d) A change to the burial arrangements for the deceased person's family members.	686 687
A change of circumstances does not include a mere change of the representative who has been assigned the right to direct the disposition of the deceased person's bodily remains.	688 689 690
(C) There shall be no disinterment or other change of the original or last disposition unless the court makes a finding of compelling reasons based upon the factors listed in division (B) of this section.	691 692 693 694
(D) The personal representative of either the declarant or	695

the deceased does not have a greater claim to the right of 696
disposition than such persons otherwise have pursuant to law. 697

Sec. 2108.83. In the event of a dispute regarding the 698
right of disposition, a funeral home, funeral director, 699
crematory, reduction, or hydrolysis facility operator, cemetery 700
operator, cemetery organization, or other person asked to assist 701
with a declarant's or deceased person's funeral, burial, 702
cremation, reduction, hydrolysis, or other manner of final 703
disposition shall not be liable for damages of any kind for 704
refusing to accept the remains, refusing to inter, cremate, 705
reduce, hydrolyze, or otherwise dispose of the remains, or 706
refusing to complete funeral or other arrangements pertaining to 707
final disposition until such funeral home, funeral director, 708
crematory, reduction, or hydrolysis facility operator, cemetery 709
operator, cemetery organization, or other person receives a 710
court order or a written document that is executed by a person 711
that the funeral home, funeral director, crematory, reduction, 712
or hydrolysis facility operator, cemetery operator, cemetery 713
organization, or other person reasonably believes has the right 714
of disposition and that clearly expresses how the right of 715
disposition is to be exercised. 716

Sec. 2108.84. If a funeral home, funeral director, 717
crematory, reduction, or hydrolysis facility operator, or other 718
person asked to assist with a declarant's or deceased person's 719
funeral, burial, cremation, reduction, hydrolysis, or other 720
manner of final disposition is in possession of a declarant's or 721
deceased person's remains while a dispute described in section 722
2108.83 of the Revised Code is pending, the funeral home, 723
funeral director, crematory, reduction, or hydrolysis facility 724
operator, or other person may embalm or refrigerate and shelter 725
the remains to preserve them and may add the cost of embalming, 726

refrigeration, and sheltering to the final disposition costs to 727
be charged. 728

Sec. 2108.85. (A) If a funeral home, funeral director, 729
crematory, reduction, or hydrolysis facility operator, cemetery 730
operator, cemetery organization, or other person asked to assist 731
with a declarant's or deceased person's funeral, burial, 732
cremation, reduction, hydrolysis, or other manner of final 733
disposition brings a legal action for purposes of section 734
2108.83 or 2108.84 of the Revised Code, the funeral home, 735
funeral director, crematory, reduction, or hydrolysis facility 736
operator, cemetery operator, cemetery organization, or other 737
person may add to the costs the person charges for the goods and 738
services the person provided the legal fees, if reasonable, and 739
the court costs that the person incurred. 740

(B) The right created by division (A) of this section 741
shall neither be construed to require, nor impose a duty on, a 742
funeral home, funeral director, crematory, reduction, or 743
hydrolysis facility operator, cemetery operator, cemetery 744
organization, or other person asked to assist with a declarant's 745
or deceased person's funeral, burial, cremation, reduction, 746
hydrolysis, or other manner of final disposition, to bring a 747
legal action and such person shall not be held criminally or 748
civilly liable for not bringing an action. 749

Sec. 2108.86. (A) A funeral home, funeral director, 750
crematory, reduction, or hydrolysis facility operator, cemetery 751
operator, cemetery organization, or other person asked to assist 752
with a declarant's funeral, burial, cremation, reduction, 753
hydrolysis, or other manner of final disposition has the right 754
to rely on the content of a written declaration and the 755
instructions of the person or group of persons whom the funeral 756

home, funeral director, crematory, reduction, or hydrolysis 757
facility operator, cemetery operator, cemetery organization, or 758
other person reasonably believes has the right of disposition. 759

(B) If the circumstances described in division (A) of 760
section 2108.81 of the Revised Code apply, a funeral home, 761
funeral director, crematory, reduction, or hydrolysis facility 762
operator, cemetery operator, cemetery organization, or other 763
person asked to assist with a deceased person's funeral, burial, 764
cremation, reduction, hydrolysis, or other manner of final 765
disposition has the right to rely on the instructions of the 766
person or group of persons the funeral home, funeral director, 767
crematory, reduction, or hydrolysis facility operator, cemetery 768
operator, cemetery organization, or other person reasonably 769
believes has the right of disposition pursuant to section 770
2108.81 of the Revised Code. 771

(C) No funeral home, funeral director, crematory, 772
reduction, or hydrolysis facility operator, cemetery operator, 773
cemetery organization, or other person asked to assist with a 774
deceased person's funeral, burial, cremation, reduction, 775
hydrolysis, or other manner of final disposition, who relies, 776
pursuant to divisions (A) and (B) of this section, in good faith 777
on the contents of a written declaration or the instructions of 778
the person or group of persons the funeral home, funeral 779
director, crematory, reduction, or hydrolysis facility operator, 780
cemetery operator, cemetery organization, or other person 781
reasonably believes has the right of disposition, shall be 782
subject to criminal or civil liability or subject to 783
disciplinary action for taking an action or not taking an action 784
in reliance on such contents or instructions and for otherwise 785
complying with sections 2108.70 to 2108.90 of the Revised Code. 786

Sec. 2108.87. (A) A funeral home, funeral director, 787
crematory, reduction, or hydrolysis facility operator, cemetery 788
operator, cemetery organization, or other person asked to assist 789
with a deceased person's funeral, burial, cremation, reduction, 790
hydrolysis, or other manner of final disposition may 791
independently investigate the existence of, or locate or 792
contact, the following persons: 793

(1) A representative or successor representative named in 794
a written declaration; 795

(2) A person listed in section 2108.81 of the Revised 796
Code. 797

(B) In no circumstances shall a funeral home, funeral 798
director, crematory, reduction, or hydrolysis facility operator, 799
cemetery operator, cemetery organization, or other person asked 800
to assist with a deceased person's funeral, burial, cremation, 801
reduction, hydrolysis, or other manner of final disposition have 802
a duty to independently investigate the existence of, or locate 803
or contact, the persons described in division (A) of this 804
section. 805

Sec. 2111.13. (A) When a guardian is appointed to have the 806
custody and maintenance of a ward, and to have charge of the 807
education of the ward if the ward is a minor, the guardian's 808
duties are as follows: 809

(1) To protect and control the person of the ward; 810

(2) To provide suitable maintenance for the ward when 811
necessary, which shall be paid out of the estate of such ward 812
upon the order of the guardian of the person; 813

(3) To provide such maintenance and education for such 814
ward as the amount of the ward's estate justifies when the ward 815

is a minor and has no father or mother, or has a father or 816
mother who fails to maintain or educate the ward, which shall be 817
paid out of such ward's estate upon the order of the guardian of 818
the person; 819

(4) To obey all the orders and judgments of the probate 820
court touching the guardianship. 821

(B) Except as provided in section 2111.131 of the Revised 822
Code, no part of the ward's estate shall be used for the 823
support, maintenance, or education of such ward unless ordered 824
and approved by the court. 825

(C) A guardian of the person may authorize or approve the 826
provision to the ward of medical, health, or other professional 827
care, counsel, treatment, or services unless the ward or an 828
interested party files objections with the probate court, or the 829
court, by rule or order, provides otherwise. 830

(D) Unless a person with the right of disposition for a 831
ward under section 2108.70 or 2108.81 of the Revised Code has 832
made a decision regarding whether or not consent to an autopsy 833
or post-mortem examination on the body of the deceased ward 834
under section 2108.50 of the Revised Code shall be given, a 835
guardian of the person of a ward who has died may consent to the 836
autopsy or post-mortem examination. 837

(E) If a deceased ward did not have a guardian of the 838
estate, the estate is not required to be administered by a 839
probate court, and a person with the right of disposition for a 840
ward, as described in section 2108.70 or 2108.81 of the Revised 841
Code, has not made a decision regarding the disposition of the 842
ward's body or remains, the guardian of the person of the ward 843
may authorize the burial ~~or~~, cremation, reduction, or 844

hydrolysis of the ward. 845

(F) A guardian who gives consent or authorization as 846
described in divisions (D) and (E) of this section shall notify 847
the probate court as soon as possible after giving the consent 848
or authorization. 849

Sec. 2743.51. As used in sections 2743.51 to 2743.72 of 850
the Revised Code: 851

(A) "Claimant" means both of the following categories of 852
persons: 853

(1) Any of the following persons who claim an award of 854
reparations under sections 2743.51 to 2743.72 of the Revised 855
Code: 856

(a) A victim who was one of the following at the time of 857
the criminally injurious conduct: 858

(i) A resident of the United States; 859

(ii) A resident of a foreign country the laws of which 860
permit residents of this state to recover compensation as 861
victims of offenses committed in that country. 862

(b) A dependent of a deceased victim who is described in 863
division (A) (1) (a) of this section; 864

(c) A third person, other than a collateral source, who 865
legally assumes or voluntarily pays the obligations of a victim, 866
or of a dependent of a victim, who is described in division (A) 867
(1) (a) of this section, which obligations are incurred as a 868
result of the criminally injurious conduct that is the subject 869
of the claim and may include, but are not limited to, medical or 870
burial expenses; 871

(d) A person who is authorized to act on behalf of any person who is described in division (A) (1) (a), (b), or (c) of this section;	872 873 874
(e) The estate of a deceased victim who is described in division (A) (1) (a) of this section.	875 876
(2) Any of the following persons who claim an award of reparations under sections 2743.51 to 2743.72 of the Revised Code:	877 878 879
(a) A victim who had a permanent place of residence within this state at the time of the criminally injurious conduct and who, at the time of the criminally injurious conduct, complied with any one of the following:	880 881 882 883
(i) Had a permanent place of employment in this state;	884
(ii) Was a member of the regular armed forces of the United States or of the United States coast guard or was a full-time member of the Ohio organized militia or of the United States army reserve, naval reserve, or air force reserve;	885 886 887 888
(iii) Was retired and receiving social security or any other retirement income;	889 890
(iv) Was sixty years of age or older;	891
(v) Was temporarily in another state for the purpose of receiving medical treatment;	892 893
(vi) Was temporarily in another state for the purpose of performing employment-related duties required by an employer located within this state as an express condition of employment or employee benefits;	894 895 896 897
(vii) Was temporarily in another state for the purpose of	898

receiving occupational, vocational, or other job-related 899
training or instruction required by an employer located within 900
this state as an express condition of employment or employee 901
benefits; 902

(viii) Was a full-time student at an academic institution, 903
college, or university located in another state; 904

(ix) Had not departed the geographical boundaries of this 905
state for a period exceeding thirty days or with the intention 906
of becoming a citizen of another state or establishing a 907
permanent place of residence in another state. 908

(b) A dependent of a deceased victim who is described in 909
division (A) (2) (a) of this section; 910

(c) A third person, other than a collateral source, who 911
legally assumes or voluntarily pays the obligations of a victim, 912
or of a dependent of a victim, who is described in division (A) 913
(2) (a) of this section, which obligations are incurred as a 914
result of the criminally injurious conduct that is the subject 915
of the claim and may include, but are not limited to, medical or 916
burial expenses; 917

(d) A person who is authorized to act on behalf of any 918
person who is described in division (A) (2) (a), (b), or (c) of 919
this section; 920

(e) The estate of a deceased victim who is described in 921
division (A) (2) (a) of this section. 922

(B) "Collateral source" means a source of benefits or 923
advantages for economic loss otherwise reparable that the victim 924
or claimant has received, or that is readily available to the 925
victim or claimant, from any of the following sources: 926

(1) The offender;	927
(2) The government of the United States or any of its agencies, a state or any of its political subdivisions, or an instrumentality of two or more states, unless the law providing for the benefits or advantages makes them excess or secondary to benefits under sections 2743.51 to 2743.72 of the Revised Code;	928 929 930 931 932
(3) Social security, medicare, and medicaid;	933
(4) State-required, temporary, nonoccupational disability insurance;	934 935
(5) Workers' compensation;	936
(6) Wage continuation programs of any employer;	937
(7) Proceeds of a contract of insurance payable to the victim for loss that the victim sustained because of the criminally injurious conduct;	938 939 940
(8) A contract providing prepaid hospital and other health care services, or benefits for disability;	941 942
(9) That portion of the proceeds of all contracts of insurance payable to the claimant on account of the death of the victim that exceeds fifty thousand dollars;	943 944 945
(10) Any compensation recovered or recoverable under the laws of another state, district, territory, or foreign country because the victim was the victim of an offense committed in that state, district, territory, or country.	946 947 948 949
"Collateral source" does not include any money, or the monetary value of any property, that is subject to sections 2969.01 to 2969.06 of the Revised Code or that is received as a benefit from the Ohio public safety officers death benefit fund	950 951 952 953

created by section 742.62 of the Revised Code. 954

(C) "Criminally injurious conduct" means one of the 955
following: 956

(1) For the purposes of any person described in division 957
(A) (1) of this section, any conduct that occurs or is attempted 958
in this state; poses a substantial threat of personal injury or 959
death; and is punishable by fine, imprisonment, or death, or 960
would be so punishable but for the fact that the person engaging 961
in the conduct lacked capacity to commit the crime under the 962
laws of this state. Criminally injurious conduct does not 963
include conduct arising out of the ownership, maintenance, or 964
use of a motor vehicle, except when any of the following 965
applies: 966

(a) The person engaging in the conduct intended to cause 967
personal injury or death; 968

(b) The person engaging in the conduct was using the 969
vehicle to flee immediately after committing a felony or an act 970
that would constitute a felony but for the fact that the person 971
engaging in the conduct lacked the capacity to commit the felony 972
under the laws of this state; 973

(c) The person engaging in the conduct was using the 974
vehicle in a manner that constitutes an OVI violation; 975

(d) The conduct occurred on or after July 25, 1990, and 976
the person engaging in the conduct was using the vehicle in a 977
manner that constitutes a violation of section 2903.08 of the 978
Revised Code; 979

(e) The person engaging in the conduct acted in a manner 980
that caused serious physical harm to a person and that 981
constituted a violation of section 4549.02 or 4549.021 of the 982

Revised Code.	983
(2) For the purposes of any person described in division	984
(A)(2) of this section, any conduct that occurs or is attempted	985
in another state, district, territory, or foreign country; poses	986
a substantial threat of personal injury or death; and is	987
punishable by fine, imprisonment, or death, or would be so	988
punishable but for the fact that the person engaging in the	989
conduct lacked capacity to commit the crime under the laws of	990
the state, district, territory, or foreign country in which the	991
conduct occurred or was attempted. Criminally injurious conduct	992
does not include conduct arising out of the ownership,	993
maintenance, or use of a motor vehicle, except when any of the	994
following applies:	995
(a) The person engaging in the conduct intended to cause	996
personal injury or death;	997
(b) The person engaging in the conduct was using the	998
vehicle to flee immediately after committing a felony or an act	999
that would constitute a felony but for the fact that the person	1000
engaging in the conduct lacked the capacity to commit the felony	1001
under the laws of the state, district, territory, or foreign	1002
country in which the conduct occurred or was attempted;	1003
(c) The person engaging in the conduct was using the	1004
vehicle in a manner that constitutes an OVI violation;	1005
(d) The conduct occurred on or after July 25, 1990, the	1006
person engaging in the conduct was using the vehicle in a manner	1007
that constitutes a violation of any law of the state, district,	1008
territory, or foreign country in which the conduct occurred, and	1009
that law is substantially similar to a violation of section	1010
2903.08 of the Revised Code;	1011

(e) The person engaging in the conduct acted in a manner 1012
that caused serious physical harm to a person and that 1013
constituted a violation of any law of the state, district, 1014
territory, or foreign country in which the conduct occurred, and 1015
that law is substantially similar to section 4549.02 or 4549.021 1016
of the Revised Code. 1017

(3) For the purposes of any person described in division 1018
(A) (1) or (2) of this section, terrorism that occurs within or 1019
outside the territorial jurisdiction of the United States. 1020

(D) "Dependent" means an individual wholly or partially 1021
dependent upon the victim for care and support, and includes a 1022
child of the victim born after the victim's death. 1023

(E) "Economic loss" means economic detriment consisting 1024
only of allowable expense, work loss, funeral expense, 1025
unemployment benefits loss, replacement services loss, cost of 1026
crime scene cleanup, and cost of evidence replacement. If 1027
criminally injurious conduct causes death, economic loss 1028
includes a dependent's economic loss and a dependent's 1029
replacement services loss. Noneconomic detriment is not economic 1030
loss; however, economic loss may be caused by pain and suffering 1031
or physical impairment. 1032

(F) (1) For a victim described in division (L) (1) of this 1033
section, "allowable expense" means reasonable charges incurred 1034
for reasonably needed products, services, and accommodations, 1035
including those for medical care, rehabilitation, rehabilitative 1036
occupational training, and other remedial treatment and care and 1037
including replacement costs for hearing aids; dentures, 1038
retainers, and other dental appliances; canes, walkers, and 1039
other mobility tools; and eyeglasses and other corrective 1040
lenses. It does not include that portion of a charge for a room 1041

in a hospital, clinic, convalescent home, nursing home, or any 1042
other institution engaged in providing nursing care and related 1043
services in excess of a reasonable and customary charge for 1044
semiprivate accommodations, unless accommodations other than 1045
semiprivate accommodations are medically required. 1046

(2) For a victim described in division (L)(2) of this 1047
section, "allowable expense" means reasonable charges incurred 1048
for psychiatric care or counseling reasonably needed as a result 1049
of the criminally injurious conduct. No other type of expense is 1050
compensable under section 2743.51 to 2743.72 of the Revised Code 1051
for a victim of that type. 1052

(3) For a victim described in division (L)(3) of this 1053
section, "allowable expense" means work loss and reasonable 1054
charges incurred for psychiatric care or counseling reasonably 1055
needed as a result of the criminally injurious conduct. No other 1056
type of expense is compensable under sections 2743.51 to 2743.72 1057
of the Revised Code for a victim of that type. 1058

(4) A family member of a victim who died as a proximate 1059
result of criminally injurious conduct may be reimbursed as an 1060
allowable expense through the victim's application for wages 1061
lost and travel expenses incurred in order to attend criminal 1062
justice proceedings arising from the criminally injurious 1063
conduct. The cumulative allowable expense for wages lost and 1064
travel expenses incurred by a family member to attend criminal 1065
justice proceedings shall not exceed five hundred dollars for 1066
each family member of the victim and two thousand dollars in the 1067
aggregate for all family members of the victim. 1068

(5) For a victim described in division (L)(1) of this 1069
section, "allowable expense" includes both of the following: 1070

(a) Reasonable expenses and fees necessary to obtain a guardian's bond pursuant to section 2109.04 of the Revised Code when the bond is required to pay an award to a fiduciary on behalf of a minor or other incompetent;

(b) Attorney's fees not exceeding one thousand dollars, at a rate not exceeding one hundred dollars per hour, incurred to successfully obtain a restraining order, custody order, or other order to physically separate a victim from an offender. Attorney's fees for the services described in this division may include an amount for reasonable travel time incurred to attend court hearings, not exceeding three hours' round-trip for each court hearing, assessed at a rate not exceeding thirty dollars per hour.

(G) "Work loss" means loss of income from work that the injured person would have performed if the person had not been injured and expenses reasonably incurred by the person to obtain services in lieu of those the person would have performed for income, reduced by any income from substitute work actually performed by the person, or by income the person would have earned in available appropriate substitute work that the person was capable of performing but unreasonably failed to undertake.

(H) "Replacement services loss" means expenses reasonably incurred in obtaining ordinary and necessary services in lieu of those the injured person would have performed, not for income, but for the benefit of the person's self or family, if the person had not been injured.

(I) "Dependent's economic loss" means loss after a victim's death of contributions of things of economic value to the victim's dependents, not including services they would have received from the victim if the victim had not suffered the

fatal injury, less expenses of the dependents avoided by reason 1101
of the victim's death. If a minor child of a victim is adopted 1102
after the victim's death, the minor child continues after the 1103
adoption to incur a dependent's economic loss as a result of the 1104
victim's death. If the surviving spouse of a victim remarries, 1105
the surviving spouse continues after the remarriage to incur a 1106
dependent's economic loss as a result of the victim's death. 1107

(J) "Dependent's replacement services loss" means loss 1108
reasonably incurred by dependents after a victim's death in 1109
obtaining ordinary and necessary services in lieu of those the 1110
victim would have performed for their benefit if the victim had 1111
not suffered the fatal injury, less expenses of the dependents 1112
avoided by reason of the victim's death and not subtracted in 1113
calculating the dependent's economic loss. If a minor child of a 1114
victim is adopted after the victim's death, the minor child 1115
continues after the adoption to incur a dependent's replacement 1116
services loss as a result of the victim's death. If the 1117
surviving spouse of a victim remarries, the surviving spouse 1118
continues after the remarriage to incur a dependent's 1119
replacement services loss as a result of the victim's death. 1120

(K) "Noneconomic detriment" means pain, suffering, 1121
inconvenience, physical impairment, or other nonpecuniary 1122
damage. 1123

(L) "Victim" means one of the following: 1124

(1) A person who suffers personal injury or death as a 1125
result of any of the following: 1126

(a) Criminally injurious conduct; 1127

(b) The good faith effort of any person to prevent 1128
criminally injurious conduct; 1129

- (c) The good faith effort of any person to apprehend a person suspected of engaging in criminally injurious conduct. 1130
1131
- (2) A person who is an immediate family member of a victim of criminally injurious conduct that consists of a homicide, a sexual assault, domestic violence, or a severe and permanently incapacitating injury resulting in paraplegia or a similar life-altering condition, who requires psychiatric care or counseling as a result of the criminally injurious conduct; 1132
1133
1134
1135
1136
1137
- (3) A person who suffers trauma so severe that it impedes or prohibits a person from participating in normal daily activities and who is either of the following: 1138
1139
1140
- (a) A family member of a victim of criminally injurious conduct that consists of a homicide, or a family member of a victim who, as a result of criminally injurious conduct, has sustained a severe and permanently incapacitating injury resulting in paraplegia or a similar life-altering condition, and who can demonstrate either of the following by a preponderance of the evidence: 1141
1142
1143
1144
1145
1146
1147
- (i) The person witnessed the criminally injurious conduct. 1148
- (ii) The person arrived at the crime scene in its immediate aftermath. 1149
1150
- (b) An immediate family member who is a caretaker of a dependent victim of criminally injurious conduct that consists of a sexual assault. 1151
1152
1153
- (M) "Contributory misconduct" means any conduct of the claimant or of the victim through whom the claimant claims an award of reparations that is unlawful or intentionally tortious and to which all of the following apply: 1154
1155
1156
1157

(1) The conduct occurred at the time of the criminally 1158
injurious conduct that is the basis of the claim. 1159

(2) The conduct itself caused or posed a substantial and 1160
imminent threat of causing serious physical harm or death to 1161
another. 1162

(3) The conduct instigated or proximately caused the 1163
criminally injurious conduct that is the basis of the claim. 1164

(N) (1) "Funeral expense" means any reasonable charges that 1165
are not in excess of seven thousand five hundred dollars per 1166
funeral and that are incurred for expenses directly related to a 1167
victim's funeral, cremation, reduction, hydrolysis, or burial 1168
and any wages lost or travel expenses incurred by a family 1169
member of a victim in order to attend the victim's funeral, 1170
cremation, reduction, hydrolysis, or burial. 1171

(2) An award for funeral expenses shall be applied first 1172
to expenses directly related to the victim's funeral, cremation, 1173
reduction, hydrolysis, or burial. An award for wages lost or 1174
travel expenses incurred by a family member of the victim shall 1175
not exceed five hundred dollars for each family member and shall 1176
not exceed in the aggregate the difference between seven 1177
thousand five hundred dollars and expenses that are reimbursed 1178
by the program and that are directly related to the victim's 1179
funeral, cremation, reduction, hydrolysis, or burial. 1180

(O) "Unemployment benefits loss" means a loss of 1181
unemployment benefits pursuant to Chapter 4141. of the Revised 1182
Code when the loss arises solely from the inability of a victim 1183
to meet the able to work, available for suitable work, or the 1184
actively seeking suitable work requirements of division (A) (4) 1185
(a) of section 4141.29 of the Revised Code. 1186

(P) "OVI violation" means any of the following:	1187
(1) A violation of section 4511.19 of the Revised Code, of any municipal ordinance prohibiting the operation of a vehicle while under the influence of alcohol, a drug of abuse, or a combination of them, or of any municipal ordinance prohibiting the operation of a vehicle with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, or urine;	1188 1189 1190 1191 1192 1193 1194 1195
(2) A violation of division (A)(1) of section 2903.06 of the Revised Code;	1196 1197
(3) A violation of division (A)(2), (3), or (4) of section 2903.06 of the Revised Code or of a municipal ordinance substantially similar to any of those divisions, if the offender was under the influence of alcohol, a drug of abuse, or a combination of them, at the time of the commission of the offense;	1198 1199 1200 1201 1202 1203
(4) For purposes of any person described in division (A)(2) of this section, a violation of any law of the state, district, territory, or foreign country in which the criminally injurious conduct occurred, if that law is substantially similar to a violation described in division (P)(1) or (2) of this section or if that law is substantially similar to a violation described in division (P)(3) of this section and the offender was under the influence of alcohol, a drug of abuse, or a combination of them, at the time of the commission of the offense.	1204 1205 1206 1207 1208 1209 1210 1211 1212 1213
(Q) "Pendency of the claim" for an original reparations application or supplemental reparations application means the	1214 1215

period of time from the date the criminally injurious conduct 1216
upon which the application is based occurred until the date a 1217
final decision, order, or judgment concerning that original 1218
reparations application or supplemental reparations application 1219
is issued. 1220

(R) "Terrorism" means any activity to which all of the 1221
following apply: 1222

(1) The activity involves a violent act or an act that is 1223
dangerous to human life. 1224

(2) The act described in division (R)(1) of this section 1225
is committed within the territorial jurisdiction of the United 1226
States and is a violation of the criminal laws of the United 1227
States, this state, or any other state or the act described in 1228
division (R)(1) of this section is committed outside the 1229
territorial jurisdiction of the United States and would be a 1230
violation of the criminal laws of the United States, this state, 1231
or any other state if committed within the territorial 1232
jurisdiction of the United States. 1233

(3) The activity appears to be intended to do any of the 1234
following: 1235

(a) Intimidate or coerce a civilian population; 1236

(b) Influence the policy of any government by intimidation 1237
or coercion; 1238

(c) Affect the conduct of any government by assassination 1239
or kidnapping. 1240

(4) The activity occurs primarily outside the territorial 1241
jurisdiction of the United States or transcends the national 1242
boundaries of the United States in terms of the means by which 1243

the activity is accomplished, the person or persons that the 1244
activity appears intended to intimidate or coerce, or the area 1245
or locale in which the perpetrator or perpetrators of the 1246
activity operate or seek asylum. 1247

(S) "Transcends the national boundaries of the United 1248
States" means occurring outside the territorial jurisdiction of 1249
the United States in addition to occurring within the 1250
territorial jurisdiction of the United States. 1251

(T) "Cost of crime scene cleanup" means any of the 1252
following: 1253

(1) The replacement cost for items of clothing removed 1254
from a victim in order to make an assessment of possible 1255
physical harm or to treat physical harm; 1256

(2) Reasonable and necessary costs of cleaning the scene 1257
and repairing, for the purpose of personal security, property 1258
damaged at the scene where the criminally injurious conduct 1259
occurred, not to exceed seven hundred fifty dollars in the 1260
aggregate per claim. 1261

(U) "Cost of evidence replacement" means costs for 1262
replacement of property confiscated for evidentiary purposes 1263
related to the criminally injurious conduct, not to exceed seven 1264
hundred fifty dollars in the aggregate per claim. 1265

(V) "Provider" means any person who provides a victim or 1266
claimant with a product, service, or accommodations that are an 1267
allowable expense or a funeral expense. 1268

(W) "Immediate family member" means an individual who 1269
resided in the same permanent household as a victim at the time 1270
of the criminally injurious conduct and who is related to the 1271
victim by affinity or consanguinity. 1272

(X) "Family member" means an individual who is related to a victim by affinity or consanguinity.	1273 1274
Sec. 2925.01. As used in this chapter:	1275
(A) "Administer," "controlled substance," "controlled substance analog," "dispense," "distribute," "hypodermic," "manufacturer," "official written order," "person," "pharmacist," "pharmacy," "sale," "schedule I," "schedule II," "schedule III," "schedule IV," "schedule V," and "wholesaler" have the same meanings as in section 3719.01 of the Revised Code.	1276 1277 1278 1279 1280 1281 1282
(B) "Drug of abuse" and "person with a drug dependency" have the same meanings as in section 3719.011 of the Revised Code.	1283 1284 1285
(C) "Drug," "dangerous drug," "licensed health professional authorized to prescribe drugs," and "prescription" have the same meanings as in section 4729.01 of the Revised Code.	1286 1287 1288 1289
(D) "Bulk amount" of a controlled substance means any of the following:	1290 1291
(1) For any compound, mixture, preparation, or substance included in schedule I, schedule II, or schedule III, with the exception of any controlled substance analog, marihuana, cocaine, L.S.D., heroin, any fentanyl-related compound, and hashish and except as provided in division (D)(2), (5), or (6) of this section, whichever of the following is applicable:	1292 1293 1294 1295 1296 1297
(a) An amount equal to or exceeding ten grams or twenty-five unit doses of a compound, mixture, preparation, or substance that is or contains any amount of a schedule I opiate or opium derivative;	1298 1299 1300 1301

(b) An amount equal to or exceeding ten grams of a 1302
compound, mixture, preparation, or substance that is or contains 1303
any amount of raw or gum opium; 1304

(c) An amount equal to or exceeding thirty grams or ten 1305
unit doses of a compound, mixture, preparation, or substance 1306
that is or contains any amount of a schedule I hallucinogen 1307
other than tetrahydrocannabinol or lysergic acid amide, or a 1308
schedule I stimulant or depressant; 1309

(d) An amount equal to or exceeding twenty grams or five 1310
times the maximum daily dose in the usual dose range specified 1311
in a standard pharmaceutical reference manual of a compound, 1312
mixture, preparation, or substance that is or contains any 1313
amount of a schedule II opiate or opium derivative; 1314

(e) An amount equal to or exceeding five grams or ten unit 1315
doses of a compound, mixture, preparation, or substance that is 1316
or contains any amount of phencyclidine; 1317

(f) An amount equal to or exceeding one hundred twenty 1318
grams or thirty times the maximum daily dose in the usual dose 1319
range specified in a standard pharmaceutical reference manual of 1320
a compound, mixture, preparation, or substance that is or 1321
contains any amount of a schedule II stimulant that is in a 1322
final dosage form manufactured by a person authorized by the 1323
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 1324
U.S.C.A. 301, as amended, and the federal drug abuse control 1325
laws, as defined in section 3719.01 of the Revised Code, that is 1326
or contains any amount of a schedule II depressant substance or 1327
a schedule II hallucinogenic substance; 1328

(g) An amount equal to or exceeding three grams of a 1329
compound, mixture, preparation, or substance that is or contains 1330

any amount of a schedule II stimulant, or any of its salts or isomers, that is not in a final dosage form manufactured by a person authorized by the Federal Food, Drug, and Cosmetic Act and the federal drug abuse control laws.

(2) An amount equal to or exceeding one hundred twenty grams or thirty times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a schedule III or IV substance other than an anabolic steroid or a schedule III opiate or opium derivative;

(3) An amount equal to or exceeding twenty grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a schedule III opiate or opium derivative;

(4) An amount equal to or exceeding two hundred fifty milliliters or two hundred fifty grams of a compound, mixture, preparation, or substance that is or contains any amount of a schedule V substance;

(5) An amount equal to or exceeding two hundred solid dosage units, sixteen grams, or sixteen milliliters of a compound, mixture, preparation, or substance that is or contains any amount of a schedule III anabolic steroid;

(6) For any compound, mixture, preparation, or substance that is a combination of a fentanyl-related compound and any other compound, mixture, preparation, or substance included in schedule III, schedule IV, or schedule V, if the defendant is charged with a violation of section 2925.11 of the Revised Code

and the sentencing provisions set forth in divisions (C) (10) (b) 1360
and (C) (11) of that section will not apply regarding the 1361
defendant and the violation, the bulk amount of the controlled 1362
substance for purposes of the violation is the amount specified 1363
in division (D) (1), (2), (3), (4), or (5) of this section for 1364
the other schedule III, IV, or V controlled substance that is 1365
combined with the fentanyl-related compound. 1366

(E) "Unit dose" means an amount or unit of a compound, 1367
mixture, or preparation containing a controlled substance that 1368
is separately identifiable and in a form that indicates that it 1369
is the amount or unit by which the controlled substance is 1370
separately administered to or taken by an individual. 1371

(F) "Cultivate" includes planting, watering, fertilizing, 1372
or tilling. 1373

(G) "Drug abuse offense" means any of the following: 1374

(1) A violation of division (A) of section 2913.02 that 1375
constitutes theft of drugs, or a violation of section 2925.02, 1376
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 1377
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 1378
or 2925.37 of the Revised Code; 1379

(2) A violation of an existing or former law of this or 1380
any other state or of the United States that is substantially 1381
equivalent to any section listed in division (G) (1) of this 1382
section; 1383

(3) An offense under an existing or former law of this or 1384
any other state, or of the United States, of which planting, 1385
cultivating, harvesting, processing, making, manufacturing, 1386
producing, shipping, transporting, delivering, acquiring, 1387
possessing, storing, distributing, dispensing, selling, inducing 1388

another to use, administering to another, using, or otherwise	1389
dealing with a controlled substance is an element;	1390
(4) A conspiracy to commit, attempt to commit, or	1391
complicity in committing or attempting to commit any offense	1392
under division (G) (1), (2), or (3) of this section.	1393
(H) "Felony drug abuse offense" means any drug abuse	1394
offense that would constitute a felony under the laws of this	1395
state, any other state, or the United States.	1396
(I) "Harmful intoxicant" does not include beer or	1397
intoxicating liquor but means any of the following:	1398
(1) Any compound, mixture, preparation, or substance the	1399
gas, fumes, or vapor of which when inhaled can induce	1400
intoxication, excitement, giddiness, irrational behavior,	1401
depression, stupefaction, paralysis, unconsciousness,	1402
asphyxiation, or other harmful physiological effects, and	1403
includes, but is not limited to, any of the following:	1404
(a) Any volatile organic solvent, plastic cement, model	1405
cement, fingernail polish remover, lacquer thinner, cleaning	1406
fluid, gasoline, or other preparation containing a volatile	1407
organic solvent;	1408
(b) Any aerosol propellant;	1409
(c) Any fluorocarbon refrigerant;	1410
(d) Any anesthetic gas.	1411
(2) Gamma Butyrolactone;	1412
(3) 1,4 Butanediol.	1413
(J) "Manufacture" means to plant, cultivate, harvest,	1414
process, make, prepare, or otherwise engage in any part of the	1415

production of a drug, by propagation, extraction, chemical 1416
synthesis, or compounding, or any combination of the same, and 1417
includes packaging, repackaging, labeling, and other activities 1418
incident to production. 1419

(K) "Possess" or "possession" means having control over a 1420
thing or substance, but may not be inferred solely from mere 1421
access to the thing or substance through ownership or occupation 1422
of the premises upon which the thing or substance is found. 1423

(L) "Sample drug" means a drug or pharmaceutical 1424
preparation that would be hazardous to health or safety if used 1425
without the supervision of a licensed health professional 1426
authorized to prescribe drugs, or a drug of abuse, and that, at 1427
one time, had been placed in a container plainly marked as a 1428
sample by a manufacturer. 1429

(M) "Standard pharmaceutical reference manual" means the 1430
current edition, with cumulative changes if any, of references 1431
that are approved by the state board of pharmacy. 1432

(N) "Juvenile" means a person under eighteen years of age. 1433

(O) "Counterfeit controlled substance" means any of the 1434
following: 1435

(1) Any drug that bears, or whose container or label 1436
bears, a trademark, trade name, or other identifying mark used 1437
without authorization of the owner of rights to that trademark, 1438
trade name, or identifying mark; 1439

(2) Any unmarked or unlabeled substance that is 1440
represented to be a controlled substance manufactured, 1441
processed, packed, or distributed by a person other than the 1442
person that manufactured, processed, packed, or distributed it; 1443

(3) Any substance that is represented to be a controlled substance but is not a controlled substance or is a different controlled substance;

(4) Any substance other than a controlled substance that a reasonable person would believe to be a controlled substance because of its similarity in shape, size, and color, or its markings, labeling, packaging, distribution, or the price for which it is sold or offered for sale.

(P) An offense is "committed in the vicinity of a school" if the offender commits the offense on school premises, in a school building, or within one thousand feet of the boundaries of any school premises, regardless of whether the offender knows the offense is being committed on school premises, in a school building, or within one thousand feet of the boundaries of any school premises.

(Q) "School" means any school operated by a board of education, any community school established under Chapter 3314. of the Revised Code, or any nonpublic school for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted at the time a criminal offense is committed.

(R) "School premises" means either of the following:

(1) The parcel of real property on which any school is situated, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the premises at the time a criminal offense is committed;

(2) Any other parcel of real property that is owned or

leased by a board of education of a school, the governing 1473
authority of a community school established under Chapter 3314. 1474
of the Revised Code, or the governing body of a nonpublic school 1475
for which the state board of education prescribes minimum 1476
standards under section 3301.07 of the Revised Code and on which 1477
some of the instruction, extracurricular activities, or training 1478
of the school is conducted, whether or not any instruction, 1479
extracurricular activities, or training provided by the school 1480
is being conducted on the parcel of real property at the time a 1481
criminal offense is committed. 1482

(S) "School building" means any building in which any of 1483
the instruction, extracurricular activities, or training 1484
provided by a school is conducted, whether or not any 1485
instruction, extracurricular activities, or training provided by 1486
the school is being conducted in the school building at the time 1487
a criminal offense is committed. 1488

(T) "Disciplinary counsel" means the disciplinary counsel 1489
appointed by the board of commissioners on grievances and 1490
discipline of the supreme court under the Rules for the 1491
Government of the Bar of Ohio. 1492

(U) "Certified grievance committee" means a duly 1493
constituted and organized committee of the Ohio state bar 1494
association or of one or more local bar associations of the 1495
state of Ohio that complies with the criteria set forth in Rule 1496
V, section 6 of the Rules for the Government of the Bar of Ohio. 1497

(V) "Professional license" means any license, permit, 1498
certificate, registration, qualification, admission, temporary 1499
license, temporary permit, temporary certificate, or temporary 1500
registration that is described in divisions (W) (1) to (37) of 1501
this section and that qualifies a person as a professionally 1502

licensed person.	1503
(W) "Professionally licensed person" means any of the	1504
following:	1505
(1) A person who has received a certificate or temporary	1506
certificate as a certified public accountant or who has	1507
registered as a public accountant under Chapter 4701. of the	1508
Revised Code and who holds an Ohio permit issued under that	1509
chapter;	1510
(2) A person who holds a certificate of qualification to	1511
practice architecture issued or renewed and registered under	1512
Chapter 4703. of the Revised Code;	1513
(3) A person who is registered as a landscape architect	1514
under Chapter 4703. of the Revised Code or who holds a permit as	1515
a landscape architect issued under that chapter;	1516
(4) A person licensed under Chapter 4707. of the Revised	1517
Code;	1518
(5) A person who has been issued a certificate of	1519
registration as a registered barber under Chapter 4709. of the	1520
Revised Code;	1521
(6) A person licensed and regulated to engage in the	1522
business of a debt pooling company by a legislative authority,	1523
under authority of Chapter 4710. of the Revised Code;	1524
(7) A person who has been issued a cosmetologist's	1525
license, hair designer's license, manicurist's license,	1526
esthetician's license, natural hair stylist's license, advanced	1527
cosmetologist's license, advanced hair designer's license,	1528
advanced manicurist's license, advanced esthetician's license,	1529
advanced natural hair stylist's license, cosmetology	1530

instructor's license, hair design instructor's license, 1531
manicurist instructor's license, esthetics instructor's license, 1532
natural hair style instructor's license, independent 1533
contractor's license, or tanning facility permit under Chapter 1534
4713. of the Revised Code; 1535

(8) A person who has been issued a license to practice 1536
dentistry, a general anesthesia permit, a conscious sedation 1537
permit, a limited resident's license, a limited teaching 1538
license, a dental hygienist's license, or a dental hygienist's 1539
teacher's certificate under Chapter 4715. of the Revised Code; 1540

(9) A person who has been issued an embalmer's license, a 1541
funeral director's license, a funeral home license, or a 1542
crematory, reduction, or hydrolysis facility operator license, 1543
or who has been registered for an embalmer's or funeral 1544
director's apprenticeship under Chapter 4717. of the Revised 1545
Code; 1546

(10) A person who has been licensed as a registered nurse 1547
or practical nurse, or who has been issued a certificate for the 1548
practice of nurse-midwifery under Chapter 4723. of the Revised 1549
Code; 1550

(11) A person who has been licensed to practice optometry 1551
or to engage in optical dispensing under Chapter 4725. of the 1552
Revised Code; 1553

(12) A person licensed to act as a pawnbroker under 1554
Chapter 4727. of the Revised Code; 1555

(13) A person licensed to act as a precious metals dealer 1556
under Chapter 4728. of the Revised Code; 1557

(14) A person licensed under Chapter 4729. of the Revised 1558
Code as a pharmacist or pharmacy intern or registered under that 1559

chapter as a registered pharmacy technician, certified pharmacy technician, or pharmacy technician trainee;	1560 1561
(15) A person licensed under Chapter 4729. of the Revised Code as a manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, wholesale distributor of dangerous drugs, or terminal distributor of dangerous drugs;	1562 1563 1564 1565 1566
(16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code;	1567 1568
(17) A person who has been issued a license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery under Chapter 4731. of the Revised Code or has been issued a certificate to practice a limited branch of medicine under that chapter;	1569 1570 1571 1572 1573
(18) A person licensed as a psychologist, independent school psychologist, or school psychologist under Chapter 4732. of the Revised Code;	1574 1575 1576
(19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code;	1577 1578 1579
(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;	1580 1581
(21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code;	1582 1583
(22) A person registered as a registered environmental health specialist under Chapter 4736. of the Revised Code;	1584 1585
(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;	1586 1587

(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;	1588 1589
(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;	1590 1591
(26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Chapter 4741. of the Revised Code;	1592 1593 1594 1595
(27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Chapter 4747. of the Revised Code;	1596 1597 1598
(28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code;	1599 1600 1601
(29) A person licensed to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	1602 1603
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	1604 1605 1606
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	1607 1608 1609
(32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist, or registered as a social work assistant under Chapter 4757. of the Revised Code;	1610 1611 1612 1613 1614 1615

- (33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code; 1616
1617
- (34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code; 1618
1619
1620
- (35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code; 1621
1622
- (36) A person who has been issued a home inspector license under Chapter 4764. of the Revised Code; 1623
1624
- (37) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules. 1625
1626
1627
- (X) "Cocaine" means any of the following: 1628
- (1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine; 1629
1630
- (2) Coca leaves or a salt, compound, derivative, or preparation of coca leaves, including ecgonine, a salt, isomer, or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine; 1631
1632
1633
1634
- (3) A salt, compound, derivative, or preparation of a substance identified in division (X)(1) or (2) of this section that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine. 1635
1636
1637
1638
1639
1640
- (Y) "L.S.D." means lysergic acid diethylamide. 1641
- (Z) "Hashish" means a resin or a preparation of a resin to 1642

which both of the following apply: 1643

(1) It is contained in or derived from any part of the 1644
plant of the genus cannabis, whether in solid form or in a 1645
liquid concentrate, liquid extract, or liquid distillate form. 1646

(2) It has a delta-9 tetrahydrocannabinol concentration of 1647
more than three-tenths per cent. 1648

"Hashish" does not include a hemp byproduct in the 1649
possession of a licensed hemp processor under Chapter 928. of 1650
the Revised Code, provided that the hemp byproduct is being 1651
produced, stored, and disposed of in accordance with rules 1652
adopted under section 928.03 of the Revised Code. 1653

(AA) "Marihuana" has the same meaning as in section 1654
3719.01 of the Revised Code, except that it does not include 1655
hashish. 1656

(BB) An offense is "committed in the vicinity of a 1657
juvenile" if the offender commits the offense within one hundred 1658
feet of a juvenile or within the view of a juvenile, regardless 1659
of whether the offender knows the age of the juvenile, whether 1660
the offender knows the offense is being committed within one 1661
hundred feet of or within view of the juvenile, or whether the 1662
juvenile actually views the commission of the offense. 1663

(CC) "Presumption for a prison term" or "presumption that 1664
a prison term shall be imposed" means a presumption, as 1665
described in division (D) of section 2929.13 of the Revised 1666
Code, that a prison term is a necessary sanction for a felony in 1667
order to comply with the purposes and principles of sentencing 1668
under section 2929.11 of the Revised Code. 1669

(DD) "Major drug offender" has the same meaning as in 1670
section 2929.01 of the Revised Code. 1671

(EE) "Minor drug possession offense" means either of the following:	1672 1673
(1) A violation of section 2925.11 of the Revised Code as it existed prior to July 1, 1996;	1674 1675
(2) A violation of section 2925.11 of the Revised Code as it exists on and after July 1, 1996, that is a misdemeanor or a felony of the fifth degree.	1676 1677 1678
(FF) "Mandatory prison term" has the same meaning as in section 2929.01 of the Revised Code.	1679 1680
(GG) "Adulterate" means to cause a drug to be adulterated as described in section 3715.63 of the Revised Code.	1681 1682
(HH) "Public premises" means any hotel, restaurant, tavern, store, arena, hall, or other place of public accommodation, business, amusement, or resort.	1683 1684 1685
(II) "Methamphetamine" means methamphetamine, any salt, isomer, or salt of an isomer of methamphetamine, or any compound, mixture, preparation, or substance containing methamphetamine or any salt, isomer, or salt of an isomer of methamphetamine.	1686 1687 1688 1689 1690
(JJ) "Deception" has the same meaning as in section 2913.01 of the Revised Code.	1691 1692
(KK) "Fentanyl-related compound" means any of the following:	1693 1694
(1) Fentanyl;	1695
(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4- piperidyl]propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);	1696 1697 1698

(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);	1699 1700
(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl)-N-phenylpropanamide);	1701 1702
(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide);	1703 1704 1705
(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide);	1706 1707
(7) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4-piperidinyl]-N-phenylpropanamide);	1708 1709
(8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide;	1710 1711
(9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide;	1712 1713
(10) Alfentanil;	1714
(11) Carfentanil;	1715
(12) Remifentanil;	1716
(13) Sufentanil;	1717
(14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide); and	1718 1719
(15) Any compound that meets all of the following fentanyl pharmacophore requirements to bind at the mu receptor, as identified by a report from an established forensic laboratory, including acetylfentanyl, furanylfentanyl, valerylfentanyl, butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, para-fluorobutyrylfentanyl, acrylfentanyl, and ortho-	1720 1721 1722 1723 1724 1725

fluorofentanyl:	1726
(a) A chemical scaffold consisting of both of the following:	1727 1728
(i) A five, six, or seven member ring structure containing a nitrogen, whether or not further substituted;	1729 1730
(ii) An attached nitrogen to the ring, whether or not that nitrogen is enclosed in a ring structure, including an attached aromatic ring or other lipophilic group to that nitrogen.	1731 1732 1733
(b) A polar functional group attached to the chemical scaffold, including but not limited to a hydroxyl, ketone, amide, or ester;	1734 1735 1736
(c) An alkyl or aryl substitution off the ring nitrogen of the chemical scaffold; and	1737 1738
(d) The compound has not been approved for medical use by the United States food and drug administration.	1739 1740
(LL) "First degree felony mandatory prison term" means one of the definite prison terms prescribed in division (A) (1) (b) of section 2929.14 of the Revised Code for a felony of the first degree, except that if the violation for which sentence is being imposed is committed on or after March 22, 2019, it means one of the minimum prison terms prescribed in division (A) (1) (a) of that section for a felony of the first degree.	1741 1742 1743 1744 1745 1746 1747
(MM) "Second degree felony mandatory prison term" means one of the definite prison terms prescribed in division (A) (2) (b) of section 2929.14 of the Revised Code for a felony of the second degree, except that if the violation for which sentence is being imposed is committed on or after March 22, 2019, it means one of the minimum prison terms prescribed in division (A)	1748 1749 1750 1751 1752 1753

(2) (a) of that section for a felony of the second degree. 1754

(NN) "Maximum first degree felony mandatory prison term" 1755
means the maximum definite prison term prescribed in division 1756
(A) (1) (b) of section 2929.14 of the Revised Code for a felony of 1757
the first degree, except that if the violation for which 1758
sentence is being imposed is committed on or after March 22, 1759
2019, it means the longest minimum prison term prescribed in 1760
division (A) (1) (a) of that section for a felony of the first 1761
degree. 1762

(OO) "Maximum second degree felony mandatory prison term" 1763
means the maximum definite prison term prescribed in division 1764
(A) (2) (b) of section 2929.14 of the Revised Code for a felony of 1765
the second degree, except that if the violation for which 1766
sentence is being imposed is committed on or after March 22, 1767
2019, it means the longest minimum prison term prescribed in 1768
division (A) (2) (a) of that section for a felony of the second 1769
degree. 1770

(PP) "Delta-9 tetrahydrocannabinol" has the same meaning 1771
as in section 928.01 of the Revised Code. 1772

(QQ) An offense is "committed in the vicinity of a 1773
substance addiction services provider or a recovering addict" if 1774
either of the following apply: 1775

(1) The offender commits the offense on the premises of a 1776
substance addiction services provider's facility, including a 1777
facility licensed prior to June 29, 2019, under section 5119.391 1778
of the Revised Code to provide methadone treatment or an opioid 1779
treatment program licensed on or after that date under section 1780
5119.37 of the Revised Code, or within five hundred feet of the 1781
premises of a substance addiction services provider's facility 1782

and the offender knows or should know that the offense is being 1783
committed within the vicinity of the substance addiction 1784
services provider's facility. 1785

(2) The offender sells, offers to sell, delivers, or 1786
distributes the controlled substance or controlled substance 1787
analog to a person who is receiving treatment at the time of the 1788
commission of the offense, or received treatment within thirty 1789
days prior to the commission of the offense, from a substance 1790
addiction services provider and the offender knows that the 1791
person is receiving or received that treatment. 1792

(RR) "Substance addiction services provider" means an 1793
agency, association, corporation or other legal entity, 1794
individual, or program that provides one or more of the 1795
following at a facility: 1796

(1) Either alcohol addiction services, or drug addiction 1797
services, or both such services that are certified by the 1798
director of mental health and addiction services under section 1799
5119.36 of the Revised Code; 1800

(2) Recovery supports that are related to either alcohol 1801
addiction services, or drug addiction services, or both such 1802
services and paid for with federal, state, or local funds 1803
administered by the department of mental health and addiction 1804
services or a board of alcohol, drug addiction, and mental 1805
health services. 1806

(SS) "Premises of a substance addiction services 1807
provider's facility" means the parcel of real property on which 1808
any substance addiction service provider's facility is situated. 1809

(TT) "Alcohol and drug addiction services" has the same 1810
meaning as in section 5119.01 of the Revised Code. 1811

Sec. 3705.01. As used in this chapter:	1812
(A) "Live birth" means the complete expulsion or extraction from its mother of a product of human conception that after such expulsion or extraction breathes or shows any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached.	1813 1814 1815 1816 1817 1818 1819
(B) (1) "Fetal death" means death prior to the complete expulsion or extraction from its mother of a product of human conception, irrespective of the duration of pregnancy, which after such expulsion or extraction does not breathe or show any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles.	1820 1821 1822 1823 1824 1825 1826
(2) "Stillborn" means that an infant of at least twenty weeks of gestation suffered a fetal death.	1827 1828
(C) "Dead body" means a human body or part of a human body from the condition of which it reasonably may be concluded that death recently occurred.	1829 1830 1831
(D) "Physician" means a person licensed pursuant to Chapter 4731. of the Revised Code to practice medicine or surgery or osteopathic medicine and surgery.	1832 1833 1834
(E) "Attending physician" means the physician in charge of the patient's care for the illness or condition that resulted in death.	1835 1836 1837
(F) "Institution" means any establishment, public or private, that provides medical, surgical, or diagnostic care or treatment, or domiciliary care, to two or more unrelated	1838 1839 1840

individuals, or to persons committed by law. 1841

(G) "Funeral director" has the meaning given in section 1842
4717.01 of the Revised Code. 1843

(H) "State registrar" means the head of the office of 1844
vital statistics in the department of health. 1845

(I) "Medical certification" means completion of the 1846
medical certification portion of the certificate of death or 1847
fetal death as to the cause of death or fetal death. 1848

(J) "Final disposition" means the interment, cremation, 1849
reduction, hydrolysis, removal from the state, donation, or 1850
other authorized disposition of a dead body or a fetal death. 1851

(K) "Interment" means the final disposition of the remains 1852
of a dead body by burial or entombment. 1853

(L) "Cremation" means the reduction to ashes of a dead 1854
body. 1855

(M) "Donation" means gift of a dead body to a research 1856
institution or medical school. 1857

(N) "System of vital statistics" means the registration, 1858
collection, preservation, amendment, and certification of vital 1859
records, the collection of other reports required by this 1860
chapter, and activities related thereto. 1861

(O) "Vital records" means certificates or reports of 1862
birth, death, fetal death, marriage, divorce, dissolution of 1863
marriage, annulment, and data related thereto and other 1864
documents maintained as required by statute. 1865

(P) "File" means the presentation of vital records for 1866
registration by the office of vital statistics. 1867

(Q) "Registration" means the acceptance by the office of vital statistics and the incorporation of vital records into its official records.

(R) "Birth record" means a birth certificate that has been registered with the office of vital statistics; or, if registered prior to March 16, 1989, with the division of vital statistics; or, if registered prior to the establishment of the division of vital statistics, with the department of health or a local registrar.

(S) "Certification of birth" means a document issued by the director of health or state registrar or a local registrar under division (B) of section 3705.23 of the Revised Code.

(T) "Certified nurse-midwife" has the same meaning as in section 4723.01 of the Revised Code.

(U) "Reduction" and "hydrolysis" have the same meanings as in section 4717.01 of the Revised Code.

Sec. 3705.17. The body of a person whose death occurs in this state shall not be interred, deposited in a vault or tomb, cremated, reduced, hydrolyzed, or otherwise disposed of by a funeral director until a burial permit is issued by a local registrar or sub-registrar of vital statistics. No such permit shall be issued by a local registrar or sub-registrar until a satisfactory death, fetal death, or provisional death certificate is filed with the local registrar or sub-registrar. When the medical certification as to the cause of death cannot be provided by the attending physician or coroner prior to burial, for sufficient cause, as determined by rule of the director of health, the funeral director may file a provisional death certificate with the local registrar or sub-registrar for

the purpose of securing a burial or burial-transit permit. When 1897
the funeral director files a provisional death certificate to 1898
secure a burial or burial-transit permit, the funeral director 1899
shall file a satisfactory and complete death certificate within 1900
five days after the date of death. The director of health, by 1901
rule, may provide additional time for filing a satisfactory 1902
death certificate. A burial permit authorizing cremation, 1903
reduction, or hydrolysis shall not be issued upon the filing of 1904
a provisional certificate of death. 1905

When a funeral director or other person obtains a burial 1906
permit from a local registrar or sub-registrar, the registrar or 1907
sub-registrar shall charge a fee of three dollars for the 1908
issuance of the burial permit. Two dollars and fifty cents of 1909
each fee collected for a burial permit shall be paid into the 1910
state treasury to the credit of the division of real estate in 1911
the department of commerce to be used by the division in 1912
discharging its duties prescribed in Chapter 4767. of the 1913
Revised Code and the Ohio cemetery dispute resolution commission 1914
created by section 4767.05 of the Revised Code. A local 1915
registrar or sub-registrar shall transmit payments of that 1916
portion of the amount of each fee collected under this section 1917
to the treasurer of state on a quarterly basis or more 1918
frequently, if possible. The director of health, by rule, shall 1919
provide for the issuance of a burial permit without the payment 1920
of the fee required by this section if the total cost of the 1921
burial will be paid by an agency or instrumentality of the 1922
United States, the state or a state agency, or a political 1923
subdivision of the state. 1924

The director of commerce may by rule adopted in accordance 1925
with Chapter 119. of the Revised Code reduce the total amount of 1926
the fee required by this section and that portion of the amount 1927

of the fee required to be paid to the credit of the division of 1928
real estate for the use of the division and the Ohio cemetery 1929
dispute resolution commission, if the director determines that 1930
the total amount of funds the fee is generating at the amount 1931
required by this section exceeds the amount of funds the 1932
division of real estate and the commission need to carry out 1933
their powers and duties prescribed in Chapter 4767. of the 1934
Revised Code. 1935

No person in charge of any premises in which interments~~or~~ 1936
, cremations, reductions, or hydrolyses are made shall inter~~or~~ 1937
, cremate, reduce, hydrolyze or otherwise dispose of a body, 1938
unless it is accompanied by a burial permit. Each person in 1939
charge of a cemetery, crematory, reduction, or hydrolysis 1940
facility, or other place of disposal shall indorse upon a burial 1941
permit the date of interment, cremation, reduction, hydrolysis, 1942
or other disposal and shall retain such permits for a period of 1943
at least five years. The person in charge shall keep an accurate 1944
record of all interments, cremations, reductions, hydrolyses, or 1945
other disposal of dead bodies, made in the premises under the 1946
person's charge, stating the name of the deceased person, place 1947
of death, date of burial, cremation, reduction, hydrolysis, or 1948
other disposal, and name and address of the funeral director. 1949
Such record shall at all times be open to public inspection. 1950

Sec. 3705.18. When a death occurs outside the state and 1951
the body is transported into this state for burial or other 1952
disposition, the body must be accompanied by an authorization 1953
for final disposition issued in accordance with the laws and 1954
health regulations of the place where death occurred. The 1955
authorization that accompanied the body shall be accepted as 1956
authorization for burial, cremation, reduction, hydrolysis, or 1957
other disposal in Ohio. The person in charge of place of burial 1958

shall endorse and forward the authorization for final 1959
disposition that accompanied the body to the local registrar of 1960
vital statistics of the registration district in which burial 1961
was made. 1962

Sec. 3705.19. (A) If the deceased served in the armed 1963
forces of the United States, the death certificate shall include 1964
a statement of the branch of service in which ~~he~~the deceased 1965
served, the date of entry into service, the date and type of 1966
discharge from such service, and information to show the name 1967
and location of the place where the deceased was buried ~~or, _~~ 1968
cremated, reduced, or hydrolyzed, date of burial ~~or, _~~ cremation, _ 1969
reduction, or hydrolysis, and the location, lot, and grave 1970
number of the deceased's burial. 1971

(B) Whenever the remains of a deceased person are 1972
transported into this state for burial or other disposition, the 1973
funeral director having responsibility for disposition of the 1974
remains shall ascertain from the best qualified persons or 1975
sources available whether or not the deceased was a member of 1976
the armed forces of the United States. If the funeral director 1977
finds the deceased was a member, ~~he~~ the funeral director shall 1978
also obtain from such persons or sources and shall transcribe on 1979
a form prescribed by the director of health, the deceased's 1980
branch of service, date of entry into service, date and type of 1981
separation or discharge from service, date of birth, state of 1982
birth, date of death, date of burial, the name and location of 1983
the cemetery, and the lot and grave number where the deceased is 1984
buried. The funeral director shall sign the completed form and 1985
submit it to the local registrar of vital statistics. If the 1986
funeral director is unable to ascertain whether or not the 1987
deceased was a member of the armed forces of the United States 1988
or ascertains that the deceased was not a member, ~~he~~ the funeral 1989

director shall enter such information on the form. 1990

If no funeral director is responsible for the disposition 1991
of the remains of the deceased, the person in charge of the 1992
disposition, except a sexton or other person who is customarily 1993
in charge only of the premises where burials ~~or~~, cremations, 1994
reductions, or hydrolyses take place, shall perform the duties 1995
required by this division. 1996

(C) At intervals not to exceed three months, the 1997
department of health shall forward to the adjutant general a 1998
summary of information concerning deceased members and former 1999
members of the armed forces of the United States, including 2000
those who died outside this state, but whose remains were buried 2001
or received for other final disposition in this state. The 2002
summary shall state the name, date of birth, state of birth, 2003
date of death, date of entry into service, date and type of 2004
separation or discharge from service, branch of service, date of 2005
burial, place of burial, and location of grave. At the same time 2006
the department forwards this summary to the adjutant general, it 2007
shall forward to each county recorder that portion of the 2008
summary that relates to burials made, and grave locations 2009
situated, within the county. After the summary is sent to the 2010
adjutant general, the forms specified in division (B) of this 2011
section may be disposed of. 2012

Sec. 3705.20. (A) The fetal death of the product of human 2013
conception of at least twenty weeks of gestation shall be 2014
registered on a fetal death certificate. 2015

On application of the funeral director or either parent, 2016
the fetal death of the product of human conception prior to 2017
twenty weeks of gestation shall be registered on a fetal death 2018
certificate, except that the fetal death certificate shall not 2019

list the cause of death. 2020

The funeral director or the parent shall include with the 2021
application a copy of the statement required by division (B) (1) 2022
of section 3727.16 or division (B) (1) of section 4731.82 of the 2023
Revised Code. If the father submits the application, he shall 2024
also include with it a signed and notarized document from the 2025
mother attesting that she voluntarily provided the father with a 2026
copy of the statement. 2027

A fetal death certificate for the product of human 2028
conception prior to twenty weeks gestation is not proof of a 2029
live birth for purposes of federal, state, and local taxes. 2030

(B) The product of human conception of at least twenty 2031
weeks of gestation that suffers a fetal death occurring in Ohio 2032
shall not be interred, deposited in a vault or tomb, cremated, 2033
reduced, hydrolyzed, or otherwise disposed of by a funeral 2034
director or other person until a fetal death certificate or 2035
provisional death certificate has been filed with and a burial 2036
permit is issued by the local registrar of vital statistics of 2037
the registration district in which the fetal death occurs, or 2038
the body is found. 2039

A burial permit for the product of human conception that 2040
suffers a fetal death prior to twenty weeks of gestation shall 2041
be issued by the local registrar of vital statistics of the 2042
registration district in which the fetal death occurs if the 2043
funeral director or either parent files a fetal death 2044
certificate with that registrar. 2045

(C) (1) The department of health and the local registrar 2046
shall keep a separate record and index record of fetal death 2047
certificates. 2048

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

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

Sec. 3707.19. The body of a person who has died of a communicable disease declared by the department of health to require immediate disposal for the protection of others shall be buried ~~or, cremated, or hydrolyzed~~ within twenty-four hours after death. No public or church funeral shall be held in connection with the burial of such person, and the body shall not be taken into any church, chapel, or other public place. Only adult members of the immediate family of the deceased and such other persons as are actually necessary may be present at the burial ~~or, cremation, or hydrolysis~~.

Sec. 4511.451. (A) As used in this section, "funeral procession" means two or more vehicles accompanying the cremated, reduced, or hydrolyzed remains or the body of a deceased person in the daytime when each of the vehicles has its headlights lighted and is displaying a purple and white or an orange and white pennant attached to each vehicle in such a manner as to be clearly visible to traffic approaching from any direction.

(B) Excepting public safety vehicles proceeding in 2079
accordance with section 4511.45 of the Revised Code or when 2080
directed otherwise by a police officer, pedestrians and the 2081
operators of all vehicles, street cars, and trackless trolleys 2082
shall yield the right of way to each vehicle that is a part of a 2083
funeral procession. Whenever the lead vehicle in a funeral 2084
procession lawfully enters an intersection, the remainder of the 2085
vehicles in the procession may continue to follow the lead 2086
vehicle through the intersection notwithstanding any traffic 2087
control devices or right of way provisions of the Revised Code, 2088
provided that the operator of each vehicle exercises due care to 2089
avoid colliding with any other vehicle or pedestrian. 2090

(C) No person shall operate any vehicle as a part of a 2091
funeral procession without having the headlights of the vehicle 2092
lighted and without displaying a purple and white or an orange 2093
and white pennant in such a manner as to be clearly visible to 2094
traffic approaching from any direction. 2095

(D) Except as otherwise provided in this division, whoever 2096
violates this section is guilty of a minor misdemeanor. If, 2097
within one year of the offense, the offender previously has been 2098
convicted of or pleaded guilty to one predicate motor vehicle or 2099
traffic offense, whoever violates this section is guilty of a 2100
misdemeanor of the fourth degree. If, within one year of the 2101
offense, the offender previously has been convicted of two or 2102
more predicate motor vehicle or traffic offenses, whoever 2103
violates this section is guilty of a misdemeanor of the third 2104
degree. 2105

If the offender commits the offense while distracted and 2106
the distracting activity is a contributing factor to the 2107
commission of the offense, the offender is subject to the 2108

additional fine established under section 4511.991 of the Revised Code. 2109
2110

Sec. 4717.01. As used in this chapter: 2111

(A) "Embalming" means the process of chemically treating 2112
the dead human body by any of the following to reduce the 2113
presence and growth of microorganisms, to temporarily slow 2114
organic decomposition, and to restore acceptable physical 2115
appearance: 2116

(1) Arterial injection; 2117

(2) Cavity treatment; 2118

(3) Hypodermic tissue injection. 2119

(B) "Funeral business" means a sole proprietorship, 2120
partnership, corporation, limited liability company, or other 2121
business entity that is engaged in funeral directing for profit 2122
or for free from one or more funeral homes licensed under this 2123
chapter. 2124

(C) "Funeral directing" means the business or profession 2125
of directing or supervising funerals for profit from one or more 2126
funeral homes licensed under this chapter, the arrangement or 2127
sale of funeral services, the filling out or execution of a 2128
funeral service contract, the business or profession of 2129
preparing dead human bodies for burial by means other than 2130
embalming, the disposition of dead human bodies, the provision 2131
or maintenance of a place for the preparation, the care, or 2132
disposition of dead human bodies, the use in connection with a 2133
business of the term "funeral director," "undertaker," 2134
"mortician," or any other term from which can be implied the 2135
business of funeral directing, or the holding out to the public 2136
that one is a funeral director or a disposer of dead human 2137

bodies. 2138

(D) "Funeral home" means a fixed place for the care, 2139
preparation for burial, or disposition of dead human bodies or 2140
the conducting of funerals. Each business location is a funeral 2141
home, regardless of common ownership or management. 2142

(E) "Embalmer" means a person who engages, in whole or in 2143
part, in embalming and who is licensed under this chapter. 2144

(F) "Funeral director" means a person who engages, in 2145
whole or in part, in funeral directing and who is licensed under 2146
this chapter. 2147

(G) "Final disposition" has the same meaning as in 2148
division (J) of section 3705.01 of the Revised Code. 2149

(H) "Supervision" means the operation of all phases of the 2150
business of funeral directing or embalming under the specific 2151
direction of a licensed funeral director or licensed embalmer. 2152

(I) "Direct supervision" means the physical presence of a 2153
licensed funeral director or licensed embalmer while the 2154
specific functions of the funeral or embalming are being carried 2155
out. 2156

(J) "Embalming facility" means a fixed location, separate 2157
from the funeral home, that is licensed under this chapter whose 2158
only function is the embalming and preparation of dead human 2159
bodies. 2160

(K) "Crematory facility" means the physical location at 2161
which a cremation chamber is located and the cremation process 2162
takes place. "Crematory facility" does not include an infectious 2163
waste incineration facility for which a license is held under 2164
division (B) of section 3734.05 of the Revised Code, or a solid 2165

waste incineration facility for which a license is held under 2166
division (A) of that section that includes a notation pursuant 2167
to division (B) (3) of that section authorizing the facility to 2168
also treat infectious wastes, in connection with the 2169
incineration of body parts other than dead human bodies that 2170
were donated to science for purposes of medical education or 2171
research. 2172

(L) "Crematory" means the building or portion of a 2173
building that houses the holding facility and the cremation 2174
chamber. 2175

(M) "Cremation" means the technical process of using heat 2176
and flame to reduce human or animal remains to bone fragments or 2177
ashes or any combination thereof. "Cremation" includes 2178
processing and may include the pulverization of bone fragments. 2179

(N) "Cremation chamber" means the enclosed space within 2180
which cremation takes place. 2181

(O) "Cremated remains" means all human or animal remains 2182
recovered after the completion of the cremation process, which 2183
may include the residue of any foreign matter such as casket 2184
material, dental work, or eyeglasses that were cremated with the 2185
human or animal remains. 2186

(P) "Lapsed license" means a license issued under this 2187
chapter that has become invalid because of the failure of the 2188
licensee to renew the license within the time limits prescribed 2189
under this chapter. 2190

(Q) "Crematory operator" means the person who engages, in 2191
whole or in part, in cremation from one or more crematories 2192
licensed under this chapter and who has been issued a crematory 2193
operator permit under this chapter. 2194

(R) "Processing" means the reduction of identifiable bone fragments to unidentifiable bone fragments through manual or mechanical means after the completion of the cremation, natural organic reduction, or hydrolysis process.

(S) "Pulverization" means the reduction of identifiable bone fragments to granulated particles by manual or mechanical means after the completion of the cremation, natural organic reduction, or hydrolysis process.

(T) "Preneed funeral contract" means a written agreement, contract, or series of contracts to sell or otherwise provide any funeral services, funeral goods, or any combination thereof to be used in connection with the funeral or final disposition of a dead human body, where payment for the goods or services is made either outright or on an installment basis, prior to the death of the person purchasing the goods or services or for whom the goods or services are purchased. "Preneed funeral contract" does not include any preneed cemetery merchandise and services contract or any agreement, contract, or series of contracts pertaining to the sale of any burial lot, burial or interment right, entombment right, or columbarium right with respect to which an endowment care fund is established or is exempt from establishment pursuant to section 1721.21 of the Revised Code.

For the purposes of division (T) of this section, "funeral goods" includes caskets.

(U) "Purchaser" means the individual who has purchased and financed a preneed funeral contract, and who may or may not be the contract beneficiary.

(V) "Contract beneficiary" means the individual for whom funeral goods and funeral services are provided pursuant to a

preneed funeral contract. 2224

(W) "Seller" means any person that enters into a preneed 2225
funeral contract with a purchaser for the provision of funeral 2226
goods, funeral services, or both. 2227

(X) "Felony" means a criminal act classified as a felony 2228
by this state, any other state, or federal law. 2229

(Y) "Natural organic reduction" and "reduction" mean the 2230
technical process of converting human or animal remains into 2231
soil in a reduction chamber using the natural decomposition 2232
process accelerated by adding natural or organic materials. 2233
"Natural organic reduction" and "reduction" include the 2234
processing and pulverization of bone fragments. 2235

(Z) "Reduction facility" means the physical location at 2236
which a reduction chamber is located and the natural organic 2237
reduction process takes place. 2238

(AA) "Reduction chamber" means the enclosed space within 2239
which individual human or animal remains are reduced and any 2240
other attached, unenclosed, mechanical components that are 2241
necessary for the safe and proper functioning of the equipment. 2242

(BB) "Reduced remains" means human or animal remains that 2243
have been converted to soil through natural organic reduction, 2244
which may include the residue of any foreign matter that was 2245
reduced with such remains. 2246

(CC) "Reduction facility operator" means a person who 2247
engages, in whole or in part, in natural organic reduction at 2248
one or more reduction facilities licensed under this chapter and 2249
who has been issued a reduction operator permit under this 2250
chapter. 2251

(DD) "Hydrolysis" means the technical process of using 2252
heat, water, potassium hydroxide or an alternate alkaline 2253
solution, and pressure, agitation, or both, to dissolve human or 2254
animal tissue within a hydrolysis container and reduce human 2255
remains to bone fragments. "Hydrolysis" includes the processing 2256
of and may include the pulverization of bone fragments. 2257

(EE) "Hydrolysis facility" means the physical location at 2258
which a hydrolysis chamber is located and the hydrolysis process 2259
takes place. 2260

(FF) "Hydrolysis chamber" means the enclosed container 2261
within which hydrolysis takes place. 2262

(GG) "Hydrolyzed remains" means all human or animal 2263
remains recovered after the completion of the hydrolysis 2264
process, which may include the residue of any foreign matter 2265
that was hydrolyzed with such remains. 2266

(HH) "Hydrolysis facility operator" means a person who 2267
engages, in whole or in part, in hydrolysis at one or more 2268
hydrolysis facilities licensed under this chapter and who has 2269
been issued a hydrolysis operator permit under this chapter. 2270

Sec. 4717.03. (A) Members of the board of embalmers and 2271
funeral directors shall annually in July, or within thirty days 2272
after the senate's confirmation of the new members appointed in 2273
that year, meet and organize by selecting from among its members 2274
a president, vice-president, and secretary-treasurer. The board 2275
may hold other meetings as it determines necessary. A quorum of 2276
the board consists of four members, of whom at least three shall 2277
be members who are funeral directors. The concurrence of at 2278
least four members is necessary for the board to take any 2279
action. The president and secretary-treasurer shall sign all 2280

licenses issued under this chapter and affix the board's seal to 2281
each license. 2282

(B) The board may appoint an individual who is not a 2283
member of the board to serve as executive director of the board. 2284
The executive director serves at the pleasure of the board and 2285
shall do all of the following: 2286

(1) Serve as the board's chief administrative officer; 2287

(2) Act as custodian of the board's records; 2288

(3) Execute all of the board's orders; 2289

(4) Employ staff who are not members of the board and who 2290
serve at the pleasure of the executive director to provide any 2291
assistance that the board considers necessary. 2292

(C) In executing the board's orders as required by 2293
division (B) (3) of this section, the executive director may 2294
enter the premises, establishment, office, or place of business 2295
of any embalmer, funeral director, ~~or~~ crematory operator, 2296
reduction facility operator, or hydrolysis facility operator in 2297
this state. The executive director may serve and execute any 2298
process issued by any court under this chapter. 2299

(D) The executive director may employ necessary 2300
inspectors, who shall be licensed embalmers and funeral 2301
directors. An inspector employed by the executive director may 2302
enter the premises, establishment, office, or place of business 2303
of any embalmer, funeral director, ~~or~~ crematory operator, 2304
reduction facility operator, or hydrolysis facility operator, or 2305
any embalming facility, funeral home, ~~or~~ crematory facility, 2306
reduction facility, or hydrolysis facility in this state, for 2307
the purposes of inspecting the facility and premises; the 2308
license, permit, and certification of embalmers, funeral 2309

directors, ~~and~~ crematory operators, reduction facility 2310
operators, and hydrolysis facility operators operating in the 2311
facility; and the license of the funeral home, embalming 2312
facility, ~~or~~ crematory facility ~~and~~, reduction facility, or 2313
hydrolysis facility. An inspector shall also perform any other 2314
duties delegated ~~to the inspector~~ by the board or assigned ~~to~~ 2315
~~the inspector~~ by the executive director. The executive director 2316
may enter the facility or premises of a funeral home, embalming 2317
facility, ~~or~~ crematory facility, reduction facility, or 2318
hydrolysis facility for the purpose of an inspection if 2319
accompanied by an inspector or, if an inspector is not 2320
available, when a situation presents a danger of immediate and 2321
serious harm to the public. 2322

(E) The president of the board shall designate three of 2323
the board's members to serve on the crematory, reduction, and 2324
hydrolysis facility review board, which is hereby created, for 2325
such time as the president finds appropriate to carry out the 2326
provisions of this chapter. Those members of the crematory, 2327
reduction, and hydrolysis facility review board designated by 2328
the president to serve and three members designated by the 2329
cemetery dispute resolution commission shall designate, by a 2330
majority vote, one person who holds a crematory operator permit, 2331
reduction facility operator permit, or hydrolysis facility 2332
operator permit, who is experienced in the operation of a 2333
crematory, reduction, or hydrolysis facility, and who is not 2334
affiliated with a cemetery or a funeral home to serve on the 2335
crematory, reduction, and hydrolysis facility review board for 2336
such time as the crematory, reduction, and hydrolysis facility 2337
review board finds appropriate. Members serving on the 2338
crematory, reduction, and hydrolysis facility review board shall 2339
not receive any additional compensation for serving on the 2340

board, but may be reimbursed for their actual and necessary 2341
expenses incurred in the performance of official duties as 2342
members of the board. Members of the crematory, reduction, and 2343
hydrolysis facility review board shall designate one from among 2344
its members to serve as a chairperson for such time as the board 2345
finds appropriate. Costs associated with conducting an 2346
adjudicatory hearing in accordance with division (F) of this 2347
section shall be paid from funds available to the board of 2348
embalmers and funeral directors. 2349

(F) Upon receiving written notice from the board of 2350
embalmers and funeral directors of any of the following, the 2351
crematory, reduction, and hydrolysis facility review board shall 2352
conduct an adjudicatory hearing on the matter in accordance with 2353
Chapter 119. of the Revised Code, except as otherwise provided 2354
in this section or division (C) of section 4717.14 of the 2355
Revised Code: 2356

(1) Notice provided under division (I) of this section of 2357
an alleged violation of any provision of this chapter or any 2358
rules adopted under this chapter governing or in connection with 2359
crematory, reduction facility, or hydrolysis facility operators, 2360
crematory, reduction, or hydrolysis facilities, or cremation, 2361
natural organic reduction, or hydrolysis; 2362

(2) Notice provided under division (B) of section 4717.14 2363
of the Revised Code that the board of embalmers and funeral 2364
directors proposes to refuse to grant or renew, or to suspend or 2365
revoke, a license to operate a crematory, reduction, or 2366
hydrolysis facility; 2367

(3) Notice provided under division (C) of section 4717.14 2368
of the Revised Code that the board of embalmers and funeral 2369
directors has issued an order summarily suspending a crematory 2370

operator permit or a license to operate a crematory, reduction, 2371
or hydrolysis facility; 2372

(4) Notice provided under division (B) of section 4717.15 2373
of the Revised Code that the board of embalmers and funeral 2374
directors proposes to issue a notice of violation and order 2375
requiring payment of a forfeiture for any violation described in 2376
divisions (A) (9) (a) to (g) of section 4717.04 of the Revised 2377
Code alleged in connection with a crematory operator, reduction 2378
facility operator, hydrolysis facility operator, crematory, 2379
reduction facility, hydrolysis facility, or cremation, natural 2380
organic reduction, or hydrolysis. 2381

Nothing in division (F) of this section precludes the 2382
crematory, reduction, and hydrolysis facility review board from 2383
appointing an independent examiner in accordance with section 2384
119.09 of the Revised Code to conduct any adjudication hearing 2385
required under division (F) of this section. 2386

The crematory, reduction, and hydrolysis facility review 2387
board shall submit a written report of findings and advisory 2388
recommendations, and a written transcript of its proceedings, to 2389
the board of embalmers and funeral directors. The board of 2390
embalmers and funeral directors shall serve a copy of the 2391
written report of the crematory, reduction, and hydrolysis 2392
facility review board's findings and advisory recommendations on 2393
the party to the adjudication or the party's attorney, by 2394
certified mail, within five days after receiving the report and 2395
advisory recommendations. A party may file objections to the 2396
written report with the board of embalmers and funeral directors 2397
within ten days after receiving the report. No written report is 2398
final or appealable until it is issued as a final order by the 2399
board of embalmers and funeral directors and entered on the 2400

record of the proceedings. The board of embalmers and funeral 2401
directors shall consider objections filed by the party prior to 2402
issuing a final order. After reviewing the findings and advisory 2403
recommendations of the crematory, reduction, and hydrolysis 2404
facility review board, the written transcript of the crematory, 2405
reduction, and hydrolysis facility review board's proceedings, 2406
and any objections filed by a party, the board of embalmers and 2407
funeral directors shall issue a final order in the matter. Any 2408
party may appeal the final order issued by the board of 2409
embalmers and funeral directors in a matter described in 2410
divisions (F) (1) to (4) of this section in accordance with 2411
section 119.12 of the Revised Code, except that the appeal may 2412
be made to the court of common pleas in the county in which is 2413
located the crematory, reduction, or hydrolysis facility to 2414
which the final order pertains, or in the county in which the 2415
party resides. 2416

(G) On its own initiative or on receiving a written 2417
complaint from any person whose identity is made known to the 2418
board of embalmers and funeral directors, the board shall 2419
investigate the acts or practices of any person holding or 2420
claiming to hold a license, permit, or certification under this 2421
chapter that, if proven to have occurred, would violate this 2422
chapter or any rules adopted under it. The board may compel 2423
witnesses by subpoena to appear and testify in relation to 2424
investigations conducted under this chapter and may require by 2425
subpoena duces tecum the production of any book, paper, or 2426
document pertaining to an investigation. If a person does not 2427
comply with a subpoena or subpoena duces tecum, the board may 2428
apply to the court of common pleas of any county in this state 2429
for an order compelling the person to comply with the subpoena 2430
or subpoena duces tecum, or for failure to do so, to be held in 2431

contempt of court. 2432

(H) If, as a result of its investigation conducted under 2433
division (G) of this section, the board of embalmers and funeral 2434
directors has reasonable cause to believe that the person 2435
investigated is violating any provision of this chapter or any 2436
rules adopted under this chapter governing or in connection with 2437
embalming, funeral directing, cremation, reduction, hydrolysis, 2438
funeral homes, embalming facilities, ~~or~~ cremation, reduction, or 2439
hydrolysis facilities, or the operation of funeral homes, 2440
embalming facilities, ~~or~~ crematory, reduction, or hydrolysis 2441
facilities, it may, after providing the opportunity for an 2442
adjudicatory hearing, issue an order directing the person to 2443
cease the acts or practices that constitute the violation. The 2444
board shall conduct the adjudicatory hearing in accordance with 2445
Chapter 119. of the Revised Code except that, notwithstanding 2446
the provisions of that chapter, the following shall apply: 2447

(1) The board shall send the notice informing the person 2448
of the person's right to a hearing by certified mail. 2449

(2) The person is entitled to a hearing only if the person 2450
requests a hearing and if the board receives the request within 2451
thirty days after the mailing of the notice described in 2452
division (H) (1) of this section. 2453

(3) A stenographic record shall be taken, in the manner 2454
prescribed in section 119.09 of the Revised Code, at every 2455
adjudicatory hearing held under this section, regardless of 2456
whether the record may be the basis of an appeal to a court. 2457

(I) If, as a result of its investigation conducted under 2458
division (G) of this section, the board of embalmers and funeral 2459
directors has reasonable cause to believe that the person 2460

investigated is violating any provision of this chapter or any 2461
rules adopted under this chapter governing or in connection with 2462
crematory, reduction, or hydrolysis facility operators, 2463
crematory, reduction, or hydrolysis facilities, ~~or cremation,~~ 2464
natural organic reduction, or hydrolysis, the board shall send 2465
written notice of the alleged violation to the crematory, 2466
reduction, and hydrolysis facility review board. If, after the 2467
conclusion of the adjudicatory hearing in the matter conducted 2468
under division (F) of this section, the board of embalmers and 2469
funeral directors finds that a person is in violation of any 2470
provision of this chapter or any rules adopted under this 2471
chapter governing or in connection with crematory, reduction, or 2472
hydrolysis facility operators, crematory, reduction, or 2473
hydrolysis facilities, ~~or cremation,~~ natural organic reduction, 2474
or hydrolysis, the board may issue a final order under that 2475
division directing the person to cease the acts or practices 2476
that constitute the violation. 2477

(J) The board of embalmers and funeral directors may bring 2478
a civil action to enjoin any violation or threatened violation 2479
of sections 4717.01 to 4717.15 of the Revised Code or a rule 2480
adopted under any of those sections; division (A) or (B) of 2481
section 4717.23; division (B) (1) or (2), (C) (1) or (2), (D), 2482
(E), or (F) (1) or (2), or divisions (H) to (K) of section 2483
4717.26; division (D) (1) of section 4717.27; divisions (A) to 2484
(C) of section 4717.28, or division (D) or (E) of section 2485
4717.31 of the Revised Code. The action shall be brought in the 2486
county where the violation occurred or the threatened violation 2487
is expected to occur. At the request of the board, the attorney 2488
general shall represent the board in any matter arising under 2489
this chapter. 2490

(K) The board of embalmers and funeral directors and the 2491

crematory, reduction, and hydrolysis facility review board may 2492
issue subpoenas for any person holding a license or permit under 2493
this chapter or persons holding themselves out as such, or for 2494
any other person whose testimony, in the opinion of either 2495
board, is necessary. The subpoena shall require the person to 2496
appear before the appropriate board or any designated member of 2497
either board, upon any hearing conducted under this chapter. The 2498
penalty for disobedience to the command of such a subpoena is 2499
the same as for refusal to answer such a process issued under 2500
authority of the court of common pleas. 2501

(L) Except as provided in section 4717.41 of the Revised 2502
Code, all moneys received by the board of embalmers and funeral 2503
directors from any source shall be deposited in the state 2504
treasury to the credit of the occupational licensing and 2505
regulatory fund created in section 4743.05 of the Revised Code. 2506

(M) The board of embalmers and funeral directors shall 2507
submit a written report to the governor on or before the first 2508
Monday of July of each year. This report shall contain a 2509
detailed statement of the nature and amount of the board's 2510
receipts and the amount and manner of its expenditures. 2511

Sec. 4717.04. (A) The board of embalmers and funeral 2512
directors shall adopt rules in accordance with Chapter 119. of 2513
the Revised Code for the government, transaction of the 2514
business, and the management of the affairs of the board of 2515
embalmers and funeral directors and the crematory, reduction, 2516
and hydrolysis facility review board, and for the administration 2517
and enforcement of this chapter. These rules shall include all 2518
of the following: 2519

(1) The nature, scope, content, and form of the 2520
application that must be completed and license examination that 2521

must be passed in order to receive an embalmer's license or a 2522
funeral director's license under section 4717.05 of the Revised 2523
Code. The rules shall ensure both of the following: 2524

(a) That the embalmer's license examination tests the 2525
applicant's knowledge through at least a comprehensive section 2526
and an Ohio laws section; 2527

(b) That the funeral director's license examination tests 2528
the applicant's knowledge through at least a comprehensive 2529
section, an Ohio laws section, and a sanitation section. 2530

(2) The minimum license examination score necessary to be 2531
licensed under section 4717.05 of the Revised Code as an 2532
embalmer or as a funeral director; 2533

(3) Procedures for determining the dates of the embalmer's 2534
and funeral director's license examinations, which shall be 2535
administered at least once each year, the time and place of each 2536
examination, and the supervision required for each examination; 2537

(4) Procedures for determining whether the board shall 2538
accept an applicant's compliance with the licensure, 2539
registration, or certification requirements of another state as 2540
grounds for granting the applicant a license under this chapter; 2541

(5) A determination of whether completion of a nationally 2542
recognized embalmer's or funeral director's examination 2543
sufficiently meets the license requirements for the 2544
comprehensive section of either the embalmer's or the funeral 2545
director's license examination administered under this chapter; 2546

(6) Continuing education requirements for licensed 2547
embalmers and funeral directors; 2548

(7) Requirements for the licensing and operation of 2549

funeral homes;	2550
(8) Requirements for the licensing and operation of	2551
embalming facilities;	2552
(9) A schedule that lists, and specifies a forfeiture	2553
commensurate with, each of the following types of conduct which,	2554
for the purposes of division (A) (9) of this section and section	2555
4717.15 of the Revised Code, are violations of this chapter:	2556
(a) Obtaining a license under this chapter by fraud or	2557
misrepresentation either in the application or in passing the	2558
required examination for the license;	2559
(b) Purposely violating any provision of sections 4717.01	2560
to 4717.15 of the Revised Code or a rule adopted under any of	2561
those sections; division (A) or (B) of section 4717.23; division	2562
(B) (1) or (2), (C) (1) or (2), (D), (E), or (F) (1) or (2), or	2563
divisions (H) to (K) of section 4717.26; division (D) (1) of	2564
section 4717.27; or divisions (A) to (C) of section 4717.28 of	2565
the Revised Code;	2566
(c) Committing unprofessional conduct;	2567
(d) Knowingly permitting an unlicensed person, other than	2568
a person serving an apprenticeship, to engage in the profession	2569
or business of embalming or funeral directing under the	2570
licensee's supervision;	2571
(e) Refusing to promptly submit the custody of a dead	2572
human body or cremated, <u>reduced, or hydrolyzed</u> remains upon the	2573
express order of the person legally entitled to the body;	2574
(f) Transferring a license to operate a funeral home,	2575
embalming facility, or crematory facility, <u>reduction facility,</u>	2576
<u>or hydrolysis facility</u> from one owner or operator to another, or	2577

from one location to another, without notifying the board and 2578
following the requirements of section 4717.11 of the Revised 2579
Code; 2580

(g) Misleading the public using false or deceptive 2581
advertising; 2582

(h) Failing to forward to the board on or before its due 2583
date the annual report of preneed funeral sales required by 2584
division (J) of section 4717.31 of the Revised Code. If the 2585
annual report is sent to the board by United States mail, it 2586
shall be postmarked on or before the due date for the submission 2587
of the annual report in order to be timely filed with the board. 2588
Mail that is not postmarked shall be considered filed on the 2589
date it is received by the board. 2590

Each instance of the commission of any of the types of 2591
conduct described in division (A) (9) of this section is a 2592
separate violation. The rules adopted under division (A) (9) of 2593
this section shall establish the amount of the forfeiture for a 2594
violation of each of those divisions. The forfeiture for a first 2595
violation shall not exceed five thousand dollars, and the 2596
forfeiture for a second or subsequent violation shall not exceed 2597
ten thousand dollars. The amount of the forfeiture may differ 2598
among the types of violations according to what the board 2599
considers the seriousness of each violation. 2600

(10) Requirements for the licensing and operation of 2601
crematory facilities; 2602

(11) Requirements for the licensing and operation of 2603
reduction facilities; 2604

(12) Requirements for the licensing and operation of 2605
hydrolysis facilities; 2606

~~(13)~~ Procedures for the board to take possession of and to 2607
arrange the lawful disposition of unclaimed cremated, reduced, 2608
or hydrolyzed remains that were held or stored at a funeral home 2609
~~or,~~ crematory, reduction facility, or hydrolysis facility that 2610
has been closed; 2611

~~(12)~~ ~~(14)~~ Procedures for the issuance of duplicate 2612
licenses; 2613

~~(13)~~ ~~(15)~~ Requirements for criminal records checks of 2614
applicants under section 4776.03 of the Revised Code; 2615

~~(14)~~ ~~(16)~~ The amount and content of corrective action 2616
courses required by the board under section 4717.14 of the 2617
Revised Code. 2618

(B) The board may adopt rules governing the educational 2619
standards for licensure as an embalmer or funeral director, or 2620
obtaining a permit to be a crematory operator, reduction 2621
facility operator, or hydrolysis facility operator, and the 2622
standards of service and practice to be followed in embalming, 2623
funeral directing, ~~and cremation,~~ natural organic reduction, and 2624
hydrolysis, and in the operation of funeral homes, embalming 2625
facilities, ~~and crematory facilities,~~ reduction facilities, and 2626
hydrolysis facilities in this state. 2627

(C) Nothing in this chapter authorizes the board of 2628
embalmers and funeral directors to regulate cemeteries, except 2629
that the board shall license and regulate funeral homes, 2630
embalming facilities, ~~and crematory facilities,~~ reduction 2631
facilities, and hydrolysis facilities located at cemeteries in 2632
accordance with this chapter. 2633

(D) If the executive director of the board has knowledge 2634
or notice of a violation of division (A) (1), (3), (5), or (6) of 2635

section 4717.13 of the Revised Code or that a person is engaging 2636
in the business or profession of funeral directing in violation 2637
of division (A) (14) of that section, the executive director 2638
shall investigate the matter, and, upon probable cause 2639
appearing, cause an attorney employed by or contracting with the 2640
board to file a complaint and prosecute the offender. When 2641
requested by the executive director, the prosecuting attorney of 2642
the proper county or the attorney general shall take charge of 2643
and conduct such prosecution. 2644

Sec. 4717.052. (A) Except as provided in division (D) of 2645
this section, any person who desires to obtain a permit as a 2646
reduction facility operator or hydrolysis facility operator 2647
shall apply to the board of embalmers and funeral directors on a 2648
form prescribed by the board. The applicant shall include with 2649
the application the initial permit fee set forth in section 2650
4717.07 of the Revised Code and evidence, verified under oath 2651
and satisfactory to the board, that the applicant satisfies both 2652
of the following requirements: 2653

(1) The applicant is at least eighteen years of age. 2654

(2) The applicant has satisfactorily completed a 2655
certification program for operating a reduction facility or 2656
hydrolysis facility, as applicable, that is approved by the 2657
board, and has presented to the board a certificate showing 2658
completion of the program. 2659

(B) If the board of embalmers and funeral directors, upon 2660
receiving satisfactory evidence, determines that the applicant 2661
satisfies all of the requirements of division (A) of this 2662
section, the board shall issue to the applicant a permit as a 2663
reduction facility operator or hydrolysis facility operator. 2664

(C) The board of embalmers and funeral directors may 2665
revoke or suspend a permit issued under this section or subject 2666
a permit holder to discipline in accordance with the laws, 2667
rules, and procedures applicable to licensees under this 2668
chapter. 2669

Sec. 4717.06. (A) (1) A licensed funeral director who 2670
desires to obtain a license to operate a funeral home, a 2671
licensed embalmer who desires to obtain a license to operate an 2672
embalming facility, ~~or~~ a holder of a crematory operator permit 2673
who desires to obtain a license to operate a crematory facility, 2674
a holder of a reduction facility operator permit who desires to 2675
operate a reduction facility, or a holder of a hydrolysis 2676
facility operator permit who desires to operate a hydrolysis 2677
facility, shall apply to the board of embalmers and funeral 2678
directors on a form prescribed by the board. The application 2679
shall include the initial license application fee set forth in 2680
section 4717.07 of the Revised Code and proof satisfactory to 2681
the board that the funeral home, embalming facility, ~~or~~ 2682
crematory facility, reduction facility, or hydrolysis facility 2683
is in compliance with rules adopted by the board under section 2684
4717.04 of the Revised Code, rules adopted by the board of 2685
building standards under Chapter 3781. of the Revised Code, and 2686
all other federal, state, and local requirements relating to the 2687
safety of the premises. 2688

(2) If the funeral home, embalming facility, ~~or~~ crematory 2689
facility, reduction facility, or hydrolysis facility to which 2690
the license application pertains is owned by a corporation or 2691
limited liability company, the application shall include the 2692
name and address of the corporation's or limited liability 2693
company's statutory agent appointed under section 1701.07 of the 2694
Revised Code, former section 1705.06 of the Revised Code as that 2695

section existed prior to February 11, 2022, or section 1706.09 2696
of the Revised Code or, in the case of a foreign corporation, 2697
the corporation's designated agent appointed under section 2698
1703.041 of the Revised Code. If the funeral home, embalming 2699
facility, ~~or~~ crematory facility, reduction facility, or 2700
hydrolysis facility to which the application pertains is owned 2701
by a partnership, the application shall include the name and 2702
address of each of the partners. If, at any time after the 2703
submission of a license application or issuance of a license, 2704
the statutory or designated agent of a corporation or limited 2705
liability company owning a funeral home, embalming facility, ~~or~~ 2706
crematory facility, reduction facility, or hydrolysis facility, 2707
or the address of the statutory or designated agent changes or, 2708
in the case of a partnership, any of the partners of the funeral 2709
home, embalming facility, ~~or~~ crematory facility, reduction 2710
facility, or hydrolysis facility, or the address of any of the 2711
partners changes, the applicant for or holder of the license to 2712
operate the funeral home, embalming facility, ~~or~~ crematory 2713
facility, reduction facility, or hydrolysis facility shall 2714
submit written notice to the board, within thirty days after the 2715
change, informing the board of the change and of any name or 2716
address of a statutory or designated agent or partner that has 2717
changed from that contained in the application for the license 2718
or the most recent notice submitted under division (A) (2) of 2719
this section. 2720

(B) (1) The board of embalmers and funeral directors shall 2721
issue a license to operate a funeral home only to a licensed 2722
funeral director who is named in the application as the funeral 2723
director actually in charge and ultimately responsible for the 2724
funeral home. The board shall issue the license only for the 2725
address at which the funeral home is physically located and 2726

operated. The funeral home license and licenses of the embalmers 2727
and funeral directors employed by the funeral home shall be 2728
displayed in a conspicuous place within the funeral home. 2729

(2) The funeral home shall have on the premises one of the 2730
following: 2731

(a) If embalming will take place at the funeral home, an 2732
embalming room that is adequately equipped and maintained. The 2733
embalming room shall be kept in a clean and sanitary manner and 2734
used only for the embalming, preparation, or holding of dead 2735
human bodies. The embalming room shall contain only the 2736
articles, facilities, and instruments necessary for those 2737
purposes. 2738

(b) If embalming will not take place at the funeral home, 2739
a holding room that is adequately equipped and maintained. The 2740
holding room shall be kept in a clean and sanitary manner and 2741
used only for the preparation, other than embalming, and holding 2742
of dead human bodies. The holding room shall contain only the 2743
articles and facilities necessary for those purposes. 2744

(3) Each funeral home shall be directly supervised by a 2745
funeral director licensed under this chapter, who may supervise 2746
more than one funeral home. 2747

(C) (1) The board shall issue a license to operate an 2748
embalming facility only to a licensed embalmer who is actually 2749
in charge of and ultimately responsible for the embalming 2750
facility. The board shall issue the license only for the address 2751
at which the embalming facility is physically located and 2752
operated. The license shall be displayed in a conspicuous place 2753
within the facility. 2754

(2) The embalming facility shall be adequately equipped 2755

and maintained in a sanitary manner. The embalming room at such 2756
a facility shall contain only the articles, facilities, and 2757
instruments necessary for its stated purpose. The embalming room 2758
shall be kept in a clean and sanitary condition and used only 2759
for the care and preparation of dead human bodies. 2760

(D) (1) The board shall issue a license to operate a 2761
crematory facility only to a crematory operator who is actually 2762
in charge and ultimately responsible for the crematory facility. 2763
The board shall issue the license only for the address at which 2764
the crematory facility is physically located and operated. The 2765
license shall be displayed in a conspicuous place within the 2766
crematory facility. 2767

(2) The crematory facility shall be adequately equipped 2768
and maintained in a clean and sanitary manner. The crematory 2769
facility may be located in a funeral home, embalming facility, 2770
reduction facility, hydrolysis facility, cemetery building, or 2771
other building in which the crematory facility may lawfully 2772
operate. If a crematory facility engages in the cremation of 2773
animals, the crematory facility shall cremate animals in a 2774
cremation chamber that also is not used to cremate dead human 2775
bodies or human body parts and shall not cremate animals in a 2776
cremation chamber used for the cremation of dead human bodies 2777
and human body parts. Cremation chambers that are used for the 2778
cremation of dead human bodies or human body parts and cremation 2779
chambers used for the cremation of animals may be located in the 2780
same area. Cremation chambers used for the cremation of animals 2781
shall have conspicuously displayed on the unit a notice that the 2782
unit is to be used for animals only. 2783

(3) A license to operate a crematory facility shall be 2784
issued to the person actually in charge of the crematory 2785

facility. This section does not require the individual who is 2786
actually in charge of the crematory facility to be an embalmer 2787
~~or, funeral director, reduction facility operator, or~~ 2788
hydrolysis facility operator licensed under this chapter. 2789

(4) Nothing in this section or rules adopted under section 2790
4717.04 of the Revised Code precludes the establishment and 2791
operation of a crematory facility on or adjacent to the property 2792
on which a cemetery, funeral home, reduction facility, 2793
hydrolysis facility, or embalming facility is located. 2794

(E) (1) The board shall issue a reduction facility license 2795
only for the address at which the reduction facility is 2796
physically located and operated. The license shall be displayed 2797
in a conspicuous place within the reduction facility. 2798

(2) The reduction facility shall be adequately equipped 2799
and maintained in a clean and sanitary manner. The reduction 2800
facility may be located in a funeral home, embalming facility, 2801
cemetery building, hydrolysis facility, crematory facility, or 2802
any other building in which the reduction facility may lawfully 2803
operate. If the reduction facility engages in natural organic 2804
reduction of animals, the reduction facility shall reduce 2805
animals in a reduction chamber that is not also used for 2806
reduction of dead human bodies or human body parts and shall not 2807
reduce animals in a reduction chamber used for the reduction of 2808
dead human bodies or human body parts. Reduction chambers that 2809
are used for the reduction of dead human bodies or human body 2810
parts and the reduction chambers used for the reduction of 2811
animals may be located in the same area. Reduction chambers used 2812
for the cremation of animals shall have conspicuously displayed 2813
on the unit a notice that the unit is to be used for animals 2814
only. 2815

(3) The board shall issue a reduction facility license 2816
only to the holder of a reduction facility operator permit 2817
issued under section 4717.052 of the Revised Code who is 2818
actually in charge and ultimately responsible for the reduction 2819
facility. This section does not require the person in charge of 2820
the reduction facility to be an embalmer or funeral director 2821
licensed under this chapter, or the holder of a crematory 2822
operator or hydrolysis facility operator permit. 2823

(4) Nothing in this chapter or rules adopted under section 2824
4717.04 of the Revised Code precludes the establishment and 2825
operation of a reduction facility on or adjacent to the property 2826
on which a cemetery, funeral home, embalming facility, 2827
hydrolysis facility, or crematory facility is located. 2828

(F) (1) The board shall issue a hydrolysis facility license 2829
only for the address at which the hydrolysis facility is 2830
physically located and operated. The license shall be displayed 2831
in a conspicuous place within the hydrolysis facility. 2832

(2) The hydrolysis facility shall be adequately equipped 2833
and maintained in a clean and sanitary manner. The hydrolysis 2834
facility may be located in a funeral home, embalming facility, 2835
cemetery building, reduction facility, crematory facility, or 2836
any other building in which the hydrolysis facility may lawfully 2837
operate. If the hydrolysis facility engages in the hydrolysis of 2838
animals, the hydrolysis facility shall hydrolyze animals in a 2839
hydrolysis chamber that is not also used for hydrolysis of dead 2840
human bodies or human body parts and shall not hydrolyze animals 2841
in a hydrolysis chamber used for the hydrolysis of dead human 2842
bodies or human body parts. Hydrolysis chambers that are used 2843
for the hydrolysis of dead human bodies or human body parts and 2844
the hydrolysis chambers used for the hydrolysis of animals may 2845

be located in the same area. Hydrolysis chambers used for the 2846
hydrolysis of animals shall have conspicuously displayed on the 2847
unit a notice that the unit is to be used for animals only. 2848

(3) The board shall issue a hydrolysis facility license 2849
only to the holder of a hydrolysis facility operator permit 2850
issued under section 4717.052 of the Revised Code who is 2851
actually in charge and ultimately responsible for the hydrolysis 2852
facility. This section does not require the person in charge of 2853
the hydrolysis facility to be an embalmer or funeral director 2854
licensed under this chapter, or the holder of a crematory 2855
operator or reduction facility operator permit. 2856

(4) Nothing in this chapter or rules adopted under section 2857
4717.04 of the Revised Code precludes the establishment and 2858
operation of a hydrolysis facility on or adjacent to the 2859
property on which a cemetery, funeral home, embalming facility, 2860
reduction facility, or crematory facility is located. 2861

Sec. 4717.07. (A) The board of embalmers and funeral 2862
directors shall charge and collect the following fees: 2863

(1) For applying for an initial or biennial renewal of an 2864
embalmer's or funeral director's license, or a reactivation of a 2865
license as described in division (G) of section 4717.05 of the 2866
Revised Code, two hundred dollars; 2867

(2) For applying for an embalmer or funeral director 2868
certificate of apprenticeship, thirty-five dollars; 2869

(3) For the application to take the examination for a 2870
license to practice as an embalmer or funeral director, or to 2871
retake a section of the examination, thirty-five dollars; 2872

(4) For applying for an initial license to operate a 2873
funeral home, four hundred dollars and biennial renewal of a 2874

license to operate a funeral home, four hundred dollars;	2875
(5) For the reinstatement of a lapsed embalmer's or	2876
funeral director's license, the renewal fee prescribed in	2877
division (A)(1) of this section plus fifty dollars for each	2878
month or portion of a month the license is lapsed, but not more	2879
than one thousand dollars;	2880
(6) For the reinstatement of a lapsed license to operate a	2881
funeral home, the renewal fee prescribed in division (A)(4) of	2882
this section plus fifty dollars for each month or portion of a	2883
month the license is lapsed until reinstatement, but not more	2884
than one thousand dollars;	2885
(7) For applying for a license to operate an embalming	2886
facility, four hundred dollars and biennial renewal of a license	2887
to operate an embalming facility, four hundred dollars;	2888
(8) For the reinstatement of a lapsed license to operate	2889
an embalming facility, the renewal fee prescribed in division	2890
(A)(7) of this section plus fifty dollars for each month or	2891
portion of a month the license is lapsed until reinstatement,	2892
but not more than one thousand dollars;	2893
(9) For applying for a license to operate a crematory	2894
facility, four hundred dollars and biennial renewal of a license	2895
to operate a crematory facility, four hundred dollars;	2896
(10) For the reinstatement of a lapsed license to operate	2897
a crematory facility, the renewal fee prescribed in division (A)	2898
(9) of this section plus fifty dollars for each month or portion	2899
of a month the license is lapsed until reinstatement, but not	2900
more than five hundred dollars;	2901
(11) For applying for the initial or biennial renewal of a	2902
crematory operator permit, one hundred fifty dollars;	2903

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

(13) For applying for a license to operate a reduction or hydrolysis facility, four hundred dollars, and biennial renewal of a license to operate a reduction or hydrolysis facility, four hundred dollars;

(14) For the reinstatement of a lapsed license to operate a reduction or hydrolysis facility, the renewal fee prescribed in division (A) (13) of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement, but not more than five hundred dollars;

(15) For applying for the initial or biennial renewal of a reduction or hydrolysis facility operator permit, one hundred fifty dollars;

(16) For the reinstatement of a lapsed reduction or hydrolysis facility operator permit, the renewal fee prescribed in division (A) (15) of this section plus fifty dollars for each month or portion of a month the permit is lapsed, but not more than five hundred dollars;

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

~~(14)~~ (18) For each preneed funeral contract sold in the state other than those funded by the assignment of an existing insurance policy, ten dollars.

(B) In addition to the fees set forth in division (A) of this section, an applicant shall pay the examination fee assessed by any examining agency the board uses for any section

of an examination required under this chapter. 2933

(C) Subject to the approval of the controlling board, the 2934
board of embalmers and funeral directors may establish fees in 2935
excess of the amounts set forth in this section, provided that 2936
these fees do not exceed the amounts set forth in this section 2937
by more than fifty per cent. 2938

Sec. 4717.08. (A) Every license and permit issued under 2939
this chapter expires on the last day of December of each even- 2940
numbered year and shall be renewed on or before that date 2941
according to the standard license renewal procedure set forth in 2942
Chapter 4745. of the Revised Code. Licenses and permits not 2943
renewed by the last day of December of each even-numbered year 2944
are lapsed. 2945

(B) A holder of a lapsed license to operate a funeral 2946
home, ~~license to operate an embalming facility, or license to~~ 2947
~~operate a crematory facility, reduction facility, or hydrolysis~~ 2948
facility, or a crematory operator, reduction facility operator, 2949
or hydrolysis facility operator permit may reinstate the license 2950
or permit with the board by paying the lapsed license fee 2951
established under section 4717.07 of the Revised Code. 2952

(C) A holder of a lapsed embalmer's or funeral director's 2953
license may reinstate the license with the board by paying the 2954
lapsed license fee established under section 4717.07 of the 2955
Revised Code, except that if the license is lapsed for more than 2956
one hundred eighty days after its expiration date, the holder 2957
also shall take and pass the Ohio laws examination for each 2958
license as a condition for reinstatement. 2959

Sec. 4717.11. (A) (1) A person who is licensed to operate a 2960
funeral home shall surrender that person's license to operate a 2961

funeral home within thirty days after a change in any of the	2962
following:	2963
(a) The location of the funeral home;	2964
(b) The person who is actually in charge and ultimately	2965
responsible for the funeral home;	2966
(c) Ownership of the funeral home business that owns the	2967
funeral home that results in a majority of the ownership of the	2968
funeral business being held by one or more persons who solely or	2969
in combination with others did not own a majority of the funeral	2970
business immediately prior to the change in ownership.	2971
(2) Within thirty days after a change described in	2972
division (A)(1) of this section occurs, the funeral director who	2973
will be actually in charge and ultimately responsible for the	2974
funeral home after the change shall apply for a new funeral home	2975
license. Upon the filing of an application for a funeral home	2976
license by a licensed funeral director, the funeral home may	2977
continue to operate until the board denies the funeral home's	2978
application.	2979
(B)(1) A person who is licensed to operate an embalming	2980
facility shall surrender that person's license to operate an	2981
embalming facility within thirty days after a change in any of	2982
the following:	2983
(a) The location of the embalming facility;	2984
(b) The person who is actually in charge and ultimately	2985
responsible for the embalming facility;	2986
(c) Ownership of the business entity that owns the	2987
embalming facility that results in a majority of the ownership	2988
of the business entity being held by one or more persons who	2989

solely or in combination with others did not own a majority of 2990
the business entity immediately prior to the change in 2991
ownership. 2992

(2) Within thirty days after a change described in 2993
division (B)(1) of this section occurs, the person who will be 2994
actually in charge and ultimately responsible for the embalming 2995
facility after the change shall apply for a new license to 2996
operate the embalming facility. Upon filing of an application 2997
for a license to operate an embalming facility by a licensed 2998
embalmer, the embalming facility may continue to operate until 2999
the board denies the embalming facility's application. 3000

(C)(1) A person who is licensed to operate a crematory 3001
facility shall surrender that person's license to operate a 3002
crematory facility within thirty days after a change in any of 3003
the following: 3004

(a) The location of the crematory facility; 3005

(b) The person who is actually in charge and ultimately 3006
responsible for the crematory facility; 3007

(c) Ownership of the business entity that owns the 3008
crematory facility that results in a majority of the ownership 3009
of the business entity being held by one or more persons who 3010
alone or in combination with others did not own a majority of 3011
the business entity immediately prior to the change in 3012
ownership. 3013

(2) Within thirty days after a change described in 3014
division (C)(1) of this section occurs, the person who will be 3015
actually in charge and ultimately responsible for the crematory 3016
facility after the change shall apply for a new license to 3017
operate the crematory facility. Upon the filing of an 3018

application for a license to operate a crematory facility by a 3019
person holding a crematory operator permit, the crematory 3020
facility may continue to operate until the board denies the 3021
crematory facility's application. 3022

~~(D)(1)~~ (D) A person who is licensed to operate a reduction 3023
or hydrolysis facility shall obtain a new license upon any 3024
change in the location of the facility or any change in the 3025
ownership of the business entity operating the facility that 3026
results in a majority of the ownership of the business entity 3027
being held by one or more persons who solely or in combination 3028
with others did not own a majority of the business entity 3029
immediately before the change in ownership. The person licensed 3030
to operate the reduction or hydrolysis facility shall surrender 3031
the current license to the board within thirty days after any 3032
such change occurs. 3033

(E)(1) The board of embalmers and funeral directors shall 3034
review applications for new licenses under section 4717.06 of 3035
the Revised Code. 3036

(2) If the board, upon receiving satisfactory evidence, 3037
determines that the applicant satisfies all of the requirements 3038
of ~~division (A), (B), (C), or (D)~~ of section 4717.06 of the 3039
Revised Code with respect to a particular funeral home, 3040
embalming facility, ~~or~~ crematory facility, reduction facility, 3041
or hydrolysis facility, the board shall issue to the applicant a 3042
new license to operate that funeral home, embalming facility, ~~or~~ 3043
crematory facility, reduction facility, or hydrolysis facility. 3044

Sec. 4717.13. (A) No person shall do any of the following: 3045

(1) Engage in the business or profession of funeral 3046
directing unless the person is licensed as a funeral director 3047

under this chapter, is certified as an apprentice funeral 3048
director in accordance with rules adopted under section 4717.04 3049
of the Revised Code and under the supervision of a funeral 3050
director licensed under this chapter, or is a student in a 3051
college of mortuary sciences approved by the board of embalmers 3052
and funeral directors and is under the direct supervision of a 3053
funeral director licensed by the board; 3054

(2) Engage in embalming unless the person is licensed as 3055
an embalmer under this chapter, is certified as an apprentice 3056
embalmer in accordance with rules adopted under section 4717.04 3057
of the Revised Code and is under the supervision of an embalmer 3058
licensed under this chapter, or is a student in a college of 3059
mortuary science approved by the board and is under the direct 3060
supervision of an embalmer licensed by the board; 3061

(3) Advertise or otherwise offer to provide or convey the 3062
impression that the person provides funeral directing services 3063
unless the person is licensed as a funeral director under this 3064
chapter and is employed by or under contract to a licensed 3065
funeral home and performs funeral directing services for that 3066
funeral home in a manner consistent with the advertisement, 3067
offering, or conveyance; 3068

(4) Advertise or otherwise offer to provide or convey the 3069
impression that the person provides embalming services unless 3070
the person is licensed as an embalmer under this chapter and is 3071
employed by or under contract to a licensed funeral home or a 3072
licensed embalming facility and performs embalming services for 3073
the funeral home or embalming facility in a manner consistent 3074
with the advertisement, offering, or conveyance; 3075

(5) Operate a funeral home without a license to operate 3076
the funeral home issued by the board under this chapter; 3077

(6) Practice the business or profession of funeral directing from any place except from a funeral home that a person is licensed to operate under this chapter;	3078 3079 3080
(7) Practice embalming from any place except from a funeral home or embalming facility that a person is licensed to operate under this chapter;	3081 3082 3083
(8) Operate a crematory <u>facility</u> or perform cremation without a license to operate the crematory <u>facility</u> issued under this chapter;	3084 3085 3086
(9) Cremate animals in a cremation chamber in which dead human bodies or body parts are cremated or cremate dead human bodies or human body parts in a cremation chamber in which animals are cremated;	3087 3088 3089 3090
(10) Hold a dead human body, before final disposition, for more than forty-eight hours after the time of death unless the dead human body is embalmed or placed into refrigeration and maintained at a constant temperature of less than forty degrees;	3091 3092 3093 3094
<u>(11) Operate a reduction facility or perform reduction without a license to operate the reduction facility issued under this chapter;</u>	3095 3096 3097
<u>(12) Reduce animals in a reduction chamber in which dead human bodies or human body parts are reduced or reduce dead human bodies or human body parts in a reduction chamber in which animals are reduced;</u>	3098 3099 3100 3101
<u>(13) Operate a hydrolysis facility or perform hydrolysis without a license to operate the hydrolysis facility issued under this chapter;</u>	3102 3103 3104
<u>(14) Hydrolyze animals in a hydrolysis chamber in which</u>	3105

dead human bodies or human body parts are hydrolyzed or 3106
hydrolyze dead human bodies or human body parts in a hydrolysis 3107
chamber in which animals are hydrolyzed. 3108

~~(11)~~ (15) Knowingly refuse to promptly submit the custody 3109
of a dead human body or cremated, reduced, or hydrolyzed remains 3110
upon the oral or written order of the person legally entitled to 3111
the body or ~~cremated~~ remains; 3112

~~(12)~~ (16) Except as ordered by the coroner or the person 3113
holding the right of disposition under section 2108.70 or 3114
2108.81 of the Revised Code, knowingly fail to carry out the 3115
final disposition of a dead human body within thirty days after 3116
taking custody of the body; 3117

~~(13)~~ (17) Engage in cremation ~~as defined in section~~ 3118
~~4717.01 of the Revised Code~~ unless the person holds a crematory 3119
operator permit under this chapter; 3120

~~(14)~~ (18) Engage in natural organic reduction unless the 3121
person holds a reduction facility operator permit under section 3122
4717.052 of the Revised Code; 3123

(19) Engage in hydrolysis unless the person holds a 3124
hydrolysis facility operator permit under section 4717.052 of 3125
the Revised Code; 3126

(20) Engage in the business or profession of funeral 3127
directing, engage in embalming, ~~or~~ operate a crematory facility 3128
or perform cremation, operate a reduction facility or perform 3129
reduction, or operate a hydrolysis facility or perform 3130
hydrolysis, with a lapsed license as defined under section 3131
4717.01 of the Revised Code. 3132

(B) No funeral director or other person in charge of the 3133
final disposition of a dead human body shall fail to do one of 3134

the following prior to the interment of the body: 3135

(1) Affix to the ankle or wrist of the deceased a tag 3136
encased in a durable and long-lasting material that contains the 3137
name, date of birth, date of death, and social security number 3138
of the deceased; 3139

(2) Place in the casket a capsule containing a tag bearing 3140
the information described in division (B) (1) of this section; 3141

(3) If the body was cremated, reduced, or hydrolyzed, 3142
place a tag bearing the information described in division (B) (1) 3143
of this section in any vessel containing either of the 3144
following: 3145

(a) All the cremated, reduced, or hydrolyzed remains; 3146

(b) More than ten cubic inches of the cremated, reduced, 3147
or hydrolyzed remains. 3148

(C) No person who holds a funeral home license for a 3149
funeral home that is closed, or that is owned by a funeral 3150
business in which changes in the ownership of the funeral 3151
business result in a majority of the ownership of the funeral 3152
business being held by one or more persons who solely or in 3153
combination with others did not own a majority of the funeral 3154
business immediately prior to the change in ownership, shall 3155
fail to submit to the board within thirty days after the closing 3156
or such change of ownership of the funeral business owning the 3157
funeral home, a clearly enumerated account of all of the 3158
following from which the licensee, at the time of the closing or 3159
change of ownership of the funeral business and in connection 3160
with the funeral home, was to receive payment for providing the 3161
funeral services, funeral goods, or any combination of those in 3162
connection with the funeral or final disposition of a dead human 3163

body:	3164
(1) Preneed funeral contracts governed by sections 4717.31 to 4717.38 of the Revised Code;	3165 3166
(2) Life insurance policies or annuities the benefits of which are payable to the provider of funeral or burial goods or services;	3167 3168 3169
(3) Accounts at banks or savings banks insured by the federal deposit insurance corporation, savings and loan associations insured by the federal savings and loan insurance corporation or the Ohio deposit guarantee fund, or credit unions insured by the national credit union administration or a credit union share guaranty corporation organized under Chapter 1761. of the Revised Code that are payable upon the death of the person for whose benefit deposits into the accounts were made.	3170 3171 3172 3173 3174 3175 3176 3177
(D) (1) No person who holds a funeral home license for a funeral home that is closed shall negligently fail to send written notice to the purchaser of every preneed funeral contract to which the funeral business is a party via first class United States mail. Such notice shall be addressed to the purchaser's last known address and shall explain that the funeral business is being closed and the name of any funeral business that has been designated to assume the obligations of the preneed contract.	3178 3179 3180 3181 3182 3183 3184 3185 3186
(2) Within thirty days of the closing of a funeral home, no person who held the funeral home license for the closed funeral home shall negligently fail to transfer all preneed contracts to the funeral home or funeral homes that have been designated to assume the obligation of the preneed contracts. If the person who holds a funeral home license for a funeral home	3187 3188 3189 3190 3191 3192

that is closed fails to designate a successor funeral home or 3193
funeral homes to assume the obligations of the preneed funeral 3194
contracts, the board shall make such designations and order the 3195
transfer of the preneed funeral contracts to the designated 3196
funeral home or funeral homes. 3197

(E) No person who holds a license under this chapter for a 3198
facility that is going out of business and that is in possession 3199
of unclaimed cremated, reduced, or hydrolyzed remains shall fail 3200
to submit to the board, within thirty days prior to the closing, 3201
a copy of the written notice required in division (F) of this 3202
section and a clearly enumerated account of all unclaimed 3203
~~cremated~~ remains in possession of the facility. 3204

(F) Within thirty days prior to the closing of a facility 3205
that is going out of business and that is in possession of 3206
unclaimed cremated, reduced, or hydrolyzed remains, the person 3207
who is actually in charge of and ultimately responsible for the 3208
facility shall send written notice via first-class mail to the 3209
last known address of the authorizing agent who executed the 3210
cremation, reduction, or hydrolysis authorization form or the 3211
person designated on the ~~cremation~~ authorization form to receive 3212
the ~~cremated~~ remains. Such notice shall include the following: 3213

(1) A statement that the funeral business is going out of 3214
business and will close; 3215

(2) The expected date of closure; 3216

(3) The manner in which the unclaimed cremated, reduced, 3217
or hydrolyzed remains will be disposed and, if applicable, the 3218
location from which the ~~cremated~~ remains can be retrieved. 3219

(G) If the person who is actually in charge of and 3220
ultimately responsible for the facility is unable to comply with 3221

divisions (F) (1) to (3) of this section and cannot locate the 3222
last known address of the authorizing agent who executed the 3223
cremation, reduction, or hydrolysis authorization form or the 3224
person designated on the ~~cremation~~-authorization form to receive 3225
the cremated, reduced, or hydrolyzed remains, the person who is 3226
actually in charge of and ultimately responsible for the 3227
facility may seek a declaratory judgment to dispose of the 3228
unclaimed ~~cremated~~-remains from the probate court in the county 3229
in which the facility is located. 3230

(H) Within thirty days prior to the closing of a facility 3231
that is going out of business, no person who held the license 3232
for the facility shall negligently fail to dispose of all 3233
unclaimed cremated, reduced, or hydrolyzed remains as designated 3234
in the written notice or, if unclaimed in excess of sixty days, 3235
in a manner consistent with section 4717.27 of the Revised Code. 3236

Sec. 4717.14. (A) The board of embalmers and funeral 3237
directors may, except as provided in division (G) of this 3238
section, refuse to grant or renew, or may suspend or revoke, any 3239
license or permit issued under this chapter or may require the 3240
holder of a license or permit to take corrective action courses 3241
for any of the following reasons: 3242

(1) The holder of a license or permit obtained the license 3243
or permit by fraud or misrepresentation either in the 3244
application or in passing the examination. 3245

(2) The licensee or permit holder has been convicted of or 3246
has pleaded guilty to a felony or of any crime involving moral 3247
turpitude. 3248

(3) The applicant, licensee, or permit holder has 3249
recklessly violated any provision of sections 4717.01 to 4717.15 3250

or a rule adopted under any of those sections; division (A) or 3251
(B) of section 4717.23; division (B) (1) or (2), (C) (1) or (2), 3252
(D), (E), or (F) (1) or (2), or divisions (H) to (K) of section 3253
4717.26; division (D) (1) of section 4717.27; or divisions (A) to 3254
(C) of section 4717.28 of the Revised Code; or any provisions of 3255
sections 4717.31 to 4717.38 of the Revised Code; any rule or 3256
order of the department of health or a board of health of a 3257
health district governing the disposition of dead human bodies; 3258
or any other rule or order applicable to the applicant or 3259
licensee. 3260

(4) The licensee or permit holder has committed immoral or 3261
unprofessional conduct. 3262

(5) The applicant or licensee knowingly permitted an 3263
unlicensed person, other than a person serving an 3264
apprenticeship, to engage in the profession or business of 3265
embalming or funeral directing under the applicant's or 3266
licensee's supervision. 3267

(6) The applicant, licensee, or permit holder has been 3268
habitually intoxicated, or is addicted to the use of morphine, 3269
cocaine, or other habit-forming or illegal drugs. 3270

(7) The applicant, licensee, or permit holder has refused 3271
to promptly submit the custody of a dead human body or cremated, 3272
reduced, or hydrolyzed remains upon the express order of the 3273
person legally entitled to the body or ~~cremated~~ remains. 3274

(8) The licensee or permit holder loaned the licensee's 3275
own license or the permit holder's own permit, or the applicant, 3276
licensee, or permit holder borrowed or used the license or 3277
permit of another person, or knowingly aided or abetted the 3278
granting of an improper license or permit. 3279

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

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

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

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

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

(2) The board shall send to the crematory, reduction, and hydrolysis facility review board written notice that it proposes to refuse to issue or renew, or proposes to suspend or revoke, a license to operate a crematory, reduction, or hydrolysis facility. If, after the conclusion of the adjudicatory hearing on the matter conducted under division (F) of section 4717.03 of the Revised Code, the board of embalmers and funeral directors finds that any of the circumstances described in divisions (A) (1) to (9) of this section apply to the person named in its proposed action, the board may issue a final order under division (F) of section 4717.03 of the Revised Code refusing to issue or renew, or suspending or revoking, the person's license

to operate a crematory, reduction, or hydrolysis facility. 3309

(C) If the board of embalmers and funeral directors 3310
determines that there is clear and convincing evidence that any 3311
of the circumstances described in divisions (A)(1) to (9) of 3312
this section apply to the holder of a license or permit issued 3313
under this chapter and that the licensee's or permit holder's 3314
continued practice presents a danger of immediate and serious 3315
harm to the public, the board may suspend the licensee's license 3316
or permit holder's permit without a prior adjudicatory hearing. 3317
The executive director of the board shall prepare written 3318
allegations for consideration by the board. 3319

The board, after reviewing the written allegations, may 3320
suspend a license or permit without a prior hearing. 3321

Notwithstanding section 121.22 of the Revised Code, the 3322
board may suspend a license or permit under this division by 3323
utilizing a telephone conference call to review the allegations 3324
and to take a vote. 3325

The board shall issue a written order of suspension by a 3326
delivery system or in person in accordance with section 119.07 3327
of the Revised Code. Such an order is not subject to suspension 3328
by the court during the pendency of any appeal filed under 3329
section 119.12 of the Revised Code. If the licensee or permit 3330
holder requests an adjudicatory hearing by the board, the date 3331
set for the hearing shall be within fifteen days, but not 3332
earlier than seven days, after the licensee or permit holder has 3333
requested a hearing, unless the board and the licensee or permit 3334
holder agree to a different time for holding the hearing. 3335

Upon issuing a written order of suspension to the holder 3336
of a license to operate a crematory, reduction, or hydrolysis 3337

facility, the board of embalmers and funeral directors shall 3338
send written notice of the issuance of the order to the 3339
crematory, reduction, and hydrolysis facility review board. The 3340
crematory, reduction, and hydrolysis facility review board shall 3341
hold an adjudicatory hearing on the order under division (F) of 3342
section 4717.03 of the Revised Code within fifteen days, but not 3343
earlier than seven days, after the issuance of the order, unless 3344
the crematory, reduction, and hydrolysis facility review board 3345
and the licensee agree to a different time for holding the 3346
adjudicatory hearing. 3347

Any summary suspension imposed under this division shall 3348
remain in effect, unless reversed on appeal, until a final 3349
adjudicatory order issued by the board of embalmers and funeral 3350
directors pursuant to this division and Chapter 119. of the 3351
Revised Code, or division (F) of section 4717.03 of the Revised 3352
Code, as applicable, becomes effective. The board of embalmers 3353
and funeral directors shall issue its final adjudicatory order 3354
within sixty days after the completion of its hearing or, in the 3355
case of the summary suspension of a license to operate a 3356
crematory, reduction, or hydrolysis facility, within sixty days 3357
after completion of the adjudicatory hearing by the crematory, 3358
reduction, and hydrolysis facility review board. A failure to 3359
issue the order within that time results in the dissolution of 3360
the summary suspension order, but does not invalidate any 3361
subsequent final adjudicatory order. 3362

(D) If the board of embalmers and funeral directors 3363
suspends or revokes a funeral director's license or a license to 3364
operate a funeral home for any reason identified in division (A) 3365
of this section, the board may file a complaint with the court 3366
of common pleas in the county where the violation occurred 3367
requesting appointment of a receiver and the sequestration of 3368

the assets of the funeral home that held the suspended or 3369
revoked license or the licensed funeral home that employs the 3370
funeral director that held the suspended or revoked license. If 3371
the court of common pleas is satisfied with the application for 3372
a receivership, the court may appoint a receiver. 3373

The board or a receiver may employ and procure whatever 3374
assistance or advice is necessary in the receivership or 3375
liquidation and distribution of the assets of the funeral home, 3376
and, for that purpose, may retain officers or employees of the 3377
funeral home as needed. All expenses of the receivership or 3378
liquidation shall be paid from the assets of the funeral home 3379
and shall be a lien on those assets, and that lien shall be a 3380
priority to any other lien. 3381

(E) Any holder of a license or permit issued under this 3382
chapter who has pleaded guilty to, has been found by a judge or 3383
jury to be guilty of, or has had a judicial finding of 3384
eligibility for treatment in lieu of conviction entered against 3385
the individual in this state for aggravated murder, murder, 3386
voluntary manslaughter, felonious assault, kidnapping, rape, 3387
sexual battery, gross sexual imposition, aggravated arson, 3388
aggravated robbery, or aggravated burglary, or who has pleaded 3389
guilty to, has been found by a judge or jury to be guilty of, or 3390
has had a judicial finding of eligibility for treatment in lieu 3391
of conviction entered against the individual in another 3392
jurisdiction for any substantially equivalent criminal offense, 3393
is hereby suspended from practice under this chapter by 3394
operation of law, and any license or permit issued to the 3395
individual under this chapter is hereby suspended by operation 3396
of law as of the date of the guilty plea, verdict or finding of 3397
guilt, or judicial finding of eligibility for treatment in lieu 3398
of conviction, regardless of whether the proceedings are brought 3399

in this state or another jurisdiction. The board shall notify 3400
the suspended individual of the suspension of the individual's 3401
license or permit by the operation of this division by a 3402
delivery system or in person in accordance with section 119.07 3403
of the Revised Code. If an individual whose license or permit is 3404
suspended under this division fails to make a timely request for 3405
an adjudicatory hearing, the board shall enter a final order 3406
revoking the license. 3407

(F) No person whose license or permit has been suspended 3408
or revoked under or by the operation of this section shall 3409
knowingly practice embalming, funeral directing, ~~or cremation,~~ 3410
reduction, or hydrolysis, or operate a funeral home, embalming 3411
facility, or crematory, reduction, or hydrolysis facility until 3412
the board has reinstated the person's license or permit. 3413

(G) The board shall not refuse to issue a license or 3414
permit to an applicant because of a conviction of or plea of 3415
guilty to a criminal offense unless the refusal is in accordance 3416
with section 9.79 of the Revised Code. 3417

Sec. 4717.15. (A) The board of embalmers and funeral 3418
directors, without the necessity for conducting a prior 3419
adjudication hearing, may issue a notice of violation to the 3420
holder of an embalmer's, funeral director's, funeral home, or 3421
embalming facility, or crematory, reduction, or hydrolysis 3422
facility license, or a crematory operator, reduction facility 3423
operator, or hydrolysis facility operator permit or a courtesy 3424
card permit issued under this chapter who the board finds has 3425
committed any of the violations described in division (A) (9) of 3426
section 4717.04 of the Revised Code. The notice shall set forth 3427
the specific violation committed by the licensee or permit 3428
holder and shall be sent by certified mail. The notice shall be 3429

accompanied by an order requiring the payment of the appropriate 3430
forfeiture prescribed in rules adopted under division (A) (9) of 3431
section 4717.04 of the Revised Code and by a notice informing 3432
the licensee or permit holder that the licensee is entitled to 3433
an adjudicatory hearing on the notice of violation and order if 3434
the licensee or permit holder requests a hearing and if the 3435
board receives the request within thirty days after the mailing 3436
of the notice of violation and order. The board shall conduct 3437
any such adjudicatory hearing in accordance with Chapter 119. of 3438
the Revised Code, except as otherwise provided in this division. 3439

A licensee or permit holder who receives a notice of 3440
violation and order under this division shall pay to the 3441
executive director of the board the full amount of the 3442
forfeiture by certified check within thirty days after the 3443
notice of violation and order were mailed to the licensee or 3444
permit holder unless, within that time, the licensee or permit 3445
holder submits a request for an adjudicatory hearing on the 3446
notice of violation and order. If such a request for an 3447
adjudicatory hearing is timely filed, the licensee or permit 3448
holder need not pay the forfeiture to the executive director 3449
until after a final, nonappealable administrative or judicial 3450
decision is rendered on the order requiring payment of the 3451
forfeiture. If a final nonappealable administrative or judicial 3452
decision is rendered affirming the board's order, the licensee 3453
or permit holder shall pay to the executive director of the 3454
board the full amount of the forfeiture by certified check 3455
within thirty days after notice of the decision was sent to the 3456
licensee. A forfeiture is considered to be paid when the 3457
licensee's or permit holder's certified check is received by the 3458
executive director in Columbus. If the licensee or permit holder 3459
fails to so pay the full amount of the forfeiture to the 3460

executive director within that time, the board shall issue an 3461
order suspending or revoking the individual's license or permit, 3462
as the board considers appropriate. 3463

(B) The board shall send to the crematory, reduction, and 3464
hydrolysis facility review board written notice that it proposes 3465
to issue to the holder of a license to operate a crematory, 3466
reduction, or hydrolysis facility issued under this chapter a 3467
notice of violation and order requiring payment of a forfeiture 3468
specified in rules adopted under division (A) (9) of section 3469
4717.04 of the Revised Code. If, after the conclusion of the 3470
adjudicatory hearing on the matter conducted under division (F) 3471
of section 4717.03 of the Revised Code, the board of embalmers 3472
and funeral directors finds that the licensee has committed any 3473
of the violations described in division (A) (9) of section 3474
4717.04 of the Revised Code in connection with the operation of 3475
a crematory, reduction, or hydrolysis facility or cremation, 3476
reduction, or hydrolysis, the board of embalmers and funeral 3477
directors may issue a final order under division (F) of section 3478
4717.03 of the Revised Code requiring payment of the appropriate 3479
forfeiture specified in rules adopted under division (A) (9) of 3480
section 4717.04 of the Revised Code. A licensee who receives 3481
such an order shall pay the full amount of the forfeiture to the 3482
executive director by certified check within thirty days after 3483
the order was sent to the licensee unless, within that time, the 3484
licensee files a notice of appeal in accordance with division 3485
(F) of section 4717.03 and section 119.12 of the Revised Code. 3486
If such a notice of appeal is timely filed, the licensee or 3487
permit holder need not pay the forfeiture to the executive 3488
director until after a final, nonappealable judicial decision is 3489
rendered in the appeal. If a final, nonappealable judicial 3490
decision is rendered affirming the board's order, the licensee 3491

or permit holder shall pay to the executive director the full 3492
amount of the forfeiture by certified check within thirty days 3493
after notice of the decision was sent to the licensee or permit 3494
holder. A forfeiture is considered paid when the licensee's or 3495
permit holder's certified check is received by the executive 3496
director in Columbus. If the licensee or permit holder fails to 3497
so pay the full amount of the forfeiture to the executive 3498
director within that time, the board shall issue an order 3499
suspending or revoking the individual's license, as the board 3500
considers appropriate. 3501

Sec. 4717.20. As used in sections 4717.20 to 4717.30 of 3502
the Revised Code: 3503

(A) "Alternative container" means a receptacle, other than 3504
a casket, in which a dead human body or body parts are 3505
transported to a crematory, reduction, or hydrolysis facility 3506
and placed in the cremation, reduction, or hydrolysis chamber 3507
for cremation, reduction, or hydrolysis, and that meets all of 3508
the following requirements: 3509

(1) Is composed of ~~readily combustible~~ materials that are 3510
suitable for cremation, reduction, or hydrolysis; 3511

(2) May be closed in order to provide a complete covering 3512
for the dead human body or body parts; 3513

(3) Is resistant to leakage or spillage; 3514

(4) Is sufficiently rigid to be handled readily; 3515

(5) Provides protection for the health and safety of 3516
crematory, reduction, or hydrolysis personnel. 3517

(B) "Authorizing agent" means the person or persons 3518
identified in section 4717.21 or 4717.22 of the Revised Code who 3519

are entitled to order the cremation, reduction, or hydrolysis of 3520
a decedent or body parts and to order the final disposition of 3521
the cremated, reduced, or hydrolyzed remains of a decedent or 3522
body parts. 3523

(C) "Body parts" means limbs or other portions of the 3524
anatomy that are removed from a living person for medical 3525
purposes during biopsy, treatment, or surgery. "Body parts" also 3526
includes dead human bodies that have been donated to science for 3527
purposes of medical education or research and any parts of such 3528
a dead human body that were removed for those purposes. 3529

(D) "Burial or burial-transit permit" means a burial 3530
permit or burial-transit permit issued under section 3705.17 of 3531
the Revised Code or the laws of another state that are 3532
substantially similar to that section. 3533

(E) "Casket" means a rigid container that is designed for 3534
the encasement of a dead human body and that is constructed of 3535
wood, metal, or another rigid material, is ornamented and lined 3536
with fabric, and may or may not be combustible. 3537

(F) "Temporary container" means a receptacle for cremated, 3538
reduced, or hydrolyzed remains composed of cardboard, plastic, 3539
metal, or another material that can be closed in a manner that 3540
prevents the leakage or spillage of the ~~cremated~~ remains and the 3541
entrance of foreign material, and that is of sufficient size to 3542
hold the ~~cremated~~ remains until they are placed in an urn or 3543
scattered. 3544

(G) "Urn" means a receptacle designed to encase cremated, 3545
reduced, or hydrolyzed remains permanently. 3546

Sec. 4717.21. (A) Any person, on an antemortem basis, may 3547
serve as the person's own authorizing agent, authorize the 3548

person's own cremation, reduction, or hydrolysis and specify the 3549
arrangements for the final disposition of the person's own 3550
cremated, reduced, or hydrolyzed remains by executing an 3551
antemortem ~~cremation~~-authorization form. A guardian, custodian, 3552
or other personal representative who is authorized by law or 3553
contract to do so on behalf of a person, on an antemortem basis, 3554
may authorize the cremation, reduction, or hydrolysis of the 3555
person and specify the arrangements for the final disposition of 3556
the person's ~~cremated~~-remains by executing an antemortem 3557
~~cremation~~-authorization form on the person's behalf. Any such 3558
antemortem ~~cremation~~-authorization form also shall be signed by 3559
one witness. The original copy of the executed authorization 3560
form shall be sent to the crematory, reduction, or hydrolysis 3561
facility being authorized to conduct the cremation, reduction, 3562
or hydrolysis and a copy shall be retained by the person who 3563
executed the authorization form. The person who executed an 3564
antemortem ~~cremation~~-authorization form may revoke the 3565
authorization at any time by providing written notice of the 3566
revocation to the crematory, reduction, or hydrolysis facility 3567
named in the authorization form. The person who executed the 3568
authorization form may transfer the authorization to another 3569
crematory, reduction, or hydrolysis facility by providing 3570
written notice to the crematory, reduction, or hydrolysis 3571
facility named in the original authorization of the revocation 3572
of the authorization and, in accordance with this division, 3573
executing a new antemortem ~~cremation~~-authorization form 3574
authorizing another crematory, reduction, or hydrolysis facility 3575
to conduct the cremation, reduction, or hydrolysis. 3576

(B) (1) Each antemortem ~~cremation~~-authorization form shall 3577
specify the final disposition that is to be made of the 3578
cremated, reduced, or hydrolyzed remains. 3579

(2) Every antemortem ~~cremation~~ authorization form entered 3580
into on or after October 12, 2006, shall specify the final 3581
disposition that is to be made of the remains and shall include 3582
a provision in substantially the following form: 3583

NOTICE: Upon the death of the person who is the subject of 3584
this antemortem ~~cremation~~ authorization, the person holding the 3585
right of disposition under section 2108.70 or 2108.81 of the 3586
Revised Code may cancel the cremation, reduction, or hydrolysis 3587
arrangements, modify the arrangements for the final disposition 3588
of the cremated, reduced, or hydrolyzed remains, or make 3589
alternative arrangements for the final disposition of the 3590
decedent's body. However, the person executing this antemortem 3591
~~cremation~~ authorization is encouraged to state his or her 3592
preferences as to the manner of final disposition in a 3593
declaration of the right of disposition pursuant to section 3594
2108.72 of the Revised Code, including that the arrangements set 3595
forth in this form shall be followed. 3596

(C) (1) Except as provided in division (C) (2) of this 3597
section, when the crematory, reduction, or hydrolysis facility 3598
is in possession of a ~~cremation~~ an authorization form that has 3599
been executed on an antemortem basis in accordance with this 3600
section, the other conditions set forth in division (A) of 3601
section 4717.23 of the Revised Code have been met, the 3602
crematory, reduction, or hydrolysis facility has possession of 3603
the decedent to which the antemortem authorization pertains, and 3604
the crematory, reduction, or hydrolysis facility has received 3605
payment for the cremation, reduction, or hydrolysis of the 3606
decedent and the final disposition of the cremated, reduced, or 3607
hydrolyzed remains of the decedent or is otherwise assured of 3608
payment for those services, the crematory, reduction, or 3609
hydrolysis facility shall cremate, reduce, or hydrolyze the 3610

decedent as directed and dispose of the ~~cremated~~ remains in 3611
accordance with the instructions contained in the antemortem 3612
~~cremation~~ authorization form. 3613

(2) A person with the right of disposition for a decedent 3614
under section 2108.70 or 2108.81 of the Revised Code who is not 3615
disqualified under section 2108.75 of the Revised Code may 3616
cancel the arrangements for the decedent's cremation, reduction, 3617
or hydrolysis, modify the arrangements for the final disposition 3618
of the decedent's cremated, reduced, or hydrolyzed remains, or 3619
make alternative arrangements for the final disposition of the 3620
decedent's body. If a person with the right takes any such 3621
action, the crematory, reduction, or hydrolysis facility shall 3622
disregard the instructions contained in the antemortem ~~cremation~~ 3623
authorization form and follow the instructions of the person 3624
with the right. 3625

(D) An antemortem ~~cremation~~ authorization form executed 3626
under division (A) of this section does not constitute a 3627
contract for conducting the cremation, reduction, or hydrolysis 3628
of the person named in the authorization form or for the final 3629
disposition of the person's cremated, reduced, or hydrolyzed 3630
remains. Despite the existence of such an antemortem ~~cremation~~ 3631
authorization, a person with the right of disposition for a 3632
decedent under section 2108.70 or 2108.81 of the Revised Code 3633
may modify, in writing, the arrangements for the final 3634
disposition of the ~~cremated~~ remains of the decedent set forth in 3635
the authorization form or may cancel the cremation, reduction, 3636
or hydrolysis and claim the decedent's body for purposes of 3637
making alternative arrangements for the final disposition of the 3638
decedent's body. The revocation of an antemortem ~~cremation~~ 3639
authorization form executed under division (A) of this section, 3640
or the cancellation of the cremation, reduction, or hydrolysis 3641

of the person named in the antemortem authorization or 3642
modification of the arrangements for the final disposition of 3643
the person's ~~cremated~~ remains as authorized by this division, 3644
does not affect the validity or enforceability of any contract 3645
entered into for the cremation, reduction, or hydrolysis of the 3646
person named in the antemortem authorization or for the final 3647
disposition of the person's ~~cremated~~ remains. 3648

(E) Nothing in this section applies to any antemortem 3649
~~cremation~~ authorization form executed prior to August 5, 1998. 3650
Any cemetery, funeral home, crematory facility, reduction 3651
facility, hydrolysis facility, or other party may specify, with 3652
the written approval of the person who executed the antemortem 3653
authorization, that such an antemortem authorization is subject 3654
to sections 4717.21 to 4717.30 of the Revised Code. 3655

Sec. 4717.22. (A) The person who has the right of 3656
disposition under section 2108.70 or 2108.81 of the Revised Code 3657
may serve as an authorizing agent for the cremation, reduction, 3658
or hydrolysis of a dead human body, including, without 3659
limitation, a dead human body that was donated to science for 3660
purposes of medical education or research. 3661

(B) If body parts were removed from a living person, the 3662
person from whom the body parts were removed or the person who 3663
has the right of disposition under section 2108.70 or 2108.81 of 3664
the Revised Code may serve as the authorizing agent for the 3665
cremation, reduction, or hydrolysis of the body parts. 3666

(C) If body parts were removed from a decedent whose body 3667
was donated to science for purposes of medical education or 3668
research, the person who has the right of disposition under 3669
section 2108.70 or 2108.81 of the Revised Code may serve as the 3670
authorizing agent for the cremation, reduction, or hydrolysis of 3671

the body parts. In the absence of any action by the person with 3672
the right of disposition with respect to the cremation, 3673
reduction, or hydrolysis of such body parts, the medical 3674
education or research facility to which the decedent's body was 3675
donated may serve as the authorizing agent for the cremation, 3676
reduction, or hydrolysis of such parts. 3677

Sec. 4717.23. (A) No crematory, reduction facility, or 3678
hydrolysis facility operator or crematory, reduction, or 3679
hydrolysis facility shall cremate, reduce, or hydrolyze or allow 3680
the cremation, reduction, or hydrolysis of a dead human body, 3681
other than one that was donated to science for purposes of 3682
medical education or research, until all of the following have 3683
occurred: 3684

(1) A period of at least twenty-four hours has elapsed 3685
since the decedent's death as indicated on a complete, 3686
nonprovisional death certificate filed under section 3705.16 of 3687
the Revised Code or under the laws of another state that are 3688
substantially equivalent to that section, unless, if the 3689
decedent died from a virulent communicable disease, the 3690
department of health or board of health having territorial 3691
jurisdiction where the death of the decedent occurred requires 3692
by rule or order the cremation or hydrolysis to occur prior to 3693
the end of that period; 3694

(2) The crematory, reduction, or hydrolysis facility has 3695
received a burial or burial-transit permit that authorizes the 3696
cremation, reduction, or hydrolysis of the decedent; 3697

(3) The crematory, reduction, or hydrolysis facility has 3698
received a completed cremation, reduction, or hydrolysis 3699
authorization form executed pursuant to section 4717.21 or 3700
4717.24 of the Revised Code, as applicable, that authorizes the 3701

cremation, reduction, or hydrolysis of the decedent. A blank 3702
~~cremation~~ authorization form shall be provided by the crematory, 3703
reduction, or hydrolysis facility and shall comply with section 3704
4717.24 of the Revised Code and, if applicable, section 4717.21 3705
of the Revised Code. 3706

(4) The crematory, reduction, or hydrolysis facility has 3707
received any other documentation required by this state or a 3708
political subdivision of this state. 3709

(B) No crematory, reduction facility, or hydrolysis 3710
facility operator or crematory, reduction, or hydrolysis 3711
facility shall cremate, reduce, or hydrolyze or allow the 3712
cremation, reduction, or hydrolysis of any body parts, 3713
including, without limitation, dead human bodies that were 3714
donated to science for purposes of medical research or 3715
education, at a crematory, reduction, or hydrolysis facility 3716
licensed to operate in this state until both of the following 3717
have occurred: 3718

(1) The crematory, reduction, or hydrolysis facility has 3719
received a completed cremation, reduction, or hydrolysis 3720
authorization form executed pursuant to section 4717.25 of the 3721
Revised Code or, if the decedent has executed an antemortem 3722
~~cremation~~ authorization form in accordance with section 4717.21 3723
of the Revised Code and has donated the decedent's body to 3724
science for purposes of medical education or research, such an 3725
antemortem ~~cremation~~ authorization form; 3726

(2) The crematory, reduction, or hydrolysis facility has 3727
received any other documentation required by this state or a 3728
political subdivision of this state. 3729

Sec. 4717.24. (A) A cremation, reduction, or hydrolysis 3730

authorization form authorizing the cremation, reduction, or 3731
hydrolysis of a dead human body, other than one that was donated 3732
to science for purposes of medical education or research, shall 3733
include at least all of the following information and 3734
statements: 3735

(1) A statement that the decedent has been identified in 3736
accordance with division (B) of this section; 3737

(2) The name of the funeral director or other individual 3738
who obtained the burial or burial-transit permit authorizing the 3739
cremation, reduction, or hydrolysis of the decedent; 3740

(3) The name of the authorizing agent and the relationship 3741
of the authorizing agent to the decedent; 3742

(4) A statement that the authorizing agent in fact has the 3743
right to authorize cremation, reduction, or hydrolysis of the 3744
decedent and that the authorizing agent does not have actual 3745
knowledge of the existence of any living person who has a 3746
superior priority right to act as the authorizing agent under 3747
section 4717.22 of the Revised Code. If the person executing the 3748
cremation, reduction, or hydrolysis authorization form knows of 3749
another living person who has such a superior priority right, 3750
the authorization form shall include a statement indicating that 3751
the person executing the authorization form has made reasonable 3752
efforts to contact the person having the superior priority right 3753
and has been unable to do so and that the person executing the 3754
authorization form has no reason to believe that the person 3755
having the superior priority right would object to the 3756
cremation, reduction, or hydrolysis of the decedent. 3757

(5) A statement of whether the authorizing agent has 3758
actual knowledge of the presence in the decedent of a pacemaker, 3759

defibrillator, or any other mechanical or radioactive device or 3760
implant that poses a hazard to the health or safety of personnel 3761
performing the cremation, reduction, or hydrolysis; 3762

(6) A statement indicating the crematory, reduction, or 3763
hydrolysis facility is to cremate, reduce, or hydrolyze the 3764
casket or alternative container in which the decedent was 3765
delivered to or accepted by the crematory, reduction, or 3766
hydrolysis facility; 3767

(7) A statement of whether the crematory, reduction, or 3768
hydrolysis facility is authorized to simultaneously cremate, 3769
reduce, or hydrolyze the decedent in the same cremation, 3770
reduction, or hydrolysis chamber with one or more other 3771
decedents who were related to the decedent named in the 3772
cremation, reduction, or hydrolysis authorization form by 3773
consanguinity or affinity or who, at any time during the one- 3774
year period preceding the decedent's death, lived with the 3775
decedent in a common law marital relationship or otherwise 3776
cohabited with the decedent. ~~A cremation~~ An authorization form 3777
executed under this section shall not authorize the simultaneous 3778
cremation, reduction, or hydrolysis of a decedent in the same 3779
~~cremation~~ chamber with one or more other decedents except under 3780
the circumstances described in the immediately preceding 3781
sentence. 3782

(8) The names of any persons designated by the authorizing 3783
agent to be present in the holding facility or cremation ~~room,~~ 3784
reduction, or hydrolysis area prior to or during the cremation, 3785
reduction, or hydrolysis of the decedent or during the removal 3786
of the cremated, reduced, or hydrolyzed remains from the 3787
cremation, reduction, or hydrolysis chamber; 3788

(9) The authorization for the crematory, reduction, or 3789

hydrolysis facility to cremate, reduce, or hydrolyze the 3790
decedent and to process or pulverize the cremated, reduced, or 3791
hydrolyzed remains as is the practice at the particular 3792
crematory, reduction, or hydrolysis facility; 3793

(10) A statement of whether it is the crematory, 3794
reduction, or hydrolysis facility's practice to return all of 3795
the residue removed from the cremation, reduction, or hydrolysis 3796
chamber following the cremation, reduction, or hydrolysis or to 3797
separate and remove foreign matter from the residue before 3798
returning the cremated, reduced, or hydrolyzed remains to the 3799
authorizing agent or the person designated on the authorization 3800
form to receive the ~~cremated~~ remains pursuant to division (A) 3801
(11) of this section; 3802

(11) The name of the person who is to receive the 3803
cremated, reduced, or hydrolyzed remains of the decedent from 3804
the crematory, reduction, or hydrolysis facility; 3805

(12) The manner in which the final disposition of the 3806
cremated, reduced, or hydrolyzed remains of the decedent is to 3807
occur, if known. If the cremation, reduction, or hydrolysis 3808
authorization form does not specify the manner of the final 3809
disposition of the ~~cremated~~ remains, it shall indicate that the 3810
~~cremated~~ remains will be held by the crematory, reduction, or 3811
hydrolysis facility for thirty days after the cremation, 3812
reduction, or hydrolysis, unless, prior to the end of that 3813
period, they are picked up from the crematory, reduction, or 3814
hydrolysis facility by the person designated on the ~~ereamation~~ 3815
authorization form to receive them, the authorizing agent, or, 3816
if applicable, the funeral director who obtained the burial or 3817
burial-transit permit for the decedent, or are delivered or 3818
shipped by the crematory, reduction, or hydrolysis facility to 3819

one of those persons. The authorization form shall indicate that 3820
if no instructions for the final disposition are provided on the 3821
authorization form and that if no arrangements for final 3822
disposition have been made within the thirty-day period, the 3823
crematory, reduction, or hydrolysis facility may return the 3824
~~cremated~~ remains to the authorizing agent. The authorization 3825
form shall further indicate that if no arrangements for the 3826
final disposition of the ~~cremated~~ remains have been made within 3827
sixty days after the completion of the cremation, reduction, or 3828
hydrolysis and if the authorizing agent has not picked them up 3829
or caused them to be picked up within that period, the 3830
crematory, reduction facility, or hydrolysis facility operator 3831
or crematory, reduction, or hydrolysis facility may dispose of 3832
them in accordance with division (C) of section 4717.27 of the 3833
Revised Code. 3834

(13) A listing of the items of value to be delivered to 3835
the crematory, reduction, or hydrolysis facility along with the 3836
dead human body, if any, and instructions regarding how those 3837
items are to be handled; 3838

(14) A statement of whether the authorizing agent has made 3839
arrangements for any type of viewing of the decedent or for a 3840
service with the decedent present prior to the cremation, 3841
reduction, or hydrolysis and, if so, the date, time, and place 3842
of the service; 3843

(15) A statement of whether the crematory, reduction, or 3844
hydrolysis facility may proceed with the cremation, reduction, 3845
or hydrolysis at any time after the conditions set forth in 3846
division (A) of section 4717.23 of the Revised Code have been 3847
met and the decedent has been received at the facility; 3848

(16) The certification of the authorizing agent to the 3849

effect that all of the information and statements contained in 3850
the authorization form are accurate; 3851

(17) The signature of the authorizing agent and the 3852
signature of at least one witness who observed the authorizing 3853
agent execute the cremation, reduction, or hydrolysis 3854
authorization form. 3855

(B) In making the identification of the decedent required 3856
by division (A) (1) of this section, the funeral home arranging 3857
the cremation, reduction, or hydrolysis shall require the 3858
authorizing agent or the agent's appointed representative to 3859
visually identify the decedent's remains or a photograph or 3860
other visual image of the remains. If identification is by 3861
photograph or other visual image, the authorizing agent or 3862
representative shall sign the photograph or other visual image. 3863
If visual identification is not feasible, other positive 3864
identification of the decedent may be used including, but not 3865
limited to, reliance upon an identification made through the 3866
coroner's office or identification of photographs or other 3867
visual images of scars, tattoos, or physical deformities taken 3868
from the decedent's remains. 3869

(C) An authorizing agent who is not available to execute a 3870
cremation, reduction, or hydrolysis authorization form in person 3871
may designate another individual to serve as the authorizing 3872
agent by providing to the crematory, reduction, or hydrolysis 3873
facility where the cremation, reduction, or hydrolysis is to 3874
occur a written designation, signed by the authorizing agent and 3875
by a witness who observed the authorizing agent execute the 3876
designation, authorizing that other individual to serve as the 3877
authorizing agent. Any such written designation shall contain 3878
the name of the decedent, the name and address of the 3879

authorizing agent, the relationship of the authorizing agent to 3880
the decedent, and the name and address of the individual who is 3881
being designated to serve as the authorizing agent. Upon 3882
receiving such a written designation, the operator shall permit 3883
the individual named in the written designation to serve as the 3884
authorizing agent and to execute the ~~cremation~~ authorization 3885
form authorizing the cremation, reduction, or hydrolysis of the 3886
decedent named in the written designation. 3887

(D) An authorizing agent who signs a cremation, reduction, 3888
or hydrolysis authorization form under this section is hereby 3889
deemed to warrant the accuracy of the information and statements 3890
contained in such authorization form, including the 3891
identification of the decedent and the agent's authority to 3892
authorize the cremation, reduction, or hydrolysis. A funeral 3893
home and its employees are not responsible for verifying the 3894
accuracy of any information or statements the authorizing agent 3895
made on the authorization form, unless the funeral home or its 3896
employees have actual knowledge to the contrary regarding any 3897
such information or statement. When delivering the decedent's 3898
remains to a crematory, reduction, or hydrolysis facility or in 3899
carrying out the disposition in its own facility, the funeral 3900
home is responsible for having the decedent identified pursuant 3901
to division (B) of this section and carrying out the obligations 3902
imposed on the funeral home by division (B) of section 4717.29 3903
of the Revised Code. 3904

(E) At any time after executing a cremation, reduction, or 3905
hydrolysis authorization form and prior to the beginning of the 3906
cremation, reduction, or hydrolysis process, the authorizing 3907
agent who executed the ~~cremation~~ authorization form under 3908
division (A) or (C) of this section may, in writing, modify the 3909
arrangements for the final disposition of the cremated, reduced, 3910

or hydrolyzed remains of the decedent set forth in the 3911
authorization form or may, in writing, revoke the authorization, 3912
cancel the cremation, reduction, or hydrolysis, and claim the 3913
decedent's body for purposes of making alternative arrangements 3914
for the final disposition of the decedent's body. The crematory, 3915
reduction, or hydrolysis facility shall cancel the cremation, 3916
reduction, or hydrolysis if the crematory, reduction, or 3917
hydrolysis facility receives such a revocation before beginning 3918
the cremation, reduction, or hydrolysis. 3919

(F) A cremation, reduction, or hydrolysis authorization 3920
form executed under this section does not constitute a contract 3921
for conducting the cremation, reduction, or hydrolysis of the 3922
decedent named in the authorization form or for the final 3923
disposition of the cremated, reduced, or hydrolyzed remains of 3924
the decedent. The revocation of ~~a cremation~~ an authorization 3925
form or modification of the arrangements for the final 3926
disposition of the ~~cremated~~ remains of the decedent pursuant to 3927
division (E) of this section does not affect the validity or 3928
enforceability of any contract for the cremation, reduction, or 3929
hydrolysis of the decedent named in the authorization form or 3930
for the final disposition of the ~~cremated~~ remains of the 3931
decedent. 3932

Sec. 4717.25. (A) A cremation, reduction, or hydrolysis 3933
authorization form authorizing the cremation, reduction, or 3934
hydrolysis of any body parts, including, without limitation, 3935
dead human bodies that were donated to science for purposes of 3936
medical education or research shall include at least all of the 3937
following information and statements, as applicable: 3938

(1) The identity of the decedent whose body was donated to 3939
science for purposes of medical education or research or the 3940

identity of the living person or such a decedent from whom the 3941
body parts were removed; 3942

(2) The name of the authorizing agent and the relationship 3943
of the authorizing agent to the decedent or the living person 3944
from whom the body parts were removed; 3945

(3) A statement that the authorizing agent in fact has the 3946
right to authorize the cremation, reduction, or hydrolysis of 3947
the decedent or the body parts removed from the decedent or 3948
living person and a description of the basis of the person's 3949
right to execute the cremation, reduction, or hydrolysis 3950
authorization form; 3951

(4) A statement of whether the crematory, reduction, or 3952
hydrolysis facility is authorized to simultaneously cremate, 3953
reduce, or hydrolyze the decedent or body parts removed from the 3954
decedent or living person with one or more other decedents whose 3955
bodies were donated to science for purposes of medical education 3956
or research or with body parts removed from one or more other 3957
decedents or living persons; 3958

(5) The authorization for the crematory, reduction, or 3959
hydrolysis facility to cremate, reduce, or hydrolyze the 3960
decedent or body parts removed from the decedent or living 3961
person and to process or pulverize the cremated, reduced, or 3962
hydrolyzed remains as is the practice at the particular 3963
crematory, reduction, or hydrolysis facility; 3964

(6) A statement of whether it is the crematory, reduction, 3965
or hydrolysis facility's practice to return all of the residue 3966
removed from the cremation, reduction, or hydrolysis chamber 3967
following the cremation, reduction, or hydrolysis or to separate 3968
and remove foreign matter from the residue before returning the 3969

cremated, reduced, or hydrolyzed remains to the authorizing 3970
agent or the authorizing agent's designee; 3971

(7) The name of the person who is to receive the cremated, 3972
reduced, or hydrolyzed remains from the crematory, reduction, or 3973
hydrolysis facility; 3974

(8) The manner in which the final disposition of the 3975
cremated, reduced, or hydrolyzed remains is to occur, if known. 3976
If the cremation, reduction, or hydrolysis authorization form 3977
does not specify the manner of the final disposition of the 3978
~~cremated~~ remains, it shall indicate that the ~~cremated~~ remains 3979
will be held by the crematory, reduction, or hydrolysis facility 3980
for thirty days after the cremation, reduction, or hydrolysis, 3981
unless, prior to the end of that period, they are picked up from 3982
the crematory, reduction, or hydrolysis facility by the person 3983
designated on the authorization form to receive them or by the 3984
authorizing agent, or are delivered or shipped by the crematory, 3985
reduction, or hydrolysis facility to one of those persons. The 3986
authorization form shall indicate that if no instructions for 3987
the final disposition of the ~~cremated~~ remains are provided on 3988
the authorization form and that if no arrangements for final 3989
disposition have been made within the thirty-day period, the 3990
crematory, reduction, or hydrolysis facility may return the 3991
~~cremated~~ remains to the authorizing agent. The authorization 3992
form shall further indicate that if no arrangements for the 3993
final disposition of the ~~cremated~~ remains have been made within 3994
sixty days after the cremation, reduction, or hydrolysis and if 3995
the authorizing agent or person designated on the authorization 3996
form to receive the ~~cremated~~ remains has not picked them up or 3997
caused them to be picked up within that period, the crematory, 3998
reduction facility, or hydrolysis facility operator or the 3999
crematory, reduction, or hydrolysis facility may dispose of them 4000

in accordance with division (C) (1) or (2) of section 4717.27 of 4001
the Revised Code. 4002

(9) The certification of the authorizing agent to the 4003
effect that all of the information and statements contained in 4004
the authorization form are accurate. 4005

(B) An authorizing agent who signs a cremation, reduction, 4006
or hydrolysis authorization form under this section is hereby 4007
deemed to warrant the accuracy of the information and statements 4008
contained in the authorization form, including the person's 4009
authority to authorize the cremation, reduction, or hydrolysis. 4010

(C) At any time after executing a cremation, reduction, or 4011
hydrolysis authorization form and prior to the beginning of the 4012
cremation, reduction, or hydrolysis process, an authorizing 4013
agent who executed ~~a cremation~~ an authorization form under this 4014
section may, in writing, revoke the authorization, cancel the 4015
cremation, reduction, or hydrolysis, and claim the decedent's 4016
body or the body parts for purposes of making alternative 4017
arrangements for the final disposition of the decedent's body or 4018
the body parts. The crematory, reduction, or hydrolysis facility 4019
shall cancel the cremation, reduction, or hydrolysis if the 4020
crematory, reduction, or hydrolysis facility receives such a 4021
revocation before beginning the cremation, reduction, or 4022
hydrolysis. 4023

(D) A cremation, reduction, or hydrolysis authorization 4024
form executed under this section does not constitute a contract 4025
for conducting the cremation, reduction, or hydrolysis of the 4026
decedent named in the authorization form or body parts removed 4027
from the decedent or living person named in the form or for the 4028
final disposition of the cremated, reduced, or hydrolyzed 4029
remains of the decedent or body parts. The revocation of ~~a~~ 4030

~~cremation~~ an authorization form or modification of the 4031
arrangements for the final disposition of the ~~cremated~~ remains 4032
of the decedent or the body parts pursuant to division (C) of 4033
this section does not affect the validity or enforceability of 4034
any contract for the cremation, reduction, or hydrolysis of the 4035
decedent named in the authorization form, the cremation, 4036
reduction, or hydrolysis of body parts from the decedent or 4037
living person named in the authorization form, or the final 4038
disposition of the ~~cremated~~ remains of the decedent or body 4039
parts. 4040

Sec. 4717.26. (A) The crematory, reduction, or hydrolysis 4041
facility may schedule the time for the cremation, reduction, or 4042
hydrolysis of a dead human body to occur at the crematory, 4043
reduction, or hydrolysis facility's own convenience at any time 4044
after the conditions set forth in division (A) or (B) of section 4045
4717.23 of the Revised Code, as applicable, have been met and 4046
the decedent or body parts have been delivered to the facility, 4047
unless, in the case of a dead human body, the crematory, 4048
reduction, or hydrolysis facility has received specific 4049
instructions to the contrary on the cremation, reduction, or 4050
hydrolysis authorization form authorizing the cremation, 4051
reduction, or hydrolysis of the decedent executed under section 4052
4717.21, 4717.24, or 4717.25 of the Revised Code. The crematory, 4053
reduction, or hydrolysis facility becomes responsible for a dead 4054
human body or body parts when the body or body parts have been 4055
delivered to or accepted by the facility or an employee or agent 4056
of the facility. 4057

(B) No crematory operator or crematory, reduction, or 4058
hydrolysis facility shall fail to do either of the following: 4059

(1) Upon receipt at the crematory, reduction, or 4060

hydrolysis facility of any dead human body that has not been 4061
embalmed, and subject to the prohibition set forth in division 4062
(C) (1) of this section, place the body in a holding or 4063
refrigerated facility at the crematory, reduction, or hydrolysis 4064
facility and keep the body in the holding or refrigerated 4065
facility until near the time the cremation, reduction, or 4066
hydrolysis process commences or until the body is held at the 4067
facility for eight hours or longer. If the body is held for 4068
eight hours or longer, place the body in a refrigerated facility 4069
at the crematory, reduction, or hydrolysis facility and keep the 4070
body in the refrigerated facility until near the time the 4071
cremation, reduction, or hydrolysis process commences; 4072

(2) Upon receipt of any dead human body that has been 4073
embalmed, place the body in a holding facility at the crematory, 4074
reduction, or hydrolysis facility and keep the body in the 4075
holding facility until the cremation, reduction, or hydrolysis 4076
process commences. 4077

(C) No crematory, reduction facility, or hydrolysis 4078
facility operator or crematory, reduction, or hydrolysis 4079
facility shall do either of the following, unless the 4080
instructions contained in the cremation, reduction, or 4081
hydrolysis authorization form authorizing the cremation, 4082
reduction, or hydrolysis of the decedent executed under section 4083
4717.21, 4717.24, or 4717.25 of the Revised Code specifically 4084
provide otherwise: 4085

(1) Remove any dead human body from the casket or 4086
alternative container in which the body was delivered to or 4087
accepted by the crematory, reduction, or hydrolysis facility; 4088

(2) Fail to cremate, reduce, or hydrolyze the casket or 4089
alternative container in which the body was delivered or 4090

accepted, in its entirety with the body. 4091

(D) No crematory, reduction, or hydrolysis facility shall 4092
simultaneously cremate, reduce, or hydrolyze more than one 4093
decedent or body parts removed from more than one decedent or 4094
living person in the same cremation, reduction, or hydrolysis 4095
chamber unless the cremation, reduction, or hydrolysis 4096
authorization forms executed under section 4717.21, 4717.24, or 4097
4717.25 of the Revised Code authorizing the cremation, 4098
reduction, or hydrolysis of each of the decedents or body parts 4099
removed from each decedent or living person specifically 4100
authorize such a simultaneous cremation, reduction, or 4101
hydrolysis. This division does not prohibit the use of 4102
cremation, reduction, or hydrolysis equipment that contains more 4103
than one cremation, reduction, or hydrolysis chamber. 4104

(E) No crematory, reduction, or hydrolysis facility shall 4105
permit any persons other than employees of the crematory, 4106
reduction, or hydrolysis facility, the authorizing agent for the 4107
cremation, reduction, or hydrolysis of the decedent who is to 4108
be, is being, or was cremated, reduced, or hydrolyzed, persons 4109
designated to be present at the cremation, reduced, or 4110
hydrolyzed of the decedent on the cremation, reduction, or 4111
hydrolysis authorization form executed under section 4717.21 or 4112
4717.24 of the Revised Code, and persons authorized by the 4113
individual who is actually in charge of the crematory, 4114
reduction, or hydrolysis facility, to be present in the holding 4115
facility or cremation-~~room~~, reduction, or hydrolysis area while 4116
any dead human bodies or body parts are being held there prior 4117
to cremation, reduction, or hydrolysis or are being cremated, 4118
reduced, or hydrolyzed or while any cremated, reduced, or 4119
hydrolyzed remains are being removed from the cremation, 4120
reduction, or hydrolysis chamber. 4121

(F) (1) No crematory, reduction, or hydrolysis facility 4122
shall remove any dental gold, body parts, organs, or other items 4123
of value from a dead human body prior to the cremation, 4124
reduction, or hydrolysis or from the cremated, reduced, or 4125
hydrolyzed remains after cremation, reduction, or hydrolysis 4126
unless the cremation, reduction, or hydrolysis authorization 4127
form authorizing the cremation, reduction, or hydrolysis of the 4128
decedent executed under section 4717.21 or 4717.24 of the 4129
Revised Code specifically authorizes the removal thereof. 4130

(2) No crematory, reduction, or hydrolysis facility that 4131
removes any dental gold, body parts, organs, or other items from 4132
a dead human body or assists in such removal shall charge a fee 4133
for doing so that exceeds the actual cost to the crematory, 4134
reduction, or hydrolysis facility for performing or assisting in 4135
the removal. 4136

(G) Upon the completion of each cremation, reduction, or 4137
hydrolysis, the crematory, reduction, or hydrolysis facility 4138
shall remove from the cremation, reduction, or hydrolysis 4139
chamber all of the cremation, reduction, or hydrolysis residue 4140
that is practicably recoverable. If the cremation, reduction, or 4141
hydrolysis authorization form executed under section 4717.21, 4142
4717.24, or 4717.25 of the Revised Code specifies that the 4143
cremated, reduced, or hydrolyzed remains are to be placed in an 4144
urn, the crematory, reduction, or hydrolysis facility shall 4145
place them in the type of urn specified on the authorization 4146
form. If the authorization form does not specify that the 4147
~~cremated~~ remains are to be placed in an urn, the crematory, 4148
reduction, or hydrolysis facility shall place them in a 4149
temporary container. If not all of the recovered ~~cremated~~ 4150
remains will fit in the urn selected or the temporary container, 4151
the crematory, reduction, or hydrolysis facility shall place the 4152

remainder in a separate temporary container, and the ~~cremated~~ 4153
remains placed in the separate temporary container shall be 4154
delivered, released, or disposed of along with those in the urn 4155
or other temporary container. Nothing in this section requires a 4156
crematory, reduction, or hydrolysis facility to recover any 4157
specified quantity or quality of ~~cremated~~ remains upon the 4158
completion of a cremation, reduction, or hydrolysis, but only 4159
requires a crematory, reduction, or hydrolysis facility to 4160
recover from the ~~cremation~~-chamber all of the ~~cremation~~-residue 4161
that is practicably recoverable. 4162

(H) No crematory, reduction, or hydrolysis facility shall 4163
knowingly represent to an authorizing agent or a designee of an 4164
authorizing agent that an urn or temporary container contains 4165
the recovered cremated, reduced, or hydrolyzed remains of a 4166
specific decedent or of body parts removed from a specific 4167
decedent or living person when it does not. This division does 4168
not prohibit the making of such a representation because of the 4169
presence in the recovered ~~cremated~~ remains of de minimus amounts 4170
of the ~~cremated~~ remains of another decedent or of body parts 4171
removed from another decedent or living person that were not 4172
practicably recoverable and that remained in the cremation, 4173
reduction, or hydrolysis chamber after the ~~cremated~~ remains from 4174
previous cremations, reductions, or hydrolyses were removed. 4175

(I) No crematory, reduction, or hydrolysis facility or 4176
funeral director shall ship or cause to be shipped any cremated, 4177
reduced, or hydrolyzed remains by a class or method of mail, 4178
common carrier service, or delivery service that does not have 4179
an internal system for tracing the location of the ~~cremated~~ 4180
remains during shipment and that does not require a signed 4181
receipt from the person accepting delivery of the ~~cremated~~ 4182
remains. 4183

(J) No crematory, reduction, or hydrolysis facility shall 4184
fail to establish and maintain a system for accurately 4185
identifying each dead human body in the facility's possession, 4186
and for identifying each decedent or living person from which 4187
body parts in the facility's possession were removed, throughout 4188
all phases of the holding ~~and~~, cremation, reduction, or 4189
hydrolysis process. 4190

(K) No crematory, reduction, or hydrolysis facility shall 4191
knowingly use or allow the use of the same cremation, reduction, 4192
or hydrolysis chamber for the cremation, reduction, or 4193
hydrolysis of dead human bodies, or human body parts, and 4194
animals. 4195

Sec. 4717.27. (A) The authorizing agent who executed the 4196
cremation, reduction, or hydrolysis authorization form 4197
authorizing the cremation, reduction, or hydrolysis of a 4198
decedent under section 4717.24 of the Revised Code or the 4199
cremation, reduction, or hydrolysis of body parts under section 4200
4717.25 of the Revised Code is ultimately responsible for the 4201
final disposition of the cremated, reduced, or hydrolyzed 4202
remains of the decedent or body parts. 4203

(B) If the cremation, reduction, or hydrolysis 4204
authorization form does not contain instructions for the final 4205
disposition of the cremated, reduced, or hydrolyzed remains of 4206
the decedent or body parts, if no arrangements for the 4207
disposition of the ~~cremated~~ remains are made within thirty days 4208
after the completion of the cremation, reduction, or hydrolysis, 4209
and if the ~~cremated~~ remains have not been picked up within that 4210
thirty-day period by the person designated to receive them on 4211
the authorization form or, in the absence of such a designated 4212
person, by the authorizing agent, the crematory, reduction, or 4213

hydrolysis facility or the funeral home holding the unclaimed 4214
~~cremated~~ remains, at the end of that thirty-day period, may 4215
release or deliver them in person to, or cause their delivery by 4216
a method described in division (I) of section 4717.26 of the 4217
Revised Code that is acceptable under that division to, the 4218
person designated to receive them on the ~~cremation~~ authorization 4219
form or, if no person has been so designated, to the authorizing 4220
agent. 4221

(C) (1) If the cremation, reduction, or hydrolysis 4222
authorization form does not contain instructions for the final 4223
disposition of the cremated, reduced, or hydrolyzed remains of 4224
the decedent or body parts, if no arrangements for the final 4225
disposition of the ~~cremated~~ remains are made within sixty days 4226
after the completion of the cremation, reduction, or hydrolysis, 4227
and if the ~~cremated~~ remains have not been picked up by the 4228
person designated on the authorization form to receive them or, 4229
in the absence of such a designated person, by the authorizing 4230
agent, the crematory, reduction, or hydrolysis facility or the 4231
funeral home holding the unclaimed ~~cremated~~ remains may dispose 4232
of the ~~cremated~~ remains in a grave, crypt, or niche, by 4233
scattering them in any dignified manner, including in a memorial 4234
garden, at sea, by air, or at any scattering grounds described 4235
in section 1721.21 of the Revised Code, or in any other lawful 4236
manner, at any time after the end of that sixty-day period. 4237

(2) If the cremation, reduction, or hydrolysis 4238
authorization form specifies the manner of the final disposition 4239
of the cremated, reduced, or hydrolyzed remains, or if within 4240
sixty days after the completion of the cremation, reduction, or 4241
hydrolysis the authorizing agent makes arrangements for the 4242
final disposition of the ~~cremated~~ remains, and if either the 4243
arrangements have not been carried out within that sixty-day 4244

period because of the inaction of a party other than the 4245
operator of the crematory, reduction, or hydrolysis facility or 4246
the funeral home holding the unclaimed ~~cremated~~ remains, or the 4247
authorizing agent fails to pick up the ~~cremated~~ remains within 4248
that sixty-day period, the crematory, reduction, or hydrolysis 4249
facility or the funeral home holding the unclaimed ~~cremated~~ 4250
remains may dispose of the ~~cremated~~ remains in a grave, crypt, 4251
or niche, by scattering them in any dignified manner, including 4252
in a memorial garden, at sea, by air, or at any scattering 4253
grounds described in section 1721.21 of the Revised Code, or in 4254
any other lawful manner, at any time after the end of that 4255
period. 4256

(3) If cremated, reduced, or hydrolyzed remains of a 4257
decedent who was eighteen years or older at the time of death 4258
are unclaimed under divisions (C)(1) and (2) of this section, 4259
the crematory, reduced, or hydrolysis facility or the funeral 4260
home holding the ~~cremated~~ remains shall, before disposing of the 4261
unclaimed ~~cremated~~ remains, notify the secretary of the United 4262
States department of veterans affairs of the name of, and other 4263
identifying information related to, the decedent. If, within 4264
sixty days of the notification, the secretary of the department 4265
of veterans affairs notifies the crematory, reduction, or 4266
hydrolysis facility or funeral home that the decedent was a 4267
veteran who is eligible for burial in a national cemetery under 4268
the control of the national cemetery administration and that the 4269
secretary agrees to provide for the cost of the transportation 4270
and burial of the unclaimed ~~cremated~~ remains in a national 4271
cemetery, the crematory, reduction, or hydrolysis facility or 4272
funeral home shall follow the directions of the secretary and 4273
arrange for the burial of the unclaimed remains in the national 4274
cemetery at the secretary's expense. If the secretary does not 4275

assume the right to direct the burial of the unclaimed remains 4276
within sixty days of the notification by the crematory, 4277
reduction, or hydrolysis facility or funeral home, the 4278
crematory, reduction, or hydrolysis facility or funeral home may 4279
carry out the disposition of the unclaimed remains under 4280
divisions (C) (1) and (2) of this section. 4281

(4) When cremated, reduced, or hydrolyzed remains are 4282
disposed of in accordance with division (C) (1) or (2) of this 4283
section, the authorizing agent who executed the cremation, 4284
reduction, or hydrolysis authorization form authorizing the 4285
cremation, reduction, or hydrolysis of the decedent or body 4286
parts under section 4717.24 or 4717.25 of the Revised Code is 4287
liable to the crematory, reduction, or hydrolysis facility or 4288
the funeral home for the cost of the final disposition, which 4289
cost shall not exceed the reasonable cost for disposing of the 4290
~~cremated~~ remains in a common grave or crypt in the county where 4291
the ~~cremated~~ remains were buried or placed in a grave, crypt or 4292
niche, or scattered. 4293

(D) (1) Except as provided in division (D) (2) of this 4294
section, no person shall do either of the following: 4295

(a) Dispose of the cremated, reduced, or hydrolyzed 4296
remains of a dead human body or body parts in such a manner or 4297
in such a location that the ~~cremated~~ remains are commingled with 4298
those of another decedent or body parts removed from another 4299
decedent or living person; 4300

(b) Place the cremated, reduced, or hydrolyzed remains of 4301
more than one decedent or of body parts removed from more than 4302
one decedent or living person in the same urn or temporary 4303
container. 4304

(2) Division (D) (1) of this section does not prohibit any 4305
of the following: 4306

(a) The scattering of cremated, reduced, or hydrolyzed 4307
remains at sea or by air or in a dedicated area at a cemetery 4308
used exclusively for the scattering on the ground of the 4309
~~cremated~~ remains of dead human bodies or body parts. 4310

(b) The commingling of the cremated, reduced, or 4311
hydrolyzed remains of more than one decedent or of body parts 4312
removed from more than one decedent or living person or the 4313
placement in the same urn or temporary container of the ~~cremated~~ 4314
remains of more than one decedent or of body parts removed from 4315
more than one decedent or living person when each authorizing 4316
agent who executed the cremation, reduction, or hydrolysis 4317
authorization form authorizing the cremation, reduction, or 4318
hydrolysis of each of the decedents or body parts removed from 4319
each of the decedents or living persons under section 4717.21, 4320
4717.24, or 4717.25 of the Revised Code authorized the 4321
commingling of the ~~cremated~~ remains or the placement of the 4322
~~cremated~~ remains in the same urn or temporary container on the 4323
authorization form. 4324

(c) The commingling, by the individual designated on the 4325
cremation, reduction, or hydrolysis authorization form 4326
authorizing the cremation, reduction, or hydrolysis of the 4327
decedent or body parts to receive the cremated, reduced, or 4328
hydrolyzed remains, other than a funeral director or employee of 4329
a cemetery, or by the authorizing agent who executed the 4330
~~cremation~~ authorization form, after receipt of the ~~cremated~~ 4331
remains, of the ~~cremated~~ remains with those of another decedent 4332
or of body parts removed from another decedent or living person 4333
or the placing of them by any such person in the same urn or 4334

temporary container with those of another decedent or of body 4335
parts removed from another decedent or living person. 4336

Sec. 4717.28. (A) No crematory, reduction, or hydrolysis 4337
facility shall fail to ensure that a written receipt is provided 4338
to the person who delivers a dead human body or body parts to 4339
the facility for cremation, reduction, or hydrolysis. If the 4340
dead human body is other than one that was donated to science 4341
for purposes of medical education or research, the receipt shall 4342
be signed by both a representative of the crematory, reduction, 4343
or hydrolysis facility and the person who delivered the decedent 4344
to the crematory, reduction, or hydrolysis facility and shall 4345
indicate the name of the decedent; the date and time of 4346
delivery; the type of casket or alternative container in which 4347
the decedent was delivered to the facility; the name of the 4348
person who delivered the decedent to the facility; if 4349
applicable, the name of the funeral home or other establishment 4350
with whom the delivery person is affiliated; and the name of the 4351
person who received the decedent on behalf of the facility. If 4352
the dead human body was donated to science for purposes of 4353
medical education or research, the receipt shall consist of a 4354
copy of the cremation, reduction, or hydrolysis authorization 4355
form executed under section 4717.21, 4717.24, or 4717.25 of the 4356
Revised Code that authorizes the cremation, reduction, or 4357
hydrolysis of the decedent or body parts that has been signed by 4358
both a representative of the crematory, reduction, or hydrolysis 4359
facility and the person who delivered the decedent or body parts 4360
to the crematory, reduction, or hydrolysis facility and that 4361
indicates the date and time of the delivery. The operator may 4362
provide the copy of the receipt to the person who delivered the 4363
decedent or body parts to the facility either in person or by 4364
certified mail, return receipt requested. 4365

(B) No crematory, reduction, or hydrolysis facility shall 4366
fail to ensure at the time of releasing cremated, reduced, or 4367
hydrolyzed remains that a written receipt signed by both a 4368
representative of the crematory, reduction, or hydrolysis 4369
facility and the person who received the ~~cremated~~ remains is 4370
provided to the person who received the ~~cremated~~ remains. Unless 4371
the ~~cremated~~ remains are those of a dead human body that was 4372
donated to science for purposes of medical education or research 4373
or are those of body parts, the receipt shall indicate the name 4374
of the decedent; the date and time of the release; the name of 4375
the person to whom the ~~cremated~~ remains were released; if 4376
applicable, the name of the funeral home, cemetery, or other 4377
entity to whom the ~~cremated~~ remains were released; and the name 4378
of the person who released the ~~cremated~~ remains on behalf of the 4379
crematory, reduction, or hydrolysis facility. If the ~~cremated~~ 4380
remains are those of a dead human body that was donated to 4381
science for purposes of medical education or research or are 4382
those of body parts, the receipt shall consist of a copy of the 4383
cremation, reduction, or hydrolysis authorization form executed 4384
under section 4717.21, 4717.24, or 4717.25 of the Revised Code 4385
that authorizes the cremation, reduction, or hydrolysis of the 4386
decedent or body parts that has been signed by both a 4387
representative of the crematory, reduction, or hydrolysis 4388
facility and the person who received the ~~cremated~~ remains and 4389
that indicates the date and time of the release. If the ~~cremated~~ 4390
remains were delivered to the authorizing agent or other 4391
individual designated on the ~~cremation~~ authorization form by a 4392
method described in division (I) of section 4717.26 of the 4393
Revised Code that is acceptable under that division, the receipt 4394
required by this division shall accompany the ~~cremated~~ remains, 4395
and the signature of the authorizing agent or other designated 4396
individual on the delivery receipt meets the requirement of this 4397

division that the person receiving the ~~cremated~~ remains sign the 4398
receipt provided by the crematory, reduction, or hydrolysis 4399
facility. 4400

(C) For each cremation, reduction, or hydrolysis carried 4401
out at a crematory, reduction, or hydrolysis facility, the 4402
crematory, reduction, or hydrolysis facility shall make and keep 4403
on file the following records and documents for the time period 4404
described in division (E) of this section: 4405

(1) A copy of each receipt issued upon acceptance by or 4406
delivery to the crematory, reduction, or hydrolysis facility of 4407
a dead human body under division (A) of this section; 4408

(2) A copy of each delivery receipt issued under division 4409
(B) of this section; 4410

(3) A record of each cremation, reduction, or hydrolysis 4411
conducted at the facility, containing at least the name of the 4412
decedent or, in the case of body parts, the name of the decedent 4413
or living person from whom the body parts were removed, the date 4414
and time of the cremation, reduction, or hydrolysis, and the 4415
final disposition made of the cremated, reduced, or hydrolyzed 4416
remains; 4417

(4) A separate record of the cremated, reduced, or 4418
hydrolyzed remains of each decedent or the body parts removed 4419
from each decedent or living person that were disposed of in 4420
accordance with division (C) (1) or (2) of section 4717.27 of the 4421
Revised Code, containing at least the name of the decedent, the 4422
date and time of the cremation, reduction, or hydrolysis, and 4423
the location, date, and manner of final disposition of the 4424
~~cremated~~ remains. 4425

(D) All records required to be maintained under sections 4426

4717.21 to 4717.30 of the Revised Code are subject to inspection 4427
by the board of embalmers and funeral directors or an authorized 4428
representative of the board, upon reasonable notice, at any 4429
reasonable time. 4430

(E) The documents listed in divisions (C)(1) and (2) of 4431
this section shall be retained for the shorter of the time that 4432
the crematory, reduction, or hydrolysis facility remains engaged 4433
in the business of cremating, reducing, hydrolyzing dead human 4434
bodies or body parts or ten years following the date of the 4435
cremation. The documents listed in divisions (C)(3) and (4) of 4436
this section shall be retained during the time that the 4437
crematory, reduction, or hydrolysis facility remains engaged in 4438
the business of cremating, reducing, or hydrolyzing dead human 4439
bodies or body parts. 4440

Sec. 4717.29. (A) A person executing a cremation, 4441
reduction, or hydrolysis authorization form as the authorizing 4442
agent under section 4717.24 of the Revised Code shall use 4443
diligent efforts to determine whether a pacemaker, cardiac 4444
defibrillator, or any other mechanical or radioactive device or 4445
implant is present in the decedent's body that poses a hazard to 4446
the health or safety of the personnel of the crematory, 4447
reduction, or hydrolysis facility or to the cremation, 4448
reduction, or hydrolysis chamber during the cremation, 4449
reduction, or hydrolysis process and shall indicate the presence 4450
of the device or implant on the ~~cremation~~ authorization form. If 4451
the decedent is to be delivered to the crematory, reduction, or 4452
hydrolysis facility by a funeral director, the person executing 4453
the authorization form shall inform the funeral director of the 4454
presence of the device or implant. 4455

(B) If a funeral director delivers the decedent to a 4456

crematory, reduction, or hydrolysis facility, the funeral 4457
director shall take reasonable precautions to ensure necessary 4458
actions are taken to remove a device or implant from the 4459
decedent, or to render the device or implant nonhazardous prior 4460
to delivering the decedent to the crematory, reduction, or 4461
hydrolysis facility. 4462

Sec. 4717.30. (A) A crematory, reduction, or hydrolysis 4463
facility operator, crematory, reduction, or hydrolysis facility, 4464
funeral director, or funeral home is not liable in damages in a 4465
civil action for any of the following actions or omissions, 4466
unless the actions or omissions were made with malicious 4467
purpose, in bad faith, or in a wanton or reckless manner or 4468
unless any of the conditions set forth in divisions (B) (1) to 4469
(3) of this section apply: 4470

(1) (a) For having arranged or performed the cremation, reduction, or hydrolysis of the decedent, or having released or 4471
reduction, or hydrolysis of the decedent, or having released or 4472
disposed of the cremated, reduced, or hydrolyzed remains, in 4473
accordance with the instructions set forth in the cremation, reduction, or hydrolysis authorization form executed by the 4474
reduction, or hydrolysis authorization form executed by the 4475
decedent on an antemortem basis under section 4717.21 of the 4476
Revised Code; 4477

(b) For having arranged or performed the cremation, reduction, or hydrolysis of the decedent or body parts removed 4478
reduction, or hydrolysis of the decedent or body parts removed 4479
from the decedent or living person or having released or 4480
disposed of the cremated, reduced, or hydrolyzed remains in 4481
accordance with section 4717.27 of the Revised Code or the 4482
instructions set forth in a cremation, reduction, or hydrolysis 4483
authorization form executed by the person authorized to serve as 4484
the authorizing agent for the cremation, reduction, or 4485
hydrolysis of the decedent or for the cremation, reduction, or 4486

hydrolysis of body parts of the decedent or living person, named 4487
in the ~~cremation~~-authorization form executed under section 4488
4717.24 or 4717.25 of the Revised Code. 4489

(2) For having arranged or performed the cremation, 4490
reduction, or hydrolysis of the decedent, or having released or 4491
disposed of the cremated, reduced, or hydrolyzed remains, in 4492
accordance with section 4717.27 of the Revised Code or the 4493
instructions set forth in the cremation, reduction, or 4494
hydrolysis authorization form executed by a designated agent 4495
under division (C) of section 4717.24 of the Revised Code. 4496

(B) The crematory, reduction, or hydrolysis facility 4497
operator, crematory, reduction, or hydrolysis facility, funeral 4498
director, or funeral home is not liable in damages in a civil 4499
action for refusing to accept a dead human body or body parts or 4500
to perform a cremation, reduction, or hydrolysis under any of 4501
the following circumstances, unless the refusal was made with 4502
malicious purpose, in bad faith, or in a wanton or reckless 4503
manner: 4504

(1) The crematory, reduction, or hydrolysis facility 4505
operator, crematory, reduction, or hydrolysis facility, funeral 4506
director, or funeral home has actual knowledge that there is a 4507
dispute regarding the cremation, reduction, or hydrolysis of the 4508
decedent or body parts, until such time as the crematory, 4509
reduction, or hydrolysis facility operator, crematory, 4510
reduction, or hydrolysis facility, funeral director, or funeral 4511
home receives an order of the probate court having jurisdiction 4512
ordering the cremation, reduction, or hydrolysis of the decedent 4513
or body parts or until the crematory, reduction, or hydrolysis 4514
facility operator, crematory, reduction, or hydrolysis facility, 4515
funeral director, or funeral home receives from the parties to 4516

the dispute a copy of a written agreement resolving the dispute 4517
and authorizing the cremation, reduction, or hydrolysis to be 4518
performed. 4519

(2) The crematory, reduction, or hydrolysis facility 4520
operator, crematory, reduction, or hydrolysis facility, funeral 4521
director, or funeral home has a reasonable basis for questioning 4522
the accuracy of any of the information or statements contained 4523
in a cremation, reduction, or hydrolysis authorization form 4524
executed under section 4717.21, 4717.24, or 4717.25 of the 4525
Revised Code, as applicable, that authorizes the cremation, 4526
reduction, or hydrolysis of the decedent or body parts. 4527

(3) The crematory, reduction, or hydrolysis facility 4528
operator, crematory, reduction, or hydrolysis facility, funeral 4529
director, or funeral home has any other lawful reason for 4530
refusing to accept the dead human body or body parts or to 4531
perform the cremation, reduction, or hydrolysis. 4532

(C) A crematory, reduction, or hydrolysis facility 4533
operator, crematory, reduction, or hydrolysis facility, funeral 4534
director, or funeral home is not liable in damages in a civil 4535
action for refusing to release or dispose of the cremated, 4536
reduced, or hydrolyzed remains of a decedent or body parts when 4537
the crematory, reduction, or hydrolysis facility operator, 4538
crematory, reduction, or hydrolysis facility, funeral director, 4539
or funeral home has actual knowledge that there is a dispute 4540
regarding the release or final disposition of the ~~cremated~~ 4541
remains in connection with any damages sustained, prior to the 4542
time the crematory, reduction, or hydrolysis facility operator, 4543
crematory, reduction, or hydrolysis facility, funeral home, or 4544
funeral director receives an order of the probate court having 4545
jurisdiction ordering the release or final disposition of the 4546

~~cremated~~ remains, or prior to the time the crematory, reduction, 4547
or hydrolysis facility operator, crematory, reduction, or 4548
hydrolysis facility, funeral director, or funeral home receives 4549
from the parties to the dispute a copy of a written agreement 4550
resolving the dispute and authorizing the cremation, reduction, 4551
or hydrolysis to be performed. 4552

(D) A crematory, reduction, or hydrolysis facility 4553
operator, crematory, reduction, or hydrolysis facility, funeral 4554
director, or funeral home is not liable in damages in a civil 4555
action in connection with the cremation, reduction, or 4556
hydrolysis of, or disposition of the cremated, reduced, or 4557
hydrolyzed remains of, any dental gold, jewelry, or other items 4558
of value delivered to the crematory, reduction, or hydrolysis 4559
facility or funeral home with a dead human body or body parts, 4560
unless either or both of the following apply: 4561

(1) The cremation, reduction, or hydrolysis authorization 4562
form authorizing the cremation, reduction, or hydrolysis of the 4563
decedent or body parts executed under section 4717.21, 4717.24, 4564
or 4717.25 of the Revised Code, as applicable, contains specific 4565
instructions for the removal or recovery and disposition of any 4566
such dental gold, jewelry, or other items of value prior to the 4567
cremation, reduction, or hydrolysis and the crematory, 4568
reduction, or hydrolysis facility operator, crematory, 4569
reduction, or hydrolysis facility, funeral director, or funeral 4570
home has failed to comply with the written instructions. 4571

(2) The actions or omissions of the crematory, reduction, 4572
or hydrolysis facility operator, crematory, reduction, or 4573
hydrolysis facility, funeral director, or funeral home were made 4574
with malicious purpose, in bad faith, or in a wanton or reckless 4575
manner. 4576

(E) (1) This section does not create a new cause of action 4577
against or substantive legal right against a crematory, 4578
reduction, or hydrolysis facility operator, crematory, 4579
reduction, or hydrolysis facility, funeral director, or funeral 4580
home. 4581

(2) This section does not affect any immunities from civil 4582
liability or defenses established by another section of the 4583
Revised Code or available at common law to which a crematory, 4584
reduction, or hydrolysis facility operator, crematory, 4585
reduction, or hydrolysis facility, funeral director, or funeral 4586
home may be entitled under circumstances not covered by this 4587
section. 4588

Sec. 4717.36. (A) This section applies only to preneed 4589
funeral contracts that are funded by any means other than an 4590
insurance policy or policies, or an annuity or annuities. 4591

No money in a preneed funeral contract trust shall be 4592
distributed from the trust except as provided in this section. 4593

(B) A seller of a preneed funeral contract that stipulates 4594
a fixed or firm or guaranteed price for funeral services and 4595
funeral goods to be provided under a preneed funeral contract 4596
may charge an initial service fee not to exceed ten per cent of 4597
the total amount of all payments to be paid under the preneed 4598
funeral contract for such guaranteed price funeral services and 4599
funeral goods. If the amount to be paid by the purchaser is to 4600
be paid in installments, the seller may collect the initial 4601
service fee only after all of the installments have been paid. 4602

(C) (1) Except for the following, all payments made by the 4603
purchaser of a preneed funeral contract shall be made in the 4604
form of a check, cashier's check, money order, or debit or 4605

credit card, payable only to the trustee of the preneed funeral contract trust or to the trustee's designated depository: 4606
4607

(a) The initial service fee permitted by division (B) of this section; 4608
4609

(b) The fee collected under division ~~(A) (14)~~ (A) (18) of section 4717.07 of the Revised Code; 4610
4611

(c) Any applicable sales tax. 4612

(2) If the purchaser makes payment in the form of a check made payable to the seller, the seller may, within five business days of receiving the check, sign over and forward the check to the trustee or the trustee's designated depository. 4613
4614
4615
4616

(3) Within thirty days of the seller receiving any form of payment made payable to the trustee or the trustee's designee, the seller shall remit the payment to the trustee or the trustee's designee unless the purchaser rescinds the preneed funeral contract in accordance with division (A) of section 4717.34 of the Revised Code. The funds deposited with the trustee shall remain intact and held in trust for the contract beneficiary. 4617
4618
4619
4620
4621
4622
4623
4624

(D) The seller shall establish a preneed funeral contract trust at one of the following types of institutions and shall designate that institution as the trustee of the preneed funeral contract trust: 4625
4626
4627
4628

(1) A trust company licensed under Chapter 1111. of the Revised Code; 4629
4630

(2) A national bank, federal savings bank, or federal savings association that pledges securities in accordance with section 1111.04 of the Revised Code; 4631
4632
4633

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

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

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

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

(G) If the purchaser of a preneed funeral contract that is revocable elects to cancel the contract, the purchaser shall 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 4664
purchaser may cancel the contract. Upon canceling a preneed 4665
funeral contract pursuant to this division, one of the following 4666
shall occur, as applicable: 4667

(1) If the preneed funeral contract does not stipulate a 4668
firm or fixed or guaranteed price for funeral goods and funeral 4669
services to be provided under the preneed funeral contract, the 4670
trustee shall give to the purchaser all of the assets of the 4671
trust that exist at the time of cancellation, less any fees 4672
charged, distributions paid, and expenses incurred by the 4673
trustee pursuant to division (F) of this section. 4674

(2) If the preneed funeral contract does stipulate a firm 4675
or fixed or guaranteed price for funeral goods and funeral 4676
services to be provided under the contract, the purchaser may 4677
request and receive from the trustee all of the assets of the 4678
trust at the time of cancellation, less a cancellation fee that 4679
the original seller may collect from the trustee that is equal 4680
to or less than ten per cent of the value of the assets of the 4681
trust on the date the trust is cancelled, provided, however, 4682
that to the extent the original seller took an initial service 4683
fee as permitted by division (B) of this section, the aggregate 4684
amount of the cancellation fee and the initial service fee may 4685
not exceed ten per cent of the value of those assets. In 4686
addition to any cancellation fee, there may also be deducted any 4687
fees charged, distributions paid, and expenses incurred by the 4688
trustee pursuant to division (F) of this section. 4689

If more than one purchaser enters into the contract, all 4690
of those purchasers must request cancellation of the contract 4691
for it to be effective under this division, and the trustee 4692
shall refund to each purchaser only those funds that purchaser 4693

has paid under the contract and any income earned on those funds 4694
in an amount that is in direct proportion to the amount of funds 4695
that purchaser paid relative to the total amount of payments 4696
deposited in that trust, less any fees charged, distributions 4697
paid, and expenses incurred by the trustee pursuant to division 4698
(F) of this section, the amount of which are in direct 4699
proportion to the amount of funds that purchaser paid relative 4700
to the total amount of payments deposited in that trust. 4701

(H) The purchaser of a preneed funeral contract that is 4702
irrevocable may transfer the preneed funeral contract to a 4703
successor seller. A purchaser who elects to make such a transfer 4704
shall provide a written notice of the designation of a successor 4705
seller to the trustee and the original seller. Within fifteen 4706
days after receiving the written notice of the new designation 4707
from the purchaser, the trustee shall list the successor seller 4708
as the seller of the preneed funeral contract and the original 4709
seller shall relinquish and transfer all rights under the 4710
preneed funeral contract to the successor seller. The trustee 4711
shall confirm the transfer by providing written notice of the 4712
transfer to the original seller, the successor seller, and the 4713
purchaser. If the preneed funeral contract stipulates a firm or 4714
fixed or guaranteed price for the funeral goods and funeral 4715
services to be provided under the preneed funeral contract, the 4716
original seller may collect from the trustee a transfer fee from 4717
the trust that equals up to ten per cent of the value of the 4718
assets of the trust on the date the trust is transferred, 4719
provided, however, that to the extent the original seller took 4720
an initial service fee as permitted by division (B) of this 4721
section, the aggregate amount of the transfer fee and the 4722
initial service fee may not exceed ten per cent of the value of 4723
those assets. If the preneed funeral contract does not stipulate 4724

a firm or fixed or guaranteed price for funeral goods and 4725
funeral services to be provided under the preneed funeral 4726
contract, no transfer fee shall be collected by the original 4727
seller. 4728

(I) If a seller of a preneed funeral contract elects to 4729
transfer a preneed funeral contract trust from an institution 4730
listed in divisions (D) (1) to (3) of this section to a different 4731
institution, the trustee of the original trust shall notify the 4732
purchaser of the preneed funeral contract of that transfer in 4733
writing within thirty days after the transfer occurred and shall 4734
provide the purchaser with the name of and the contact 4735
information for the institution where the new trust is 4736
maintained. Upon receipt of the trust, the trustee of the 4737
transferred trust shall notify the purchaser of the receipt of 4738
the trusts in accordance with division (A) of section 4717.33 of 4739
the Revised Code. 4740

(J) (1) If a seller receives a notice that the contract 4741
beneficiary has died and that funeral goods and funeral services 4742
have been provided by a provider other than the seller, the 4743
seller shall direct the trustee, within thirty days after 4744
receiving that notice, to pay to the provider that provided the 4745
funeral goods and services, if still unpaid, all funds held by 4746
the trustee, less any fees charged, distributions paid, and 4747
expenses incurred by the trustee pursuant to division (F) of 4748
this section. 4749

(2) If the provider has already been paid for providing 4750
the funeral goods and funeral services to the contract 4751
beneficiary, the seller shall direct the trustee to pay to the 4752
estate of the contract beneficiary or, if no estate has been 4753
opened, to any person with the right of disposition under 4754

section 2108.81 of the Revised Code all funds held by the trustee, less any fees charged, distributions paid, and expenses incurred by the trustee pursuant to division (F) of this section. The trustee shall make a reasonable attempt to pay the estate or person with the right of disposition within one hundred eighty days of receipt of notice that the contract beneficiary has died. If the trustee is unable to make payment within one hundred eighty days, the trustee shall report and remit the funds to the director of commerce pursuant to Chapter 169. of the Revised Code.

(3) In the event the preneed funeral contract stipulates a firm or fixed or guaranteed price for funeral goods and funeral services that were to be provided under the preneed funeral contract, the seller may collect from the trustee a cancellation fee not exceeding ten per cent of the value of the assets of the trust on the date the trust is transferred, 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 transfer fee and the initial service fee shall not exceed ten per cent of the value of those assets. If the preneed funeral trust does not stipulate a firm or fixed or guaranteed price for funeral goods and funeral services to be provided under the preneed funeral contract, no cancellation fees shall be collected by the original seller.

(K) A certified copy of the certificate of death or other evidence of death satisfactory to the trustee shall be furnished to the trustee as evidence of death, and the trustee shall promptly pay the accumulated payments and income, if any, according to the preneed funeral contract. Such payment of the accumulated payments and income pursuant to this section and, when applicable, the preneed funeral contract, relieves the

trustee of any further liability on the accumulated payments and 4786
income. 4787

If, after a preneed funeral contract has been performed 4788
and paid for by the proceeds of a preneed trust fund, there are 4789
excess funds that the purchaser previously assigned by a written 4790
contract to the seller to pay for preneed funeral services or 4791
funeral goods for other individuals, the trustee holding such 4792
excess funds shall pay those funds directly to the seller, and 4793
the seller shall deposit the funds into a trust or purchase 4794
insurance or annuity policies to fund additional preneed funeral 4795
contracts. 4796

Sec. 4717.41. (A) There is hereby created the preneed 4797
recovery fund, which shall be in the custody of the treasurer of 4798
state but shall not be part of the state treasury. All fees 4799
collected under division ~~(A) (14)~~ (A) (18) of section 4717.07 of 4800
the Revised Code shall be deposited into the fund. The fund 4801
shall be used to reimburse purchasers of preneed funeral 4802
contracts who have suffered financial loss as a result of the 4803
malfeasance, misfeasance, default, failure, or insolvency in 4804
connection with the sale of a preneed funeral contract by any 4805
licensee under this chapter, regardless of whether the sale of 4806
such contract occurred before or after the establishment of the 4807
fund. The fund, and all investment earnings thereon, shall only 4808
be used for the purposes set forth in this section and shall not 4809
be used for any other purposes. The fund shall be administered 4810
by the board of embalmers and funeral directors. 4811

(B) All fees collected under division ~~(A) (14)~~ (A) (18) of 4812
section 4717.07 of the Revised Code shall be deposited into the 4813
fund. Deposits to and disbursements from the fund account shall 4814
be subject to rules established by the board. 4815

(C) If at the end of any fiscal year for this state, the
balance in the fund exceeds two million dollars, the fee
required by division ~~(A) (14)~~ (A) (18) of section 4717.07 of the
Revised Code for the upcoming fiscal year shall be reduced by
fifty per cent. If the balance in the fund at the end of a
fiscal year exceeds three million dollars, the payment of the
fee required by division ~~(A) (14)~~ (A) (18) of section 4717.07 of
the Revised Code shall be suspended for the upcoming fiscal
year.

(D) The board shall adopt rules governing management of
the fund, the presentation and processing of applications for
reimbursement, subrogation, or assignment of the rights of any
reimbursed applicant.

(E) The board may expend moneys in the fund for the
following purposes:

(1) To make reimbursements on approved applications;

(2) To purchase insurance to cover losses as considered
appropriate by the board and not inconsistent with the purposes
of the fund;

(3) To invest such portions of the fund as are not
currently needed to reimburse losses and maintain adequate
reserves, as are permitted to be made by fiduciaries under the
laws of this state;

(4) To pay the expenses of the board for administering the
fund, including employment of local counsel to prosecute
subrogation claims.

(F) Reimbursements from the fund shall be made only to the
extent to which those losses are not bonded or otherwise
covered, protected, or reimbursed and only after the applicant

has complied with all applicable rules of the board. 4845

(G) The board shall investigate all applications made and 4846
may reject or allow such claims in whole or in part to the 4847
extent that moneys are available in the fund. The board shall 4848
have complete discretion to determine the order and manner of 4849
payment of approved applications. All payments shall be a matter 4850
of privilege and not of right, and no person shall have any 4851
right in the fund as a third-party beneficiary or otherwise. No 4852
attorney may be compensated by the board for prosecuting an 4853
application for reimbursement. 4854

(H) If reimbursement is made to an applicant under this 4855
section, the board shall be subrogated in the reimbursement 4856
amount and may bring any action it considers advisable against 4857
any person. The board may enforce any claims it may have for 4858
restitution or otherwise and may employ and compensate 4859
consultants, agents, legal counsel, accountants, and other 4860
persons it considers appropriate. 4861

Sec. 4767.05. (A) There is hereby created the Ohio 4862
cemetery dispute resolution commission, which shall consist of 4863
nine members to be appointed by the governor with the advice and 4864
consent of the senate as follows: 4865

(1) One member shall be the management authority of a 4866
municipal, township, or union cemetery and shall be selected 4867
from a list of four names submitted to the governor. Two of the 4868
four names shall be submitted by the Ohio township association 4869
and two names shall be submitted by the Ohio municipal league. 4870

(2) Four members shall be individuals employed in a 4871
management position by a cemetery company or cemetery 4872
association selected from a list of names submitted to the 4873

governor by the Ohio cemetery association. 4874

(3) Two members shall be employed in a management position 4875
by a cemetery that is owned or operated by a religious, 4876
fraternal, or benevolent society and shall be selected from a 4877
list of four names submitted by the Ohio cemetery association. 4878

(4) Two members, at least one of whom shall be at least 4879
sixty-five years of age, shall be representatives of the public 4880
with no financial interest in the death care industry. 4881

Each member of the commission, except for the two members 4882
who represent the public, shall, at the time of appointment, 4883
have had a minimum of five consecutive years of experience in 4884
the active administration and management of a cemetery in this 4885
state. 4886

(B) Within ninety days after July 1, 1993, the governor 4887
shall make initial appointments to the commission. Of the 4888
initial appointments, two shall be for terms ending July 1, 4889
1994, two shall be for terms ending July 1, 1995, two shall be 4890
for terms ending July 1, 1996, and three shall be for terms 4891
ending July 1, 1997. Thereafter, terms of office shall be for 4892
four years, with each term ending on the same day of the same 4893
month as did the term that it succeeds. Each member shall hold 4894
office from the date of appointment until the end of the term 4895
for which the member was appointed. Vacancies shall be filled in 4896
the manner provided for original appointments, with each 4897
appointee, other than a representative of the public, being 4898
appointed from a list of two names submitted to the governor by 4899
the association or organization that was required to nominate 4900
candidates for initial appointment to the position that has 4901
become vacant. Any member appointed to fill a vacancy occurring 4902
prior to the expiration date of the term for which the member's 4903

predecessor was appointed shall hold office for the remainder of 4904
that term. A member shall continue in office subsequent to the 4905
expiration date of the member's term until the member's 4906
successor takes office or until a period of sixty days has 4907
elapsed, whichever occurs first. No person shall serve as a 4908
member of the commission for more than two consecutive terms, 4909
excluding any term served to fill an initial appointment to a 4910
term of less than four years or an unexpired term caused by a 4911
vacancy. 4912

(C) The commission annually shall elect from among its 4913
members a chairperson, vice-chairperson, and secretary, each of 4914
whom shall serve a term of one year in that office. The 4915
commission shall meet at least four times a year. Additional 4916
meetings may be called by the chairperson, or by the vice- 4917
chairperson when the chairperson is disabled, or by a majority 4918
of the members of the commission. A majority of the members 4919
constitutes a quorum to transact and vote on business of the 4920
commission. 4921

The chairperson or vice-chairperson may: 4922

(1) Administer oaths; 4923

(2) Issue subpoenas; 4924

(3) Summon witnesses; 4925

(4) Compel the production of books, papers, records, and 4926
other forms of evidence; 4927

(5) Fix the time and place for hearing any matter related 4928
to compliance with sections 1721.19, 1721.20, 1721.21, 1721.211, 4929
4735.02, 4767.02, and 4767.09 of the Revised Code. 4930

The chairperson shall designate three members of the 4931

commission to serve on the crematory, reduction, and hydrolysis 4932
facility review board in accordance with section 4717.03 of the 4933
Revised Code for such time as the chairperson finds appropriate. 4934
Members designated to serve on the crematory, reduction, and 4935
hydrolysis facility review board shall perform all functions 4936
necessary to carry out the duties of the board as described in 4937
section 4717.03 of the Revised Code. Members who serve on the 4938
crematory, reduction, and hydrolysis facility review board shall 4939
receive no compensation for such service. 4940

(D) Before entering upon the duties of office, each member 4941
of the commission shall take the oath pursuant to section 3.22 4942
of the Revised Code. The governor may remove any member for 4943
misconduct, neglect of duty, incapacity, or malfeasance in 4944
accordance with section 3.04 of the Revised Code. 4945

(E) Members of the commission shall receive no 4946
compensation but shall be reimbursed for their actual and 4947
necessary expenses incurred in the performance of their duties 4948
as members of the commission. 4949

(F) The division of real estate in the department of 4950
commerce shall provide the commission with meeting space, staff 4951
services, and other technical assistance required by the 4952
commission in carrying out its duties pursuant to sections 4953
4767.05 to 4767.08 of the Revised Code. 4954

Sec. 5120.45. The state shall bear the expense of the 4955
burial ~~or~~, cremation, reduction, or hydrolysis of an inmate who 4956
dies in a state correctional institution, if the body is not 4957
claimed for interment ~~or~~, cremation, reduction, or hydrolysis 4958
at the expense of friends or relatives, or is not delivered for 4959
anatomical purposes or for the study of embalming in accordance 4960
with section 1713.34 of the Revised Code. When the expense is 4961

borne by the state, interment of the person or the person's 4962
cremated, reduced, or hydrolyzed remains shall be in the 4963
institution cemetery or other place provided by the state. The 4964
managing officer of the institution shall provide at the grave 4965
of the person or, if the person's ~~cremated~~ remains are buried, 4966
at the grave of the person's ~~cremated~~ remains, a metal, stone, 4967
or concrete marker on which shall be inscribed the name and age 4968
of the person and the date of death. 4969

Sec. 5121.11. The state shall bear the expense of the 4970
burial ~~or~~, cremation, reduction, or hydrolysis of an indigent 4971
resident who dies in a state institution operated by the 4972
department of developmental disabilities under section 5123.03 4973
of the Revised Code or in a state correctional institution if 4974
the body is not claimed for interment ~~or~~, cremation, reduction, 4975
or hydrolysis at the expense of friends or relatives or is not 4976
delivered for anatomical purposes or for the study of embalming 4977
in accordance with section 1713.34 of the Revised Code. The 4978
managing officer of the institution shall provide at the grave 4979
of the person or, if the person's cremated, reduced, or 4980
hydrolyzed remains are buried, at the grave of the person's 4981
~~cremated~~ remains, a metal, stone, or concrete marker on which 4982
shall be inscribed the name and age of the person and the date 4983
of death. 4984

Sec. 5121.53. The state shall bear the expense of the 4985
burial ~~or~~, cremation, reduction, or hydrolysis of an indigent 4986
patient who dies in a hospital if the body is not claimed for 4987
interment ~~or~~, cremation, reduction, or hydrolysis at the 4988
expense of friends or relatives, or is not delivered for 4989
anatomical purposes or for the study of embalming in accordance 4990
with section 1713.34 of the Revised Code. The managing officer 4991
of the hospital shall provide at the grave of the patient or, if 4992

the patient's cremated, reduced, or hydrolyzed remains are 4993
buried, at the grave of the patient's ~~cremated~~ remains, a metal, 4994
stone, or concrete marker on which shall be inscribed the name 4995
and age of the patient and the date of death. 4996

Sec. 5901.25. The board of county commissioners shall 4997
require the veterans service commission, upon application and 4998
with the approval of the family or friends of the deceased, to 4999
contract, at a fair and reasonable price, with the funeral 5000
director selected by the family or friends, and cause to be 5001
interred ~~or,~~ cremated, reduced, or hydrolyzed in a decent and 5002
respectable manner the body of any veteran, or the parent, 5003
spouse, or surviving spouse of any such veteran, who dies 5004
without the means to defray the necessary funeral ~~or,~~ 5005
cremation, reduction, or hydrolysis expenses. Such a burial may 5006
be made in any cemetery or burial ground within the state, other 5007
than those used exclusively for the burial of paupers and 5008
criminals. 5009

Sec. 5901.26. Pursuant to section 5901.25 of the Revised 5010
Code, the veterans service commission shall use the forms of 5011
contracts prescribed by sections 5901.25 to 5901.32 of the 5012
Revised Code, and abide by the regulations provided by such 5013
sections. The commission shall see that funeral directors 5014
furnish all items specified in the contract, that when the 5015
benefits of such sections are claimed the entire amount to be 5016
contributed by the county toward the cost of the burial ~~or,~~ 5017
cremation, reduction, or hydrolysis shall not exceed the sum of 5018
one thousand dollars, and that any remaining costs are paid by 5019
the family or friends of the deceased. 5020

Sec. 5901.27. Before assuming the charge and expense of 5021
any burial ~~or,~~ cremation, reduction, or hydrolysis, the 5022

veterans service commission, pursuant to section 5901.25 of the Revised Code, shall satisfy itself, beyond a reasonable doubt, by careful inquiry, that the family of the deceased is unable, for want of means, to defray the expenses of the burial ~~or,~~ cremation, reduction, or hydrolysis, or that the family may be deprived of means actually necessary for its immediate support. Thereupon the commission shall cause the deceased to be buried ~~or,~~ cremated, reduced, or hydrolyzed and make a report thereof to the board of county commissioners. The report shall set forth that the commission found the family of the deceased person in indigent circumstances and unable to pay the expenses of burial ~~or,~~ cremation, reduction, or hydrolysis. The report shall also set forth the name of the deceased, the rank and command to which the deceased belonged if a veteran, the date of death, the place of burial or disposition made of the person's cremated, reduced, or hydrolyzed remains, the occupation while living, and an accurate itemized statement of the expenses incurred by reason of the burial ~~or,~~ cremation, reduction, or hydrolysis.

Sec. 5901.29. The funeral director employed to perform the service described by section 5901.25 of the Revised Code shall use the blanks provided by this section, specifying what the funeral director is to furnish for the service. The contract shall be signed by the funeral director and a copy thereof left with the veterans service commission with which it is made. Such contract shall read as follows:

"I _____, funeral director, residing at _____ hereby agree to furnish the following items for the burial ~~or,~~ cremation, reduction, or hydrolysis (circle one) of _____, who resided at _____, and died _____, _____, which shall consist of:

- (A) One casket, nicely covered with a good quality of black cloth, lined with a good quality of white satin or other material, and trimmed on the outside with handles of a fair quality in keeping with the casket;
- (B) One burial robe of a good quality of material;
- (C) One plain box appropriate for receiving the coffin or urn containing cremated, reduced, or hydrolyzed remains inside the grave;
- (D) Payment for digging the grave, in the place designated by the friends of the deceased or as otherwise provided, and for filling the grave in a proper manner;
- (E) Furnishing a funeral car for conveying the remains to the place of burial ~~or crematory, cremation, reduction, or~~ hydrolysis;
- (F) Preparing the body for burial when so requested;
- (G) Furnishing necessary transportation for the use of the family, friends, and pallbearers, which people shall be returned to their respective homes or to the place where the funeral services were held;
- (H) Furnishing a decent, respectable funeral, for the sum of _____ dollars."
- Sec. 5901.32.** Upon securing the report and statement of expenses as provided by section 5901.27 of the Revised Code, the board of county commissioners shall transcribe in a book to be kept for that purpose, all the facts contained in the report concerning a deceased veteran, and shall certify the expenses thus incurred to the county auditor, who shall draw a warrant for those expenses upon the county treasurer, to be paid from

the county fund to such persons as are designated by the board. 5081
Upon the death of any indigent veteran residing within the 5082
county at the time of death and the burial of the indigent 5083
veteran or the indigent veteran's cremated, reduced, or 5084
hydrolyzed remains, the board shall make application to the 5085
proper authorities, under the United States government, for a 5086
suitable headstone, as provided by act of congress, and shall 5087
cause it to be placed at the grave of the deceased veteran or 5088
the deceased veteran's ~~cremated~~ remains. 5089

Section 2. That existing sections 9.15, 313.12, 759.01, 5090
1713.36, 1721.06, 1721.18, 1721.21, 2108.15, 2108.70, 2108.72, 5091
2108.75, 2108.82, 2108.83, 2108.84, 2108.85, 2108.86, 2108.87, 5092
2111.13, 2743.51, 2925.01, 3705.01, 3705.17, 3705.18, 3705.19, 5093
3705.20, 3707.19, 4511.451, 4717.01, 4717.03, 4717.04, 4717.06, 5094
4717.07, 4717.08, 4717.11, 4717.13, 4717.14, 4717.15, 4717.20, 5095
4717.21, 4717.22, 4717.23, 4717.24, 4717.25, 4717.26, 4717.27, 5096
4717.28, 4717.29, 4717.30, 4717.36, 4717.41, 4767.05, 5120.45, 5097
5121.11, 5121.53, 5901.25, 5901.26, 5901.27, 5901.29, and 5098
5901.32 of the Revised Code are hereby repealed. 5099

Section 3. That the version of section 4717.07 of the 5100
Revised Code that is scheduled to take effect December 29, 2023, 5101
be amended to read as follows: 5102

Sec. 4717.07. (A) The board of embalmers and funeral 5103
directors shall charge and collect the following fees: 5104

(1) For applying for an initial or biennial renewal of an 5105
embalmer's or funeral director's license, or a reactivation of a 5106
license as described in division (H) of section 4717.05 of the 5107
Revised Code, two hundred dollars; 5108

(2) For applying for an embalmer or funeral director 5109

certificate of apprenticeship, thirty-five dollars; 5110

(3) For the application to take the examination for a 5111
license to practice as an embalmer or funeral director, or to 5112
retake a section of the examination, thirty-five dollars; 5113

(4) For applying for an initial license to operate a 5114
funeral home, four hundred dollars and biennial renewal of a 5115
license to operate a funeral home, four hundred dollars; 5116

(5) For the reinstatement of a lapsed embalmer's or 5117
funeral director's license, the renewal fee prescribed in 5118
division (A)(1) of this section plus fifty dollars for each 5119
month or portion of a month the license is lapsed, but not more 5120
than one thousand dollars; 5121

(6) For the reinstatement of a lapsed license to operate a 5122
funeral home, the renewal fee prescribed in division (A)(4) of 5123
this section plus fifty dollars for each month or portion of a 5124
month the license is lapsed until reinstatement, but not more 5125
than one thousand dollars; 5126

(7) For applying for a license to operate an embalming 5127
facility, four hundred dollars and biennial renewal of a license 5128
to operate an embalming facility, four hundred dollars; 5129

(8) For the reinstatement of a lapsed license to operate 5130
an embalming facility, the renewal fee prescribed in division 5131
(A)(7) of this section plus fifty dollars for each month or 5132
portion of a month the license is lapsed until reinstatement, 5133
but not more than one thousand dollars; 5134

(9) For applying for a license to operate a crematory 5135
facility, four hundred dollars and biennial renewal of a license 5136
to operate a crematory facility, four hundred dollars; 5137

(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 of a month the license is lapsed until reinstatement, but not more than five hundred dollars;

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

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

(13) For applying for a license to operate a reduction or hydrolysis facility, four hundred dollars, and biennial renewal of a license to operate a reduction or hydrolysis facility, four hundred dollars;

(14) For the reinstatement of a lapsed license to operate a reduction or hydrolysis facility, the renewal fee prescribed in division (A) (13) of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement, but not more than five hundred dollars;

(15) For applying for the initial or biennial renewal of a reduction or hydrolysis facility operator permit, one hundred fifty dollars;

(16) For the reinstatement of a lapsed reduction or hydrolysis facility operator permit, the renewal fee prescribed in division (A) (15) of this section plus fifty dollars for each month or portion of a month the permit is lapsed, but not more than five hundred dollars;

(17) For the issuance of a duplicate of a license issued

under this chapter, ten dollars; 5167

~~(14)~~ (18) For each preneed funeral contract sold in the 5168
state other than those funded by the assignment of an existing 5169
insurance policy, ten dollars. 5170

(B) In addition to the fees set forth in division (A) of 5171
this section, an applicant shall pay the examination fee 5172
assessed by any examining agency the board uses for any section 5173
of an examination required under this chapter. 5174

(C) Subject to the approval of the controlling board, the 5175
board of embalmers and funeral directors may establish fees in 5176
excess of the amounts set forth in this section, provided that 5177
these fees do not exceed the amounts set forth in this section 5178
by more than fifty per cent. 5179

Section 4. That the existing version of section 4717.07 of 5180
the Revised Code that is scheduled to take effect December 29, 5181
2023, is hereby repealed. 5182

Section 5. Sections 3 and 4 of this act take effect 5183
December 29, 2023. 5184

Section 6. That the versions of sections 4717.01, 4717.03, 5185
4717.04, 4717.06, 4717.072, 4717.08, 4717.11, 4717.13, 4717.15, 5186
4717.36, and 4717.41 of the Revised Code that are scheduled to 5187
take effect December 31, 2024, be amended to read as follows: 5188

Sec. 4717.01. As used in this chapter: 5189

(A) "Embalming" means the process of chemically treating 5190
the dead human body by any of the following to reduce the 5191
presence and growth of microorganisms, to temporarily slow 5192
organic decomposition, and to restore acceptable physical 5193
appearance: 5194

(1) Arterial injection;	5195
(2) Cavity treatment;	5196
(3) Hypodermic tissue injection.	5197
(B) "Funeral business" means a sole proprietorship,	5198
partnership, corporation, limited liability company, or other	5199
business entity that is engaged in funeral directing for profit	5200
or for free from one or more funeral homes licensed under this	5201
chapter.	5202
(C) "Funeral directing" means the business or profession	5203
of directing or supervising funerals for profit from one or more	5204
funeral homes licensed under this chapter, the arrangement or	5205
sale of funeral services, the filling out or execution of a	5206
funeral service contract, the business or profession of	5207
preparing dead human bodies for burial by means other than	5208
embalming, the disposition of dead human bodies, the provision	5209
or maintenance of a place for the preparation, the care, or	5210
disposition of dead human bodies, the use in connection with a	5211
business of the term "funeral director," "undertaker,"	5212
"mortician," or any other term from which can be implied the	5213
business of funeral directing, or the holding out to the public	5214
that one is a funeral director or a disposer of dead human	5215
bodies.	5216
(D) "Funeral home" means a fixed place for the care,	5217
preparation for burial, or disposition of dead human bodies or	5218
the conducting of funerals. Each business location is a funeral	5219
home, regardless of common ownership or management.	5220
(E) "Embalmer" means a person who engages, in whole or in	5221
part, in embalming and who is licensed under this chapter.	5222
(F) "Funeral director" means a person who engages, in	5223

whole or in part, in funeral directing and who is licensed under 5224
this chapter. 5225

(G) "Final disposition" has the same meaning as in 5226
division (J) of section 3705.01 of the Revised Code. 5227

(H) "Supervision" means the operation of all phases of the 5228
business of funeral directing or embalming under the specific 5229
direction of a licensed funeral director or licensed embalmer. 5230

(I) "Direct supervision" means the physical presence of a 5231
licensed funeral director or licensed embalmer while the 5232
specific functions of the funeral or embalming are being carried 5233
out. 5234

(J) "Embalming facility" means a fixed location, separate 5235
from the funeral home, that is licensed under this chapter whose 5236
only function is the embalming and preparation of dead human 5237
bodies. 5238

(K) "Crematory facility" means the physical location at 5239
which a cremation chamber is located and the cremation process 5240
takes place. "Crematory facility" does not include an infectious 5241
waste incineration facility for which a license is held under 5242
division (B) of section 3734.05 of the Revised Code, or a solid 5243
waste incineration facility for which a license is held under 5244
division (A) of that section that includes a notation pursuant 5245
to division (B) (3) of that section authorizing the facility to 5246
also treat infectious wastes, in connection with the 5247
incineration of body parts other than dead human bodies that 5248
were donated to science for purposes of medical education or 5249
research. 5250

(L) "Crematory" means the building or portion of a 5251
building that houses the holding facility and the cremation 5252

chamber.	5253
(M) "Cremation" means the technical process of using heat	5254
and flame to reduce human or animal remains to bone fragments or	5255
ashes or any combination thereof. "Cremation" includes	5256
processing and may include the pulverization of bone fragments.	5257
(N) "Cremation chamber" means the enclosed space within	5258
which cremation takes place.	5259
(O) "Cremated remains" means all human or animal remains	5260
recovered after the completion of the cremation process, which	5261
may include the residue of any foreign matter such as casket	5262
material, dental work, or eyeglasses that were cremated with the	5263
human or animal remains.	5264
(P) "Lapsed license" means a license issued under this	5265
chapter that has become invalid because of the failure of the	5266
licensee to renew the license within the time limits prescribed	5267
under this chapter.	5268
(Q) "Crematory operator" means the person who engages, in	5269
whole or in part, in cremation from one or more crematories	5270
licensed under this chapter.	5271
(R) "Processing" means the reduction of identifiable bone	5272
fragments to unidentifiable bone fragments through manual or	5273
mechanical means after the completion of the cremation, <u>natural</u>	5274
<u>organic reduction, or hydrolysis</u> process.	5275
(S) "Pulverization" means the reduction of identifiable	5276
bone fragments to granulated particles by manual or mechanical	5277
means after the completion of the cremation, <u>natural organic</u>	5278
<u>reduction, or hydrolysis</u> process.	5279
(T) "Preneed funeral contract" means a written agreement,	5280

contract, or series of contracts to sell or otherwise provide 5281
any funeral services, funeral goods, or any combination thereof 5282
to be used in connection with the funeral or final disposition 5283
of a dead human body, where payment for the goods or services is 5284
made either outright or on an installment basis, prior to the 5285
death of the person purchasing the goods or services or for whom 5286
the goods or services are purchased. "Preneed funeral contract" 5287
does not include any preneed cemetery merchandise and services 5288
contract or any agreement, contract, or series of contracts 5289
pertaining to the sale of any burial lot, burial or interment 5290
right, entombment right, or columbarium right with respect to 5291
which an endowment care fund is established or is exempt from 5292
establishment pursuant to section 1721.21 of the Revised Code. 5293

For the purposes of division (T) of this section, "funeral 5294
goods" includes caskets. 5295

(U) "Purchaser" means the individual who has purchased and 5296
financed a preneed funeral contract, and who may or may not be 5297
the contract beneficiary. 5298

(V) "Contract beneficiary" means the individual for whom 5299
funeral goods and funeral services are provided pursuant to a 5300
preneed funeral contract. 5301

(W) "Seller" means any person that enters into a preneed 5302
funeral contract with a purchaser for the provision of funeral 5303
goods, funeral services, or both. 5304

(X) "Felony" means a criminal act classified as a felony 5305
by this state, any other state, or federal law. 5306

(Y) "Natural organic reduction" and "reduction" mean the 5307
technical process of converting human or animal remains into 5308
soil in a reduction chamber using the natural decomposition 5309

process accelerated by adding natural or organic materials. 5310

"Natural organic reduction" and "reduction" include the 5311

processing and pulverization of bone fragments. 5312

(Z) "Reduction facility" means the physical location at 5313

which a reduction chamber is located and the natural organic 5314

reduction process takes place. 5315

(AA) "Reduction chamber" means the enclosed space within 5316

which individual human or animal remains are reduced and any 5317

other attached, unenclosed, mechanical components that are 5318

necessary for the safe and proper functioning of the equipment. 5319

(BB) "Reduced remains" means human or animal remains that 5320

have been converted to soil through natural organic reduction, 5321

which may include the residue of any foreign matter that was 5322

reduced with such remains. 5323

(CC) "Reduction facility operator" means a person who 5324

engages, in whole or in part, in natural organic reduction at 5325

one or more reduction facilities licensed under this chapter and 5326

who has been issued a reduction operator permit under this 5327

chapter. 5328

(DD) "Hydrolysis" means the technical process of using 5329

heat, water, potassium hydroxide or an alternate alkaline 5330

solution, and pressure, agitation, or both, to dissolve human or 5331

animal tissue within a hydrolysis container and reduce human 5332

remains to bone fragments. "Hydrolysis" includes the processing 5333

of and may include the pulverization of bone fragments. 5334

(EE) "Hydrolysis facility" means the physical location at 5335

which a hydrolysis chamber is located and the hydrolysis process 5336

takes place. 5337

(FF) "Hydrolysis chamber" means the enclosed container 5338

within which hydrolysis takes place. 5339

(GG) "Hydrolyzed remains" means all human or animal 5340
remains recovered after the completion of the hydrolysis 5341
process, which may include the residue of any foreign matter 5342
that was hydrolyzed with such remains. 5343

(HH) "Hydrolysis facility operator" means a person who 5344
engages, in whole or in part, in hydrolysis at one or more 5345
hydrolysis facilities licensed under this chapter and who has 5346
been issued a hydrolysis operator permit under this chapter. 5347

Sec. 4717.03. (A) Members of the board of embalmers and 5348
funeral directors shall annually in July, or within thirty days 5349
after the senate's confirmation of the new members appointed in 5350
that year, meet and organize by selecting from among its members 5351
a president, vice-president, and secretary-treasurer. The board 5352
may hold other meetings as it determines necessary. A quorum of 5353
the board consists of four members, of whom at least three shall 5354
be members who are funeral directors. The concurrence of at 5355
least four members is necessary for the board to take any 5356
action. The president and secretary-treasurer shall sign all 5357
licenses issued under this chapter and affix the board's seal to 5358
each license. 5359

(B) The board may appoint an individual who is not a 5360
member of the board to serve as executive director of the board. 5361
The executive director serves at the pleasure of the board and 5362
shall do all of the following: 5363

(1) Serve as the board's chief administrative officer; 5364

(2) Act as custodian of the board's records; 5365

(3) Execute all of the board's orders; 5366

(4) Employ staff who are not members of the board and who 5367
serve at the pleasure of the executive director to provide any 5368
assistance that the board considers necessary. 5369

(C) In executing the board's orders as required by 5370
division (B)(3) of this section, the executive director may 5371
enter the premises, establishment, office, or place of business 5372
of any embalmer, funeral director, ~~or~~ crematory operator, reduction 5373
facility operator, or hydrolysis facility operator in 5374
this state. The executive director may serve and execute any 5375
process issued by any court under this chapter. 5376

(D) The executive director may employ necessary 5377
inspectors, who shall be licensed embalmers and funeral 5378
directors. An inspector employed by the executive director may 5379
enter the premises, establishment, office, or place of business 5380
of any embalmer, funeral director, crematory operator, reduction 5381
facility operator, hydrolysis facility operator, embalming 5382
facility, funeral home, ~~or~~ crematory facility, reduction 5383
facility, or hydrolysis facility in this state for the purposes 5384
of inspecting the facility and premises; any license, permit, or 5385
certification issued under this chapter to persons operating in 5386
the facility; and the license of the funeral home, embalming 5387
facility, ~~or~~ crematory facility ~~and~~, reduction facility, or 5388
hydrolysis facility. An inspector shall also perform any other 5389
~~duties delegated to the inspector by the board or assigned to~~ 5390
~~the inspector by the executive director.~~ The executive director 5391
may enter the facility or premises of a funeral home, embalming 5392
facility, ~~or~~ crematory facility, reduction facility, or 5393
hydrolysis facility for the purpose of an inspection if 5394
accompanied by an inspector or, if an inspector is not 5395
available, when a situation presents a danger of immediate and 5396
serious harm to the public. 5397

(E) The president of the board shall designate three of 5398
the board's members to serve on the crematory, reduction, and 5399
hydrolysis facility review board, which is hereby created, for 5400
such time as the president finds appropriate to carry out the 5401
provisions of this chapter. Those members of the crematory, 5402
reduction, or hydrolysis facility review board designated by the 5403
president to serve and three members designated by the cemetery 5404
dispute resolution commission shall designate, by a majority 5405
vote, one person who is experienced in the operation of a 5406
crematory, reduction, or hydrolysis facility and who is not 5407
affiliated with a cemetery or a funeral home to serve on the 5408
crematory, reduction, and hydrolysis facility review board for 5409
such time as the crematory, reduction, and hydrolysis facility 5410
review board finds appropriate. Members serving on the 5411
crematory, reduction, and hydrolysis facility review board shall 5412
not receive any additional compensation for serving on the 5413
board, but may be reimbursed for their actual and necessary 5414
expenses incurred in the performance of official duties as 5415
members of the board. Members of the crematory, reduction, and 5416
hydrolysis facility review board shall designate one from among 5417
its members to serve as a chairperson for such time as the board 5418
finds appropriate. Costs associated with conducting an 5419
adjudicatory hearing in accordance with division (F) of this 5420
section shall be paid from funds available to the board of 5421
embalmers and funeral directors. 5422

(F) Upon receiving written notice from the board of 5423
embalmers and funeral directors of any of the following, the 5424
crematory, reduction, and hydrolysis facility review board shall 5425
conduct an adjudicatory hearing on the matter in accordance with 5426
Chapter 119. of the Revised Code, except as otherwise provided 5427
in this section or division (C) of section 4717.14 of the 5428

Revised Code: 5429

(1) Notice provided under division (I) of this section of 5430
an alleged violation of any provision of this chapter or any 5431
rules adopted under this chapter governing or in connection with 5432
crematory, reduction, or hydrolysis facility operators, 5433
crematory, reduction, or hydrolysis facilities, ~~or cremation,~~ 5434
reduction, or hydrolysis; 5435

(2) Notice provided under division (B) of section 4717.14 5436
of the Revised Code that the board of embalmers and funeral 5437
directors proposes to refuse to grant or renew, or to suspend or 5438
revoke, a license to operate a crematory, reduction, or 5439
hydrolysis facility; 5440

(3) Notice provided under division (C) of section 4717.14 5441
of the Revised Code that the board of embalmers and funeral 5442
directors has issued an order summarily suspending a reduction 5443
facility operator or hydrolysis facility operator permit or 5444
license to operate a crematory, reduction, or hydrolysis 5445
facility; 5446

(4) Notice provided under division (B) of section 4717.15 5447
of the Revised Code that the board of embalmers and funeral 5448
directors proposes to issue a notice of violation and order 5449
requiring payment of a forfeiture for any violation described in 5450
divisions (A) (9) (a) to (g) of section 4717.04 of the Revised 5451
Code alleged in connection with a crematory, reduction, or 5452
hydrolysis facility operator, crematory, reduction, or 5453
hydrolysis facility, ~~or cremation,~~ reduction, or hydrolysis. 5454

Nothing in division (F) of this section precludes the 5455
crematory, reduction, and hydrolysis facility review board from 5456
appointing an independent examiner in accordance with section 5457

119.09 of the Revised Code to conduct any adjudication hearing 5458
required under division (F) of this section. 5459

The crematory, reduction, and hydrolysis facility review 5460
board shall submit a written report of findings and advisory 5461
recommendations, and a written transcript of its proceedings, to 5462
the board of embalmers and funeral directors. The board of 5463
embalmers and funeral directors shall serve a copy of the 5464
written report of the crematory, reduction, and hydrolysis 5465
facility review board's findings and advisory recommendations on 5466
the party to the adjudication or the party's attorney, by 5467
certified mail, within five days after receiving the report and 5468
advisory recommendations. A party may file objections to the 5469
written report with the board of embalmers and funeral directors 5470
within ten days after receiving the report. No written report is 5471
final or appealable until it is issued as a final order by the 5472
board of embalmers and funeral directors and entered on the 5473
record of the proceedings. The board of embalmers and funeral 5474
directors shall consider objections filed by the party prior to 5475
issuing a final order. After reviewing the findings and advisory 5476
recommendations of the crematory, reduction, and hydrolysis 5477
facility review board, the written transcript of the crematory, 5478
reduction, hydrolysis facility review board's proceedings, and 5479
any objections filed by a party, the board of embalmers and 5480
funeral directors shall issue a final order in the matter. Any 5481
party may appeal the final order issued by the board of 5482
embalmers and funeral directors in a matter described in 5483
divisions (F) (1) to (4) of this section in accordance with 5484
section 119.12 of the Revised Code, except that the appeal may 5485
be made to the court of common pleas in the county in which is 5486
located the crematory, reduction, or hydrolysis facility to 5487
which the final order pertains, or in the county in which the 5488

party resides. 5489

(G) On its own initiative or on receiving a written 5490
complaint from any person whose identity is made known to the 5491
board of embalmers and funeral directors, the board shall 5492
investigate the acts or practices of any person holding or 5493
claiming to hold a license, permit, or certification under this 5494
chapter that, if proven to have occurred, would violate this 5495
chapter or any rules adopted under it. The board may compel 5496
witnesses by subpoena to appear and testify in relation to 5497
investigations conducted under this chapter and may require by 5498
subpoena duces tecum the production of any book, paper, or 5499
document pertaining to an investigation. If a person does not 5500
comply with a subpoena or subpoena duces tecum, the board may 5501
apply to the court of common pleas of any county in this state 5502
for an order compelling the person to comply with the subpoena 5503
or subpoena duces tecum, or for failure to do so, to be held in 5504
contempt of court. 5505

(H) If, as a result of its investigation conducted under 5506
division (G) of this section, the board of embalmers and funeral 5507
directors has reasonable cause to believe that the person 5508
investigated is violating any provision of this chapter or any 5509
rules adopted under this chapter governing or in connection with 5510
embalming, funeral directing, cremation, reduction, hydrolysis, 5511
funeral homes, embalming facilities, ~~or~~ cremation, reduction, or 5512
hydrolysis facilities, or the operation of funeral homes, 5513
embalming facilities, ~~or~~ crematory, reduction, or hydrolysis 5514
facilities, it may, after providing the opportunity for an 5515
adjudicatory hearing, issue an order directing the person to 5516
cease the acts or practices that constitute the violation. The 5517
board shall conduct the adjudicatory hearing in accordance with 5518
Chapter 119. of the Revised Code except that, notwithstanding 5519

the provisions of that chapter, the following shall apply: 5520

(1) The board shall send the notice informing the person 5521
of the person's right to a hearing by certified mail. 5522

(2) The person is entitled to a hearing only if the person 5523
requests a hearing and if the board receives the request within 5524
thirty days after the mailing of the notice described in 5525
division (H) (1) of this section. 5526

(3) A stenographic record shall be taken, in the manner 5527
prescribed in section 119.09 of the Revised Code, at every 5528
adjudicatory hearing held under this section, regardless of 5529
whether the record may be the basis of an appeal to a court. 5530

(I) If, as a result of its investigation conducted under 5531
division (G) of this section, the board of embalmers and funeral 5532
directors has reasonable cause to believe that the person 5533
investigated is violating any provision of this chapter or any 5534
rules adopted under this chapter governing or in connection with 5535
crematory, reduction, or hydrolysis facility operators, 5536
crematory, reduction, or hydrolysis facilities, ~~or cremation,~~ 5537
natural organic reduction, or hydrolysis, the board shall send 5538
written notice of the alleged violation to the crematory, 5539
reduction, and hydrolysis facility review board. If, after the 5540
conclusion of the adjudicatory hearing in the matter conducted 5541
under division (F) of this section, the board of embalmers and 5542
funeral directors finds that a person is in violation of any 5543
provision of this chapter or any rules adopted under this 5544
chapter governing or in connection with crematory, reduction, or 5545
hydrolysis facility operators, crematory, reduction, or 5546
hydrolysis facilities, ~~or cremation,~~ natural organic reduction, 5547
or hydrolysis, the board may issue a final order under that 5548
division directing the person to cease the acts or practices 5549

that constitute the violation. 5550

(J) The board of embalmers and funeral directors may bring 5551
a civil action to enjoin any violation or threatened violation 5552
of sections 4717.01 to 4717.15 of the Revised Code or a rule 5553
adopted under any of those sections; division (A) or (B) of 5554
section 4717.23; division (B) (1) or (2), (C) (1) or (2), (D), 5555
(E), or (F) (1) or (2), or divisions (H) to (K) of section 5556
4717.26; division (D) (1) of section 4717.27; divisions (A) to 5557
(C) of section 4717.28, or division (D) or (E) of section 5558
4717.31 of the Revised Code. The action shall be brought in the 5559
county where the violation occurred or the threatened violation 5560
is expected to occur. At the request of the board, the attorney 5561
general shall represent the board in any matter arising under 5562
this chapter. 5563

(K) The board of embalmers and funeral directors and the 5564
crematory, reduction, and hydrolysis facility review board may 5565
issue subpoenas for any person holding a license or permit under 5566
this chapter or persons holding themselves out as such, or for 5567
any other person whose testimony, in the opinion of either 5568
board, is necessary. The subpoena shall require the person to 5569
appear before the appropriate board or any designated member of 5570
either board, upon any hearing conducted under this chapter. The 5571
penalty for disobedience to the command of such a subpoena is 5572
the same as for refusal to answer such a process issued under 5573
authority of the court of common pleas. 5574

(L) Except as provided in section 4717.41 of the Revised 5575
Code, all moneys received by the board of embalmers and funeral 5576
directors from any source shall be deposited in the state 5577
treasury to the credit of the occupational licensing and 5578
regulatory fund created in section 4743.05 of the Revised Code. 5579

(M) The board of embalmers and funeral directors shall 5580
submit a written report to the governor on or before the first 5581
Monday of July of each year. This report shall contain a 5582
detailed statement of the nature and amount of the board's 5583
receipts and the amount and manner of its expenditures. 5584

Sec. 4717.04. (A) The board of embalmers and funeral 5585
directors shall adopt rules in accordance with Chapter 119. of 5586
the Revised Code for the government, transaction of the 5587
business, and the management of the affairs of the board of 5588
embalmers and funeral directors and the crematory, reduction, 5589
and hydrolysis facility review board, and for the administration 5590
and enforcement of this chapter. These rules shall include all 5591
of the following: 5592

(1) The nature, scope, content, and form of the 5593
application that must be completed and license examination that 5594
must be passed in order to receive an embalmer's license or a 5595
funeral director's license under section 4717.05 of the Revised 5596
Code. The rules shall ensure both of the following: 5597

(a) That the embalmer's license examination tests the 5598
applicant's knowledge through at least a comprehensive section 5599
and an Ohio laws section; 5600

(b) That the funeral director's license examination tests 5601
the applicant's knowledge through at least a comprehensive 5602
section, an Ohio laws section, and a sanitation section. 5603

(2) The minimum license examination score necessary to be 5604
licensed under section 4717.05 of the Revised Code as an 5605
embalmer or as a funeral director; 5606

(3) Procedures for determining the dates of the embalmer's 5607
and funeral director's license examinations, which shall be 5608

administered at least once each year, the time and place of each examination, and the supervision required for each examination; 5609
5610

(4) Procedures for determining whether the board shall 5611
accept an applicant's compliance with the licensure, 5612
registration, or certification requirements of another state as 5613
grounds for granting the applicant a license under this chapter; 5614

(5) A determination of whether completion of a nationally 5615
recognized embalmer's or funeral director's examination 5616
sufficiently meets the license requirements for the 5617
comprehensive section of either the embalmer's or the funeral 5618
director's license examination administered under this chapter; 5619

(6) Continuing education requirements for licensed 5620
embalmers and funeral directors; 5621

(7) Requirements for the licensing and operation of 5622
funeral homes; 5623

(8) Requirements for the licensing and operation of 5624
embalming facilities; 5625

(9) A schedule that lists, and specifies a forfeiture 5626
commensurate with, each of the following types of conduct which, 5627
for the purposes of division (A) (9) of this section and section 5628
4717.15 of the Revised Code, are violations of this chapter: 5629

(a) Obtaining a license under this chapter by fraud or 5630
misrepresentation either in the application or in passing the 5631
required examination for the license; 5632

(b) Purposely violating any provision of sections 4717.01 5633
to 4717.15 of the Revised Code or a rule adopted under any of 5634
those sections; division (A) or (B) of section 4717.23; division 5635
(B) (1) or (2), (C) (1) or (2), (D), (E), or (F) (1) or (2), or 5636

divisions (H) to (K) of section 4717.26; division (D) (1) of 5637
section 4717.27; or divisions (A) to (C) of section 4717.28 of 5638
the Revised Code; 5639

(c) Committing unprofessional conduct; 5640

(d) Knowingly permitting an unlicensed person, other than 5641
a person serving an apprenticeship, to engage in the profession 5642
or business of embalming or funeral directing under the 5643
licensee's supervision; 5644

(e) Refusing to promptly submit the custody of a dead 5645
human body or cremated, reduced, or hydrolyzed remains upon the 5646
express order of the person legally entitled to the body; 5647

(f) Transferring a license to operate a funeral home, 5648
embalming facility, ~~or~~ crematory facility, reduction facility, 5649
or hydrolysis facility from one owner or operator to another, or 5650
from one location to another, without notifying the board and 5651
following the requirements of section 4717.11 of the Revised 5652
Code; 5653

(g) Misleading the public using false or deceptive 5654
advertising; 5655

(h) Failing to forward to the board on or before its due 5656
date the annual report of preneed funeral sales required by 5657
division (J) of section 4717.31 of the Revised Code. If the 5658
annual report is sent to the board by United States mail, it 5659
shall be postmarked on or before the due date for the submission 5660
of the annual report in order to be timely filed with the board. 5661
Mail that is not postmarked shall be considered filed on the 5662
date it is received by the board. 5663

Each instance of the commission of any of the types of 5664
conduct described in division (A) (9) of this section is a 5665

separate violation. The rules adopted under division (A) (9) of 5666
this section shall establish the amount of the forfeiture for a 5667
violation of each of those divisions. The forfeiture for a first 5668
violation shall not exceed five thousand dollars, and the 5669
forfeiture for a second or subsequent violation shall not exceed 5670
ten thousand dollars. The amount of the forfeiture may differ 5671
among the types of violations according to what the board 5672
considers the seriousness of each violation. 5673

(10) Requirements for the licensing and operation of 5674
crematory facilities; 5675

(11) Requirements for the licensing and operation of 5676
reduction facilities; 5677

(12) Requirements for the licensing and operation of 5678
hydrolysis facilities; 5679

(13) Procedures for the board to take possession of and to 5680
arrange the lawful disposition of unclaimed cremated, reduced, 5681
or hydrolyzed remains that were held or stored at a funeral home 5682
or, crematory, reduction facility, or hydrolysis facility that 5683
has been closed; 5684

~~(12)~~ (14) Procedures for the issuance of duplicate 5685
licenses; 5686

~~(13)~~ (15) Requirements for criminal records checks of 5687
applicants under section 4776.03 of the Revised Code; 5688

~~(14)~~ (16) The amount and content of corrective action 5689
courses required by the board under section 4717.14 of the 5690
Revised Code; 5691

~~(15)~~ (17) Requirements that a crematory operator maintain, 5692
and file with the board of embalmers and funeral directors 5693

evidence of, an active certification from a national crematory operator certification program as a condition for acting as a crematory operator in this state.

(B) The board may adopt rules governing the educational standards for licensure as an embalmer or funeral director, or obtaining a permit to be a reduction facility operator or hydrolysis facility operator, and the standards of service and practice to be followed in embalming, funeral directing, ~~and cremation, reduction, and hydrolysis~~, and in the operation of funeral homes, embalming facilities, ~~and crematory facilities,~~ reduction facilities, and hydrolysis 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, reduction, and hydrolysis~~ 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.

Sec. 4717.06. (A) (1) A licensed funeral director who desires to obtain a license to operate a funeral home, a

licensed embalmer who desires to obtain a license to operate an 5724
embalming facility ~~or~~, a crematory operator who desires to 5725
obtain a license to operate a crematory facility, a holder of a 5726
reduction facility operator permit who desires to operate a 5727
reduction facility, or a holder of a hydrolysis facility 5728
operator permit who desires to operate a hydrolysis facility, 5729
shall apply to the board of embalmers and funeral directors on a 5730
form prescribed by the board. The application shall include the 5731
initial license application fee set forth in section 4717.07 of 5732
the Revised Code and proof satisfactory to the board that the 5733
funeral home, embalming facility, ~~or~~ crematory facility, 5734
reduction facility, or hydrolysis facility is in compliance with 5735
rules adopted by the board under section 4717.04 of the Revised 5736
Code, rules adopted by the board of building standards under 5737
Chapter 3781. of the Revised Code, and all other federal, state, 5738
and local requirements relating to the safety of the premises. 5739

(2) If the funeral home, embalming facility, ~~or~~ crematory 5740
facility, reduction facility, or hydrolysis facility to which 5741
the license application pertains is owned by a corporation or 5742
limited liability company, the application shall include the 5743
name and address of the corporation's or limited liability 5744
company's statutory agent appointed under section 1701.07 of the 5745
Revised Code, former section 1705.06 of the Revised Code as that 5746
section existed prior to February 11, 2022, or section 1706.09 5747
of the Revised Code or, in the case of a foreign corporation, 5748
the corporation's designated agent appointed under section 5749
1703.041 of the Revised Code. If the funeral home, embalming 5750
facility, ~~or~~ crematory facility, reduction facility, or 5751
hydrolysis facility to which the application pertains is owned 5752
by a partnership, the application shall include the name and 5753
address of each of the partners. If, at any time after the 5754

submission of a license application or issuance of a license, 5755
the statutory or designated agent of a corporation or limited 5756
liability company owning a funeral home, embalming facility, ~~or~~ 5757
crematory facility, reduction facility, hydrolysis facility, or 5758
the address of the statutory or designated agent changes or, in 5759
the case of a partnership, any of the partners of the funeral 5760
home, embalming facility, ~~or~~ crematory facility, reduction 5761
facility, hydrolysis facility, or the address of any of the 5762
partners changes, the applicant for or holder of the license to 5763
operate the funeral home, embalming facility, ~~or~~ crematory 5764
facility, reduction facility, or hydrolysis facility shall 5765
submit written notice to the board, within thirty days after the 5766
change, informing the board of the change and of any name or 5767
address of a statutory or designated agent or partner that has 5768
changed from that contained in the application for the license 5769
or the most recent notice submitted under division (A) (2) of 5770
this section. 5771

(B) (1) The board of embalmers and funeral directors shall 5772
issue a license to operate a funeral home only to a licensed 5773
funeral director who is named in the application as the funeral 5774
director actually in charge and ultimately responsible for the 5775
funeral home. The board shall issue the license only for the 5776
address at which the funeral home is physically located and 5777
operated. The funeral home license and licenses of the embalmers 5778
and funeral directors employed by the funeral home shall be 5779
displayed in a conspicuous place within the funeral home. 5780

(2) The funeral home shall have on the premises one of the 5781
following: 5782

(a) If embalming will take place at the funeral home, an 5783
embalming room that is adequately equipped and maintained. The 5784

embalming room shall be kept in a clean and sanitary manner and 5785
used only for the embalming, preparation, or holding of dead 5786
human bodies. The embalming room shall contain only the 5787
articles, facilities, and instruments necessary for those 5788
purposes. 5789

(b) If embalming will not take place at the funeral home, 5790
a holding room that is adequately equipped and maintained. The 5791
holding room shall be kept in a clean and sanitary manner and 5792
used only for the preparation, other than embalming, and holding 5793
of dead human bodies. The holding room shall contain only the 5794
articles and facilities necessary for those purposes. 5795

(3) Each funeral home shall be directly supervised by a 5796
funeral director licensed under this chapter, who may supervise 5797
more than one funeral home. 5798

(C) (1) The board shall issue a license to operate an 5799
embalming facility only to a licensed embalmer who is actually 5800
in charge of and ultimately responsible for the embalming 5801
facility. The board shall issue the license only for the address 5802
at which the embalming facility is physically located and 5803
operated. The license shall be displayed in a conspicuous place 5804
within the facility. 5805

(2) The embalming facility shall be adequately equipped 5806
and maintained in a sanitary manner. The embalming room at such 5807
a facility shall contain only the articles, facilities, and 5808
instruments necessary for its stated purpose. The embalming room 5809
shall be kept in a clean and sanitary condition and used only 5810
for the care and preparation of dead human bodies. 5811

(D) (1) The board shall issue a license to operate a 5812
crematory facility only to a crematory operator who is actually 5813

in charge and ultimately responsible for the crematory facility. 5814
The board shall issue the license only for the address at which 5815
the crematory facility is physically located and operated. The 5816
license shall be displayed in a conspicuous place within the 5817
crematory facility. 5818

(2) The crematory facility shall be adequately equipped 5819
and maintained in a clean and sanitary manner. The crematory 5820
facility may be located in a funeral home, embalming facility, 5821
reduction facility, hydrolysis facility, cemetery building, or 5822
other building in which the crematory facility may lawfully 5823
operate. If a crematory facility engages in the cremation of 5824
animals, the crematory facility shall cremate animals in a 5825
cremation chamber that also is not used to cremate dead human 5826
bodies or human body parts and shall not cremate animals in a 5827
cremation chamber used for the cremation of dead human bodies 5828
and human body parts. Cremation chambers that are used for the 5829
cremation of dead human bodies or human body parts and cremation 5830
chambers used for the cremation of animals may be located in the 5831
same area. Cremation chambers used for the cremation of animals 5832
shall have conspicuously displayed on the unit a notice that the 5833
unit is to be used for animals only. 5834

(3) A license to operate a crematory facility shall be 5835
issued to the person actually in charge of the crematory 5836
facility. This section does not require the individual who is 5837
actually in charge of the crematory facility to be an embalmer 5838
or funeral director licensed under this chapter. 5839

(4) Nothing in this section or rules adopted under section 5840
4717.04 of the Revised Code precludes the establishment and 5841
operation of a crematory facility on or adjacent to the property 5842
on which a cemetery, funeral home, reduction facility, 5843

hydrolysis facility, or embalming facility is located. 5844

(E) (1) The board shall issue a reduction facility license 5845
only for the address at which the reduction facility is 5846
physically located and operated. The license shall be displayed 5847
in a conspicuous place within the reduction facility. 5848

(2) The reduction facility shall be adequately equipped 5849
and maintained in a clean and sanitary manner. The reduction 5850
facility may be located in a funeral home, embalming facility, 5851
cemetery building, hydrolysis facility, crematory facility, or 5852
any other building in which the reduction facility may lawfully 5853
operate. If the reduction facility engages in natural organic 5854
reduction of animals, the reduction facility shall reduce 5855
animals in a reduction chamber that is not also used for 5856
reduction of dead human bodies or human body parts and shall not 5857
reduce animals in a reduction chamber used for the reduction of 5858
dead human bodies or human body parts. Reduction chambers that 5859
are used for the reduction of dead human bodies or human body 5860
parts and the reduction chambers used for the reduction of 5861
animals may be located in the same area. Reduction chambers used 5862
for the cremation of animals shall have conspicuously displayed 5863
on the unit a notice that the unit is to be used for animals 5864
only. 5865

(3) The board shall issue a reduction facility license 5866
only to the holder of a reduction facility operator permit 5867
issued under section 4717.052 of the Revised Code who is 5868
actually in charge and ultimately responsible for the reduction 5869
facility. This section does not require the person in charge of 5870
the reduction facility to be an embalmer or funeral director 5871
licensed under this chapter, or the holder of a crematory 5872
operator or hydrolysis facility operator permit. 5873

(4) Nothing in this chapter or rules adopted under section 4717.04 of the Revised Code precludes the establishment and operation of a reduction facility on or adjacent to the property on which a cemetery, funeral home, embalming facility, hydrolysis facility, or crematory facility is located. 5874
5875
5876
5877
5878

(F) (1) The board shall issue a hydrolysis facility license only for the address at which the hydrolysis facility is physically located and operated. The license shall be displayed in a conspicuous place within the hydrolysis facility. 5879
5880
5881
5882

(2) The hydrolysis facility shall be adequately equipped and maintained in a clean and sanitary manner. The hydrolysis facility may be located in a funeral home, embalming facility, cemetery building, reduction facility, crematory facility, or any other building in which the hydrolysis facility may lawfully operate. If the hydrolysis facility engages in hydrolysis of animals, the hydrolysis facility shall hydrolyze animals in a hydrolysis chamber that is not also used for hydrolysis of dead human bodies or human body parts and shall not hydrolyze animals in a hydrolysis chamber used for the hydrolysis of dead human bodies or human body parts. Hydrolysis chambers that are used for the hydrolysis of dead human bodies or human body parts and the hydrolysis chambers used for the hydrolysis of animals may be located in the same area. Hydrolysis chambers used for the hydrolysis of animals shall have conspicuously displayed on the unit a notice that the unit is to be used for animals only. 5883
5884
5885
5886
5887
5888
5889
5890
5891
5892
5893
5894
5895
5896
5897
5898

(3) The board shall issue a hydrolysis facility license only to the holder of a hydrolysis facility operator permit issued under section 4717.052 of the Revised Code who is actually in charge and ultimately responsible for the hydrolysis facility. This section does not require the person in charge of 5899
5900
5901
5902
5903

the hydrolysis facility to be an embalmer or funeral director 5904
licensed under this chapter, or the holder of a crematory 5905
operator or reduction facility operator permit. 5906

(4) Nothing in this chapter or rules adopted under section 5907
4717.04 of the Revised Code precludes the establishment and 5908
operation of a hydrolysis facility on or adjacent to the 5909
property on which a cemetery, funeral home, embalming facility, 5910
reduction facility, or crematory facility is located. 5911

Sec. 4717.07. (A) The board of embalmers and funeral 5912
directors shall charge and collect the following fees: 5913

(1) For applying for an initial or biennial renewal of an 5914
embalmer's or funeral director's license, or a reactivation of a 5915
license as described in division (H) of section 4717.05 of the 5916
Revised Code, two hundred dollars; 5917

(2) For applying for an embalmer or funeral director 5918
certificate of apprenticeship, thirty-five dollars; 5919

(3) For the application to take the examination for a 5920
license to practice as an embalmer or funeral director, or to 5921
retake a section of the examination, thirty-five dollars; 5922

(4) For applying for an initial license to operate a 5923
funeral home, four hundred dollars and biennial renewal of a 5924
license to operate a funeral home, four hundred dollars; 5925

(5) For the reinstatement of a lapsed embalmer's or 5926
funeral director's license, the renewal fee prescribed in 5927
division (A)(1) of this section plus fifty dollars for each 5928
month or portion of a month the license is lapsed, but not more 5929
than one thousand dollars; 5930

(6) For the reinstatement of a lapsed license to operate a 5931

funeral home, the renewal fee prescribed in division (A) (4) of 5932
this section plus fifty dollars for each month or portion of a 5933
month the license is lapsed until reinstatement, but not more 5934
than one thousand dollars; 5935

(7) For applying for a license to operate an embalming 5936
facility, four hundred dollars and biennial renewal of a license 5937
to operate an embalming facility, four hundred dollars; 5938

(8) For the reinstatement of a lapsed license to operate 5939
an embalming facility, the renewal fee prescribed in division 5940
(A) (7) of this section plus fifty dollars for each month or 5941
portion of a month the license is lapsed until reinstatement, 5942
but not more than one thousand dollars; 5943

(9) For applying for a license to operate a crematory 5944
facility, four hundred dollars and biennial renewal of a license 5945
to operate a crematory facility, four hundred dollars; 5946

(10) For the reinstatement of a lapsed license to operate 5947
a crematory facility, the renewal fee prescribed in division (A) 5948
(9) of this section plus fifty dollars for each month or portion 5949
of a month the license is lapsed until reinstatement, but not 5950
more than five hundred dollars; 5951

(11) For applying for a license to operate a reduction or 5952
hydrolysis facility, four hundred dollars, and biennial renewal 5953
of a license to operate a reduction or hydrolysis facility, four 5954
hundred dollars; 5955

(12) For the reinstatement of a lapsed license to operate 5956
a reduction or hydrolysis facility, the renewal fee prescribed 5957
in division (A) (11) of this section plus fifty dollars for each 5958
month or portion of a month the license is lapsed until 5959
reinstatement, but not more than five hundred dollars; 5960

(13) For applying for the initial or biennial renewal of a 5961
reduction or hydrolysis facility operator permit, one hundred 5962
fifty dollars; 5963

(14) For the reinstatement of a lapsed reduction or 5964
hydrolysis facility operator permit, the renewal fee prescribed 5965
in division (A) (13) of this section plus fifty dollars for each 5966
month or portion of a month the permit is lapsed, but not more 5967
than five hundred dollars; 5968

(15) For the issuance of a duplicate of a license issued 5969
under this chapter, ten dollars; 5970

~~(12)~~ (16) For each preneed funeral contract sold in the 5971
state other than those funded by the assignment of an existing 5972
insurance policy, ten dollars. 5973

(B) In addition to the fees set forth in division (A) of 5974
this section, an applicant shall pay the examination fee 5975
assessed by any examining agency the board uses for any section 5976
of an examination required under this chapter. 5977

(C) Subject to the approval of the controlling board, the 5978
board of embalmers and funeral directors may establish fees in 5979
excess of the amounts set forth in this section, provided that 5980
these fees do not exceed the amounts set forth in this section 5981
by more than fifty per cent. 5982

Sec. 4717.08. (A) Every license and permit issued under 5983
this chapter expires on the last day of December of each even- 5984
numbered year and shall be renewed on or before that date 5985
according to the standard license renewal procedure set forth in 5986
Chapter 4745. of the Revised Code. Licenses and permits not 5987
renewed by the last day of December of each even-numbered year 5988
are lapsed. 5989

(B) A holder of a lapsed license to operate a funeral home, ~~license to operate an embalming facility, or license to operate a crematory facility, reduction facility, or hydrolysis facility, or a reduction facility operator or hydrolysis facility operator permit~~ may reinstate the license or permit with the board by paying the lapsed license fee established under section 4717.07 of the Revised Code.

(C) A holder of a lapsed embalmer's or funeral director's license may reinstate the license with the board by paying the lapsed license fee established under section 4717.07 of the Revised Code, except that if the license is lapsed for more than one hundred eighty days after its expiration date, the holder also shall take and pass the Ohio laws examination for each license as a condition for reinstatement.

Sec. 4717.11. (A) (1) A person who is licensed to operate a funeral home shall surrender that person's license to operate a funeral home within thirty days after a change in any of the following:

(a) The location of the funeral home;

(b) The person who is actually in charge and ultimately responsible for the funeral home;

(c) Ownership of the funeral home business that owns the funeral home that results in a majority of the ownership of the funeral business being held by one or more persons who solely or in combination with others did not own a majority of the funeral business immediately prior to the change in ownership.

(2) Within thirty days after a change described in division (A) (1) of this section occurs, the funeral director who will be actually in charge and ultimately responsible for the

funeral home after the change shall apply for a new funeral home 6019
license. Upon the filing of an application for a funeral home 6020
license by a licensed funeral director, the funeral home may 6021
continue to operate until the board denies the funeral home's 6022
application. 6023

(B) (1) A person who is licensed to operate an embalming 6024
facility shall surrender that person's license to operate an 6025
embalming facility within thirty days after a change in any of 6026
the following: 6027

(a) The location of the embalming facility; 6028

(b) The person who is actually in charge and ultimately 6029
responsible for the embalming facility; 6030

(c) Ownership of the business entity that owns the 6031
embalming facility that results in a majority of the ownership 6032
of the business entity being held by one or more persons who 6033
solely or in combination with others did not own a majority of 6034
the business entity immediately prior to the change in 6035
ownership. 6036

(2) Within thirty days after a change described in 6037
division (B) (1) of this section occurs, the person who will be 6038
actually in charge and ultimately responsible for the embalming 6039
facility after the change shall apply for a new license to 6040
operate the embalming facility. Upon filing of an application 6041
for a license to operate an embalming facility by a licensed 6042
embalmer, the embalming facility may continue to operate until 6043
the board denies the embalming facility's application. 6044

(C) (1) A person who is licensed to operate a crematory 6045
facility shall surrender that person's license to operate a 6046
crematory facility within thirty days after a change in any of 6047

the following: 6048

(a) The location of the crematory facility; 6049

(b) The person who is actually in charge and ultimately 6050
responsible for the crematory facility; 6051

(c) Ownership of the business entity that owns the 6052
crematory facility that results in a majority of the ownership 6053
of the business entity being held by one or more persons who 6054
alone or in combination with others did not own a majority of 6055
the business entity immediately prior to the change in 6056
ownership. 6057

(2) Within thirty days after a change described in 6058
division (C)(1) of this section occurs, the person who will be 6059
actually in charge and ultimately responsible for the crematory 6060
facility after the change shall apply for a new license to 6061
operate the crematory facility. Upon the filing of an 6062
application for a license to operate a crematory facility by a 6063
crematory operator, the crematory facility may continue to 6064
operate until the board denies the crematory facility's 6065
application. 6066

~~(D)(1)~~ (D) A person who is licensed to operate a reduction 6067
or hydrolysis facility shall obtain a new license upon any 6068
change in the location of the facility or any change in the 6069
ownership of the business entity operating the facility that 6070
results in a majority of the ownership of the business entity 6071
being held by one or more persons who solely or in combination 6072
with others did not own a majority of the business entity 6073
immediately before the change in ownership. The person licensed 6074
to operate the reduction or hydrolysis facility shall surrender 6075
the current license to the board within thirty days after any 6076

such change occurs.

6077

(E) (1) The board of embalmers and funeral directors shall review applications for new licenses under section 4717.06 of the Revised Code.

6078

6079

6080

(2) If the board, upon receiving satisfactory evidence, determines that the applicant satisfies all of the requirements of ~~division (A), (B), (C), or (D) of~~ section 4717.06 of the Revised Code with respect to a particular funeral home, embalming facility, ~~or~~ crematory facility, reduction facility, or hydrolysis facility, the board shall issue to the applicant a new license to operate that funeral home, embalming facility, ~~or~~ crematory facility, reduction facility, or hydrolysis facility.

6081

6082

6083

6084

6085

6086

6087

6088

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

6089

(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;

6090

6091

6092

6093

6094

6095

6096

6097

6098

(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;

6099

6100

6101

6102

6103

6104

6105

(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 the funeral home issued by the board under this chapter;

(6) Practice the business or profession of funeral directing from any place except from a funeral home that a person is licensed to operate under this chapter;

(7) Practice embalming from any place except from a funeral home or embalming facility that a person is licensed to operate under this chapter;

(8) Operate a crematory facility or perform cremation without a license to operate the crematory facility issued under this chapter;

(9) Cremate animals in a cremation chamber in which dead human bodies or body parts are cremated or cremate dead human bodies or human body parts in a cremation chamber in which animals are cremated;

(10) Hold a dead human body, before final disposition, for 6135
more than forty-eight hours after the time of death unless the 6136
dead human body is embalmed or placed into refrigeration and 6137
maintained at a constant temperature of less than forty degrees; 6138

(11) Operate a reduction facility or perform reduction 6139
without a license to operate the reduction facility issued under 6140
this chapter; 6141

(12) Reduce animals in a reduction chamber in which dead 6142
human bodies or human body parts are reduced or reduce dead 6143
human bodies or human body parts in a reduction chamber in which 6144
animals are reduced. 6145

(13) Operate a hydrolysis facility or perform hydrolysis 6146
without a license to operate the hydrolysis facility issued 6147
under this chapter; 6148

(14) Hydrolyze animals in a hydrolysis chamber in which 6149
dead human bodies or human body parts are hydrolyzed or 6150
hydrolyze dead human bodies or human body parts in a hydrolysis 6151
chamber in which animals are hydrolyzed. 6152

~~(11)~~(15) Knowingly refuse to promptly submit the custody 6153
of a dead human body or cremated, reduced, or hydrolyzed remains 6154
upon the oral or written order of the person legally entitled to 6155
the body or ~~cremated~~-remains; 6156

~~(12)~~(16) Except as ordered by the coroner or the person 6157
holding the right of disposition under section 2108.70 or 6158
2108.81 of the Revised Code, knowingly fail to carry out the 6159
final disposition of a dead human body within thirty days after 6160
taking custody of the body; 6161

~~(13)~~(17) Engage in cremation as defined in section 6162
4717.01 of the Revised Code unless the person complies with 6163

division (D) of section 4717.09 of the Revised Code; 6164

~~(14)~~ (18) Engage in natural organic reduction unless the 6165
person holds a reduction facility operator permit under section 6166
4717.052 of the Revised Code; 6167

(19) Engage in hydrolysis unless the person holds a 6168
hydrolysis facility operator permit under section 4717.052 of 6169
the Revised Code; 6170

(20) Engage in the business or profession of funeral 6171
directing, engage in embalming, ~~or~~ operate a crematory facility, 6172
operate a reduction facility or perform reduction, or operate a 6173
hydrolysis facility or perform hydrolysis, with a lapsed license 6174
as defined under section 4717.01 of the Revised Code. 6175

(B) No funeral director or other person in charge of the 6176
final disposition of a dead human body shall fail to do one of 6177
the following prior to the interment of the body: 6178

(1) Affix to the ankle or wrist of the deceased a tag 6179
encased in a durable and long-lasting material that contains the 6180
name, date of birth, date of death, and social security number 6181
of the deceased; 6182

(2) Place in the casket a capsule containing a tag bearing 6183
the information described in division (B) (1) of this section; 6184

(3) If the body was cremated, reduced, or hydrolyzed, 6185
place a tag bearing the information described in division (B) (1) 6186
of this section in any vessel containing either of the 6187
following: 6188

(a) All the cremated, reduced, or hydrolyzed remains; 6189

(b) More than ten cubic inches of the cremated, reduced, 6190
or hydrolyzed remains. 6191

(C) No person who holds a funeral home license for a 6192
funeral home that is closed, or that is owned by a funeral 6193
business in which changes in the ownership of the funeral 6194
business result in a majority of the ownership of the funeral 6195
business being held by one or more persons who solely or in 6196
combination with others did not own a majority of the funeral 6197
business immediately prior to the change in ownership, shall 6198
fail to submit to the board within thirty days after the closing 6199
or such change of ownership of the funeral business owning the 6200
funeral home, a clearly enumerated account of all of the 6201
following from which the licensee, at the time of the closing or 6202
change of ownership of the funeral business and in connection 6203
with the funeral home, was to receive payment for providing the 6204
funeral services, funeral goods, or any combination of those in 6205
connection with the funeral or final disposition of a dead human 6206
body: 6207

(1) Preneed funeral contracts governed by sections 4717.31 6208
to 4717.38 of the Revised Code; 6209

(2) Life insurance policies or annuities the benefits of 6210
which are payable to the provider of funeral or burial goods or 6211
services; 6212

(3) Accounts at banks or savings banks insured by the 6213
federal deposit insurance corporation, savings and loan 6214
associations insured by the federal savings and loan insurance 6215
corporation or the Ohio deposit guarantee fund, or credit unions 6216
insured by the national credit union administration or a credit 6217
union share guaranty corporation organized under Chapter 1761. 6218
of the Revised Code that are payable upon the death of the 6219
person for whose benefit deposits into the accounts were made. 6220

(D) (1) No person who holds a funeral home license for a 6221

funeral home that is closed shall negligently fail to send 6222
written notice to the purchaser of every preneed funeral 6223
contract to which the funeral business is a party via first 6224
class United States mail. Such notice shall be addressed to the 6225
purchaser's last known address and shall explain that the 6226
funeral business is being closed and the name of any funeral 6227
business that has been designated to assume the obligations of 6228
the preneed contract. 6229

(2) Within thirty days of the closing of a funeral home, 6230
no person who held the funeral home license for the closed 6231
funeral home shall negligently fail to transfer all preneed 6232
contracts to the funeral home or funeral homes that have been 6233
designated to assume the obligation of the preneed contracts. If 6234
the person who holds a funeral home license for a funeral home 6235
that is closed fails to designate a successor funeral home or 6236
funeral homes to assume the obligations of the preneed funeral 6237
contracts, the board shall make such designations and order the 6238
transfer of the preneed funeral contracts to the designated 6239
funeral home or funeral homes. 6240

(E) No person who holds a license under this chapter for a 6241
facility that is going out of business and that is in possession 6242
of unclaimed cremated, reduced, or hydrolyzed remains shall fail 6243
to submit to the board, within thirty days prior to the closing, 6244
a copy of the written notice required in division (F) of this 6245
section and a clearly enumerated account of all unclaimed 6246
~~cremated~~ remains in possession of the facility. 6247

(F) Within thirty days prior to the closing of a facility 6248
that is going out of business and that is in possession of 6249
unclaimed cremated, reduced, or hydrolyzed remains, the person 6250
who is actually in charge of and ultimately responsible for the 6251

facility shall send written notice via first-class mail to the 6252
last known address of the authorizing agent who executed the 6253
cremation, reduction, or hydrolysis authorization form or the 6254
person designated on the ~~cremation~~-authorization form to receive 6255
the ~~cremated~~-remains. Such notice shall include the following: 6256

(1) A statement that the funeral business is going out of 6257
business and will close; 6258

(2) The expected date of closure; 6259

(3) The manner in which the unclaimed cremated, reduced, 6260
or hydrolyzed remains will be disposed and, if applicable, the 6261
location from which the cremated remains can be retrieved. 6262

(G) If the person who is actually in charge of and 6263
ultimately responsible for the facility is unable to comply with 6264
divisions (F) (1) to (3) of this section and cannot locate the 6265
last known address of the authorizing agent who executed the 6266
cremation, reduction, or hydrolysis authorization form or the 6267
person designated on the ~~cremation~~-authorization form to receive 6268
the cremated, reduced, or hydrolyzed remains, the person who is 6269
actually in charge of and ultimately responsible for the 6270
facility may seek a declaratory judgment to dispose of the 6271
unclaimed ~~cremated~~-remains from the probate court in the county 6272
in which the facility is located. 6273

(H) Within thirty days prior to the closing of a facility 6274
that is going out of business, no person who held the license 6275
for the facility shall negligently fail to dispose of all 6276
unclaimed cremated, reduced, or hydrolyzed remains as designated 6277
in the written notice or, if unclaimed in excess of sixty days, 6278
in a manner consistent with section 4717.27 of the Revised Code. 6279

Sec. 4717.15. (A) The board of embalmers and funeral 6280

directors, without the necessity for conducting a prior 6281
adjudication hearing, may issue a notice of violation to the 6282
holder of any license or permit issued under this chapter who 6283
the board finds has committed any of the violations described in 6284
division (A) (9) of section 4717.04 of the Revised Code. The 6285
notice shall set forth the specific violation committed by the 6286
licensee or permit holder and shall be sent by certified mail. 6287
The notice shall be accompanied by an order requiring the 6288
payment of the appropriate forfeiture prescribed in rules 6289
adopted under division (A) (9) of section 4717.04 of the Revised 6290
Code and by a notice informing the licensee or permit holder 6291
that the licensee is entitled to an adjudicatory hearing on the 6292
notice of violation and order if the licensee or permit holder 6293
requests a hearing and if the board receives the request within 6294
thirty days after the mailing of the notice of violation and 6295
order. The board shall conduct any such adjudicatory hearing in 6296
accordance with Chapter 119. of the Revised Code, except as 6297
otherwise provided in this division. 6298

A licensee or permit holder who receives a notice of 6299
violation and order under this division shall pay to the 6300
executive director of the board the full amount of the 6301
forfeiture by certified check within thirty days after the 6302
notice of violation and order were mailed to the licensee or 6303
permit holder unless, within that time, the licensee or permit 6304
holder submits a request for an adjudicatory hearing on the 6305
notice of violation and order. If such a request for an 6306
adjudicatory hearing is timely filed, the licensee or permit 6307
holder need not pay the forfeiture to the executive director 6308
until after a final, nonappealable administrative or judicial 6309
decision is rendered on the order requiring payment of the 6310
forfeiture. If a final nonappealable administrative or judicial 6311

decision is rendered affirming the board's order, the licensee 6312
or permit holder shall pay to the executive director of the 6313
board the full amount of the forfeiture by certified check 6314
within thirty days after notice of the decision was sent to the 6315
licensee. A forfeiture is considered to be paid when the 6316
licensee's or permit holder's certified check is received by the 6317
executive director in Columbus. If the licensee or permit holder 6318
fails to so pay the full amount of the forfeiture to the 6319
executive director within that time, the board shall issue an 6320
order suspending or revoking the individual's license or permit, 6321
as the board considers appropriate. 6322

(B) The board shall send to the crematory, reduction, and 6323
hydrolysis facility review board written notice that it proposes 6324
to issue to the holder of a license to operate a crematory, 6325
reduction, or hydrolysis facility issued under this chapter a 6326
notice of violation and order requiring payment of a forfeiture 6327
specified in rules adopted under division (A) (9) of section 6328
4717.04 of the Revised Code. If, after the conclusion of the 6329
adjudicatory hearing on the matter conducted under division (F) 6330
of section 4717.03 of the Revised Code, the board of embalmers 6331
and funeral directors finds that the licensee has committed any 6332
of the violations described in division (A) (9) of section 6333
4717.04 of the Revised Code in connection with the operation of 6334
a crematory, reduction, or hydrolysis facility or cremation, 6335
reduction, or hydrolysis, the board of embalmers and funeral 6336
directors may issue a final order under division (F) of section 6337
4717.03 of the Revised Code requiring payment of the appropriate 6338
forfeiture specified in rules adopted under division (A) (9) of 6339
section 4717.04 of the Revised Code. A licensee who receives 6340
such an order shall pay the full amount of the forfeiture to the 6341
executive director by certified check within thirty days after 6342

the order was sent to the licensee unless, within that time, the
licensee files a notice of appeal in accordance with division
(F) of section 4717.03 and section 119.12 of the Revised Code.
If such a notice of appeal is timely filed, the licensee or
permit holder need not pay the forfeiture to the executive
director until after a final, nonappealable judicial decision is
rendered in the appeal. If a final, nonappealable judicial
decision is rendered affirming the board's order, the licensee
or permit holder shall pay to the executive director the full
amount of the forfeiture by certified check within thirty days
after notice of the decision was sent to the licensee or permit
holder. A forfeiture is considered paid when the licensee's or
permit holder's certified check is received by the executive
director in Columbus. If the licensee or permit holder fails to
so pay the full amount of the forfeiture to the executive
director within that time, the board shall issue an order
suspending or revoking the individual's license, as the board
considers appropriate.

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

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

(B) A seller of a preneed funeral contract that stipulates
a fixed or firm or guaranteed price for funeral services and
funeral goods to be provided under a preneed funeral contract
may charge an initial service fee not to exceed ten per cent of
the total amount of all payments to be paid under the preneed
funeral contract for such guaranteed price funeral services and
funeral goods. If the amount to be paid by the purchaser is to

be paid in installments, the seller may collect the initial 6373
service fee only after all of the installments have been paid. 6374

(C) (1) Except for the following, all payments made by the 6375
purchaser of a preneed funeral contract shall be made in the 6376
form of a check, cashier's check, money order, or debit or 6377
credit card, payable only to the trustee of the preneed funeral 6378
contract trust or to the trustee's designated depository: 6379

(a) The initial service fee permitted by division (B) of 6380
this section; 6381

(b) The fee collected under division ~~(A) (12)~~ (A) (16) of 6382
section 4717.07 of the Revised Code; 6383

(c) Any applicable sales tax. 6384

(2) If the purchaser makes payment in the form of a check 6385
made payable to the seller, the seller may, within five business 6386
days of receiving the check, sign over and forward the check to 6387
the trustee or the trustee's designated depository. 6388

(3) Within thirty days of the seller receiving any form of 6389
payment made payable to the trustee or the trustee's designee, 6390
the seller shall remit the payment to the trustee or the 6391
trustee's designee unless the purchaser rescinds the preneed 6392
funeral contract in accordance with division (A) of section 6393
4717.34 of the Revised Code. The funds deposited with the 6394
trustee shall remain intact and held in trust for the contract 6395
beneficiary. 6396

(D) The seller shall establish a preneed funeral contract 6397
trust at one of the following types of institutions and shall 6398
designate that institution as the trustee of the preneed funeral 6399
contract trust: 6400

(1) A trust company licensed under Chapter 1111. of the Revised Code; 6401
6402

(2) A national bank, federal savings bank, or federal savings association that pledges securities in accordance with section 1111.04 of the Revised Code; 6403
6404
6405

(3) A credit union authorized to conduct business in this state pursuant to Chapter 1733. of the Revised Code. 6406
6407

(E) Moneys deposited in a preneed funeral contract trust fund shall be held and invested in the manner in which trust funds are permitted to be held and invested pursuant to Chapter 1111. of the Revised Code. 6408
6409
6410
6411

(F) The seller shall establish a separate preneed funeral contract trust for the moneys paid under each preneed funeral contract, unless the purchaser or purchasers of a preneed funeral contract or contracts authorize the seller to place the moneys paid for that contract or those contracts in a combined preneed funeral contract trust. The trustee of a combined preneed funeral contract trust shall keep exact records of the corpus, income, expenses, and disbursements with regard to each purchaser and contract beneficiary for whom moneys are held in the trust. The terms of a preneed funeral contract trust are governed by this section and the payments from that trust are governed by Chapter 1111. of the Revised Code, except as otherwise provided in this section. 6412
6413
6414
6415
6416
6417
6418
6419
6420
6421
6422
6423
6424

A trustee of a preneed funeral contract trust may pay taxes and expenses for a preneed funeral contract trust and may charge a fee for managing a preneed funeral contract trust. The fee shall not exceed the amount regularly or usually charged for similar services rendered by the institutions described in 6425
6426
6427
6428
6429

division (D) of this section when serving as a trustee. 6430

(G) If the purchaser of a preneed funeral contract that is 6431
revocable elects to cancel the contract, the purchaser shall 6432
provide a written notice to the seller of the contract and the 6433
trustee of the preneed funeral contract trust stating that the 6434
purchaser intends to cancel the contract. Fifteen days after the 6435
purchaser provides that notice to the seller and trustee, the 6436
purchaser may cancel the contract. Upon canceling a preneed 6437
funeral contract pursuant to this division, one of the following 6438
shall occur, as applicable: 6439

(1) If the preneed funeral contract does not stipulate a 6440
firm or fixed or guaranteed price for funeral goods and funeral 6441
services to be provided under the preneed funeral contract, the 6442
trustee shall give to the purchaser all of the assets of the 6443
trust that exist at the time of cancellation, less any fees 6444
charged, distributions paid, and expenses incurred by the 6445
trustee pursuant to division (F) of this section. 6446

(2) If the preneed funeral contract does stipulate a firm 6447
or fixed or guaranteed price for funeral goods and funeral 6448
services to be provided under the contract, the purchaser may 6449
request and receive from the trustee all of the assets of the 6450
trust at the time of cancellation, less a cancellation fee that 6451
the original seller may collect from the trustee that is equal 6452
to or less than ten per cent of the value of the assets of the 6453
trust on the date the trust is cancelled, provided, however, 6454
that to the extent the original seller took an initial service 6455
fee as permitted by division (B) of this section, the aggregate 6456
amount of the cancellation fee and the initial service fee may 6457
not exceed ten per cent of the value of those assets. In 6458
addition to any cancellation fee, there may also be deducted any 6459

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 for it to be effective under this division, and the trustee shall refund to each purchaser only those funds that purchaser has paid under the contract and any income earned on those funds in an amount that is in direct proportion to the amount of funds that purchaser paid relative to the total amount of payments deposited in that trust, less any fees charged, distributions paid, and expenses incurred by the trustee pursuant to division (F) of this section, the amount of which are in direct proportion to the amount of funds that purchaser paid relative to the total amount of payments deposited in that trust.

(H) The purchaser of a preneed funeral contract that is irrevocable may transfer the preneed funeral contract to a successor seller. A purchaser who elects to make such a transfer shall provide a written notice of the designation of a successor seller to the trustee and the original seller. Within fifteen days after receiving the written notice of the new designation from the purchaser, the trustee shall list the successor seller as the seller of the preneed funeral contract and the original seller shall relinquish and transfer all rights under the preneed funeral contract to the successor seller. The trustee shall confirm the transfer by providing written notice of the transfer to the original seller, the successor seller, and the purchaser. If the preneed funeral contract stipulates a firm or fixed or guaranteed price for the funeral goods and funeral services to be provided under the preneed funeral contract, the original seller may collect from the trustee a transfer fee from the trust that equals up to ten per cent of the value of the

assets of the trust on the date the trust is transferred, 6491
provided, however, that to the extent the original seller took 6492
an initial service fee as permitted by division (B) of this 6493
section, the aggregate amount of the transfer fee and the 6494
initial service fee may not exceed ten per cent of the value of 6495
those assets. If the preneed funeral contract does not stipulate 6496
a firm or fixed or guaranteed price for funeral goods and 6497
funeral services to be provided under the preneed funeral 6498
contract, no transfer fee shall be collected by the original 6499
seller. 6500

(I) If a seller of a preneed funeral contract elects to 6501
transfer a preneed funeral contract trust from an institution 6502
listed in divisions (D) (1) to (3) of this section to a different 6503
institution, the trustee of the original trust shall notify the 6504
purchaser of the preneed funeral contract of that transfer in 6505
writing within thirty days after the transfer occurred and shall 6506
provide the purchaser with the name of and the contact 6507
information for the institution where the new trust is 6508
maintained. Upon receipt of the trust, the trustee of the 6509
transferred trust shall notify the purchaser of the receipt of 6510
the trusts in accordance with division (A) of section 4717.33 of 6511
the Revised Code. 6512

(J) (1) If a seller receives a notice that the contract 6513
beneficiary has died and that funeral goods and funeral services 6514
have been provided by a provider other than the seller, the 6515
seller shall direct the trustee, within thirty days after 6516
receiving that notice, to pay to the provider that provided the 6517
funeral goods and services, if still unpaid, all funds held by 6518
the trustee, less any fees charged, distributions paid, and 6519
expenses incurred by the trustee pursuant to division (F) of 6520
this section. 6521

(2) If the provider has already been paid for providing 6522
the funeral goods and funeral services to the contract 6523
beneficiary, the seller shall direct the trustee to pay to the 6524
estate of the contract beneficiary or, if no estate has been 6525
opened, to any person with the right of disposition under 6526
section 2108.81 of the Revised Code all funds held by the 6527
trustee, less any fees charged, distributions paid, and expenses 6528
incurred by the trustee pursuant to division (F) of this 6529
section. The trustee shall make a reasonable attempt to pay the 6530
estate or person with the right of disposition within one 6531
hundred eighty days of receipt of notice that the contract 6532
beneficiary has died. If the trustee is unable to make payment 6533
within one hundred eighty days, the trustee shall report and 6534
remit the funds to the director of commerce pursuant to Chapter 6535
169. of the Revised Code. 6536

(3) In the event the preneed funeral contract stipulates a 6537
firm or fixed or guaranteed price for funeral goods and funeral 6538
services that were to be provided under the preneed funeral 6539
contract, the seller may collect from the trustee a cancellation 6540
fee not exceeding ten per cent of the value of the assets of the 6541
trust on the date the trust is transferred, provided, however, 6542
that to the extent the original seller took an initial service 6543
fee as permitted by division (B) of this section, the aggregate 6544
amount of the transfer fee and the initial service fee shall not 6545
exceed ten per cent of the value of those assets. If the preneed 6546
funeral trust does not stipulate a firm or fixed or guaranteed 6547
price for funeral goods and funeral services to be provided 6548
under the preneed funeral contract, no cancellation fees shall 6549
be collected by the original seller. 6550

(K) A certified copy of the certificate of death or other 6551
evidence of death satisfactory to the trustee shall be furnished 6552

to the trustee as evidence of death, and the trustee shall 6553
promptly pay the accumulated payments and income, if any, 6554
according to the preneed funeral contract. Such payment of the 6555
accumulated payments and income pursuant to this section and, 6556
when applicable, the preneed funeral contract, relieves the 6557
trustee of any further liability on the accumulated payments and 6558
income. 6559

If, after a preneed funeral contract has been performed 6560
and paid for by the proceeds of a preneed trust fund, there are 6561
excess funds that the purchaser previously assigned by a written 6562
contract to the seller to pay for preneed funeral services or 6563
funeral goods for other individuals, the trustee holding such 6564
excess funds shall pay those funds directly to the seller, and 6565
the seller shall deposit the funds into a trust or purchase 6566
insurance or annuity policies to fund additional preneed funeral 6567
contracts. 6568

Sec. 4717.41. (A) There is hereby created the preneed 6569
recovery fund, which shall be in the custody of the treasurer of 6570
state but shall not be part of the state treasury. All fees 6571
collected under division ~~(A) (12)~~ (A) (16) of section 4717.07 of 6572
the Revised Code shall be deposited into the fund. The fund 6573
shall be used to reimburse purchasers of preneed funeral 6574
contracts who have suffered financial loss as a result of the 6575
malfeasance, misfeasance, default, failure, or insolvency in 6576
connection with the sale of a preneed funeral contract by any 6577
licensee under this chapter, regardless of whether the sale of 6578
such contract occurred before or after the establishment of the 6579
fund. The fund, and all investment earnings thereon, shall only 6580
be used for the purposes set forth in this section and shall not 6581
be used for any other purposes. The fund shall be administered 6582
by the board of embalmers and funeral directors. 6583

(B) All fees collected under division ~~(A) (12)~~ (A) (16) of section 4717.07 of the Revised Code shall be deposited into the fund. Deposits to and disbursements from the fund account shall be subject to rules established by the board.

(C) If at the end of any fiscal year for this state, the balance in the fund exceeds two million dollars, the fee required by division ~~(A) (12)~~ (A) (16) of section 4717.07 of the Revised Code for the upcoming fiscal year shall be reduced by fifty per cent. If the balance in the fund at the end of a fiscal year exceeds three million dollars, the payment of the fee required by division ~~(A) (12)~~ (A) (16) of section 4717.07 of the Revised Code shall be suspended for the upcoming fiscal year.

(D) The board shall adopt rules governing management of the fund, the presentation and processing of applications for reimbursement, subrogation, or assignment of the rights of any reimbursed applicant.

(E) The board may expend moneys in the fund for the following purposes:

(1) To make reimbursements on approved applications;

(2) To purchase insurance to cover losses as considered appropriate by the board and not inconsistent with the purposes of the fund;

(3) To invest such portions of the fund as are not currently needed to reimburse losses and maintain adequate reserves, as are permitted to be made by fiduciaries under the laws of this state;

(4) To pay the expenses of the board for administering the fund, including employment of local counsel to prosecute

subrogation claims. 6613

(F) Reimbursements from the fund shall be made only to the 6614
extent to which those losses are not bonded or otherwise 6615
covered, protected, or reimbursed and only after the applicant 6616
has complied with all applicable rules of the board. 6617

(G) The board shall investigate all applications made and 6618
may reject or allow such claims in whole or in part to the 6619
extent that moneys are available in the fund. The board shall 6620
have complete discretion to determine the order and manner of 6621
payment of approved applications. All payments shall be a matter 6622
of privilege and not of right, and no person shall have any 6623
right in the fund as a third-party beneficiary or otherwise. No 6624
attorney may be compensated by the board for prosecuting an 6625
application for reimbursement. 6626

(H) If reimbursement is made to an applicant under this 6627
section, the board shall be subrogated in the reimbursement 6628
amount and may bring any action it considers advisable against 6629
any person. The board may enforce any claims it may have for 6630
restitution or otherwise and may employ and compensate 6631
consultants, agents, legal counsel, accountants, and other 6632
persons it considers appropriate. 6633

Section 7. That the existing versions of sections 4717.01, 6634
4717.03, 4717.04, 4717.06, 4717.072, 4717.08, 4717.11, 4717.13, 6635
4717.15, 4717.36, and 4717.41 of the Revised Code that are 6636
scheduled to take effect December 31, 2024, are hereby repealed. 6637

Section 8. Sections 6 and 7 of this act take effect 6638
December 31, 2024. 6639

Section 9. The General Assembly, applying the principle 6640
stated in division (B) of section 1.52 of the Revised Code that 6641

amendments are to be harmonized if reasonably capable of 6642
simultaneous operation, finds that the following sections, 6643
presented in this act as composites of the sections as amended 6644
by the acts indicated, are the resulting versions of the 6645
sections in effect prior to the effective date of the sections 6646
as presented in this act: 6647

Section 2108.82 of the Revised Code as amended by both 6648
S.B. 202 and S.B. 224 of the 134th General Assembly. 6649

Section 2925.01 of the Revised Code as amended by H.B. 6650
281, H.B. 509, and S.B. 25, all of the 134th General Assembly. 6651

The version of section 4717.07 of the Revised Code that is 6652
scheduled to take effect December 31, 2024, as amended by both 6653
H.B. 509 and S.B. 131 of the 134th General Assembly. 6654