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H.B. 582
136th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsors: Reps. Plummer and Young

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SUMMARY

- Specifies that a transportation protection agreement that primarily provides or arranges for services that are related to transporting human remains or cremated remains or preparing such remains for transport is not a preneed funeral contract.
- Adds that the law that regulates embalmers, funeral directors, and crematories does not prevent or interfere with either of the following:
 - A mosque or temple preparing dead human bodies for burial;
 - Conducting cremation of dead human bodies in accordance with ceremonies or religious rights without the use, employment, or supervision of a licensed embalmer or funeral director, except when the death was caused by a virulent communicable disease.
- Allows, rather than requires, a cremation authorization form to be signed by a witness who observed the authorizing agent execute the form.
- Eliminates the requirement that a written designation authorizing another person to serve as the authorizing agent for a cremation authorization form when the authorizing agent is unavailable to execute the form in person include the signature of the authorizing agent and a witness who observed the authorizing agent execute the designation form.

DETAILED ANALYSIS

Introduction

The bill makes several changes to the law regarding embalmers, funeral directors, and crematories. Existing law requires the licensing of embalmers, funeral directors, and crematory facilities and imposes various other requirements, such as, for example, regarding preneed funeral contracts and the use of cremation authorization forms. The licensing of embalmers, funeral directors, and crematory facilities is unchanged by the bill.

Preneed funeral contracts

The bill specifies that a transportation protection agreement that primarily provides or arranges for services that are related to transporting human remains or cremated remains or preparing such remains for transport is not a preneed funeral contract and is therefore not subject to the preneed funeral contract regulations (such as, for example, requirements regarding the contents of preneed funeral contracts). A “preneed funeral contract” is a contract 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.¹

Noninterference with certain burial customs

The bill adds that the embalmers, funeral directors, and crematories law does not prevent or interfere with any of the following:

- Any mosque or temple in preparing dead human bodies for burial (current law already exempts any church or synagogue in preparing dead human bodies for burial);
- Conducting *cremation* of dead human bodies in accordance with ceremonies or religious rights without the use, employment, or supervision of a licensed embalmer or funeral director, except that the rules of the Department of Health or appropriate board of health apply if the death was caused by a virulent communicable disease (current law already applies such exemption to conducting funerals and the *burial* of dead human bodies).²

Cremation authorization forms

The bill removes the requirement that a cremation authorization form authorizing the cremation of a dead human body, other than one that was donated to science for purposes of medical education or research, include the signature of at least one witness who observed the authorizing agent execute the cremation authorization form. Instead, the form *may* include the signature of such a witness.

For written designations authorizing another person to serve as the authorizing agent when an authorizing agent is unavailable to execute a cremation authorization form in person, the bill eliminates the requirement that the designation include the signature of the authorizing agent and a witness who observed the authorizing agent execute the designation form.

Under existing law, an “authorizing agent” is a person or persons entitled to order the cremation of a decedent or body parts and to order the final disposition of the cremated remains of a decedent or body parts. Continuing law prohibits a crematory operator or crematory facility

¹ R.C. 4717.01(T); R.C. 4717.31 to 4717.38, not in the bill.

² R.C. 4717.12(B).

from cremating or allowing the cremation of a dead human body or body parts without a completed cremation authorization form.³

HISTORY

| Action | Date |
|------------|----------|
| Introduced | 11-10-25 |

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³ R.C. 4717.24(A)(17), (B), and (D), and 4717.30; R.C. 4717.20 and 4717.23, not in the bill.