As Introduced

136th General Assembly Regular Session 2025-2026

H. B. No. 582

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Representatives Plummer, Young

To amend sections 4717.01, 4717.12, 4717.24, and

4717.30 of the Revised Code regarding embalmers,	2
funeral directors, and crematories.	3
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:	
Section 1. That sections 4717.01, 4717.12, 4717.24, and	4
4717.30 of the Revised Code be amended to read as follows:	5
Sec. 4717.01. As used in this chapter:	6
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(A) "Embalming" means the process of chemically treating	7
the dead human body by any of the following to reduce the	8
presence and growth of microorganisms, to temporarily slow	9
organic decomposition, and to restore acceptable physical	10
appearance:	11
(1) Arterial injection;	12
(I) Alterial injection,	12
(2) Cavity treatment;	13
(3) Hypodermic tissue injection.	14
(B) "Funeral business" means a sole proprietorship,	15
partnership, corporation, limited liability company, or other	16
business entity that is engaged in funeral directing for profit	17
or for free from one or more funeral homes licensed under this	
chapter.	19
or for free from one or more funeral homes licensed under this	18

(C) "Funeral directing" means the business or profession	20
of directing or supervising funerals for profit from one or more	21
funeral homes licensed under this chapter, the arrangement or	22
sale of funeral services, the filling out or execution of a	23
funeral service contract, the business or profession of	24
preparing dead human bodies for burial by means other than	25
embalming, the disposition of dead human bodies, the provision	26
or maintenance of a place for the preparation, the care, or	27
disposition of dead human bodies, the use in connection with a	28
business of the term "funeral director," "undertaker,"	29
"mortician," or any other term from which can be implied the	30
business of funeral directing, or the holding out to the public	31
that one is a funeral director or a disposer of dead human	32
bodies.	33
(D) "Funeral home" means a fixed place for the care,	34
preparation for burial, or disposition of dead human bodies or	35
the conducting of funerals. Each business location is a funeral	36
home, regardless of common ownership or management.	37
(E) "Embalmer" means a person who engages, in whole or in	38
part, in embalming and who is licensed under this chapter.	39
(F) "Funeral director" means a person who engages, in	40
whole or in part, in funeral directing and who is licensed under	41
this chapter.	42
(G) "Final disposition" has the same meaning as in	43
division (J) of section 3705.01 of the Revised Code.	44
(H) "Supervision" means the operation of all phases of the	45
business of funeral directing or embalming under the specific	46
direction of a licensed funeral director or licensed embalmer.	47

(I) "Direct supervision" means the physical presence of a

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licensed funeral director or licensed embalmer while the	49
specific functions of the funeral or embalming are being carried	50
out.	51
(J) "Embalming facility" means a fixed location, separate	52
from the funeral home, that is licensed under this chapter whose	53
only function is the embalming and preparation of dead human	54
bodies.	55
(K) "Crematory facility" means the physical location at	56
which a cremation chamber is located and the cremation process	57
takes place. "Crematory facility" does not include an infectious	58
waste incineration facility for which a license is held under	59
division (B) of section 3734.05 of the Revised Code, or a solid	60
waste incineration facility for which a license is held under	61
division (A) of that section that includes a notation pursuant	62
to division (B)(3) of that section authorizing the facility to	63
also treat infectious wastes, in connection with the	64
incineration of body parts other than dead human bodies that	65
were donated to science for purposes of medical education or	66
research.	67
(L) "Crematory" means the building or portion of a	68
building that houses the holding facility and the cremation	69
chamber.	70
(M) "Cremation" means the technical process of using heat	71
and flame to reduce human or animal remains to bone fragments or	72
ashes or any combination thereof. "Cremation" includes	73
processing and may include the pulverization of bone fragments.	74
(N) "Cremation chamber" means the enclosed space within	75
which cremation takes place.	76

(O) "Cremated remains" means all human or animal remains

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recovered after the completion of the cremation process, which	78
may include the residue of any foreign matter such as casket	79
material, dental work, or eyeglasses that were cremated with the	80
human or animal remains.	81
(P) "Lapsed license" means a license issued under this	82
chapter that has become invalid because of the failure of the	83
licensee to renew the license within the time limits prescribed	84
under this chapter.	85
(Q) "Crematory operator" means the person who engages, in	86
whole or in part, in cremation from one or more crematories	87
licensed under this chapter and who has been issued a crematory	88
operator permit under this chapter.	89
(R) "Processing" means the reduction of identifiable bone	90
fragments to unidentifiable bone fragments through manual or	91
mechanical means after the completion of the cremation process.	92
(S) "Pulverization" means the reduction of identifiable	93
bone fragments to granulated particles by manual or mechanical	94
means after the completion of the cremation process.	95
$\frac{(T)}{(T)}(1)$ "Preneed funeral contract" means a written	96
agreement, contract, or series of contracts to sell or otherwise	97
provide any funeral services, funeral goods, or any combination	98
thereof to be used in connection with the funeral or final	99
disposition of a dead human body, where payment for the goods or	100
services is made either outright or on an installment basis,	101
prior to the death of the person purchasing the goods or	102
services or for whom the goods or services are purchased.	103
"Preneed-	104
(2) "Preneed funeral contract" does not include any either	105
of the following:	106

(a) Any preneed cemetery merchandise and services contract	107
or any agreement, contract, or series of contracts pertaining to	108
the sale of any burial lot, burial or interment right,	109
entombment right, or columbarium right with respect to which an	110
endowment care fund is established or is exempt from	111
establishment pursuant to section 1721.21 of the Revised Code $\underline{\boldsymbol{\cdot}}$	112
(b) A transportation protection agreement that primarily	113
provides or arranges for services that are related to	114
transporting human remains or cremated remains or preparing such	115
remains for transport.	116
(3) For the purposes of division (T) of this section,	117
"funeral goods" includes caskets.	118
(U) "Purchaser" means the individual who has purchased and	119
financed a preneed funeral contract, and who may or may not be	120
the contract beneficiary.	121
(V) "Contract beneficiary" means the individual for whom	122
funeral goods and funeral services are provided pursuant to a	123
preneed funeral contract.	124
(W) "Seller" means any person that enters into a preneed	125
funeral contract with a purchaser for the provision of funeral	126
goods, funeral services, or both.	127
(X) "Felony" means a criminal act classified as a felony	128
by this state, any other state, or federal law.	129
Sec. 4717.12. (A) The following persons are exempt from	130
the provisions of this chapter:	131
(1) An officer or employee of the department of health or	132
any board of health, who, in compliance with rules or orders of	133
the department of health or board of health, is preparing the	134

body of a person whose death was caused by a virulent	135
communicable disease;	136
(2) An officer, employee, or licensed physician of a	137
medical college, when any of these are acting on behalf of a	138
medical college;	139
(3) Any person carrying out sections 1713.34 to 1713.39 of	140
the Revised Code, prescribing the conditions under which the	141
bodies of indigent persons are held subject for anatomical	142
study;	143
(4) Any person licensed in another state as a funeral	144
director or embalmer who is assisting a funeral director or	145
embalmer licensed under this chapter during a disaster or an	146
emergency in the state that has been declared by this state or a	147
political subdivision.	148
(B) This chapter does not prevent or interfere with any of	149
the following:	150
(1) The ceremonies, customs, religious rights, or religion	151
of any people, denomination, or sect;	152
(2) Any religious denomination or sect, or any body	153
composed of members of a denomination;	154
(3) Any church, mosque, temple, or synagogue committee in	155
preparing dead human bodies for burial;	156
(4) The conducting of funerals and the burial or cremation	157
of dead human bodies in accordance with the ceremonies or rights	158
described in division (B) of this section without the use,	159
employment, or supervision of a licensed embalmer or funeral	160
director, except when the body is that of a person whose death	161
was caused by a virulent communicable disease, in which case the	162

rules of the department of health or board of health having	163
territorial jurisdiction shall apply.	164
Sec. 4717.24. (A) A cremation authorization form	165
authorizing the cremation of a dead human body, other than one	166
that was donated to science for purposes of medical education or	167
research, shall include at least all of the following	168
information and statements:	169
(1) A statement that the decedent has been identified in	170
accordance with division $\frac{(B)}{(C)}$ of this section;	171
(2) The name of the funeral director or other individual	172
who obtained the burial or burial-transit permit authorizing the	173
cremation of the decedent;	174
(3) The name of the authorizing agent and the relationship	175
of the authorizing agent to the decedent;	176
(4) A statement that the authorizing agent in fact has the	177
right to authorize cremation of the decedent and that the	178
authorizing agent does not have actual knowledge of the	179
existence of any living person who has a superior priority right	180
to act as the authorizing agent under section 4717.22 of the	181
Revised Code. If the person executing the cremation	182
authorization form knows of another living person who has such a	183
superior priority right, the authorization form shall include a	184
statement indicating that the person executing the authorization	185
form has made reasonable efforts to contact the person having	186
the superior priority right and has been unable to do so and	187
that the person executing the authorization form has no reason	188
to believe that the person having the superior priority right	189
would object to the cremation of the decedent.	190
(5) A statement of whether the authorizing agent has	191

actual knowledge of the presence in the decedent of a pacemaker,	192
defibrillator, or any other mechanical or radioactive device or	193
implant that poses a hazard to the health or safety of personnel	194
performing the cremation;	195
(6) A statement indicating the crematory facility is to	196
cremate the casket or alternative container in which the	197
decedent was delivered to or accepted by the crematory facility;	198
(7) A statement of whether the crematory facility is	199
authorized to simultaneously cremate the decedent in the same	200
cremation chamber with one or more other decedents who were	201
related to the decedent named in the cremation authorization	202
form by consanguinity or affinity or who, at any time during the	203
one-year period preceding the decedent's death, lived with the	204
decedent in a common law marital relationship or otherwise	205
cohabited with the decedent. A cremation authorization form	206
executed under this section shall not authorize the simultaneous	207
cremation of a decedent in the same cremation chamber with one	208
or more other decedents except under the circumstances described	209
in the immediately preceding sentence.	210
(8) The names of any persons designated by the authorizing	211
agent to be present in the holding facility or cremation room	212
prior to or during the cremation of the decedent or during the	213
removal of the cremated remains from the cremation chamber;	214
(9) The authorization for the crematory facility to	215
cremate the decedent and to process or pulverize the cremated	216
remains as is the practice at the particular crematory facility;	217
(10) A statement of whether it is the crematory facility's	218
practice to return all of the residue removed from the cremation	219
chamber following the cremation or to separate and remove	220

foreign matter from the residue before returning the cremated	221
remains to the authorizing agent or the person designated on the	222
authorization form to receive the cremated remains pursuant to	223
division (A)(11) of this section;	224
(11) The name of the person who is to receive the cremated	225
remains of the decedent from the crematory facility;	226
(12) The manner in which the final disposition of the	227
cremated remains of the decedent is to occur, if known. If the	228
cremation authorization form does not specify the manner of the	229
final disposition of the cremated remains, it shall indicate	230
that the cremated remains will be held by the crematory facility	231
for thirty days after the cremation, unless, prior to the end of	232
that period, they are picked up from the crematory facility by	233
the person designated on the cremation authorization form to	234
receive them, the authorizing agent, or, if applicable, the	235
funeral director who obtained the burial or burial-transit	236
permit for the decedent, or are delivered or shipped by the	237
crematory facility to one of those persons. The authorization	238
form shall indicate that if no instructions for the final	239
disposition are provided on the authorization form and that if	240
no arrangements for final disposition have been made within the	241
thirty-day period, the crematory facility may return the	242
cremated remains to the authorizing agent. The authorization	243
form shall further indicate that if no arrangements for the	244
final disposition of the cremated remains have been made within	245
sixty days after the completion of the cremation and if the	246
authorizing agent has not picked them up or caused them to be	247
picked up within that period, the crematory operator or	248
crematory facility may dispose of them in accordance with	249

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division (C) of section 4717.27 of the Revised Code.

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(13) A listing of the items of value to be delivered to	251
the crematory facility along with the dead human body, if any,	252
and instructions regarding how those items are to be handled;	253
(14) A statement of whether the authorizing agent has made	254
arrangements for any type of viewing of the decedent or for a	255
service with the decedent present prior to the cremation and, if	256
so, the date, time, and place of the service;	257
(15) A statement of whether the crematory facility may	258
proceed with the cremation at any time after the conditions set	259
forth in division (A) of section 4717.23 of the Revised Code	260
have been met and the decedent has been received at the	261
facility;	262
(16) The certification of the authorizing agent to the	263
effect that all of the information and statements contained in	264
the authorization form are accurate;	265
(17) The signature of the authorizing agent—and the—	266
signature of at least one witness who observed the authorizing	267
agent execute the cremation authorization form.	268
(B) A cremation authorization form authorizing the	269
cremation of a dead human body, other than one that was donated	270
to science for purposes of medical education or research, may	271
include the signature of a witness who observed the authorizing	272
agent execute the cremation authorization form.	273
(C) In making the identification of the decedent required	274
by division (A)(1) of this section, the funeral home arranging	275
the cremation shall require the authorizing agent or the agent's	276
appointed representative to visually identify the decedent's	277
remains or a photograph or other visual image of the remains. If	278
identification is by photograph or other visual image, the	279

authorizing agent or representative shall sign the photograph or	280
other visual image. If visual identification is not feasible,	281
other positive identification of the decedent may be used	282
including, but not limited to, reliance upon an identification	283
made through the coroner's office or identification of	284
photographs or other visual images of scars, tattoos, or	285
physical deformities taken from the decedent's remains.	286
$\frac{(C)}{(D)}$ An authorizing agent who is not available to	287

execute a cremation authorization form in person may designate 288 another individual to serve as the authorizing agent by 289 290 providing to the crematory facility where the cremation is to occur a written designation, signed by the authorizing agent and 291 by a witness who observed the authorizing agent execute the 292 designation, authorizing that other individual to serve as the 293 authorizing agent. Any such written designation shall contain 294 the name of the decedent, the name and address of the 295 authorizing agent, the relationship of the authorizing agent to 296 the decedent, and the name and address of the individual who is 297 being designated to serve as the authorizing agent. Upon 298 receiving such a written designation, the operator shall permit 299 the individual named in the written designation to serve as the 300 authorizing agent and to execute the cremation authorization 301 form authorizing the cremation of the decedent named in the 302 written designation. 303

(D)(E) An authorizing agent who signs a cremation 304 authorization form under this section is hereby deemed to 305 warrant the accuracy of the information and statements contained 306 in such authorization form, including the identification of the 307 decedent and the agent's authority to authorize the cremation. A 308 funeral home and its employees are not responsible for verifying 309 the accuracy of any information or statements the authorizing 310

agent made on the authorization form, unless the funeral home or	311
its employees have actual knowledge to the contrary regarding	312
any such information or statement. When delivering the	313
decedent's remains to a crematory facility or in carrying out	314
the disposition in its own facility, the funeral home is	315
responsible for having the decedent identified pursuant to	316
division $\frac{(B)}{(C)}$ of this section and carrying out the obligations	317
imposed on the funeral home by division (B) of section 4717.29	318
of the Revised Code.	319
(F) At any time after executing a gremation	320

 $\frac{(E)}{(F)}$ At any time after executing a cremation 320 authorization form and prior to the beginning of the cremation 321 process, the authorizing agent who executed the cremation 322 323 authorization form under division (A) or $\frac{(C)}{(D)}$ (D) of this section may, in writing, modify the arrangements for the final 324 disposition of the cremated remains of the decedent set forth in 325 the authorization form or may, in writing, revoke the 326 authorization, cancel the cremation, and claim the decedent's 327 body for purposes of making alternative arrangements for the 328 final disposition of the decedent's body. The crematory facility 329 shall cancel the cremation if the crematory facility receives 330 such a revocation before beginning the cremation. 331

(F) (G) A cremation authorization form executed under this 332 section does not constitute a contract for conducting the 333 cremation of the decedent named in the authorization form or for 334 the final disposition of the cremated remains of the decedent. 335 The revocation of a cremation authorization form or modification 336 of the arrangements for the final disposition of the cremated 337 remains of the decedent pursuant to division $\frac{(E)}{(F)}$ of this 338 section does not affect the validity or enforceability of any 339 contract for the cremation of the decedent named in the 340 authorization form or for the final disposition of the cremated 341

remains of the decedent. 342 Sec. 4717.30. (A) A crematory operator, crematory 343 facility, funeral director, or funeral home is not liable in 344 damages in a civil action for any of the following actions or 345 omissions, unless the actions or omissions were made with 346 malicious purpose, in bad faith, or in a wanton or reckless 347 manner or unless any of the conditions set forth in divisions 348 (B) (1) to (3) of this section apply: 349 (1) (a) For having arranged or performed the cremation of 350 the decedent, or having released or disposed of the cremated 351 remains, in accordance with the instructions set forth in the 352 cremation authorization form executed by the decedent on an 353 antemortem basis under section 4717.21 of the Revised Code; 354 (b) For having arranged or performed the cremation of the 355 decedent or body parts removed from the decedent or living 356 person or having released or disposed of the cremated remains in 357 accordance with section 4717.27 of the Revised Code or the 358 instructions set forth in a cremation authorization form 359 360 executed by the person authorized to serve as the authorizing agent for the cremation of the decedent or for the cremation of 361 body parts of the decedent or living person, named in the 362 cremation authorization form executed under section 4717.24 or 363 4717.25 of the Revised Code. 364 (2) For having arranged or performed the cremation of the 365 decedent, or having released or disposed of the cremated 366 remains, in accordance with section 4717.27 of the Revised Code 367 or the instructions set forth in the cremation authorization 368 form executed by a designated agent under division (C) (D) of 369

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section 4717.24 of the Revised Code.

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(B) The crematory operator, crematory facility, funeral	371
director, or funeral home is not liable in damages in a civil	372
action for refusing to accept a dead human body or body parts or	373
to perform a cremation under any of the following circumstances,	374
unless the refusal was made with malicious purpose, in bad	375
faith, or in a wanton or reckless manner:	376
(1) The crematory operator, crematory facility, funeral	377
director, or funeral home has actual knowledge that there is a	378
dispute regarding the cremation of the decedent or body parts,	379
until such time as the crematory operator, crematory facility,	380
funeral director, or funeral home receives an order of the	381
probate court having jurisdiction ordering the cremation of the	382
decedent or body parts or until the crematory operator,	383
crematory facility, funeral director, or funeral home receives	384
from the parties to the dispute a copy of a written agreement	385
resolving the dispute and authorizing the cremation to be	386
performed.	387
(2) The crematory operator, crematory facility, funeral	388
director, or funeral home has a reasonable basis for questioning	389
the accuracy of any of the information or statements contained	390
in a cremation authorization form executed under section	391
4717.21, 4717.24, or 4717.25 of the Revised Code, as applicable,	392
that authorizes the cremation of the decedent or body parts.	393
(3) The crematory operator, crematory facility, funeral	394
director, or funeral home has any other lawful reason for	395
refusing to accept the dead human body or body parts or to	396
perform the cremation.	397
(C) A crematory operator, crematory facility, funeral	398
director, or funeral home is not liable in damages in a civil	399

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action for refusing to release or dispose of the cremated

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remains of a decedent or body parts when the crematory operator,	401
crematory facility, funeral director, or funeral home has actual	402
knowledge that there is a dispute regarding the release or final	403
disposition of the cremated remains in connection with any	404
damages sustained, prior to the time the crematory operator,	405
crematory facility, funeral home, or funeral director receives	406
an order of the probate court having jurisdiction ordering the	407
release or final disposition of the cremated remains, or prior	408
to the time the crematory operator, crematory facility, funeral	409
director, or funeral home receives from the parties to the	410
dispute a copy of a written agreement resolving the dispute and	411
authorizing the cremation to be performed.	412

(D) A crematory operator, crematory facility, funeral director, or funeral home is not liable in damages in a civil action in connection with the cremation of, or disposition of the cremated remains of, any dental gold, jewelry, or other items of value delivered to the crematory facility or funeral home with a dead human body or body parts, unless either or both of the following apply:

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- (1) The cremation authorization form authorizing the 420 cremation of the decedent or body parts executed under section 421 4717.21, 4717.24, or 4717.25 of the Revised Code, as applicable, 422 contains specific instructions for the removal or recovery and 423 disposition of any such dental gold, jewelry, or other items of 424 value prior to the cremation, and the crematory operator, 425 crematory facility, funeral director, or funeral home has failed 426 to comply with the written instructions. 427
- (2) The actions or omissions of the crematory operator, 428 crematory facility, funeral director, or funeral home were made 429 with malicious purpose, in bad faith, or in a wanton or reckless 430

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manner.	431
(E) (1) This section does not create a new cause of action	432
against or substantive legal right against a crematory operator,	433
crematory facility, funeral director, or funeral home.	434
(2) This section does not affect any immunities from civil	435
liability or defenses established by another section of the	436
Revised Code or available at common law to which a crematory	437
operator, crematory facility, funeral director, or funeral home	438
may be entitled under circumstances not covered by this section.	439
Section 2. That existing sections 4717.01, 4717.12,	440
4717.24, and 4717.30 of the Revised Code are hereby repealed.	441