

As Introduced

136th General Assembly

Regular Session

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H. B. No. 591

Representatives Brewer, Creech

**Cosponsors: Representatives Brent, Brennan, Piccolantonio, Bryant Bailey,
Upchurch**

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, 4511.451, 4717.01, 4717.03, 4717.04,	6
4717.06, 4717.07, 4717.08, 4717.11, 4717.13,	7
4717.14, 4717.15, 4717.20, 4717.21, 4717.22,	8
4717.23, 4717.24, 4717.25, 4717.26, 4717.27,	9
4717.28, 4717.29, 4717.30, 4717.36, 4717.41,	10
4767.05, 5120.45, 5121.11, 5121.53, 5901.25,	11
5901.26, 5901.27, 5901.29, and 5901.32 and to	12
enact section 4717.052 of the Revised Code to	13
authorize the use of natural organic reduction	14
as a form of disposition.	15

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

Section 1. That sections 9.15, 313.12, 759.01, 1713.36,	16
1721.06, 1721.18, 1721.21, 2108.15, 2108.70, 2108.72, 2108.75,	17
2108.82, 2108.83, 2108.84, 2108.85, 2108.86, 2108.87, 2111.13,	18
2743.51, 2925.01, 3705.01, 3705.17, 3705.18, 3705.19, 3705.20,	19

4511.451, 4717.01, 4717.03, 4717.04, 4717.06, 4717.07, 4717.08, 20
4717.11, 4717.13, 4717.14, 4717.15, 4717.20, 4717.21, 4717.22, 21
4717.23, 4717.24, 4717.25, 4717.26, 4717.27, 4717.28, 4717.29, 22
4717.30, 4717.36, 4717.41, 4767.05, 5120.45, 5121.11, 5121.53, 23
5901.25, 5901.26, 5901.27, 5901.29, and 5901.32 be amended and 24
section 4717.052 of the Revised Code be enacted to read as 25
follows: 26

Sec. 9.15. As used in this section, "legal residence" 27
means a permanent place of abode used or occupied as living 28
quarters at the time of a person's death, including a nursing 29
home, hospital, or other care facility. 30

When the body of a dead person is found in a township or 31
municipal corporation, and such person was not an inmate of a 32
correctional, benevolent, or charitable institution of this 33
state, and the body is not claimed by any person for private 34
interment~~or~~, cremation, or reduction at the person's own 35
expense, or delivered for the purpose of medical or surgical 36
study or dissection in accordance with section 1713.34 of the 37
Revised Code, it shall be disposed of as follows: 38

(A) If the person was a legal resident of the county, the 39
proper officers of the township or municipal corporation in 40
which the person's body was found shall cause it to be buried~~or~~ 41
, cremated, or reduced at the expense of the township or 42
municipal corporation in which the person had a legal residence 43
at the time of death. 44

(B) If the person had a legal residence in any other 45
county of the state at the time of death, the superintendent of 46
the county home of the county in which such body was found shall 47
cause it to be buried~~or~~, cremated, or reduced at the expense 48
of the township or municipal corporation in which the person had 49

a legal residence at the time of death. 50

(C) If the person was an inmate of a correctional 51
institution of the county or a patient or resident of a 52
benevolent institution of the county, the person had no legal 53
residence in the state, or the person's legal residence is 54
unknown, the superintendent shall cause the person to be buried- 55
~~or,~~ cremated, or reduced at the expense of the county. 56

Such officials shall provide, at the grave of the person 57
or, if the person's cremated or reduced remains are buried, at 58
the grave of the person's ~~cremated~~ remains, a metal, stone, or 59
concrete marker on which the person's name and age, if known, 60
and date of death shall be inscribed. 61

A political subdivision is not relieved of its duty to 62
bury ~~or,~~ cremate, or reduce a person at its expense under this 63
section when the body is claimed by an indigent person. As used 64
in this section, "indigent person" means a person whose income 65
does not exceed one hundred fifty per cent of the federal 66
poverty line, as revised annually by the United States 67
department of health and human services in accordance with 68
section 673(2) of the "Omnibus Budget Reconciliation Act of 69
1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family 70
size equal to the size of the person's family. 71

Sec. 313.12. (A) (1) When any person dies in circumstances 72
as described in division (A) (2) of this section, the physician, 73
certified nurse-midwife, clinical nurse specialist, or certified 74
nurse practitioner called in attendance and any of the following 75
who obtains knowledge thereof arising from the person's duties, 76
shall immediately notify the office of the coroner of the known 77
facts concerning the time, place, manner, and circumstances of 78
the death, and any other information that is required pursuant 79

to sections 313.01 to 313.22 of the Revised Code: 80

(a) A health care worker caring for the person; 81

(b) Any member of an ambulance service or emergency squad; 82

(c) A law enforcement agency. 83

(2) The notification required by division (A) (1) of this 84
section applies in all of the following circumstances: 85

(a) When any person dies as a result of criminal or other 86
violent means, by casualty, by suicide, or in any suspicious or 87
unusual manner; 88

(b) When any person, including a child under two years of 89
age, dies suddenly when in apparent good health; 90

(c) When any person with a developmental disability dies 91
regardless of the circumstances. 92

(3) In the case of a death in circumstances as described 93
in division (A) (2) of this section, if a request is made for 94
cremation, or reduction, the funeral director called in 95
attendance shall immediately notify the coroner. 96

(B) As used in this section: 97

(1) "Developmental disability" has the same meaning as in 98
section 5123.01 of the Revised Code. 99

(2) "Health care worker" means any individual licensed or 100
otherwise authorized by the state to practice a health care 101
profession and any other individual who provides health-related 102
services in any setting as part of the individual's employment 103
or otherwise for remuneration. 104

Sec. 759.01. Any municipal corporation may provide public 105
~~cemeteries and~~, crematories, or reduction facilities for burial 106

~~or, incineration, or reduction~~ of the dead and regulate public 107
and private cemeteries, ~~and crematories, and reduction~~ 108
facilities. Any cemetery established by a municipal corporation 109
shall register with the division of real estate in the 110
department of commerce pursuant to section 4767.03 of the 111
Revised Code. Any cemetery of that nature is subject to Chapter 112
4767. and to sections 517.23 to 517.25 and 1721.211 of the 113
Revised Code in addition to being subject to this chapter. 114

Sec. 1713.36. After the bodies referred to in section 115
1713.34 of the Revised Code have been subjected to medical or 116
surgical examination or dissection or for the study of 117
embalming, the remains thereof shall be interred, or shall be 118
cremated or reduced and the ~~ashes-remains~~ interred, in some 119
suitable place at the expense of the parties in whose keeping 120
the corpse was placed. 121

Sec. 1721.06. After paying for its land, a cemetery 122
company or association shall apply all its receipts and income, 123
whether from sale of lots, from donations, or otherwise, 124
exclusively to laying out, preserving, protecting, and 125
embellishing the cemetery and avenues within it or leading to 126
it, to the erection of buildings necessary or appropriate for 127
cemetery purposes, and to paying the necessary expenses of the 128
cemetery company or association. No debts shall be incurred by 129
the cemetery company or association except for purchasing, 130
laying out, inclosing, and embellishing the ground, buildings 131
necessary or appropriate for cemetery purposes, and avenues, for 132
which purposes it may contract debts to be paid out of future 133
receipts. For purposes of this section, buildings appropriate 134
for cemetery purposes include, but are not limited to, buildings 135
for crematory or reduction facilities, funeral homes, and other 136
buildings intended to produce income for the cemetery company or 137

association. 138

No part of the funds of a cemetery company or association, 139
or of the proceeds of land sold by it, shall ever be divided 140
among its stockholders or lot owners, and all its funds shall be 141
used exclusively for the purposes of the company or association 142
as specified in this section, or invested in a fund the income 143
of which shall be so used and appropriated. 144

Sec. 1721.18. Any company or association incorporated for 145
the erection and maintenance of a crematory or reduction 146
facility may exercise all the rights and powers conferred by 147
sections 1721.01 to 1721.18, inclusive, of the Revised Code, 148
subject to the conditions provided in such sections. No building 149
shall be erected for such a purpose within two hundred yards of 150
a dwelling house unless the owner of the dwelling house gives— 151
~~his~~ the owner's consent. No person, company, association, or 152
firm shall establish a morgue on a street upon which there are 153
dwelling houses unless the owners or occupants of all dwelling 154
houses within two hundred yards of the proposed morgue give 155
their written consent thereto. This section does not apply to a 156
crematory built, or a morgue established, ~~as of~~ on or before 157
April 3, 1900. 158

Sec. 1721.21. (A) As used in this section: 159

(1) "Person" means any corporation, company, partnership, 160
individual, or other entity owning or operating a cemetery for 161
the disposition of human remains. 162

(2) "Cemetery" means any one or a combination of more than 163
one of the following: 164

(a) A burial ground for earth interments; 165

(b) A mausoleum for crypt entombments; 166

(c) A columbarium for the deposit of cremated or reduced remains; 167
168

(d) A scattering ground for the spreading of cremated or 169
reduced remains. 170

(3) "Interment" means the disposition of human remains by 171
earth burial, entombment, or inurnment. 172

(4) "Burial right" means the right of earth interment. 173

(5) "Entombment right" means the right of entombment in a 174
mausoleum. 175

(6) "Columbarium right" means the right of inurnment in a 176
columbarium for cremated or reduced remains. 177

(7) "Human remains" means any part of the body of a 178
deceased human being, in any stage of decomposition or state of 179
preservation, or the remaining bone fragments from the body of a 180
deceased human being that has been reduced by cremation, 181
reduction, or alternative disposition. 182

(B) No person shall operate or continue to operate any 183
cemetery in this state unless an endowment care trust is 184
established and maintained as required by this section. 185

(C) Any person desiring to operate any cemetery that is 186
organized or developed after July 1, 1970, before offering to 187
sell or selling any burial lot, burial right, entombment right, 188
or columbarium right in that cemetery, shall first establish an 189
endowment care trust, segregated from other assets, and place in 190
that fund a minimum of fifty thousand dollars in cash or in 191
bonds of the United States, this state, or any county or 192
municipal corporation of this state. 193

Whenever any person described in this division has placed 194

another fifty thousand dollars in the endowment care trust out 195
of gross sales proceeds, in addition to the deposit required by 196
this division, that person, after submitting proof of this fact 197
to the trustees of the endowment care trust, may be paid a 198
distribution in the sum of fifty thousand dollars from the 199
endowment care trust. 200

(D) Any person desiring to operate or to continue to 201
operate any cemetery after July 1, 1970, shall place into the 202
endowment care trust as required by this section not less than 203
ten per cent of the gross sales proceeds received from the sale 204
of any burial lot, burial right, entombment right, or 205
columbarium right. This percentage shall be placed in the 206
endowment care trust no later than thirty days following the 207
month in which the entire gross sales are received. 208

(E) The trustees of the endowment care trust shall consist 209
of at least three individuals who have been residents of the 210
county in which the cemetery is located for at least one year, 211
or a trust company licensed under Chapter 1111. of the Revised 212
Code or a national bank or federal savings association that has 213
securities pledged in accordance with section 1111.04 of the 214
Revised Code. If the trustees are not a financial institution or 215
trust company, the trustees shall be bonded by a fidelity bond, 216
or insured under an insurance policy less any deductible, in an 217
aggregate amount of not less than one hundred per cent of the 218
funds held by the trustees. The trustees or their agent shall, 219
on a continuous basis, keep exact records as to the amount of 220
funds under any joint account or trust instrument being held for 221
the individual beneficiaries showing the amount paid, the amount 222
deposited and invested, and accruals and income. 223

The funds of the endowment care trust shall be held and 224

invested in the manner in which trust funds are permitted to be 225
held and invested pursuant to sections 2109.37 and 2109.371 of 226
the Revised Code or, if provided for in the instrument creating 227
the trust, pursuant to the Ohio Uniform Prudent Investor Act. 228

(F) Any person offering to sell or selling any burial lot, 229
burial right, entombment right, or columbarium right shall give 230
to the purchaser of the lot or right, at the time of sale, a 231
written agreement that identifies and unconditionally guarantees 232
to the purchaser the specific location of the lot or the 233
specific location to which the right applies. 234

(G) No person shall open or close any grave, crypt, or 235
niche for the interment of human remains in a cemetery without 236
the permission of the cemetery association or other entity 237
having control and management of the cemetery. 238

(H) Except as provided in division (G) of this section, 239
this section does not apply to a family cemetery as defined in 240
section 4767.02 of the Revised Code, to any cemetery that is 241
owned and operated entirely and exclusively by churches, 242
religious societies, established fraternal organizations, 243
municipal corporations, or other political subdivisions of the 244
state, or to a national cemetery. 245

(I) The distribution from the endowment care trust shall 246
be used only to pay for both of the following: 247

(1) The cost and expenses incurred to establish, manage, 248
invest, and administer the records and the trust; 249

(2) The maintenance, supervision, improvement, and 250
preservation of the grounds, lots, buildings, equipment, 251
statuary, and other real and personal property of the cemetery. 252

(J) (1) Annual reports of all the assets and investments of 253

the endowment care trust shall be prepared and maintained, and 254
shall be available for inspection at reasonable times by any 255
owner of interment rights in the cemetery. 256

(2) Every cemetery required to establish and maintain an 257
endowment care trust shall ensure each of the following: 258

(a) That the cemetery has deposited, at the time specified 259
in division (D) of this section, the amounts required by that 260
division in the cemetery's endowment care trust; 261

(b) That the cemetery used the amounts withdrawn only for 262
the purposes specified in division (I) of this section; 263

(c) Subject to division (K) (5) of this section, that all 264
principal and capital gains, less any payment of taxes 265
associated with such gains, have remained in the endowment care 266
trust; 267

(d) That the endowment care trust has not been used to 268
collateralize or guarantee loans and has not otherwise been 269
subjected to any consensual lien; 270

(e) That the endowment care trust is invested in 271
compliance with the investing standards set forth in sections 272
2109.37 and 2109.371 of the Revised Code, or, if provided for in 273
the instrument creating the trust, the Ohio Uniform Prudent 274
Investor Act. 275

(3) Every cemetery required to establish and maintain an 276
endowment care trust shall do both of the following: 277

(a) File an affidavit annually with the division of real 278
estate of the department of commerce, in a form prescribed by 279
the division, certifying under oath the cemetery satisfied 280
division (J) (2) of this section; 281

(b) Notify the division of real estate of the department 282
of commerce, in a form prescribed by the division, of the 283
percentage of the unitrust distribution from the endowment care 284
trust, as described in divisions (K) (2) (a) (ii) and (b) of this 285
section. 286

(K) (1) Every cemetery shall choose the distribution of 287
either of the following from the endowment care trust: 288

(a) All net ordinary income, which includes collected 289
dividends, interest, and other income earned by the trust, 290
reduced by any expenses, including, but not limited to, taxes on 291
income, fees, commissions, and costs; 292

(b) A unitrust disbursement not exceeding five per cent of 293
the fair market value of the endowment care fund. "Fair market 294
value," for the purpose of division (K) (1) (b) of this section, 295
means the average of the net fair market value of the assets of 296
the endowment care trust as of the last trading day for each of 297
the three preceding fiscal year ends. 298

(2) (a) A cemetery that selects the unitrust disbursement 299
distribution method, as provided in division (K) (1) (b) of this 300
section, shall do both of the following: 301

(i) Deliver to the trustees of the endowment care trust 302
written instructions, including the disbursement percentage 303
selected, not later than sixty days prior to the beginning of a 304
calendar year; 305

(ii) Deliver to the division of real estate of the 306
department of commerce notification that the cemetery selected 307
the unitrust disbursement method and the percentage selected, in 308
compliance with division (J) (3) (b) of this section. 309

(b) The distribution method and, if a unitrust 310

disbursement, the disbursement percentage selected shall remain 311
in effect unless the cemetery notifies the trustees and the 312
division of real estate of the department of commerce of its 313
desire to effect a change. The trustees shall ensure that an 314
investment policy is in place whose goals and objectives are 315
supportive of the growth of the endowment care trust. 316

(3) Distributions from the endowment care trust shall be 317
made on a monthly, quarterly, semiannual, or annual basis, as 318
agreed upon by the cemetery and the trustees. If the trustees do 319
not receive written instructions from the cemetery informing the 320
trustees of the method of calculation and distribution chosen, 321
the trustees shall calculate and distribute the net income, as 322
earned, on a monthly basis. 323

(4) In order to withdraw a unitrust disbursement, the fair 324
market value of the endowment care trust after the disbursement 325
shall be greater than eighty per cent of the aggregate fair 326
market value of the endowment care trust as of the end of the 327
immediately preceding calendar year. Should this not be the 328
case, disbursement shall be limited for that year to net 329
ordinary income. 330

(5) The trustees shall pay reasonable operating expenses 331
and taxes of the endowment care trust itself. If the operating 332
expenses and taxes paid are greater than two and one-half per 333
cent of the fair market value for the preceding calendar year 334
end and the cemetery has selected a unitrust disbursement, the 335
trustees shall reduce the unitrust disbursement by the amount 336
exceeding two and one-half per cent. 337

Sec. 2108.15. Subject to division (I) of section 2108.11 338
and sections 2108.26 to 2108.272 of the Revised Code, the rights 339
of the person to which a part passes under section 2108.11 of 340

the Revised Code shall be superior to the rights of all others 341
with respect to the part. The person may accept or reject an 342
anatomical gift in whole or in part. 343

Subject to the terms of the document of gift and sections 344
2108.01 to 2108.29 of the Revised Code, a person that accepts an 345
anatomical gift of an entire body may allow embalming, burial, 346
~~or~~ cremation, or reduction, and use of remains in a funeral 347
service. If the gift is of a part, the person to whom the part 348
passes under section 2108.11 of the Revised Code, upon the death 349
of the donor and before embalming, burial, ~~or~~ cremation, or 350
reduction, shall cause the part to be removed without 351
unnecessary mutilation. After removal of the part, custody of 352
the remainder of the decedent's body passes to the persons to 353
whom the right of disposition for the body has been assigned 354
pursuant to section 2108.70 of the Revised Code or who have the 355
right of disposition for the body as described in section 356
2108.81 of the Revised Code. 357

Sec. 2108.70. (A) As used in this section and sections 358
2108.71 to 2108.90 of the Revised Code: 359

(1) "Adult" means an individual who is eighteen years of 360
age or older. 361

(2) "Declarant" means an adult who has executed a written 362
declaration described in division (B) of this section. 363

(3) "Representative" means an adult or a group of adults, 364
collectively, to whom a declarant has assigned the right of 365
disposition. 366

(4) "Right of disposition" means one or more of the rights 367
described in division (B) of this section that a declarant 368
chooses to assign to a representative in a written declaration 369

executed under that division or all of the rights described in 370
division (B) of this section that are assigned to a person 371
pursuant to section 2108.81 of the Revised Code. 372

(5) "Successor representative" means an adult or group of 373
adults, collectively, to whom the right of disposition for a 374
declarant has been reassigned because the declarant's 375
representative is disqualified from exercising the right under 376
section 2108.75 of the Revised Code. Each successor 377
representative shall be considered in the order the 378
representative is designated by the declarant. 379

(B) An adult who is of sound mind may execute at any time 380
a written declaration assigning to a representative one or more 381
of the following rights: 382

(1) The right to direct the disposition, after death, of 383
the declarant's body or any part of the declarant's body that 384
becomes separated from the body before death. This right 385
includes the right to determine the location, manner, and 386
conditions of the disposition of the declarant's bodily remains. 387

(2) The right to make arrangements and purchase goods and 388
services for the declarant's funeral. This right includes the 389
right to determine the location, manner, and condition of the 390
declarant's funeral. 391

(3) The right to make arrangements and purchase goods and 392
services for the declarant's burial, cremation, reduction, or 393
other manner of final disposition. This right includes the right 394
to determine the location, manner, and condition of the 395
declarant's burial, cremation, reduction, or other manner of 396
final disposition. 397

(C) (1) Subject to division (C) (2) of this section, a 398

declarant may designate a successor representative. 399

(2) If a representative is a group of persons and not all 400
of the persons in the group meet at least one criterion to be 401
disqualified from serving as the representative, as described in 402
section 2108.75 of the Revised Code, the persons in the group 403
who are not disqualified shall remain the representative who has 404
the right of disposition. 405

(D) The assignment or reassignment of a right of 406
disposition to a representative and a successor representative 407
~~supercedes~~supersedes an assignment of a right of disposition 408
under section 2108.81 of the Revised Code. 409

Sec. 2108.72. (A) The written declaration described in 410
section 2108.70 of the Revised Code shall include all of the 411
following: 412

(1) The declarant's legal name and present address; 413

(2) A statement that the declarant, an adult being of 414
sound mind, willfully and voluntarily appoints a representative 415
to have the declarant's right of disposition for the declarant's 416
body upon the declarant's death; 417

(3) A statement that all decisions made by the declarant's 418
representative with respect to the right of disposition are 419
binding; 420

(4) The name, last known address, and last known telephone 421
number of the representative or, if the representative is a 422
group of persons, the name, last known address, and last known 423
telephone number of each person in the group; 424

(5) If the declarant chooses to have a successor 425
representative, a statement that if any person or group of 426

persons named as the declarant's representative is disqualified 427
from serving in such position as described in section 2108.75 of 428
the Revised Code, the declarant appoints a successor 429
representative; 430

(6) If applicable, the name, last known address, and last 431
known telephone number of the successor representative or, if 432
the successor representative is a group of persons, the name, 433
last known address, and last known telephone number of each 434
person in the group; 435

(7) A space where the declarant may indicate the 436
declarant's preferences regarding how the right of disposition 437
should be exercised, including any religious observances the 438
declarant wishes the person with the right of disposition to 439
consider; 440

(8) A space where the declarant may indicate one or more 441
sources of funds that may be used to pay for goods and services 442
associated with the exercise of the right of disposition; 443

(9) A statement that the declarant's written declaration 444
becomes effective on the declarant's death; 445

(10) A statement that the declarant revokes any written 446
declaration that the declarant executed, in accordance with 447
section 2108.70 of the Revised Code, prior to the execution of 448
the present written declaration; 449

(11) A space where the declarant can sign and date the 450
written declaration; 451

(12) A space where a notary public or two witnesses can 452
sign and date the written declaration as described in section 453
2108.73 of the Revised Code. 454

(B) A written declaration may take the following form: 455

APPOINTMENT OF REPRESENTATIVE FOR DISPOSITION OF BODILY 456
REMAINS, FUNERAL ARRANGEMENTS, AND BURIAL-OR-, CREMATION, OR 457
REDUCTION GOODS AND SERVICES: 458

I, _____ (legal name and present address of 459
declarant), an adult being of sound mind, willfully and 460
voluntarily appoint my representative, named below, to have the 461
right of disposition, as defined in section 2108.70 of the 462
Revised Code, for my body upon my death. All decisions made by 463
my representative with respect to the right of disposition shall 464
be binding. 465

REPRESENTATIVE: 466

(If the representative is a group of persons, indicate the 467
name, last known address, and telephone number of each person in 468
the group.) 469

Name(s): _____ 470

Address(es): _____ 471

Telephone Number(s): _____ 472

SUCCESSOR REPRESENTATIVE: 473

If my representative is disqualified from serving as my 474
representative as described in section 2108.75 of the Revised 475
Code, then I hereby appoint the following person or group of 476
persons to serve as my successor representative. 477

(If the successor representative is a group of persons, 478
indicate the name, last known address, and telephone number of 479
each person in the group.) 480

Name(s): _____ 481

Address(es) : _____ 482

Telephone Number(s) : _____ 483

PREFERENCES REGARDING HOW THE RIGHT OF DISPOSITION SHOULD 484
BE EXERCISED, INCLUDING ANY RELIGIOUS OBSERVANCES THE DECLARANT 485
WISHES A REPRESENTATIVE OR A SUCCESSOR REPRESENTATIVE TO 486
CONSIDER: 487

_____ 488
_____ 489
_____ 490
_____ 491

ONE OR MORE SOURCES OF FUNDS THAT COULD BE USED TO PAY FOR 492
GOODS AND SERVICES ASSOCIATED WITH AN EXERCISE OF THE RIGHT OF 493
DISPOSITION: 494

_____ 495
_____ 496
_____ 497
_____ 498

DURATION: 499

The appointment of my representative and, if applicable, 500
successor representative, becomes effective upon my death. 501

PRIOR APPOINTMENTS REVOKED: 502

I hereby revoke any written declaration that I executed in 503
accordance with section 2108.70 of the Ohio Revised Code prior 504
to the date of execution of this written declaration indicated 505
below. 506

AUTHORIZATION TO ACT: 507

I hereby agree that any of the following that receives a 508

copy of this written declaration may act under it:	509
- Cemetery organization;	510
- <u>Reduction facility operator;</u>	511
- Crematory operator;	512
- Business operating a columbarium;	513
- Funeral director;	514
- Embalmer;	515
- Funeral home;	516
- Any other person asked to assist with my funeral,	517
burial, cremation, <u>reduction</u> , or other manner of final	518
disposition.	519
 MODIFICATION AND REVOCATION - WHEN EFFECTIVE:	520
 Any modification or revocation of this written declaration	521
is not effective as to any party until that party receives	522
actual notice of the modification or revocation.	523
 LIABILITY:	524
 No person who acts in accordance with a properly executed	525
copy of this written declaration shall be liable for damages of	526
any kind associated with the person's reliance on this	527
declaration.	528
 Signed this _____ day of _____	529
 _____	530
 (Signature of declarant)	531
 ACKNOWLEDGMENT OF ASSUMPTION OF OBLIGATIONS AND COSTS:	532

By signing below, the representative, or successor
representative, if applicable, acknowledges that he or she, as
representative or successor representative, assumes the right of
disposition as defined in section 2108.70 of the Revised Code,
and understands that he or she is liable for the reasonable
costs of exercising the right, including any goods and services
that are purchased.

ACCEPTANCE (OPTIONAL):

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

Signed this _____ day of _____

Signature of representative (if

representative is a group of persons,

each person in the group shall sign)

Signed this _____ day of _____

Signature of successor representative

(if successor representative is a

group of persons, each person in the

group shall sign)

WITNESSES:

I attest that the declarant signed or acknowledged this

assignment of the right of disposition under section 2108.70 of 558
the Revised Code in my presence and that the declarant is at 559
least eighteen years of age and appears to be of sound mind and 560
not under or subject to duress, fraud, or undue influence. I 561
further attest that I am not the declarant's representative or 562
successor representative, I am at least eighteen years of age, 563
and I am not related to the declarant by blood, marriage, or 564
adoption. 565

First witness: 566

Name (printed): 567

_____ Residing at: _____ 568

Signature: _____ 569

_____ 570

Date: 571

_____ 572

Second witness: 573

Name (printed): 574

_____ Residing at: _____ 575

Signature: _____ 576

_____ 577

Date: 578

_____ 579

OR 580

NOTARY ACKNOWLEDGMENT 581

State of Ohio 582

County of _____ SS. 583

On _____, before me, the undersigned notary 584
public, personally appeared _____, known to me or 585
satisfactorily proven to be the person whose name is subscribed 586
as the declarant, and who has acknowledged that he or she 587
executed this written declaration under section 2108.70 of the 588
Revised Code for the purposes expressed in that section. I 589
attest that the declarant is at least eighteen years of age and 590
appears to be of sound mind and not under or subject to duress, 591
fraud, or undue influence. 592

Signature of notary public 593

594

My commission expires on: 595

596

(C) Completion of a federal Record of Emergency Data form, 597
DD Form 93, or its successor form, by a member of the military, 598
is sufficient to constitute a written declaration under section 599
2108.70 of the Revised Code if section 13a of DD Form 93, 600
entitled "Person Authorized to Direct Disposition," has been 601
properly completed by the member of the military who has 602
subsequently died while under active duty orders as described in 603
10 U.S.C. 1481. 604

Sec. 2108.75. (A) A person shall be disqualified from 605
serving as a representative or successor representative, or from 606
having the right of disposition for a deceased person pursuant 607
to section 2108.81 of the Revised Code, if any of the following 608
occurs: 609

(1) The person dies.	610
(2) A probate court declares or determines that the person is incompetent.	611 612
(3) The person resigns or declines to exercise the right as described in section 2108.88 of the Revised Code.	613 614
(4) The person fails to exercise the right within forty-eight hours after notification of the declarant's or deceased person's death or, if there is no notification, within seventy-two hours of either of the following, as applicable:	615 616 617 618
(a) The declarant's or deceased person's death;	619
(b) The discovery of the declarant's or deceased person's remains, when such discovery occurs more than an hour after the declarant's or deceased person's death.	620 621 622
(5) The person cannot be located with reasonable effort.	623
(6) The person meets the criteria described in section 2108.76 or 2108.77 of the Revised Code.	624 625
(7) The person refuses to assume the liability for the costs of disposition.	626 627
(B) No owner, employee, or agent of a funeral home, cemetery, or crematory, <u>or reduction facility</u> providing funeral, burial, or cremation, <u>or reduction</u> services for a declarant shall serve as a representative or successor representative for the declarant unless the owner, employee, or agent is related to the declarant by blood, marriage, or adoption.	628 629 630 631 632 633
(C) Subject to divisions (C) (2) and (D) of section 2108.70 of the Revised Code, if a person is disqualified from serving as the declarant's representative or successor representative, or	634 635 636

from having the right of disposition for a deceased person 637
pursuant to section 2108.81 of the Revised Code, as described in 638
division (A) of this section, the right is automatically 639
reassigned to, and vests in, the next person who has the right 640
pursuant to the declarant's written declaration or pursuant to 641
the order of priority in section 2108.81 of the Revised Code. 642

If a right of disposition for a deceased person is 643
assigned to a funeral director under division (B) (9) of section 644
2108.81 of the Revised Code, the funeral director is not liable 645
for the cost of disposition. 646

Sec. 2108.82. (A) Notwithstanding section 2108.81 of the 647
Revised Code and in accordance with division (B) of this 648
section, the probate court for the county in which the declarant 649
or deceased person resided at the time of death may, on its own 650
motion or the motion of another person, assign to any person the 651
right of disposition for a declarant or deceased person. 652

(B) In making a determination for purposes of division (A) 653
of this section and division (C) of section 2108.79 of the 654
Revised Code, the court shall consider the following: 655

(1) Whether evidence presented to, or in the possession of 656
the court, demonstrates that the person who is the subject of 657
the motion and the declarant or deceased person had a close 658
personal relationship; 659

(2) The reasonableness and practicality of any plans that 660
the person who is the subject of the motion may have for the 661
declarant's or deceased person's funeral, burial, cremation, 662
reduction, final disposition, redistribution, or disinterment, 663
including the degree to which such plans allow maximum 664
participation by all persons who wish to pay their final 665

respects to the deceased person; 666

(3) The convenience and needs of other family members and 667
friends wishing to pay their final respects to the declarant or 668
deceased person; 669

(4) The express written desires of the declarant or 670
deceased person; 671

(5) The religious beliefs or other evidence of the desires 672
of the declarant or deceased person; 673

(6) The conduct of the persons involved in the proceedings 674
related to the circumstances concerning the deceased person, the 675
deceased person's estate, and other family members; 676

(7) The length of time that has elapsed since the original 677
or last disposition; 678

(8) Whether there is a change of circumstances, including, 679
but not limited to, any of the following: 680

(a) A change to the physical or environmental conditions 681
of the cemetery or other location of the deceased person's 682
bodily remains or the surrounding area; 683

(b) A change to the financial condition of the cemetery 684
operator or organization containing the deceased person's bodily 685
remains; 686

(c) A change related to the residence of the deceased 687
person's family members; 688

(d) A change to the burial arrangements for the deceased 689
person's family members. 690

A change of circumstances does not include a mere change 691
of the representative who has been assigned the right to direct 692

the disposition of the deceased person's bodily remains. 693

(C) There shall be no disinterment or other change of the 694
original or last disposition unless the court makes a finding of 695
compelling reasons based upon the factors listed in division (B) 696
of this section. 697

(D) The personal representative of either the declarant or 698
the deceased does not have a greater claim to the right of 699
disposition than such persons otherwise have pursuant to law. 700

Sec. 2108.83. In the event of a dispute regarding the 701
right of disposition, a funeral home, funeral director, 702
crematory operator, reduction facility operator, cemetery 703
operator, cemetery organization, or other person asked to assist 704
with a declarant's or deceased person's funeral, burial, 705
cremation, reduction, or other manner of final disposition shall 706
not be liable for damages of any kind for refusing to accept the 707
remains, refusing to inter, cremate, reduce, or otherwise 708
dispose of the remains, or refusing to complete funeral or other 709
arrangements pertaining to final disposition until such funeral 710
home, funeral director, crematory operator, reduction facility 711
operator, cemetery operator, cemetery organization, or other 712
person receives a court order or a written document that is 713
executed by a person that the funeral home, funeral director, 714
crematory operator, reduction facility operator, cemetery 715
operator, cemetery organization, or other person reasonably 716
believes has the right of disposition and that clearly expresses 717
how the right of disposition is to be exercised. 718

Sec. 2108.84. If a funeral home, funeral director, 719
crematory operator, reduction facility operator, or other person 720
asked to assist with a declarant's or deceased person's funeral, 721
burial, cremation, reduction, or other manner of final 722

disposition is in possession of a declarant's or deceased 723
person's remains while a dispute described in section 2108.83 of 724
the Revised Code is pending, the funeral home, funeral director, 725
crematory operator, reduction facility operator, or other person 726
may embalm or refrigerate and shelter the remains to preserve 727
them and may add the cost of embalming, refrigeration, and 728
sheltering to the final disposition costs to be charged. 729

Sec. 2108.85. (A) If a funeral home, funeral director, 730
crematory operator, reduction facility operator, cemetery 731
operator, cemetery organization, or other person asked to assist 732
with a declarant's or deceased person's funeral, burial, 733
cremation, reduction, or other manner of final disposition 734
brings a legal action for purposes of section 2108.83 or 2108.84 735
of the Revised Code, the funeral home, funeral director, 736
crematory operator, reduction facility operator, cemetery 737
operator, cemetery organization, or other person may add to the 738
costs the person charges for the goods and services the person 739
provided the legal fees, if reasonable, and the court costs that 740
the person incurred. 741

(B) The right created by division (A) of this section 742
shall neither be construed to require, nor impose a duty on, a 743
funeral home, funeral director, crematory operator, reduction 744
facility operator, cemetery operator, cemetery organization, or 745
other person asked to assist with a declarant's or deceased 746
person's funeral, burial, cremation, reduction, or other manner 747
of final disposition, to bring a legal action and such person 748
shall not be held criminally or civilly liable for not bringing 749
an action. 750

Sec. 2108.86. (A) A funeral home, funeral director, 751
crematory operator, reduction facility operator, cemetery 752

operator, cemetery organization, or other person asked to assist 753
with a declarant's funeral, burial, cremation, reduction, or 754
other manner of final disposition has the right to rely on the 755
content of a written declaration and the instructions of the 756
person or group of persons whom the funeral home, funeral 757
director, crematory operator, reduction facility operator, 758
cemetery operator, cemetery organization, or other person 759
reasonably believes has the right of disposition. 760

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

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

taking an action in reliance on such contents or instructions 784
and for otherwise complying with sections 2108.70 to 2108.90 of 785
the Revised Code. 786

Sec. 2108.87. (A) A funeral home, funeral director, 787
crematory operator, reduction facility operator, cemetery 788
operator, cemetery organization, or other person asked to assist 789
with a deceased person's funeral, burial, cremation, reduction, 790
or other manner of final disposition may independently 791
investigate the existence of, or locate or contact, the 792
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 operator, reduction facility operator, 799
cemetery operator, cemetery organization, or other person asked 800
to assist with a deceased person's funeral, burial, cremation, 801
reduction, or other manner of final disposition have a duty to 802
independently investigate the existence of, or locate or 803
contact, the persons described in division (A) of this section. 804

Sec. 2111.13. (A) When a guardian is appointed to have the 805
custody and maintenance of a ward, and to have charge of the 806
education of the ward if the ward is a minor, the guardian's 807
duties are as follows: 808

(1) To protect and control the person of the ward; 809

(2) To provide suitable maintenance for the ward when 810
necessary, which shall be paid out of the estate of such ward 811
upon the order of the guardian of the person; 812

(3) To provide such maintenance and education for such 813
ward as the amount of the ward's estate justifies when the ward 814
is a minor and has no father or mother, or has a father or 815
mother who fails to maintain or educate the ward, which shall be 816
paid out of such ward's estate upon the order of the guardian of 817
the person; 818

(4) To obey all the orders and judgments of the probate 819
court touching the guardianship. 820

(B) Except as provided in section 2111.131 of the Revised 821
Code, no part of the ward's estate shall be used for the 822
support, maintenance, or education of such ward unless ordered 823
and approved by the court. 824

(C) A guardian of the person may authorize or approve the 825
provision to the ward of medical, health, or other professional 826
care, counsel, treatment, or services unless the ward or an 827
interested party files objections with the probate court, or the 828
court, by rule or order, provides otherwise. 829

(D) Unless a person with the right of disposition for a 830
ward under section 2108.70 or 2108.81 of the Revised Code has 831
made a decision regarding whether or not consent to an autopsy 832
or post-mortem examination on the body of the deceased ward 833
under section 2108.50 of the Revised Code shall be given, a 834
guardian of the person of a ward who has died may consent to the 835
autopsy or post-mortem examination. 836

(E) If a deceased ward did not have a guardian of the 837
estate, the estate is not required to be administered by a 838
probate court, and a person with the right of disposition for a 839
ward, as described in section 2108.70 or 2108.81 of the Revised 840
Code, has not made a decision regarding the disposition of the 841

ward's body or remains, the guardian of the person of the ward 842
may authorize the burial~~or~~, cremation, or reduction of the 843
ward. 844

(F) A guardian who gives consent or authorization as 845
described in divisions (D) and (E) of this section shall notify 846
the probate court as soon as possible after giving the consent 847
or authorization. 848

Sec. 2743.51. As used in sections 2743.51 to 2743.72 of 849
the Revised Code: 850

(A) "Claimant" means both of the following categories of 851
persons: 852

(1) Any of the following persons who claim an award of 853
reparations under sections 2743.51 to 2743.72 of the Revised 854
Code: 855

(a) A victim who was one of the following at the time of 856
the criminally injurious conduct: 857

(i) A resident of the United States; 858

(ii) A resident of a foreign country the laws of which 859
permit residents of this state to recover compensation as 860
victims of offenses committed in that country. 861

(b) A dependent of a deceased victim who is described in 862
division (A) (1) (a) of this section; 863

(c) A third person, other than a collateral source, who 864
legally assumes or voluntarily pays the obligations of a victim, 865
or of a dependent of a victim, who is described in division (A) 866
(1) (a) of this section, which obligations are incurred as a 867
result of the criminally injurious conduct that is the subject 868
of the claim and may include, but are not limited to, medical or 869

burial expenses; 870

(d) A person who is authorized to act on behalf of any 871
person who is described in division (A)(1)(a), (b), or (c) of 872
this section; 873

(e) The estate of a deceased victim who is described in 874
division (A)(1)(a) of this section. 875

(2) Any of the following persons who claim an award of 876
reparations under sections 2743.51 to 2743.72 of the Revised 877
Code: 878

(a) A victim who had a permanent place of residence within 879
this state at the time of the criminally injurious conduct and 880
who, at the time of the criminally injurious conduct, complied 881
with any one of the following: 882

(i) Had a permanent place of employment in this state; 883

(ii) Was a member of the regular armed forces of the 884
United States or of the United States coast guard or was a full- 885
time member of the Ohio organized militia or of the United 886
States army reserve, naval reserve, or air force reserve; 887

(iii) Was retired and receiving social security or any 888
other retirement income; 889

(iv) Was sixty years of age or older; 890

(v) Was temporarily in another state for the purpose of 891
receiving medical treatment; 892

(vi) Was temporarily in another state for the purpose of 893
performing employment-related duties required by an employer 894
located within this state as an express condition of employment 895
or employee benefits; 896

(vii) Was temporarily in another state for the purpose of receiving occupational, vocational, or other job-related training or instruction required by an employer located within this state as an express condition of employment or employee benefits;

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

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

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

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

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

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

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

(1) The offender;	926
(2) The government of the United States or any of its	927
agencies, a state or any of its political subdivisions, or an	928
instrumentality of two or more states, unless the law providing	929
for the benefits or advantages makes them excess or secondary to	930
benefits under sections 2743.51 to 2743.72 of the Revised Code;	931
(3) Social security, medicare, and medicaid;	932
(4) State-required, temporary, nonoccupational disability	933
insurance;	934
(5) Workers' compensation;	935
(6) Wage continuation programs of any employer;	936
(7) Proceeds of a contract of insurance payable to the	937
victim for loss that the victim sustained because of the	938
criminally injurious conduct;	939
(8) A contract providing prepaid hospital and other health	940
care services, or benefits for disability;	941
(9) That portion of the proceeds of all contracts of	942
insurance payable to the claimant on account of the death of the	943
victim that exceeds fifty thousand dollars;	944
(10) Any compensation recovered or recoverable under the	945
laws of another state, district, territory, or foreign country	946
because the victim was the victim of an offense committed in	947
that state, district, territory, or country.	948
"Collateral source" does not include any money, or the	949
monetary value of any property, that is subject to sections	950
2969.01 to 2969.06 of the Revised Code or that is received as a	951
benefit from the Ohio public safety officers death benefit fund	952

created by section 742.62 of the Revised Code. 953

(C) "Criminally injurious conduct" means one of the 954
following: 955

(1) For the purposes of any person described in division 956
(A) (1) of this section, any conduct that occurs or is attempted 957
in this state; poses a substantial threat of personal injury or 958
death; and is punishable by fine, imprisonment, or death, or 959
would be so punishable but for the fact that the person engaging 960
in the conduct lacked capacity to commit the crime under the 961
laws of this state. Criminally injurious conduct does not 962
include conduct arising out of the ownership, maintenance, or 963
use of a motor vehicle, except when any of the following 964
applies: 965

(a) The person engaging in the conduct intended to cause 966
personal injury or death; 967

(b) The person engaging in the conduct was using the 968
vehicle to flee immediately after committing a felony or an act 969
that would constitute a felony but for the fact that the person 970
engaging in the conduct lacked the capacity to commit the felony 971
under the laws of this state; 972

(c) The person engaging in the conduct was using the 973
vehicle in a manner that constitutes an OVI violation; 974

(d) The conduct occurred on or after July 25, 1990, and 975
the person engaging in the conduct was using the vehicle in a 976
manner that constitutes a violation of section 2903.08 of the 977
Revised Code; 978

(e) The person engaging in the conduct acted in a manner 979
that caused serious physical harm to a person and that 980
constituted a violation of section 4549.02 or 4549.021 of the 981

Revised Code. 982

(2) For the purposes of any person described in division 983
(A) (2) of this section, any conduct that occurs or is attempted 984
in another state, district, territory, or foreign country; poses 985
a substantial threat of personal injury or death; and is 986
punishable by fine, imprisonment, or death, or would be so 987
punishable but for the fact that the person engaging in the 988
conduct lacked capacity to commit the crime under the laws of 989
the state, district, territory, or foreign country in which the 990
conduct occurred or was attempted. Criminally injurious conduct 991
does not include conduct arising out of the ownership, 992
maintenance, or use of a motor vehicle, except when any of the 993
following applies: 994

(a) The person engaging in the conduct intended to cause 995
personal injury or death; 996

(b) The person engaging in the conduct was using the 997
vehicle to flee immediately after committing a felony or an act 998
that would constitute a felony but for the fact that the person 999
engaging in the conduct lacked the capacity to commit the felony 1000
under the laws of the state, district, territory, or foreign 1001
country in which the conduct occurred or was attempted; 1002

(c) The person engaging in the conduct was using the 1003
vehicle in a manner that constitutes an OVI violation; 1004

(d) The conduct occurred on or after July 25, 1990, the 1005
person engaging in the conduct was using the vehicle in a manner 1006
that constitutes a violation of any law of the state, district, 1007
territory, or foreign country in which the conduct occurred, and 1008
that law is substantially similar to a violation of section 1009
2903.08 of the Revised Code; 1010

(e) The person engaging in the conduct acted in a manner 1011
that caused serious physical harm to a person and that 1012
constituted a violation of any law of the state, district, 1013
territory, or foreign country in which the conduct occurred, and 1014
that law is substantially similar to section 4549.02 or 4549.021 1015
of the Revised Code. 1016

(3) For the purposes of any person described in division 1017
(A) (1) or (2) of this section, terrorism that occurs within or 1018
outside the territorial jurisdiction of the United States. 1019

(D) "Dependent" means an individual wholly or partially 1020
dependent upon the victim for care and support, and includes a 1021
child of the victim born after the victim's death. 1022

(E) "Economic loss" means economic detriment consisting 1023
only of allowable expense, work loss, funeral expense, 1024
unemployment benefits loss, replacement services loss, cost of 1025
crime scene cleanup, and cost of evidence replacement. If 1026
criminally injurious conduct causes death, economic loss 1027
includes a dependent's economic loss and a dependent's 1028
replacement services loss. Noneconomic detriment is not economic 1029
loss; however, economic loss may be caused by pain and suffering 1030
or physical impairment. 1031

(F) (1) For a victim described in division (L) (1) of this 1032
section, "allowable expense" means reasonable charges incurred 1033
for reasonably needed products, services, and accommodations, 1034
including those for medical care, rehabilitation, rehabilitative 1035
occupational training, and other remedial treatment and care and 1036
including replacement costs for hearing aids; dentures, 1037
retainers, and other dental appliances; canes, walkers, and 1038
other mobility tools; and eyeglasses and other corrective 1039
lenses. It does not include that portion of a charge for a room 1040

in a hospital, clinic, convalescent home, nursing home, or any 1041
other institution engaged in providing nursing care and related 1042
services in excess of a reasonable and customary charge for 1043
semiprivate accommodations, unless accommodations other than 1044
semiprivate accommodations are medically required. 1045

(2) For a victim described in division (L)(2) of this 1046
section, "allowable expense" means reasonable charges incurred 1047
for psychiatric care or counseling reasonably needed as a result 1048
of the criminally injurious conduct. No other type of expense is 1049
compensable under section 2743.51 to 2743.72 of the Revised Code 1050
for a victim of that type. 1051

(3) For a victim described in division (L)(3) of this 1052
section, "allowable expense" means work loss and reasonable 1053
charges incurred for psychiatric care or counseling reasonably 1054
needed as a result of the criminally injurious conduct. No other 1055
type of expense is compensable under sections 2743.51 to 2743.72 1056
of the Revised Code for a victim of that type. 1057

(4) A family member of a victim who died as a proximate 1058
result of criminally injurious conduct may be reimbursed as an 1059
allowable expense through the victim's application for wages 1060
lost and travel expenses incurred in order to attend criminal 1061
justice proceedings arising from the criminally injurious 1062
conduct. The cumulative allowable expense for wages lost and 1063
travel expenses incurred by a family member to attend criminal 1064
justice proceedings shall not exceed five hundred dollars for 1065
each family member of the victim and two thousand dollars in the 1066
aggregate for all family members of the victim. 1067

(5) For a victim described in division (L)(1) of this 1068
section, "allowable expense" includes both of the following: 1069

(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 1100
of the victim's death. If a minor child of a victim is adopted 1101
after the victim's death, the minor child continues after the 1102
adoption to incur a dependent's economic loss as a result of the 1103
victim's death. If the surviving spouse of a victim remarries, 1104
the surviving spouse continues after the remarriage to incur a 1105
dependent's economic loss as a result of the victim's death. 1106

(J) "Dependent's replacement services loss" means loss 1107
reasonably incurred by dependents after a victim's death in 1108
obtaining ordinary and necessary services in lieu of those the 1109
victim would have performed for their benefit if the victim had 1110
not suffered the fatal injury, less expenses of the dependents 1111
avoided by reason of the victim's death and not subtracted in 1112
calculating the dependent's economic loss. If a minor child of a 1113
victim is adopted after the victim's death, the minor child 1114
continues after the adoption to incur a dependent's replacement 1115
services loss as a result of the victim's death. If the 1116
surviving spouse of a victim remarries, the surviving spouse 1117
continues after the remarriage to incur a dependent's 1118
replacement services loss as a result of the victim's death. 1119

(K) "Noneconomic detriment" means pain, suffering, 1120
inconvenience, physical impairment, or other nonpecuniary 1121
damage. 1122

(L) "Victim" means one of the following: 1123

(1) A person who suffers personal injury or death as a 1124
result of any of the following: 1125

(a) Criminally injurious conduct; 1126

(b) The good faith effort of any person to prevent 1127
criminally injurious conduct; 1128

(c) The good faith effort of any person to apprehend a 1129
person suspected of engaging in criminally injurious conduct. 1130

(2) A person who is an immediate family member of a victim 1131
of criminally injurious conduct that consists of a homicide, a 1132
sexual assault, domestic violence, or a severe and permanently 1133
incapacitating injury resulting in paraplegia or a similar life- 1134
altering condition, who requires psychiatric care or counseling 1135
as a result of the criminally injurious conduct; 1136

(3) A person who suffers trauma so severe that it impedes 1137
or prohibits a person from participating in normal daily 1138
activities and who is either of the following: 1139

(a) A family member of a victim of criminally injurious 1140
conduct that consists of a homicide, or a family member of a 1141
victim who, as a result of criminally injurious conduct, has 1142
sustained a severe and permanently incapacitating injury 1143
resulting in paraplegia or a similar life-altering condition, 1144
and who can demonstrate either of the following by a 1145
preponderance of the evidence: 1146

(i) The person witnessed the criminally injurious conduct. 1147

(ii) The person arrived at the crime scene in its 1148
immediate aftermath. 1149

(b) An immediate family member who is a caretaker of a 1150
dependent victim of criminally injurious conduct that consists 1151
of a sexual assault. 1152

(M) "Contributory misconduct" means any conduct of the 1153
claimant or of the victim through whom the claimant claims an 1154
award of reparations that is unlawful or intentionally tortious 1155
and to which all of the following apply: 1156

(1) The conduct occurred at the time of the criminally 1157
injurious conduct that is the basis of the claim. 1158

(2) The conduct itself caused or posed a substantial and 1159
imminent threat of causing serious physical harm or death to 1160
another. 1161

(3) The conduct instigated or proximately caused the 1162
criminally injurious conduct that is the basis of the claim. 1163

(N) (1) "Funeral expense" means any reasonable charges that 1164
are not in excess of seven thousand five hundred dollars per 1165
funeral and that are incurred for expenses directly related to a 1166
victim's funeral, cremation, reduction, or burial and any wages 1167
lost or travel expenses incurred by a family member of a victim 1168
in order to attend the victim's funeral, cremation, reduction, 1169
or burial. 1170

(2) An award for funeral expenses shall be applied first 1171
to expenses directly related to the victim's funeral, cremation, 1172
reduction, or burial. An award for wages lost or travel expenses 1173
incurred by a family member of the victim shall not exceed five 1174
hundred dollars for each family member and shall not exceed in 1175
the aggregate the difference between seven thousand five hundred 1176
dollars and expenses that are reimbursed by the program and that 1177
are directly related to the victim's funeral, cremation, _ 1178
reduction, or burial. 1179

(O) "Unemployment benefits loss" means a loss of 1180
unemployment benefits pursuant to Chapter 4141. of the Revised 1181
Code when the loss arises solely from the inability of a victim 1182
to meet the able to work, available for suitable work, or the 1183
actively seeking suitable work requirements of division (A) (4) 1184
(a) of section 4141.29 of the Revised Code. 1185

(P) "OVI violation" means any of the following: 1186

(1) A violation of section 4511.19 of the Revised Code, of 1187
any municipal ordinance prohibiting the operation of a vehicle 1188
while under the influence of alcohol, a drug of abuse, or a 1189
combination of them, or of any municipal ordinance prohibiting 1190
the operation of a vehicle with a prohibited concentration of 1191
alcohol, a controlled substance, or a metabolite of a controlled 1192
substance in the whole blood, blood serum or plasma, breath, or 1193
urine; 1194

(2) A violation of division (A)(1) of section 2903.06 of 1195
the Revised Code; 1196

(3) A violation of division (A)(2), (3), or (4) of section 1197
2903.06 of the Revised Code or of a municipal ordinance 1198
substantially similar to any of those divisions, if the offender 1199
was under the influence of alcohol, a drug of abuse, or a 1200
combination of them, at the time of the commission of the 1201
offense; 1202

(4) For purposes of any person described in division (A) 1203
(2) of this section, a violation of any law of the state, 1204
district, territory, or foreign country in which the criminally 1205
injurious conduct occurred, if that law is substantially similar 1206
to a violation described in division (P)(1) or (2) of this 1207
section or if that law is substantially similar to a violation 1208
described in division (P)(3) of this section and the offender 1209
was under the influence of alcohol, a drug of abuse, or a 1210
combination of them, at the time of the commission of the 1211
offense. 1212

(Q) "Pendency of the claim" for an original reparations 1213
application or supplemental reparations application means the 1214

period of time from the date the criminally injurious conduct 1215
upon which the application is based occurred until the date a 1216
final decision, order, or judgment concerning that original 1217
reparations application or supplemental reparations application 1218
is issued. 1219

(R) "Terrorism" means any activity to which all of the 1220
following apply: 1221

(1) The activity involves a violent act or an act that is 1222
dangerous to human life. 1223

(2) The act described in division (R)(1) of this section 1224
is committed within the territorial jurisdiction of the United 1225
States and is a violation of the criminal laws of the United 1226
States, this state, or any other state or the act described in 1227
division (R)(1) of this section is committed outside the 1228
territorial jurisdiction of the United States and would be a 1229
violation of the criminal laws of the United States, this state, 1230
or any other state if committed within the territorial 1231
jurisdiction of the United States. 1232

(3) The activity appears to be intended to do any of the 1233
following: 1234

(a) Intimidate or coerce a civilian population; 1235

(b) Influence the policy of any government by intimidation 1236
or coercion; 1237

(c) Affect the conduct of any government by assassination 1238
or kidnapping. 1239

(4) The activity occurs primarily outside the territorial 1240
jurisdiction of the United States or transcends the national 1241
boundaries of the United States in terms of the means by which 1242

the activity is accomplished, the person or persons that the 1243
activity appears intended to intimidate or coerce, or the area 1244
or locale in which the perpetrator or perpetrators of the 1245
activity operate or seek asylum. 1246

(S) "Transcends the national boundaries of the United 1247
States" means occurring outside the territorial jurisdiction of 1248
the United States in addition to occurring within the 1249
territorial jurisdiction of the United States. 1250

(T) "Cost of crime scene cleanup" means any of the 1251
following: 1252

(1) The replacement cost for items of clothing removed 1253
from a victim in order to make an assessment of possible 1254
physical harm or to treat physical harm; 1255

(2) Reasonable and necessary costs of cleaning the scene 1256
and repairing, for the purpose of personal security, property 1257
damaged at the scene where the criminally injurious conduct 1258
occurred, not to exceed seven hundred fifty dollars in the 1259
aggregate per claim. 1260

(U) "Cost of evidence replacement" means costs for 1261
replacement of property confiscated for evidentiary purposes 1262
related to the criminally injurious conduct, not to exceed seven 1263
hundred fifty dollars in the aggregate per claim. 1264

(V) "Provider" means any person who provides a victim or 1265
claimant with a product, service, or accommodations that are an 1266
allowable expense or a funeral expense. 1267

(W) "Immediate family member" means an individual who 1268
resided in the same permanent household as a victim at the time 1269
of the criminally injurious conduct and who is related to the 1270
victim by affinity or consanguinity. 1271

(X) "Family member" means an individual who is related to 1272
a victim by affinity or consanguinity. 1273

Sec. 2925.01. As used in this chapter: 1274

(A) "Administer," "controlled substance," "controlled 1275
substance analog," "dispense," "distribute," "hypodermic," 1276
"manufacturer," "official written order," "person," 1277
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 1278
"schedule III," "schedule IV," "schedule V," and "wholesaler" 1279
have the same meanings as in section 3719.01 of the Revised 1280
Code. 1281

(B) "Drug of abuse" and "person with a drug dependency" 1282
have the same meanings as in section 3719.011 of the Revised 1283
Code. 1284

(C) "Drug," "dangerous drug," "licensed health 1285
professional authorized to prescribe drugs," and "prescription" 1286
have the same meanings as in section 4729.01 of the Revised 1287
Code. 1288

(D) "Bulk amount" of a controlled substance means any of 1289
the following: 1290

(1) For any compound, mixture, preparation, or substance 1291
included in schedule I, schedule II, or schedule III, with the 1292
exception of any controlled substance analog, marihuana, 1293
cocaine, L.S.D., heroin, any fentanyl-related compound, and 1294
hashish and except as provided in division (D)(2), (5), or (6) 1295
of this section, whichever of the following is applicable: 1296

(a) An amount equal to or exceeding ten grams or twenty- 1297
five unit doses of a compound, mixture, preparation, or 1298
substance that is or contains any amount of a schedule I opiate 1299
or opium derivative; 1300

(b) An amount equal to or exceeding ten grams of a 1301
compound, mixture, preparation, or substance that is or contains 1302
any amount of raw or gum opium; 1303

(c) An amount equal to or exceeding thirty grams or ten 1304
unit doses of a compound, mixture, preparation, or substance 1305
that is or contains any amount of a schedule I hallucinogen 1306
other than tetrahydrocannabinol or lysergic acid amide, or a 1307
schedule I stimulant or depressant; 1308

(d) An amount equal to or exceeding twenty grams or five 1309
times the maximum daily dose in the usual dose range specified 1310
in a standard pharmaceutical reference manual of a compound, 1311
mixture, preparation, or substance that is or contains any 1312
amount of a schedule II opiate or opium derivative; 1313

(e) An amount equal to or exceeding five grams or ten unit 1314
doses of a compound, mixture, preparation, or substance that is 1315
or contains any amount of phencyclidine; 1316

(f) An amount equal to or exceeding one hundred twenty 1317
grams or thirty times the maximum daily dose in the usual dose 1318
range specified in a standard pharmaceutical reference manual of 1319
a compound, mixture, preparation, or substance that is or 1320
contains any amount of a schedule II stimulant that is in a 1321
final dosage form manufactured by a person authorized by the 1322
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 1323
U.S.C.A. 301, as amended, and the federal drug abuse control 1324
laws, as defined in section 3719.01 of the Revised Code, that is 1325
or contains any amount of a schedule II depressant substance or 1326
a schedule II hallucinogenic substance; 1327

(g) An amount equal to or exceeding three grams of a 1328
compound, mixture, preparation, or substance that is or contains 1329

any amount of a schedule II stimulant, or any of its salts or 1330
isomers, that is not in a final dosage form manufactured by a 1331
person authorized by the Federal Food, Drug, and Cosmetic Act 1332
and the federal drug abuse control laws. 1333

(2) An amount equal to or exceeding one hundred twenty 1334
grams or thirty times the maximum daily dose in the usual dose 1335
range specified in a standard pharmaceutical reference manual of 1336
a compound, mixture, preparation, or substance that is or 1337
contains any amount of a schedule III or IV substance other than 1338
an anabolic steroid or a schedule III opiate or opium 1339
derivative; 1340

(3) An amount equal to or exceeding twenty grams or five 1341
times the maximum daily dose in the usual dose range specified 1342
in a standard pharmaceutical reference manual of a compound, 1343
mixture, preparation, or substance that is or contains any 1344
amount of a schedule III opiate or opium derivative; 1345

(4) An amount equal to or exceeding two hundred fifty 1346
milliliters or two hundred fifty grams of a compound, mixture, 1347
preparation, or substance that is or contains any amount of a 1348
schedule V substance; 1349

(5) An amount equal to or exceeding two hundred solid 1350
dosage units, sixteen grams, or sixteen milliliters of a 1351
compound, mixture, preparation, or substance that is or contains 1352
any amount of a schedule III anabolic steroid; 1353

(6) For any compound, mixture, preparation, or substance 1354
that is a combination of a fentanyl-related compound and any 1355
other compound, mixture, preparation, or substance included in 1356
schedule III, schedule IV, or schedule V, if the defendant is 1357
charged with a violation of section 2925.11 of the Revised Code 1358

and the sentencing provisions set forth in divisions (C) (10) (b) 1359
and (C) (11) of that section will not apply regarding the 1360
defendant and the violation, the bulk amount of the controlled 1361
substance for purposes of the violation is the amount specified 1362
in division (D) (1), (2), (3), (4), or (5) of this section for 1363
the other schedule III, IV, or V controlled substance that is 1364
combined with the fentanyl-related compound. 1365

(E) "Unit dose" means an amount or unit of a compound, 1366
mixture, or preparation containing a controlled substance that 1367
is separately identifiable and in a form that indicates that it 1368
is the amount or unit by which the controlled substance is 1369
separately administered to or taken by an individual. 1370

(F) "Cultivate" includes planting, watering, fertilizing, 1371
or tilling. 1372

(G) "Drug abuse offense" means any of the following: 1373

(1) A violation of division (A) of section 2913.02 that 1374
constitutes theft of drugs, or a violation of section 2925.02, 1375
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 1376
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 1377
or 2925.37 of the Revised Code; 1378

(2) A violation of an existing or former law of this or 1379
any other state or of the United States that is substantially 1380
equivalent to any section listed in division (G) (1) of this 1381
section; 1382

(3) An offense under an existing or former law of this or 1383
any other state, or of the United States, of which planting, 1384
cultivating, harvesting, processing, making, manufacturing, 1385
producing, shipping, transporting, delivering, acquiring, 1386
possessing, storing, distributing, dispensing, selling, inducing 1387

another to use, administering to another, using, or otherwise 1388
dealing with a controlled substance is an element; 1389

(4) A conspiracy to commit, attempt to commit, or 1390
complicity in committing or attempting to commit any offense 1391
under division (G) (1), (2), or (3) of this section. 1392

(H) "Felony drug abuse offense" means any drug abuse 1393
offense that would constitute a felony under the laws of this 1394
state, any other state, or the United States. 1395

(I) "Harmful intoxicant" does not include beer or 1396
intoxicating liquor but means any of the following: 1397

(1) Any compound, mixture, preparation, or substance the 1398
gas, fumes, or vapor of which when inhaled can induce 1399
intoxication, excitement, giddiness, irrational behavior, 1400
depression, stupefaction, paralysis, unconsciousness, 1401
asphyxiation, or other harmful physiological effects, and 1402
includes, but is not limited to, any of the following: 1403

(a) Any volatile organic solvent, plastic cement, model 1404
cement, fingernail polish remover, lacquer thinner, cleaning 1405
fluid, gasoline, or other preparation containing a volatile 1406
organic solvent; 1407

(b) Any aerosol propellant; 1408

(c) Any fluorocarbon refrigerant; 1409

(d) Any anesthetic gas. 1410

(2) Gamma Butyrolactone; 1411

(3) 1,4 Butanediol. 1412

(J) "Manufacture" means to plant, cultivate, harvest, 1413
process, make, prepare, or otherwise engage in any part of the 1414

production of a drug, by propagation, extraction, chemical 1415
synthesis, or compounding, or any combination of the same, and 1416
includes packaging, repackaging, labeling, and other activities 1417
incident to production. 1418

(K) "Possess" or "possession" means having control over a 1419
thing or substance, but may not be inferred solely from mere 1420
access to the thing or substance through ownership or occupation 1421
of the premises upon which the thing or substance is found. 1422

(L) "Sample drug" means a drug or pharmaceutical 1423
preparation that would be hazardous to health or safety if used 1424
without the supervision of a licensed health professional 1425
authorized to prescribe drugs, or a drug of abuse, and that, at 1426
one time, had been placed in a container plainly marked as a 1427
sample by a manufacturer. 1428

(M) "Standard pharmaceutical reference manual" means the 1429
current edition, with cumulative changes if any, of references 1430
that are approved by the state board of pharmacy. 1431

(N) "Juvenile" means a person under eighteen years of age. 1432

(O) "Counterfeit controlled substance" means any of the 1433
following: 1434

(1) Any drug that bears, or whose container or label 1435
bears, a trademark, trade name, or other identifying mark used 1436
without authorization of the owner of rights to that trademark, 1437
trade name, or identifying mark; 1438

(2) Any unmarked or unlabeled substance that is 1439
represented to be a controlled substance manufactured, 1440
processed, packed, or distributed by a person other than the 1441
person that manufactured, processed, packed, or distributed it; 1442

(3) Any substance that is represented to be a controlled 1443
substance but is not a controlled substance or is a different 1444
controlled substance; 1445

(4) Any substance other than a controlled substance that a 1446
reasonable person would believe to be a controlled substance 1447
because of its similarity in shape, size, and color, or its 1448
markings, labeling, packaging, distribution, or the price for 1449
which it is sold or offered for sale. 1450

(P) An offense is "committed in the vicinity of a school" 1451
if the offender commits the offense on school premises, in a 1452
school building, or within one thousand feet of the boundaries 1453
of any school premises, regardless of whether the offender knows 1454
the offense is being committed on school premises, in a school 1455
building, or within one thousand feet of the boundaries of any 1456
school premises. 1457

(Q) "School" means any school operated by a board of 1458
education, any community school established under Chapter 3314. 1459
of the Revised Code, or any nonpublic school for which the 1460
director of education and workforce prescribes minimum standards 1461
under section 3301.07 of the Revised Code, whether or not any 1462
instruction, extracurricular activities, or training provided by 1463
the school is being conducted at the time a criminal offense is 1464
committed. 1465

(R) "School premises" means either of the following: 1466

(1) The parcel of real property on which any school is 1467
situated, whether or not any instruction, extracurricular 1468
activities, or training provided by the school is being 1469
conducted on the premises at the time a criminal offense is 1470
committed; 1471

(2) Any other parcel of real property that is owned or 1472
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 director of education and workforce prescribes 1476
minimum standards under section 3301.07 of the Revised Code and 1477
on which some of the instruction, extracurricular activities, or 1478
training of the school is conducted, whether or not any 1479
instruction, extracurricular activities, or training provided by 1480
the school is being conducted on the parcel of real property at 1481
the time a 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 barber's license, 1519
barber instructor's license, assistant barber instructor's 1520
license, or independent contractor's license under Chapter 4709. 1521
of the Revised Code; 1522

(6) A person licensed and regulated to engage in the 1523
business of a debt pooling company by a legislative authority, 1524
under authority of Chapter 4710. of the Revised Code; 1525

(7) A person who has been issued a cosmetologist's 1526
license, hair designer's license, manicurist's license, 1527
esthetician's license, natural hair stylist's license, advanced 1528
license to practice cosmetology, advanced license to practice 1529

hair design, advanced license to practice manicuring, advanced 1530
license to practice esthetics, advanced license to practice 1531
natural hair styling, cosmetology instructor's license, hair 1532
design instructor's license, manicurist instructor's license, 1533
esthetics instructor's license, natural hair style instructor's 1534
license, independent contractor's license, or tanning facility 1535
permit under Chapter 4713. of the Revised Code; 1536

(8) A person who has been issued a license to practice 1537
dentistry, a general anesthesia permit, a conscious sedation 1538
permit, a limited resident's license, a limited teaching 1539
license, a dental hygienist's license, or a dental hygienist's 1540
teacher's certificate under Chapter 4715. of the Revised Code; 1541

(9) A person who has been issued an embalmer's license, a 1542
funeral director's license, a funeral home license, or a 1543
crematory or reduction facility operator license, or who has 1544
been registered for an embalmer's or funeral director's 1545
apprenticeship under Chapter 4717. of the Revised 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 1560
technician, or pharmacy technician trainee; 1561

(15) A person licensed under Chapter 4729. of the Revised 1562
Code as a manufacturer of dangerous drugs, outsourcing facility, 1563
third-party logistics provider, repackager of dangerous drugs, 1564
wholesale distributor of dangerous drugs, or terminal 1565
distributor of dangerous drugs; 1566

(16) A person who is authorized to practice as a physician 1567
assistant under Chapter 4730. of the Revised Code; 1568

(17) A person who has been issued a license to practice 1569
medicine and surgery, osteopathic medicine and surgery, or 1570
podiatric medicine and surgery under Chapter 4731. of the 1571
Revised Code or has been issued a certificate to practice a 1572
limited branch of medicine under that chapter; 1573

(18) A person licensed as a psychologist, independent 1574
school psychologist, or school psychologist under Chapter 4732. 1575
of the Revised Code; 1576

(19) A person registered to practice the profession of 1577
engineering or surveying under Chapter 4733. of the Revised 1578
Code; 1579

(20) A person who has been issued a license to practice 1580
chiropractic under Chapter 4734. of the Revised Code; 1581

(21) A person licensed to act as a real estate broker or 1582
real estate salesperson under Chapter 4735. of the Revised Code; 1583

(22) A person registered as a registered environmental 1584
health specialist under Chapter 3776. of the Revised Code; 1585

(23) A person licensed to operate or maintain a junkyard 1586

under Chapter 4737. of the Revised Code; 1587

(24) A person who has been issued a motor vehicle salvage 1588
dealer's license under Chapter 4738. of the Revised Code; 1589

(25) A person who has been licensed to act as a steam 1590
engineer under Chapter 4739. of the Revised Code; 1591

(26) A person who has been issued a license or temporary 1592
permit to practice veterinary medicine or any of its branches, 1593
or who is registered as a graduate animal technician under 1594
Chapter 4741. of the Revised Code; 1595

(27) A person who has been issued a hearing aid dealer's 1596
or fitter's license or trainee permit under Chapter 4747. of the 1597
Revised Code; 1598

(28) A person who has been issued a class A, class B, or 1599
class C license or who has been registered as an investigator or 1600
security guard employee under Chapter 4749. of the Revised Code; 1601

(29) A person licensed to practice as a nursing home 1602
administrator under Chapter 4751. of the Revised Code; 1603

(30) A person licensed to practice as a speech-language 1604
pathologist or audiologist under Chapter 4753. of the Revised 1605
Code; 1606

(31) A person issued a license as an occupational 1607
therapist or physical therapist under Chapter 4755. of the 1608
Revised Code; 1609

(32) A person who is licensed as a licensed professional 1610
clinical counselor, licensed professional counselor, social 1611
worker, independent social worker, independent marriage and 1612
family therapist, or marriage and family therapist, or 1613
registered as a social work assistant under Chapter 4757. of the 1614

Revised Code; 1615

(33) A person issued a license to practice dietetics under 1616
Chapter 4759. of the Revised Code; 1617

(34) A person who has been issued a license or limited 1618
permit to practice respiratory therapy under Chapter 4761. of 1619
the Revised Code; 1620

(35) A person who has been issued a real estate appraiser 1621
certificate under Chapter 4763. of the Revised Code; 1622

(36) A person who has been issued a home inspector license 1623
under Chapter 4764. of the Revised Code; 1624

(37) A person who has been admitted to the bar by order of 1625
the supreme court in compliance with its prescribed and 1626
published rules; 1627

(38) A person who has been issued a license to practice as 1628
a certified mental health assistant under Chapter 4772. of the 1629
Revised Code. 1630

(X) "Cocaine" means any of the following: 1631

(1) A cocaine salt, isomer, or derivative, a salt of a 1632
cocaine isomer or derivative, or the base form of cocaine; 1633

(2) Coca leaves or a salt, compound, derivative, or 1634
preparation of coca leaves, including ecgonine, a salt, isomer, 1635
or derivative of ecgonine, or a salt of an isomer or derivative 1636
of ecgonine; 1637

(3) A salt, compound, derivative, or preparation of a 1638
substance identified in division (X)(1) or (2) of this section 1639
that is chemically equivalent to or identical with any of those 1640
substances, except that the substances shall not include 1641

decocainized coca leaves or extraction of coca leaves if the 1642
extractions do not contain cocaine or ecgonine. 1643

(Y) "L.S.D." means lysergic acid diethylamide. 1644

(Z) "Hashish" means a resin or a preparation of a resin to 1645
which both of the following apply: 1646

(1) It is contained in or derived from any part of the 1647
plant of the genus cannabis, whether in solid form or in a 1648
liquid concentrate, liquid extract, or liquid distillate form. 1649

(2) It has a delta-9 tetrahydrocannabinol concentration of 1650
more than three-tenths per cent. 1651

"Hashish" does not include a hemp byproduct in the 1652
possession of a licensed hemp processor under Chapter 928. of 1653
the Revised Code, provided that the hemp byproduct is being 1654
produced, stored, and disposed of in accordance with rules 1655
adopted under section 928.03 of the Revised Code. 1656

(AA) "Marihuana" has the same meaning as in section 1657
3719.01 of the Revised Code, except that it does not include 1658
hashish. 1659

(BB) An offense is "committed in the vicinity of a 1660
juvenile" if the offender commits the offense within one hundred 1661
feet of a juvenile or within the view of a juvenile, regardless 1662
of whether the offender knows the age of the juvenile, whether 1663
the offender knows the offense is being committed within one 1664
hundred feet of or within view of the juvenile, or whether the 1665
juvenile actually views the commission of the offense. 1666

(CC) "Presumption for a prison term" or "presumption that 1667
a prison term shall be imposed" means a presumption, as 1668
described in division (D) of section 2929.13 of the Revised 1669

Code, that a prison term is a necessary sanction for a felony in 1670
order to comply with the purposes and principles of sentencing 1671
under section 2929.11 of the Revised Code. 1672

(DD) "Major drug offender" has the same meaning as in 1673
section 2929.01 of the Revised Code. 1674

(EE) "Minor drug possession offense" means either of the 1675
following: 1676

(1) A violation of section 2925.11 of the Revised Code as 1677
it existed prior to July 1, 1996; 1678

(2) A violation of section 2925.11 of the Revised Code as 1679
it exists on and after July 1, 1996, that is a misdemeanor or a 1680
felony of the fifth degree. 1681

(FF) "Mandatory prison term" has the same meaning as in 1682
section 2929.01 of the Revised Code. 1683

(GG) "Adulterate" means to cause a drug to be adulterated 1684
as described in section 3715.63 of the Revised Code. 1685

(HH) "Public premises" means any hotel, restaurant, 1686
tavern, store, arena, hall, or other place of public 1687
accommodation, business, amusement, or resort. 1688

(II) "Methamphetamine" means methamphetamine, any salt, 1689
isomer, or salt of an isomer of methamphetamine, or any 1690
compound, mixture, preparation, or substance containing 1691
methamphetamine or any salt, isomer, or salt of an isomer of 1692
methamphetamine. 1693

(JJ) "Deception" has the same meaning as in section 1694
2913.01 of the Revised Code. 1695

(KK) "Fentanyl-related compound" means any of the 1696

following:	1697
(1) Fentanyl;	1698
(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4- piperidyl]propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);	1699 1700 1701
(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4- piperidinyl]-N-phenylpropanamide);	1702 1703
(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl] -N-phenylpropanamide);	1704 1705
(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2- phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide);	1706 1707 1708
(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N- phenylpropanamide);	1709 1710
(7) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4- piperidinyl]-N-phenylpropanamide);	1711 1712
(8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4- piperidinyl]propanamide;	1713 1714
(9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]- propanamide;	1715 1716
(10) Alfentanil;	1717
(11) Carfentanil;	1718
(12) Remifentanil;	1719
(13) Sufentanil;	1720
(14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4- piperidinyl]-N-phenylacetamide); and	1721 1722

(15) Any compound that meets all of the following fentanyl 1723
pharmacophore requirements to bind at the mu receptor, as 1724
identified by a report from an established forensic laboratory, 1725
including acetylfentanyl, furanylfentanyl, valerylfentanyl, 1726
butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, 1727
para-fluorobutyrylfentanyl, acrylfentanyl, and ortho- 1728
fluorofentanyl: 1729

(a) A chemical scaffold consisting of both of the 1730
following: 1731

(i) A five, six, or seven member ring structure containing 1732
a nitrogen, whether or not further substituted; 1733

(ii) An attached nitrogen to the ring, whether or not that 1734
nitrogen is enclosed in a ring structure, including an attached 1735
aromatic ring or other lipophilic group to that nitrogen. 1736

(b) A polar functional group attached to the chemical 1737
scaffold, including but not limited to a hydroxyl, ketone, 1738
amide, or ester; 1739

(c) An alkyl or aryl substitution off the ring nitrogen of 1740
the chemical scaffold; and 1741

(d) The compound has not been approved for medical use by 1742
the United States food and drug administration. 1743

(LL) "First degree felony mandatory prison term" means one 1744
of the definite prison terms prescribed in division (A) (1) (b) of 1745
section 2929.14 of the Revised Code for a felony of the first 1746
degree, except that if the violation for which sentence is being 1747
imposed is committed on or after March 22, 2019, it means one of 1748
the minimum prison terms prescribed in division (A) (1) (a) of 1749
that section for a felony of the first degree. 1750

(MM) "Second degree felony mandatory prison term" means 1751
one of the definite prison terms prescribed in division (A) (2) 1752
(b) of section 2929.14 of the Revised Code for a felony of the 1753
second degree, except that if the violation for which sentence 1754
is being imposed is committed on or after March 22, 2019, it 1755
means one of the minimum prison terms prescribed in division (A) 1756
(2) (a) of that section for a felony of the second degree. 1757

(NN) "Maximum first degree felony mandatory prison term" 1758
means the maximum definite prison term prescribed in division 1759
(A) (1) (b) of section 2929.14 of the Revised Code for a felony of 1760
the first degree, except that if the violation for which 1761
sentence is being imposed is committed on or after March 22, 1762
2019, it means the longest minimum prison term prescribed in 1763
division (A) (1) (a) of that section for a felony of the first 1764
degree. 1765

(OO) "Maximum second degree felony mandatory prison term" 1766
means the maximum definite prison term prescribed in division 1767
(A) (2) (b) of section 2929.14 of the Revised Code for a felony of 1768
the second degree, except that if the violation for which 1769
sentence is being imposed is committed on or after March 22, 1770
2019, it means the longest minimum prison term prescribed in 1771
division (A) (2) (a) of that section for a felony of the second 1772
degree. 1773

(PP) "Delta-9 tetrahydrocannabinol" has the same meaning 1774
as in section 928.01 of the Revised Code. 1775

(QQ) An offense is "committed in the vicinity of a 1776
substance addiction services provider or a recovering addict" if 1777
either of the following apply: 1778

(1) The offender commits the offense on the premises of a 1779

substance addiction services provider's facility, including a 1780
facility licensed prior to June 29, 2019, under section 5119.391 1781
of the Revised Code to provide methadone treatment or an opioid 1782
treatment program licensed on or after that date under section 1783
5119.37 of the Revised Code, or within five hundred feet of the 1784
premises of a substance addiction services provider's facility 1785
and the offender knows or should know that the offense is being 1786
committed within the vicinity of the substance addiction 1787
services provider's facility. 1788

(2) The offender sells, offers to sell, delivers, or 1789
distributes the controlled substance or controlled substance 1790
analog to a person who is receiving treatment at the time of the 1791
commission of the offense, or received treatment within thirty 1792
days prior to the commission of the offense, from a substance 1793
addiction services provider and the offender knows that the 1794
person is receiving or received that treatment. 1795

(RR) "Substance addiction services provider" means an 1796
agency, association, corporation or other legal entity, 1797
individual, or program that provides one or more of the 1798
following at a facility: 1799

(1) Either alcohol addiction services, or drug addiction 1800
services, or both such services that are certified by the 1801
director of mental health and addiction services under section 1802
5119.36 of the Revised Code; 1803

(2) Recovery supports that are related to either alcohol 1804
addiction services, or drug addiction services, or both such 1805
services and paid for with federal, state, or local funds 1806
administered by the department of mental health and addiction 1807
services or a board of alcohol, drug addiction, and mental 1808
health services. 1809

(SS) "Premises of a substance addiction services 1810
provider's facility" means the parcel of real property on which 1811
any substance addiction service provider's facility is situated. 1812

(TT) "Alcohol and drug addiction services" has the same 1813
meaning as in section 5119.01 of the Revised Code. 1814

Sec. 3705.01. As used in this chapter: 1815

(A) "Live birth" means the complete expulsion or 1816
extraction from its mother of a product of human conception that 1817
after such expulsion or extraction breathes or shows any other 1818
evidence of life such as beating of the heart, pulsation of the 1819
umbilical cord, or definite movement of voluntary muscles, 1820
whether or not the umbilical cord has been cut or the placenta 1821
is attached. 1822

(B) (1) "Fetal death" means death prior to the complete 1823
expulsion or extraction from its mother of a product of human 1824
conception, irrespective of the duration of pregnancy, which 1825
after such expulsion or extraction does not breathe or show any 1826
other evidence of life such as beating of the heart, pulsation 1827
of the umbilical cord, or definite movement of voluntary 1828
muscles. 1829

(2) "Stillborn" means that an infant of at least twenty 1830
weeks of gestation suffered a fetal death. 1831

(C) "Dead body" means a human body or part of a human body 1832
from the condition of which it reasonably may be concluded that 1833
death recently occurred. 1834

(D) "Physician" means a person licensed pursuant to 1835
Chapter 4731. of the Revised Code to practice medicine or 1836
surgery or osteopathic medicine and surgery. 1837

(E) "Attending physician" means the physician in charge of the patient's care for the illness or condition that resulted in death.

(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 individuals, or to persons committed by law.

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

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

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

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

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

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

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

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

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

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

(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" has the same meaning 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, 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. 1894
When the medical certification as to the cause of death cannot 1895
be provided by the attending physician or coroner prior to 1896
burial, for sufficient cause, as determined by rule of the 1897
director of health, the funeral director may file a provisional 1898
death certificate with the local registrar or sub-registrar for 1899
the purpose of securing a burial or burial-transit permit. When 1900
the funeral director files a provisional death certificate to 1901
secure a burial or burial-transit permit, the funeral director 1902
shall file a satisfactory and complete death certificate within 1903
five days after the date of death. The director of health, by 1904
rule, may provide additional time for filing a satisfactory 1905
death certificate. A burial permit authorizing cremation or 1906
reduction shall not be issued upon the filing of a provisional 1907
certificate of death. 1908

When a funeral director or other person obtains a burial 1909
permit from a local registrar or sub-registrar, the registrar or 1910
sub-registrar shall charge a fee of three dollars for the 1911
issuance of the burial permit. Two dollars and fifty cents of 1912
each fee collected for a burial permit shall be paid into the 1913
state treasury to the credit of the cemetery registration fund 1914
created under section 4767.03 of the Revised Code to be used by 1915
the division of real estate and professional licensing in the 1916
department of commerce in discharging its duties prescribed in 1917
Chapter 4767. of the Revised Code and the Ohio cemetery dispute 1918
resolution commission created by section 4767.05 of the Revised 1919
Code. A local registrar or sub-registrar shall transmit payments 1920
of that portion of the amount of each fee collected under this 1921
section to the treasurer of state on a quarterly basis or more 1922
frequently, if possible. The director of health, by rule, shall 1923
provide for the issuance of a burial permit without the payment 1924

of the fee required by this section if the total cost of the 1925
burial will be paid by an agency or instrumentality of the 1926
United States, the state or a state agency, or a political 1927
subdivision of the state. 1928

The director of commerce may by rule adopted in accordance 1929
with Chapter 119. of the Revised Code reduce the total amount of 1930
the fee required by this section and that portion of the amount 1931
of the fee required to be paid to the credit of the division of 1932
real estate and professional licensing for the use of the 1933
division and the Ohio cemetery dispute resolution commission, if 1934
the director determines that the total amount of funds the fee 1935
is generating at the amount required by this section exceeds the 1936
amount of funds the division of real estate and professional 1937
licensing and the commission need to carry out their powers and 1938
duties prescribed in Chapter 4767. of the Revised Code. 1939

No person in charge of any premises in which interments~~or~~ 1940
, cremations, or reductions are made shall inter~~or~~, cremate, 1941
reduce, or otherwise dispose of a body, unless it is 1942
accompanied by a burial permit. Each person in charge of a 1943
cemetery, crematory, reduction facility, or other place of 1944
disposal shall indorse upon a burial permit the date of 1945
interment, cremation, reduction, or other disposal and shall 1946
retain such permits for a period of at least five years. The 1947
person in charge shall keep an accurate record of all 1948
interments, cremations, reductions, or other disposal of dead 1949
bodies, made in the premises under the person's charge, stating 1950
the name of the deceased person, place of death, date of burial, 1951
cremation, reduction, or other disposal, and name and address of 1952
the funeral director. Such record shall at all times be open to 1953
public inspection. 1954

Sec. 3705.18. When a death occurs outside the state and 1955
the body is transported into this state for burial or other 1956
disposition, the body must be accompanied by an authorization 1957
for final disposition issued in accordance with the laws and 1958
health regulations of the place where death occurred. The 1959
authorization that accompanied the body shall be accepted as 1960
authorization for burial, cremation, reduction, or other 1961
disposal in Ohio. The person in charge of place of burial shall 1962
endorse and forward the authorization for final disposition that 1963
accompanied the body to the local registrar of vital statistics 1964
of the registration district in which burial was made. 1965

Sec. 3705.19. (A) If the deceased served in the armed 1966
forces of the United States, the death certificate shall include 1967
a statement of the branch of service in which ~~he~~the deceased 1968
served, the date of entry into service, the date and type of 1969
discharge from such service, and information to show ~~the~~all of 1970
the following: 1971

(1) The name and location of the place where the deceased 1972
was buried~~or~~, cremated, or reduced; 1973

(2) The date of burial~~or~~, cremation, and the or 1974
reduction; 1975

(3) The location, lot, and grave number of the deceased's 1976
burial. 1977

(B) Whenever the remains of a deceased person are 1978
transported into this state for burial or other disposition, the 1979
funeral director having responsibility for disposition of the 1980
remains shall ascertain from the best qualified persons or 1981
sources available whether or not the deceased was a member of 1982
the armed forces of the United States. If the funeral director 1983

finds the deceased was a member, ~~he~~ the funeral director shall 1984
also obtain from such persons or sources and shall transcribe on 1985
a form prescribed by the director of health, the deceased's 1986
branch of service, date of entry into service, date and type of 1987
separation or discharge from service, date of birth, state of 1988
birth, date of death, date of burial, the name and location of 1989
the cemetery, and the lot and grave number where the deceased is 1990
buried. The funeral director shall sign the completed form and 1991
submit it to the local registrar of vital statistics. If the 1992
funeral director is unable to ascertain whether or not the 1993
deceased was a member of the armed forces of the United States 1994
or ascertains that the deceased was not a member, ~~he~~ the funeral 1995
director shall enter such information on the form. 1996

If no funeral director is responsible for the disposition 1997
of the remains of the deceased, the person in charge of the 1998
disposition, except a sexton or other person who is customarily 1999
in charge only of the premises where burials ~~or~~, cremations, or 2000
reductions take place, shall perform the duties required by this 2001
division. 2002

(C) At intervals not to exceed three months, the 2003
department of health shall forward to the adjutant general a 2004
summary of information concerning deceased members and former 2005
members of the armed forces of the United States, including 2006
those who died outside this state, but whose remains were buried 2007
or received for other final disposition in this state. The 2008
summary shall state the name, date of birth, state of birth, 2009
date of death, date of entry into service, date and type of 2010
separation or discharge from service, branch of service, date of 2011
burial, place of burial, and location of grave. At the same time 2012
the department forwards this summary to the adjutant general, it 2013
shall forward to each county recorder that portion of the 2014

summary that relates to burials made, and grave locations 2015
situated, within the county. After the summary is sent to the 2016
adjutant general, the forms specified in division (B) of this 2017
section may be disposed of. 2018

Sec. 3705.20. (A) The fetal death of the product of human 2019
conception of at least twenty weeks of gestation shall be 2020
registered on a fetal death certificate. 2021

On application of the funeral director or either parent, 2022
the fetal death of the product of human conception prior to 2023
twenty weeks of gestation shall be registered on a fetal death 2024
certificate, except that the fetal death certificate shall not 2025
list the cause of death. 2026

The funeral director or the parent shall include with the 2027
application a copy of the statement required by division (B)(1) 2028
of section 3727.16 or division (B)(1) of section 4731.82 of the 2029
Revised Code. If the father submits the application, he shall 2030
also include with it a signed and notarized document from the 2031
mother attesting that she voluntarily provided the father with a 2032
copy of the statement. 2033

A fetal death certificate for the product of human 2034
conception prior to twenty weeks gestation is not proof of a 2035
live birth for purposes of federal, state, and local taxes. 2036

(B) The product of human conception of at least twenty 2037
weeks of gestation that suffers a fetal death occurring in Ohio 2038
shall not be interred, deposited in a vault or tomb, cremated, 2039
reduced, or otherwise disposed of by a funeral director or other 2040
person until a fetal death certificate or provisional death 2041
certificate has been filed with and a burial permit is issued by 2042
the local registrar of vital statistics of the registration 2043

district in which the fetal death occurs, or the body is found. 2044

A burial permit for the product of human conception that 2045
suffers a fetal death prior to twenty weeks of gestation shall 2046
be issued by the local registrar of vital statistics of the 2047
registration district in which the fetal death occurs if the 2048
funeral director or either parent files a fetal death 2049
certificate with that registrar. 2050

(C) (1) The department of health and the local registrar 2051
shall keep a separate record and index record of fetal death 2052
certificates. 2053

(2) The personal or statistical information on the fetal 2054
death certificate shall be obtained by the funeral director or 2055
other person in charge of interment~~or~~, cremation, or reduction 2056
from the best qualified persons or sources available. 2057

(D) When a burial permit is issued under division (B) of 2058
this section for the product of human conception of at least 2059
twenty weeks of gestation that suffers a fetal death, the local 2060
registrar shall inform the parent or parents listed on the fetal 2061
death certificate or provisional death certificate of the option 2062
of applying for a certificate that is issued under division (B) 2063
(3) of section 3705.23 of the Revised Code. 2064

Sec. 4511.451. (A) As used in this section, "funeral 2065
procession" means two or more vehicles accompanying the cremated 2066
or reduced remains or the body of a deceased person in the 2067
daytime when each of the vehicles has its headlights lighted and 2068
is displaying a purple and white or an orange and white pennant 2069
attached to each vehicle in such a manner as to be clearly 2070
visible to traffic approaching from any direction. 2071

(B) Excepting public safety vehicles proceeding in 2072

accordance with section 4511.45 of the Revised Code or when 2073
directed otherwise by a police officer, pedestrians and the 2074
operators of all vehicles, street cars, and trackless trolleys 2075
shall yield the right of way to each vehicle that is a part of a 2076
funeral procession. Whenever the lead vehicle in a funeral 2077
procession lawfully enters an intersection, the remainder of the 2078
vehicles in the procession may continue to follow the lead 2079
vehicle through the intersection notwithstanding any traffic 2080
control devices or right of way provisions of the Revised Code, 2081
provided that the operator of each vehicle exercises due care to 2082
avoid colliding with any other vehicle or pedestrian. 2083

(C) No person shall operate any vehicle as a part of a 2084
funeral procession without having the headlights of the vehicle 2085
lighted and without displaying a purple and white or an orange 2086
and white pennant in such a manner as to be clearly visible to 2087
traffic approaching from any direction. 2088

(D) Except as otherwise provided in this division, whoever 2089
violates this section is guilty of a minor misdemeanor. If, 2090
within one year of the offense, the offender previously has been 2091
convicted of or pleaded guilty to one predicate motor vehicle or 2092
traffic offense, whoever violates this section is guilty of a 2093
misdemeanor of the fourth degree. If, within one year of the 2094
offense, the offender previously has been convicted of two or 2095
more predicate motor vehicle or traffic offenses, whoever 2096
violates this section is guilty of a misdemeanor of the third 2097
degree. 2098

If the offender commits the offense while distracted and 2099
the distracting activity is a contributing factor to the 2100
commission of the offense, the offender is subject to the 2101
additional fine established under section 4511.991 of the 2102

Revised Code.	2103
Sec. 4717.01. As used in this chapter:	2104
(A) "Embalming" means the process of chemically treating	2105
the dead human body by any of the following to reduce the	2106
presence and growth of microorganisms, to temporarily slow	2107
organic decomposition, and to restore acceptable physical	2108
appearance:	2109
(1) Arterial injection;	2110
(2) Cavity treatment;	2111
(3) Hypodermic tissue injection.	2112
(B) "Funeral business" means a sole proprietorship,	2113
partnership, corporation, limited liability company, or other	2114
business entity that is engaged in funeral directing for profit	2115
or for free from one or more funeral homes licensed under this	2116
chapter.	2117
(C) "Funeral directing" means the business or profession	2118
of directing or supervising funerals for profit from one or more	2119
funeral homes licensed under this chapter, the arrangement or	2120
sale of funeral services, the filling out or execution of a	2121
funeral service contract, the business or profession of	2122
preparing dead human bodies for burial by means other than	2123
embalming, the disposition of dead human bodies, the provision	2124
or maintenance of a place for the preparation, the care, or	2125
disposition of dead human bodies, the use in connection with a	2126
business of the term "funeral director," "undertaker,"	2127
"mortician," or any other term from which can be implied the	2128
business of funeral directing, or the holding out to the public	2129
that one is a funeral director or a disposer of dead human	2130
bodies.	2131

(D) "Funeral home" means a fixed place for the care, 2132
preparation for burial, or disposition of dead human bodies or 2133
the conducting of funerals. Each business location is a funeral 2134
home, regardless of common ownership or management. 2135

(E) "Embalmer" means a person who engages, in whole or in 2136
part, in embalming and who is licensed under this chapter. 2137

(F) "Funeral director" means a person who engages, in 2138
whole or in part, in funeral directing and who is licensed under 2139
this chapter. 2140

(G) "Final disposition" has the same meaning as in 2141
division (J) of section 3705.01 of the Revised Code. 2142

(H) "Supervision" means the operation of all phases of the 2143
business of funeral directing or embalming under the specific 2144
direction of a licensed funeral director or licensed embalmer. 2145

(I) "Direct supervision" means the physical presence of a 2146
licensed funeral director or licensed embalmer while the 2147
specific functions of the funeral or embalming are being carried 2148
out. 2149

(J) "Embalming facility" means a fixed location, separate 2150
from the funeral home, that is licensed under this chapter whose 2151
only function is the embalming and preparation of dead human 2152
bodies. 2153

(K) "Crematory facility" means the physical location at 2154
which a cremation chamber is located and the cremation process 2155
takes place. "Crematory facility" does not include an infectious 2156
waste incineration facility for which a license is held under 2157
division (B) of section 3734.05 of the Revised Code, or a solid 2158
waste incineration facility for which a license is held under 2159
division (A) of that section that includes a notation pursuant 2160

to division (B) (3) of that section authorizing the facility to 2161
also treat infectious wastes, in connection with the 2162
incineration of body parts other than dead human bodies that 2163
were donated to science for purposes of medical education or 2164
research. 2165

(L) "Crematory" means the building or portion of a 2166
building that houses the holding facility and the cremation 2167
chamber. 2168

(M) "Cremation" means the technical process of using heat 2169
and flame to reduce human or animal remains to bone fragments or 2170
ashes or any combination thereof. "Cremation" includes 2171
processing and may include the pulverization of bone fragments. 2172

(N) "Cremation chamber" means the enclosed space within 2173
which cremation takes place. 2174

(O) "Cremated remains" means all human or animal remains 2175
recovered after the completion of the cremation process, which 2176
may include the residue of any foreign matter such as casket 2177
material, dental work, or eyeglasses that were cremated with the 2178
human or animal remains. 2179

(P) "Lapsed license" means a license issued under this 2180
chapter that has become invalid because of the failure of the 2181
licensee to renew the license within the time limits prescribed 2182
under this chapter. 2183

(Q) "Crematory operator" means the person who engages, in 2184
whole or in part, in cremation from one or more crematories 2185
licensed under this chapter and who has been issued a crematory 2186
operator permit under this chapter. 2187

(R) "Processing" means the reduction of identifiable bone 2188
fragments to unidentifiable bone fragments through manual or 2189

mechanical means after the completion of the cremation or 2190
natural organic reduction process. 2191

(S) "Pulverization" means the reduction of identifiable 2192
bone fragments to granulated particles by manual or mechanical 2193
means after the completion of the cremation or natural organic 2194
reduction process. 2195

(T) "Preneed funeral contract" means a written agreement, 2196
contract, or series of contracts to sell or otherwise provide 2197
any funeral services, funeral goods, or any combination thereof 2198
to be used in connection with the funeral or final disposition 2199
of a dead human body, where payment for the goods or services is 2200
made either outright or on an installment basis, prior to the 2201
death of the person purchasing the goods or services or for whom 2202
the goods or services are purchased. "Preneed funeral contract" 2203
does not include any preneed cemetery merchandise and services 2204
contract or any agreement, contract, or series of contracts 2205
pertaining to the sale of any burial lot, burial or interment 2206
right, entombment right, or columbarium right with respect to 2207
which an endowment care fund is established or is exempt from 2208
establishment pursuant to section 1721.21 of the Revised Code. 2209

For the purposes of division (T) of this section, "funeral 2210
goods" includes caskets. 2211

(U) "Purchaser" means the individual who has purchased and 2212
financed a preneed funeral contract, and who may or may not be 2213
the contract beneficiary. 2214

(V) "Contract beneficiary" means the individual for whom 2215
funeral goods and funeral services are provided pursuant to a 2216
preneed funeral contract. 2217

(W) "Seller" means any person that enters into a preneed 2218

funeral contract with a purchaser for the provision of funeral 2219
goods, funeral services, or both. 2220

(X) "Felony" means a criminal act classified as a felony 2221
by this state, any other state, or federal law. 2222

(Y) "Natural organic reduction" and "reduction" mean the 2223
technical process of converting human or animal remains into 2224
soil in a reduction chamber using the natural decomposition 2225
process accelerated by adding natural or organic materials. 2226
"Natural organic reduction" and "reduction" include the 2227
processing and pulverization of bone fragments. 2228

(Z) "Reduction facility" means the physical location at 2229
which a reduction chamber is located and the natural organic 2230
reduction process takes place. 2231

(AA) "Reduction chamber" means the enclosed space within 2232
which individual human or animal remains are reduced and any 2233
other attached, unenclosed, mechanical components that are 2234
necessary for the safe and proper functioning of the equipment. 2235

(BB) "Reduced remains" means human or animal remains that 2236
have been converted to soil through natural organic reduction, 2237
which may include the residue of any foreign matter that was 2238
reduced with such remains. 2239

(CC) "Reduction facility operator" means a person who 2240
engages, in whole or in part, in natural organic reduction at 2241
one or more reduction facilities licensed under this chapter and 2242
who has been issued a reduction operator permit under this 2243
chapter. 2244

Sec. 4717.03. (A) Members of the board of embalmers and 2245
funeral directors shall annually in July, or within thirty days 2246
after the senate's confirmation of the new members appointed in 2247

that year, meet and organize by selecting from among its members 2248
a president, vice-president, and secretary-treasurer. The board 2249
may hold other meetings as it determines necessary. A quorum of 2250
the board consists of four members, of whom at least three shall 2251
be members who are funeral directors. The concurrence of at 2252
least four members is necessary for the board to take any 2253
action. The president and secretary-treasurer shall sign all 2254
licenses issued under this chapter and affix the board's seal to 2255
each license. 2256

(B) The board may appoint an individual who is not a 2257
member of the board to serve as executive director of the board. 2258
The executive director serves at the pleasure of the board and 2259
shall do all of the following: 2260

(1) Serve as the board's chief administrative officer; 2261

(2) Act as custodian of the board's records; 2262

(3) Execute all of the board's orders; 2263

(4) Employ staff who are not members of the board and who 2264
serve at the pleasure of the executive director to provide any 2265
assistance that the board considers necessary. 2266

(C) In executing the board's orders as required by 2267
division (B) (3) of this section, the executive director may 2268
enter the premises, establishment, office, or place of business 2269
of any embalmer, funeral director, ~~ex~~-crematory operator, or 2270
reduction facility operator in this state. The executive 2271
director may serve and execute any process issued by any court 2272
under this chapter. 2273

(D) The executive director may employ necessary 2274
inspectors, who shall be licensed embalmers and funeral 2275
directors. An inspector employed by the executive director may 2276

enter the premises, establishment, office, or place of business 2277
of any embalmer, funeral director, ~~or~~ crematory operator, or 2278
reduction facility operator, or any embalming facility, funeral 2279
home, ~~or~~ crematory facility, or reduction facility in this 2280
state, for the purposes of inspecting the facility and premises; 2281
the license, permit, and certification of embalmers, funeral 2282
directors, ~~and~~ crematory operators, and reduction facility 2283
operators operating in the facility; and the license of the 2284
funeral home, embalming facility, ~~or~~ crematory facility ~~and~~, or 2285
reduction facility. An inspector shall also perform any other 2286
duties delegated ~~to the inspector~~ by the board or assigned ~~to~~ 2287
~~the inspector~~ by the executive director. The executive director 2288
may enter the facility or premises of a funeral home, embalming 2289
facility, ~~or~~ crematory facility, or reduction facility for the 2290
purpose of an inspection if accompanied by an inspector or, if 2291
an inspector is not available, when a situation presents a 2292
danger of immediate and serious harm to the public. 2293

(E) The president of the board shall designate three of 2294
the board's members to serve on the crematory and reduction 2295
facility review board, which is hereby created, for such time as 2296
the president finds appropriate to carry out the provisions of 2297
this chapter. Those members of the crematory and reduction 2298
facility review board designated by the president to serve and 2299
three members designated by the cemetery dispute resolution 2300
commission shall designate, by a majority vote, one person who 2301
holds a crematory operator permit, or reduction facility 2302
operator permit, who is experienced in the operation of a 2303
crematory or reduction facility, and who is not affiliated with 2304
a cemetery or a funeral home to serve on the crematory and 2305
reduction facility review board for such time as the crematory_ 2306
and reduction facility review board finds appropriate. Members 2307

serving on the crematory and reduction facility review board 2308
shall not receive any additional compensation for serving on the 2309
board, but may be reimbursed for their actual and necessary 2310
expenses incurred in the performance of official duties as 2311
members of the board. Members of the crematory and reduction 2312
facility review board shall designate one from among its members 2313
to serve as a chairperson for such time as the board finds 2314
appropriate. Costs associated with conducting an adjudicatory 2315
hearing in accordance with division (F) of this section shall be 2316
paid from funds available to the board of embalmers and funeral 2317
directors. 2318

(F) Upon receiving written notice from the board of 2319
embalmers and funeral directors of any of the following, the 2320
crematory and reduction facility review board shall conduct an 2321
adjudicatory hearing on the matter in accordance with Chapter 2322
119. of the Revised Code, except as otherwise provided in this 2323
section or division (C) of section 4717.14 of the Revised Code: 2324

(1) Notice provided under division (I) of this section of 2325
an alleged violation of any provision of this chapter or any 2326
rules adopted under this chapter governing or in connection with 2327
crematory or reduction facility operators, crematory or 2328
reduction facilities, or cremation or natural organic reduction; 2329

(2) Notice provided under division (B) of section 4717.14 2330
of the Revised Code that the board of embalmers and funeral 2331
directors proposes to refuse to grant or renew, or to suspend or 2332
revoke, a license to operate a crematory or reduction facility; 2333

(3) Notice provided under division (C) of section 4717.14 2334
of the Revised Code that the board of embalmers and funeral 2335
directors has issued an order summarily suspending a crematory 2336
operator permit or a license to operate a crematory or reduction 2337

facility; 2338

(4) Notice provided under division (B) of section 4717.15 2339
of the Revised Code that the board of embalmers and funeral 2340
directors proposes to issue a notice of violation and order 2341
requiring payment of a forfeiture for any violation described in 2342
divisions (A) (9) (a) to (g) of section 4717.04 of the Revised 2343
Code alleged in connection with a crematory operator, reduction 2344
facility operator, crematory facility, or reduction facility, 2345
cremation, or natural organic reduction. 2346

Nothing in division (F) of this section precludes the 2347
crematory and reduction facility review board from appointing an 2348
independent examiner in accordance with section 119.09 of the 2349
Revised Code to conduct any adjudication hearing required under 2350
division (F) of this section. 2351

The crematory and reduction facility review board shall 2352
submit a written report of findings and advisory 2353
recommendations, and a written transcript of its proceedings, to 2354
the board of embalmers and funeral directors. The board of 2355
embalmers and funeral directors shall serve a copy of the 2356
written report of the crematory and reduction facility review 2357
board's findings and advisory recommendations on the party to 2358
the adjudication or the party's attorney, by certified mail, 2359
within five days after receiving the report and advisory 2360
recommendations. A party may file objections to the written 2361
report with the board of embalmers and funeral directors within 2362
ten days after receiving the report. No written report is final 2363
or appealable until it is issued as a final order by the board 2364
of embalmers and funeral directors and entered on the record of 2365
the proceedings. The board of embalmers and funeral directors 2366
shall consider objections filed by the party prior to issuing a 2367

final order. After reviewing the findings and advisory 2368
recommendations of the crematory and reduction facility review 2369
board, the written transcript of the crematory and reduction 2370
facility review board's proceedings, and any objections filed by 2371
a party, the board of embalmers and funeral directors shall 2372
issue a final order in the matter. Any party may appeal the 2373
final order issued by the board of embalmers and funeral 2374
directors in a matter described in divisions (F) (1) to (4) of 2375
this section in accordance with section 119.12 of the Revised 2376
Code, except that the appeal may be made to the court of common 2377
pleas in the county in which is located the crematory or 2378
reduction facility to which the final order pertains, or in the 2379
county in which the party resides. 2380

(G) On its own initiative or on receiving a written 2381
complaint from any person whose identity is made known to the 2382
board of embalmers and funeral directors, the board shall 2383
investigate the acts or practices of any person holding or 2384
claiming to hold a license, permit, or certification under this 2385
chapter that, if proven to have occurred, would violate this 2386
chapter or any rules adopted under it. The board may compel 2387
witnesses by subpoena to appear and testify in relation to 2388
investigations conducted under this chapter and may require by 2389
subpoena duces tecum the production of any book, paper, or 2390
document pertaining to an investigation. If a person does not 2391
comply with a subpoena or subpoena duces tecum, the board may 2392
apply to the court of common pleas of any county in this state 2393
for an order compelling the person to comply with the subpoena 2394
or subpoena duces tecum, or for failure to do so, to be held in 2395
contempt of court. 2396

(H) If, as a result of its investigation conducted under 2397
division (G) of this section, the board of embalmers and funeral 2398

directors has reasonable cause to believe that the person 2399
investigated is violating any provision of this chapter or any 2400
rules adopted under this chapter governing or in connection with 2401
embalming, funeral directing, cremation, reduction, funeral 2402
homes, embalming facilities, ~~or cremation~~ crematory facilities, 2403
or reduction facilities, or the operation of funeral homes, 2404
embalming facilities, ~~or crematory facilities,~~ or reduction 2405
facilities, it may, after providing the opportunity for an 2406
adjudicatory hearing, issue an order directing the person to 2407
cease the acts or practices that constitute the violation. The 2408
board shall conduct the adjudicatory hearing in accordance with 2409
Chapter 119. of the Revised Code except that, notwithstanding 2410
the provisions of that chapter, the following shall apply: 2411

(1) The board shall send the notice informing the person 2412
of the person's right to a hearing by certified mail. 2413

(2) The person is entitled to a hearing only if the person 2414
requests a hearing and if the board receives the request within 2415
thirty days after the mailing of the notice described in 2416
division (H) (1) of this section. 2417

(3) A stenographic record shall be taken, in the manner 2418
prescribed in section 119.09 of the Revised Code, at every 2419
adjudicatory hearing held under this section, regardless of 2420
whether the record may be the basis of an appeal to a court. 2421

(I) If, as a result of its investigation conducted under 2422
division (G) of this section, the board of embalmers and funeral 2423
directors has reasonable cause to believe that the person 2424
investigated is violating any provision of this chapter or any 2425
rules adopted under this chapter governing or in connection with 2426
crematory or reduction facility operators, crematory or 2427
reduction facilities, ~~or cremation,~~ or natural organic 2428

reduction, the board shall send written notice of the alleged 2429
violation to the crematory and reduction facility review board. 2430
If, after the conclusion of the adjudicatory hearing in the 2431
matter conducted under division (F) of this section, the board 2432
of embalmers and funeral directors finds that a person is in 2433
violation of any provision of this chapter or any rules adopted 2434
under this chapter governing or in connection with crematory or 2435
reduction facility operators, crematory or reduction facilities, 2436
~~or~~ cremation, or natural organic reduction, the board may issue 2437
a final order under that division directing the person to cease 2438
the acts or practices that constitute the violation. 2439

(J) The board of embalmers and funeral directors may bring 2440
a civil action to enjoin any violation or threatened violation 2441
of sections 4717.01 to 4717.15 of the Revised Code or a rule 2442
adopted under any of those sections; division (A) or (B) of 2443
section 4717.23; division (B)(1) or (2), (C)(1) or (2), (D), 2444
(E), or (F)(1) or (2), or divisions (H) to (K) of section 2445
4717.26; division (D)(1) of section 4717.27; divisions (A) to 2446
(C) of section 4717.28, or division (D) or (E) of section 2447
4717.31 of the Revised Code. The action shall be brought in the 2448
county where the violation occurred or the threatened violation 2449
is expected to occur. At the request of the board, the attorney 2450
general shall represent the board in any matter arising under 2451
this chapter. 2452

(K) The board of embalmers and funeral directors and the 2453
crematory and reduction facility review board may issue 2454
subpoenas for any person holding a license or permit under this 2455
chapter or persons holding themselves out as such, or for any 2456
other person whose testimony, in the opinion of either board, is 2457
necessary. The subpoena shall require the person to appear 2458
before the appropriate board or any designated member of either 2459

board, upon any hearing conducted under this chapter. The 2460
penalty for disobedience to the command of such a subpoena is 2461
the same as for refusal to answer such a process issued under 2462
authority of the court of common pleas. 2463

(L) Except as provided in section 4717.41 of the Revised 2464
Code, all moneys received by the board of embalmers and funeral 2465
directors from any source shall be deposited in the state 2466
treasury to the credit of the occupational licensing and 2467
regulatory fund created in section 4743.05 of the Revised Code. 2468

(M) The board of embalmers and funeral directors shall 2469
submit a written report to the governor on or before the first 2470
Monday of July of each year. This report shall contain a 2471
detailed statement of the nature and amount of the board's 2472
receipts and the amount and manner of its expenditures. 2473

Sec. 4717.04. (A) The board of embalmers and funeral 2474
directors shall adopt rules in accordance with Chapter 119. of 2475
the Revised Code for the government, transaction of the 2476
business, and the management of the affairs of the board of 2477
embalmers and funeral directors and the crematory and reduction 2478
facility review board, and for the administration and 2479
enforcement of this chapter. These rules shall include all of 2480
the following: 2481

(1) The nature, scope, content, and form of the 2482
application that must be completed and license examination that 2483
must be passed in order to receive an embalmer's license or a 2484
funeral director's license under section 4717.05 of the Revised 2485
Code. The rules shall ensure both of the following: 2486

(a) That the embalmer's license examination tests the 2487
applicant's knowledge through at least a comprehensive section 2488

and an Ohio laws section; 2489

(b) That the funeral director's license examination tests 2490
the applicant's knowledge through at least a comprehensive 2491
section, an Ohio laws section, and a sanitation section. 2492

(2) The minimum license examination score necessary to be 2493
licensed under section 4717.05 of the Revised Code as an 2494
embalmer or as a funeral director; 2495

(3) Procedures for determining the dates of the embalmer's 2496
and funeral director's license examinations, which shall be 2497
administered at least once each year, the time and place of each 2498
examination, and the supervision required for each examination; 2499

(4) Procedures for determining whether the board shall 2500
accept an applicant's compliance with the licensure, 2501
registration, or certification requirements of another state as 2502
grounds for granting the applicant a license under this chapter; 2503

(5) A determination of whether completion of a nationally 2504
recognized embalmer's or funeral director's examination 2505
sufficiently meets the license requirements for the 2506
comprehensive section of either the embalmer's or the funeral 2507
director's license examination administered under this chapter; 2508

(6) Continuing education requirements for licensed 2509
embalmers and funeral directors; 2510

(7) Requirements for the licensing and operation of 2511
funeral homes; 2512

(8) Requirements for the licensing and operation of 2513
embalming facilities; 2514

(9) A schedule that lists, and specifies a forfeiture 2515
commensurate with, each of the following types of conduct which, 2516

for the purposes of division (A) (9) of this section and section 2517
4717.15 of the Revised Code, are violations of this chapter: 2518

(a) Obtaining a license under this chapter by fraud or 2519
misrepresentation either in the application or in passing the 2520
required examination for the license; 2521

(b) Purposely violating any provision of sections 4717.01 2522
to 4717.15 of the Revised Code or a rule adopted under any of 2523
those sections; division (A) or (B) of section 4717.23; division 2524
(B) (1) or (2), (C) (1) or (2), (D), (E), or (F) (1) or (2), or 2525
divisions (H) to (K) of section 4717.26; division (D) (1) of 2526
section 4717.27; or divisions (A) to (C) of section 4717.28 of 2527
the Revised Code; 2528

(c) Committing unprofessional conduct; 2529

(d) Knowingly permitting an unlicensed person, other than 2530
a person serving an apprenticeship, to engage in the profession 2531
or business of embalming or funeral directing under the 2532
licensee's supervision; 2533

(e) Refusing to promptly submit the custody of a dead 2534
human body or cremated or reduced remains upon the express order 2535
of the person legally entitled to the body; 2536

(f) Transferring a license to operate a funeral home, 2537
embalming facility, ~~or~~ crematory facility or reduction facility 2538
from one owner or operator to another, or from one location to 2539
another, without notifying the board and following the 2540
requirements of section 4717.11 of the Revised Code; 2541

(g) Misleading the public using false or deceptive 2542
advertising; 2543

(h) Failing to forward to the board on or before its due 2544

date the annual report of preneed funeral sales required by 2545
division (J) of section 4717.31 of the Revised Code. If the 2546
annual report is sent to the board by United States mail, it 2547
shall be postmarked on or before the due date for the submission 2548
of the annual report in order to be timely filed with the board. 2549
Mail that is not postmarked shall be considered filed on the 2550
date it is received by the board. 2551

Each instance of the commission of any of the types of 2552
conduct described in division (A) (9) of this section is a 2553
separate violation. The rules adopted under division (A) (9) of 2554
this section shall establish the amount of the forfeiture for a 2555
violation of each of those divisions. The forfeiture for a first 2556
violation shall not exceed five thousand dollars, and the 2557
forfeiture for a second or subsequent violation shall not exceed 2558
ten thousand dollars. The amount of the forfeiture may differ 2559
among the types of violations according to what the board 2560
considers the seriousness of each violation. 2561

(10) Requirements for the licensing and operation of 2562
crematory facilities; 2563

(11) Requirements for the licensing and operation of 2564
reduction facilities; 2565

(12) Procedures for the board to take possession of and to 2566
arrange the lawful disposition of unclaimed cremated or reduced 2567
remains that were held or stored at a funeral home or, 2568
crematory, or reduction facility that has been closed; 2569

~~(12)~~ (13) Procedures for the issuance of duplicate 2570
licenses; 2571

~~(13)~~ (14) Requirements for criminal records checks of 2572
applicants under section 4776.03 of the Revised Code; 2573

~~(14)~~ (15) The amount and content of corrective action 2574
courses required by the board under section 4717.14 of the 2575
Revised Code. 2576

(B) The board may adopt rules governing the educational 2577
standards for licensure as an embalmer or funeral director, or 2578
obtaining a permit to be a crematory operator, or reduction 2579
facility operator, and the standards of service and practice to 2580
be followed in embalming, funeral directing, ~~and cremation,~~ and 2581
natural organic reduction, ~~and~~ and in the operation of funeral 2582
homes, embalming facilities, ~~and crematory facilities,~~ and 2583
reduction facilities in this state. 2584

(C) Nothing in this chapter authorizes the board of 2585
embalmers and funeral directors to regulate cemeteries, except 2586
that the board shall license and regulate funeral homes, 2587
embalming facilities, ~~and crematory facilities~~ and reduction 2588
facilities located at cemeteries in accordance with this 2589
chapter. 2590

(D) If the executive director of the board has knowledge 2591
or notice of a violation of division (A) (1), (3), (5), or (6) of 2592
section 4717.13 of the Revised Code or that a person is engaging 2593
in the business or profession of funeral directing in violation 2594
of division ~~(A) (14)~~ (A) (13) of that section, the executive 2595
director shall notify the appropriate law enforcement authority 2596
for investigation. 2597

Sec. 4717.052. (A) Except as provided in division (D) of 2598
this section, any person who desires to obtain a permit as a 2599
reduction facility operator shall apply to the board of 2600
embalmers and funeral directors on a form prescribed by the 2601
board. The applicant shall include with the application the 2602
initial permit fee set forth in section 4717.07 of the Revised 2603

Code and evidence, verified under oath and satisfactory to the 2604
board, that the applicant satisfies both of the following 2605
requirements: 2606

(1) The applicant is at least eighteen years of age. 2607

(2) The applicant has satisfactorily completed a 2608
certification program for operating a reduction facility that is 2609
approved by the board, and has presented to the board a 2610
certificate showing completion of the program. 2611

(B) If the board of embalmers and funeral directors, upon 2612
receiving satisfactory evidence, determines that the applicant 2613
satisfies all of the requirements of division (A) of this 2614
section, the board shall issue to the applicant a permit as a 2615
reduction facility operator. 2616

(C) The board of embalmers and funeral directors may 2617
revoke or suspend a permit issued under this section or subject 2618
a permit holder to discipline in accordance with the laws, 2619
rules, and procedures applicable to licensees under this 2620
chapter. 2621

Sec. 4717.06. (A) (1) A licensed funeral director who 2622
desires to obtain a license to operate a funeral home, a 2623
licensed embalmer who desires to obtain a license to operate an 2624
embalming facility, ~~or~~ a holder of a crematory operator permit 2625
who desires to obtain a license to operate a crematory facility, 2626
or a holder of a reduction facility operator permit who desires 2627
to operate a reduction facility shall apply to the board of 2628
embalmers and funeral directors on a form prescribed by the 2629
board. The application shall include the initial license 2630
application fee set forth in section 4717.07 of the Revised Code 2631
and proof satisfactory to the board that the funeral home, 2632

embalming facility, ~~or~~ crematory facility, or reduction facility 2633
is in compliance with rules adopted by the board under section 2634
4717.04 of the Revised Code, rules adopted by the board of 2635
building standards under Chapter 3781. of the Revised Code, and 2636
all other federal, state, and local requirements relating to the 2637
safety of the premises. 2638

(2) If the funeral home, embalming facility, ~~or~~ crematory 2639
facility, or reduction facility to which the license application 2640
pertains is owned by a corporation or limited liability company, 2641
the application shall include the name and address of the 2642
corporation's or limited liability company's statutory agent 2643
appointed under section 1701.07 of the Revised Code, former 2644
section 1705.06 of the Revised Code as that section existed 2645
prior to February 11, 2022, or section 1706.09 of the Revised 2646
Code or, in the case of a foreign corporation, the corporation's 2647
designated agent appointed under section 1703.041 of the Revised 2648
Code. If the funeral home, embalming facility, ~~or~~ crematory 2649
facility, or reduction facility to which the application 2650
pertains is owned by a partnership, the application shall 2651
include the name and address of each of the partners. If, at any 2652
time after the submission of a license application or issuance 2653
of a license, the statutory or designated agent of a corporation 2654
or limited liability company owning a funeral home, embalming 2655
facility, or crematory facility or the address of the statutory 2656
or designated agent changes or, in the case of a partnership, 2657
any of the partners of the funeral home, embalming facility, ~~or~~ 2658
crematory facility, or reduction facility, or the address of any 2659
of the partners changes, the applicant for or holder of the 2660
license to operate the funeral home, embalming facility, ~~or~~ 2661
crematory facility, or reduction facility, shall submit written 2662
notice to the board, within thirty days after the change, 2663

informing the board of the change and of any name or address of 2664
a statutory or designated agent or partner that has changed from 2665
that contained in the application for the license or the most 2666
recent notice submitted under division (A)(2) of this section. 2667

(B)(1) The board of embalmers and funeral directors shall 2668
issue a license to operate a funeral home only to a licensed 2669
funeral director who is named in the application as the funeral 2670
director actually in charge and ultimately responsible for the 2671
funeral home. The board shall issue the license only for the 2672
address at which the funeral home is physically located and 2673
operated. The funeral home license and licenses of the embalmers 2674
and funeral directors employed by the funeral home shall be 2675
displayed in a conspicuous place within the funeral home. 2676

(2) The funeral home shall have on the premises one of the 2677
following: 2678

(a) If embalming will take place at the funeral home, an 2679
embalming room that is adequately equipped and maintained. The 2680
embalming room shall be kept in a clean and sanitary manner and 2681
used only for the embalming, preparation, or holding of dead 2682
human bodies. The embalming room shall contain only the 2683
articles, facilities, and instruments necessary for those 2684
purposes. 2685

(b) If embalming will not take place at the funeral home, 2686
a holding room that is adequately equipped and maintained. The 2687
holding room shall be kept in a clean and sanitary manner and 2688
used only for the preparation, other than embalming, and holding 2689
of dead human bodies. The holding room shall contain only the 2690
articles and facilities necessary for those purposes. 2691

(3) Each funeral home shall be directly supervised by a 2692

funeral director licensed under this chapter, who may supervise 2693
more than one funeral home. 2694

(C) (1) The board shall issue a license to operate an 2695
embalming facility only to a licensed embalmer who is actually 2696
in charge of and ultimately responsible for the embalming 2697
facility. The board shall issue the license only for the address 2698
at which the embalming facility is physically located and 2699
operated. The license shall be displayed in a conspicuous place 2700
within the facility. 2701

(2) The embalming facility shall be adequately equipped 2702
and maintained in a sanitary manner. The embalming room at such 2703
a facility shall contain only the articles, facilities, and 2704
instruments necessary for its stated purpose. The embalming room 2705
shall be kept in a clean and sanitary condition and used only 2706
for the care and preparation of dead human bodies. 2707

(D) (1) The board shall issue a license to operate a 2708
crematory facility only to a crematory operator who is actually 2709
in charge and ultimately responsible for the crematory facility. 2710
The board shall issue the license only for the address at which 2711
the crematory facility is physically located and operated. The 2712
license shall be displayed in a conspicuous place within the 2713
crematory facility. 2714

(2) The crematory facility shall be adequately equipped 2715
and maintained in a clean and sanitary manner. The crematory 2716
facility may be located in a funeral home, embalming facility, 2717
reduction facility, cemetery building, or other building in 2718
which the crematory facility may lawfully operate. If a 2719
crematory facility engages in the cremation of animals, the 2720
crematory facility shall cremate animals in a cremation chamber 2721
that also is not used to cremate dead human bodies or human body 2722

parts and shall not cremate animals in a cremation chamber used 2723
for the cremation of dead human bodies and human body parts. 2724
Cremation chambers that are used for the cremation of dead human 2725
bodies or human body parts and cremation chambers used for the 2726
cremation of animals may be located in the same area. Cremation 2727
chambers used for the cremation of animals shall have 2728
conspicuously displayed on the unit a notice that the unit is to 2729
be used for animals only. 2730

(3) A license to operate a crematory facility shall be 2731
issued to the person actually in charge of the crematory 2732
facility. This section does not require the individual who is 2733
actually in charge of the crematory facility to be an embalmer- 2734
~~or, funeral director, or reduction facility operator~~ licensed 2735
under this chapter. 2736

(4) Nothing in this section or rules adopted under section 2737
4717.04 of the Revised Code precludes the establishment and 2738
operation of a crematory facility on or adjacent to the property 2739
on which a cemetery, funeral home, reduction facility, or 2740
embalming facility is located. 2741

(E) (1) The board shall issue a reduction facility license 2742
only for the address at which the reduction facility is 2743
physically located and operated. The license shall be displayed 2744
in a conspicuous place within the reduction facility. 2745

(2) The reduction facility shall be adequately equipped 2746
and maintained in a clean and sanitary manner. The reduction 2747
facility may be located in a funeral home, embalming facility, 2748
cemetery building, crematory facility, or any other building in 2749
which the reduction facility may lawfully operate. If the 2750
reduction facility engages in natural organic reduction of 2751
animals, the reduction facility shall reduce animals in a 2752

reduction chamber that is not also used for reduction of dead 2753
human bodies or human body parts and shall not reduce animals in 2754
a reduction chamber used for the reduction of dead human bodies 2755
or human body parts. Reduction chambers that are used for the 2756
reduction of dead human bodies or human body parts and the 2757
reduction chambers used for the reduction of animals may be 2758
located in the same area. Reduction chambers used for the 2759
reduction of animals shall have conspicuously displayed on the 2760
unit a notice that the unit is to be used for animals only. 2761

(3) The board shall issue a reduction facility license 2762
only to the holder of a reduction facility operator permit 2763
issued under section 4717.052 of the Revised Code who is 2764
actually in charge and ultimately responsible for the reduction 2765
facility. This section does not require the person in charge of 2766
the reduction facility to be an embalmer or funeral director 2767
licensed under this chapter, or the holder of a crematory 2768
operator permit. 2769

(4) Nothing in this chapter or rules adopted under section 2770
4717.04 of the Revised Code precludes the establishment and 2771
operation of a reduction facility on or adjacent to the property 2772
on which a cemetery, funeral home, embalming facility, or 2773
crematory facility is located. 2774

Sec. 4717.07. (A) The board of embalmers and funeral 2775
directors shall charge and collect the following fees: 2776

(1) For applying for an initial or biennial renewal of an 2777
embalmer's or funeral director's license, or a reactivation of a 2778
license as described in division (H) of section 4717.05 of the 2779
Revised Code, two hundred dollars; 2780

(2) For applying for an embalmer or funeral director 2781

certificate of apprenticeship, thirty-five dollars; 2782

(3) For the application to take the examination for a 2783
license to practice as an embalmer or funeral director, or to 2784
retake a section of the examination, thirty-five dollars; 2785

(4) For applying for an initial license to operate a 2786
funeral home, four hundred dollars and biennial renewal of a 2787
license to operate a funeral home, four hundred dollars; 2788

(5) For the reinstatement of a lapsed embalmer's or 2789
funeral director's license, the renewal fee prescribed in 2790
division (A) (1) of this section plus fifty dollars for each 2791
month or portion of a month the license is lapsed, but not more 2792
than one thousand dollars; 2793

(6) For the reinstatement of a lapsed license to operate a 2794
funeral home, the renewal fee prescribed in division (A) (4) of 2795
this section plus fifty dollars for each month or portion of a 2796
month the license is lapsed until reinstatement, but not more 2797
than one thousand dollars; 2798

(7) For applying for a license to operate an embalming 2799
facility, four hundred dollars and biennial renewal of a license 2800
to operate an embalming facility, four hundred dollars; 2801

(8) For the reinstatement of a lapsed license to operate 2802
an embalming facility, the renewal fee prescribed in division 2803
(A) (7) of this section plus fifty dollars for each month or 2804
portion of a month the license is lapsed until reinstatement, 2805
but not more than one thousand dollars; 2806

(9) For applying for a license to operate a crematory 2807
facility, four hundred dollars and biennial renewal of a license 2808
to operate a crematory facility, four hundred dollars; 2809

(10) For the reinstatement of a lapsed license to operate 2810
a crematory facility, the renewal fee prescribed in division (A) 2811
(9) of this section plus fifty dollars for each month or portion 2812
of a month the license is lapsed until reinstatement, but not 2813
more than five hundred dollars; 2814

(11) For applying for the initial or biennial renewal of a 2815
crematory operator permit, one hundred fifty dollars; 2816

(12) For the reinstatement of a lapsed crematory operator 2817
permit, the renewal fee prescribed in division (A) (11) of this 2818
section plus fifty dollars for each month or portion of a month 2819
the permit is lapsed, but not more than five hundred dollars; 2820

(13) For applying for a license to operate a reduction 2821
facility, four hundred dollars, and biennial renewal of a 2822
license to operate a reduction facility, four hundred dollars; 2823

(14) For the reinstatement of a lapsed license to operate 2824
a reduction facility, the renewal fee prescribed in division (A) 2825
(13) of this section plus fifty dollars for each month or 2826
portion of a month the license is lapsed until reinstatement, 2827
but not more than five hundred dollars; 2828

(15) For applying for the initial or biennial renewal of a 2829
reduction facility operator permit, one hundred fifty dollars; 2830

(16) For the reinstatement of a lapsed reduction facility 2831
operator permit, the renewal fee prescribed in division (A) (15) 2832
of this section plus fifty dollars for each month or portion of 2833
a month the permit is lapsed, but not more than five hundred 2834
dollars; 2835

(17) For the issuance of a duplicate of a license issued 2836
under this chapter, ten dollars; 2837

~~(14)~~ (18) For each preneed funeral contract sold in the 2838
state other than those funded by the assignment of an existing 2839
insurance policy, ten dollars. 2840

(B) In addition to the fees set forth in division (A) of 2841
this section, an applicant shall pay the examination fee 2842
assessed by any examining agency the board uses for any section 2843
of an examination required under this chapter. 2844

(C) Subject to the approval of the controlling board, the 2845
board of embalmers and funeral directors may establish fees in 2846
excess of the amounts set forth in this section, provided that 2847
these fees do not exceed the amounts set forth in this section 2848
by more than fifty per cent. 2849

Sec. 4717.08. (A) Every license and permit issued under 2850
this chapter expires on the last day of December of each even- 2851
numbered year and shall be renewed on or before that date 2852
according to the standard license renewal procedure set forth in 2853
Chapter 4745. of the Revised Code. Licenses and permits not 2854
renewed by the last day of December of each even-numbered year 2855
are lapsed. 2856

(B) A holder of a lapsed license to operate a funeral 2857
home, ~~license to operate an embalming facility, or license to~~ 2858
~~operate a crematory facility, or reduction facility~~ or a 2859
crematory operator or reduction facility operator permit may 2860
reinstate the license or permit with the board by paying the 2861
lapsed license fee established under section 4717.07 of the 2862
Revised Code. 2863

(C) A holder of a lapsed embalmer's or funeral director's 2864
license may reinstate the license with the board by paying the 2865
lapsed license fee established under section 4717.07 of the 2866

Revised Code, except that if the license is lapsed for more than 2867
one hundred eighty days after its expiration date, the holder 2868
also shall take and pass the Ohio laws examination for each 2869
license as a condition for reinstatement. 2870

Sec. 4717.11. (A) (1) A person who is licensed to operate a 2871
funeral home shall surrender that person's license to operate a 2872
funeral home within thirty days after a change in any of the 2873
following: 2874

(a) The location of the funeral home; 2875

(b) The person who is actually in charge and ultimately 2876
responsible for the funeral home; 2877

(c) Ownership of the funeral home business that owns the 2878
funeral home that results in a majority of the ownership of the 2879
funeral business being held by one or more persons who solely or 2880
in combination with others did not own a majority of the funeral 2881
business immediately prior to the change in ownership. 2882

(2) Within thirty days after a change described in 2883
division (A) (1) of this section occurs, the funeral director who 2884
will be actually in charge and ultimately responsible for the 2885
funeral home after the change shall apply for a new funeral home 2886
license. Upon the filing of an application for a funeral home 2887
license by a licensed funeral director, the funeral home may 2888
continue to operate until the board denies the funeral home's 2889
application. 2890

(B) (1) A person who is licensed to operate an embalming 2891
facility shall surrender that person's license to operate an 2892
embalming facility within thirty days after a change in any of 2893
the following: 2894

(a) The location of the embalming facility; 2895

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

(c) Ownership of the business entity that owns the embalming facility that results in a majority of the ownership of the business entity being held by one or more persons who solely or in combination with others did not own a majority of the business entity immediately prior to the change in ownership.

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

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

(a) The location of the crematory facility;

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

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

(2) Within thirty days after a change described in 2925
division (C)(1) of this section occurs, the person who will be 2926
actually in charge and ultimately responsible for the crematory 2927
facility after the change shall apply for a new license to 2928
operate the crematory facility. Upon the filing of an 2929
application for a license to operate a crematory facility by a 2930
person holding a crematory operator permit, the crematory 2931
facility may continue to operate until the board denies the 2932
crematory facility's application. 2933

~~(D)(1)~~ (D) A person who is licensed to operate a reduction 2934
facility shall obtain a new license upon any change in the 2935
location of the facility or any change in the ownership of the 2936
business entity operating the facility that results in a 2937
majority of the ownership of the business entity being held by 2938
one or more persons who solely or in combination with others did 2939
not own a majority of the business entity immediately before the 2940
change in ownership. The person licensed to operate the 2941
reduction facility shall surrender the current license to the 2942
board within thirty days after any such change occurs. 2943

(E)(1) The board of embalmers and funeral directors shall 2944
review applications for new licenses under section 4717.06 of 2945
the Revised Code. 2946

(2) If the board, upon receiving satisfactory evidence, 2947
determines that the applicant satisfies all of the requirements 2948
of ~~division (A), (B), (C), or (D) of~~ section 4717.06 of the 2949
Revised Code with respect to a particular funeral home, 2950
embalming facility, ~~or~~ crematory facility, or reduction 2951
facility, the board shall issue to the applicant a new license 2952
to operate that funeral home, embalming facility, ~~or~~ crematory 2953
facility, or reduction facility. 2954

Sec. 4717.13. (A) No person shall do any of the following: 2955

(1) Engage in the business or profession of funeral 2956
directing unless the person is licensed as a funeral director 2957
under this chapter, is certified as an apprentice funeral 2958
director in accordance with rules adopted under section 4717.04 2959
of the Revised Code and under the supervision of a funeral 2960
director licensed under this chapter, or is a student in a 2961
college of mortuary sciences approved by the board of embalmers 2962
and funeral directors and is under the direct supervision of a 2963
funeral director licensed by the board; 2964

(2) Engage in embalming unless the person is licensed as 2965
an embalmer under this chapter, is certified as an apprentice 2966
embalmer in accordance with rules adopted under section 4717.04 2967
of the Revised Code and is under the supervision of an embalmer 2968
licensed under this chapter, or is a student in a college of 2969
mortuary science approved by the board and is under the direct 2970
supervision of an embalmer licensed by the board; 2971

(3) Advertise or otherwise offer to provide or convey the 2972
impression that the person provides funeral directing services 2973
unless the person is licensed as a funeral director under this 2974
chapter and is employed by or under contract to a licensed 2975
funeral home and performs funeral directing services for that 2976
funeral home in a manner consistent with the advertisement, 2977
offering, or conveyance; 2978

(4) Advertise or otherwise offer to provide or convey the 2979
impression that the person provides embalming services unless 2980
the person is licensed as an embalmer under this chapter and is 2981
employed by or under contract to a licensed funeral home or a 2982
licensed embalming facility and performs embalming services for 2983
the funeral home or embalming facility in a manner consistent 2984

with the advertisement, offering, or conveyance; 2985

(5) Operate a funeral home without a license to operate 2986
the funeral home issued by the board under this chapter; 2987

(6) Practice the business or profession of funeral 2988
directing from any place except from a funeral home that a 2989
person is licensed to operate under this chapter; 2990

(7) Practice embalming from any place except from a 2991
funeral home or embalming facility that a person is licensed to 2992
operate under this chapter; 2993

(8) Operate a crematory facility or perform cremation 2994
without a license to operate the crematory facility issued under 2995
this chapter; 2996

(9) Cremate animals in a cremation chamber in which dead 2997
human bodies or body parts are cremated or cremate dead human 2998
bodies or human body parts in a cremation chamber in which 2999
animals are cremated; 3000

(10) Hold a dead human body, before final disposition, for 3001
more than forty-eight hours after the time of death unless the 3002
dead human body is embalmed or placed into refrigeration and 3003
maintained at a constant temperature of less than forty degrees; 3004

(11) Operate a reduction facility or perform reduction 3005
without a license to operate the reduction facility issued under 3006
this chapter; 3007

(12) Reduce animals in a reduction chamber in which dead 3008
human bodies or human body parts are reduced or reduce dead 3009
human bodies or human body parts in a reduction chamber in which 3010
animals are reduced; 3011

(13) Knowingly refuse to promptly submit the custody of a 3012

dead human body or cremated or reduced remains upon the oral or 3013
written order of the person legally entitled to the body or 3014
~~cremated~~ remains; 3015

~~(12)~~ (14) Except as ordered by the coroner or the person 3016
holding the right of disposition under section 2108.70 or 3017
2108.81 of the Revised Code, knowingly fail to carry out the 3018
final disposition of a dead human body within thirty days after 3019
taking custody of the body; 3020

~~(13)~~ (15) Engage in cremation ~~as defined in section 4717.01~~ 3021
~~of the Revised Code~~ unless the person holds a crematory operator 3022
permit under this chapter; 3023

~~(14)~~ (16) Engage in natural organic reduction unless the 3024
person holds a reduction facility operator permit under section 3025
4717.052 of the Revised Code; (17) Engage in the business or 3026
profession of funeral directing, engage in embalming, ~~or~~ operate 3027
a crematory facility or perform cremation, operate a reduction 3028
facility or perform reduction with a lapsed license ~~as defined~~ 3029
~~under section 4717.01 of the Revised Code.~~ 3030

(B) No funeral director or other person in charge of the 3031
final disposition of a dead human body shall fail to do one of 3032
the following prior to the interment of the body: 3033

(1) Affix to the ankle or wrist of the deceased a tag 3034
encased in a durable and long-lasting material that contains the 3035
name, date of birth, date of death, and social security number 3036
of the deceased; 3037

(2) Place in the casket a capsule containing a tag bearing 3038
the information described in division (B) (1) of this section; 3039

(3) If the body was cremated or reduced, place a tag 3040
bearing the information described in division (B) (1) of this 3041

section in any vessel containing either of the following: 3042

(a) All the cremated or reduced remains; 3043

(b) More than ten cubic inches of the cremated or reduced 3044
remains. 3045

(C) No person who holds a funeral home license for a 3046
funeral home that is closed, or that is owned by a funeral 3047
business in which changes in the ownership of the funeral 3048
business result in a majority of the ownership of the funeral 3049
business being held by one or more persons who solely or in 3050
combination with others did not own a majority of the funeral 3051
business immediately prior to the change in ownership, shall 3052
fail to submit to the board within thirty days after the closing 3053
or such change of ownership of the funeral business owning the 3054
funeral home, a clearly enumerated account of all of the 3055
following from which the licensee, at the time of the closing or 3056
change of ownership of the funeral business and in connection 3057
with the funeral home, was to receive payment for providing the 3058
funeral services, funeral goods, or any combination of those in 3059
connection with the funeral or final disposition of a dead human 3060
body: 3061

(1) Preneed funeral contracts governed by sections 4717.31 3062
to 4717.38 of the Revised Code; 3063

(2) Life insurance policies or annuities the benefits of 3064
which are payable to the provider of funeral or burial goods or 3065
services; 3066

(3) Accounts at banks or savings banks insured by the 3067
federal deposit insurance corporation, savings and loan 3068
associations insured by the federal savings and loan insurance 3069
corporation or the Ohio deposit guarantee fund, or credit unions 3070

insured by the national credit union administration or a credit 3071
union share guaranty corporation organized under Chapter 1761. 3072
of the Revised Code that are payable upon the death of the 3073
person for whose benefit deposits into the accounts were made. 3074

(D) (1) No person who holds a funeral home license for a 3075
funeral home that is closed shall negligently fail to send 3076
written notice to the purchaser of every preneed funeral 3077
contract to which the funeral business is a party via first 3078
class United States mail. Such notice shall be addressed to the 3079
purchaser's last known address and shall explain that the 3080
funeral business is being closed and the name of any funeral 3081
business that has been designated to assume the obligations of 3082
the preneed contract. 3083

(2) Within thirty days of the closing of a funeral home, 3084
no person who held the funeral home license for the closed 3085
funeral home shall negligently fail to transfer all preneed 3086
contracts to the funeral home or funeral homes that have been 3087
designated to assume the obligation of the preneed contracts. If 3088
the person who holds a funeral home license for a funeral home 3089
that is closed fails to designate a successor funeral home or 3090
funeral homes to assume the obligations of the preneed funeral 3091
contracts, the board shall make such designations and order the 3092
transfer of the preneed funeral contracts to the designated 3093
funeral home or funeral homes. 3094

(E) No person who holds a license under this chapter for a 3095
facility that is going out of business and that is in possession 3096
of unclaimed cremated or reduced remains shall fail to submit to 3097
the board, within thirty days prior to the closing, a copy of 3098
the written notice required in division (F) of this section and 3099
a clearly enumerated account of all unclaimed ~~cremated~~ remains 3100

in possession of the facility. 3101

(F) Within thirty days prior to the closing of a facility 3102
that is going out of business and that is in possession of 3103
unclaimed cremated or reduced remains, the person who is 3104
actually in charge of and ultimately responsible for the 3105
facility shall send written notice via first-class mail to the 3106
last known address of the authorizing agent who executed the 3107
cremation or reduction authorization form or the person 3108
designated on the ~~cremation~~ authorization form to receive the 3109
~~cremated~~ remains. Such notice shall include the following: 3110

(1) A statement that the funeral business is going out of 3111
business and will close; 3112

(2) The expected date of closure; 3113

(3) The manner in which the unclaimed cremated or reduced 3114
remains will be disposed and, if applicable, the location from 3115
which the ~~cremated~~ remains can be retrieved. 3116

(G) If the person who is actually in charge of and 3117
ultimately responsible for the facility is unable to comply with 3118
divisions (F) (1) to (3) of this section and cannot locate the 3119
last known address of the authorizing agent who executed the 3120
cremation or reduction authorization form or the person 3121
designated on the cremation or reduction authorization form to 3122
receive the cremated or reduced remains, the person who is 3123
actually in charge of and ultimately responsible for the 3124
facility may seek a declaratory judgment to dispose of the 3125
unclaimed ~~cremated~~ remains from the probate court in the county 3126
in which the facility is located. 3127

(H) Within thirty days prior to the closing of a facility 3128
that is going out of business, no person who held the license 3129

for the facility shall negligently fail to dispose of all 3130
unclaimed cremated or reduced remains as designated in the 3131
written notice or, if unclaimed in excess of sixty days, in a 3132
manner consistent with section 4717.27 of the Revised Code. 3133

Sec. 4717.14. (A) The board of embalmers and funeral 3134
directors may, except as provided in division (G) of this 3135
section, refuse to grant or renew, or may suspend or revoke, any 3136
license or permit issued under this chapter or may require the 3137
holder of a license or permit to take corrective action courses 3138
for any of the following reasons: 3139

(1) The holder of a license or permit obtained the license 3140
or permit by fraud or misrepresentation either in the 3141
application or in passing the examination. 3142

(2) The licensee or permit holder has been convicted of or 3143
has pleaded guilty to a felony or of any crime involving moral 3144
turpitude. 3145

(3) The applicant, licensee, or permit holder has 3146
recklessly violated any provision of sections 4717.01 to 4717.15 3147
or a rule adopted under any of those sections; division (A) or 3148
(B) of section 4717.23; division (B)(1) or (2), (C)(1) or (2), 3149
(D), (E), or (F)(1) or (2), or divisions (H) to (K) of section 3150
4717.26; division (D)(1) of section 4717.27; or divisions (A) to 3151
(C) of section 4717.28 of the Revised Code; or any provisions of 3152
sections 4717.31 to 4717.38 of the Revised Code; any rule or 3153
order of the department of health or a board of health of a 3154
health district governing the disposition of dead human bodies; 3155
or any other rule or order applicable to the applicant or 3156
licensee. 3157

(4) The licensee or permit holder has committed immoral or 3158

unprofessional conduct. 3159

(5) The applicant or licensee knowingly permitted an 3160
unlicensed person, other than a person serving an 3161
apprenticeship, to engage in the profession or business of 3162
embalming or funeral directing under the applicant's or 3163
licensee's supervision. 3164

(6) The applicant, licensee, or permit holder has been 3165
habitually intoxicated, or is addicted to the use of morphine, 3166
cocaine, or other habit-forming or illegal drugs. 3167

(7) The applicant, licensee, or permit holder has refused 3168
to promptly submit the custody of a dead human body or cremated_ 3169
or reduced remains upon the express order of the person legally 3170
entitled to the body or ~~cremated~~-remains. 3171

(8) The licensee or permit holder loaned the licensee's 3172
own license or the permit holder's own permit, or the applicant, 3173
licensee, or permit holder borrowed or used the license or 3174
permit of another person, or knowingly aided or abetted the 3175
granting of an improper license or permit. 3176

(9) The applicant, licensee, or permit holder misled the 3177
public by using false or deceptive advertising. As used in this 3178
division, "false and deceptive advertising" includes, but is not 3179
limited to, any of the following: 3180

(a) Using the names of persons who are not licensed to 3181
practice funeral directing in a way that leads the public to 3182
believe that such persons are engaging in funeral directing; 3183

(b) Using any name for the funeral home other than the 3184
name under which the funeral home is licensed; 3185

(c) Using in the funeral home's name the surname of an 3186

individual who is not directly, actively, or presently 3187
associated with the funeral home, unless such surname has been 3188
previously and continuously used by the funeral home. 3189

(10) The licensee or permit holder provided services to a 3190
person knowing that those services were sold to that person by 3191
another person who lacked a license or permit under this chapter 3192
to perform the services. 3193

(B) (1) The board of embalmers and funeral directors shall 3194
refuse to grant or renew, or shall suspend or revoke a license 3195
or permit only in accordance with Chapter 119. of the Revised 3196
Code. 3197

(2) The board shall send to the crematory and reduction 3198
facility review board written notice that it proposes to refuse 3199
to issue or renew, or proposes to suspend or revoke, a license 3200
to operate a crematory or reduction facility. If, after the 3201
conclusion of the adjudicatory hearing on the matter conducted 3202
under division (F) of section 4717.03 of the Revised Code, the 3203
board of embalmers and funeral directors finds that any of the 3204
circumstances described in divisions (A) (1) to (9) of this 3205
section apply to the person named in its proposed action, the 3206
board may issue a final order under division (F) of section 3207
4717.03 of the Revised Code refusing to issue or renew, or 3208
suspending or revoking, the person's license to operate a 3209
crematory or reduction facility. 3210

(C) If the board of embalmers and funeral directors 3211
determines that there is clear and convincing evidence that any 3212
of the circumstances described in divisions (A) (1) to (9) of 3213
this section apply to the holder of a license or permit issued 3214
under this chapter and that the licensee's or permit holder's 3215
continued practice presents a danger of immediate and serious 3216

harm to the public, the board may suspend the licensee's license 3217
or permit holder's permit without a prior adjudicatory hearing. 3218
The executive director of the board shall prepare written 3219
allegations for consideration by the board. 3220

The board, after reviewing the written allegations, may 3221
suspend a license or permit without a prior hearing. 3222

Notwithstanding section 121.22 of the Revised Code, the 3223
board may suspend a license or permit under this division by 3224
utilizing a telephone conference call to review the allegations 3225
and to take a vote. 3226

The board shall serve a written order of suspension in 3227
accordance with sections 119.05 and 119.07 of the Revised Code. 3228
Such an order is not subject to suspension by the court during 3229
the pendency of any appeal filed under section 119.12 of the 3230
Revised Code. If the licensee or permit holder requests an 3231
adjudicatory hearing by the board, the date set for the hearing 3232
shall be within fifteen days, but not earlier than seven days, 3233
after the licensee or permit holder has requested a hearing, 3234
unless the board and the licensee or permit holder agree to a 3235
different time for holding the hearing. 3236

Upon issuing a written order of suspension to the holder 3237
of a license to operate a crematory or reduction facility, the 3238
board of embalmers and funeral directors shall send written 3239
notice of the issuance of the order to the crematory and - 3240
reduction facility review board. The crematory and reduction 3241
facility review board shall hold an adjudicatory hearing on the 3242
order under division (F) of section 4717.03 of the Revised Code 3243
within fifteen days, but not earlier than seven days, after the 3244
issuance of the order, unless the crematory and reduction 3245
facility review board and the licensee agree to a different time 3246

for holding the adjudicatory hearing. 3247

Any summary suspension imposed under this division shall 3248
remain in effect, unless reversed on appeal, until a final 3249
adjudicatory order issued by the board of embalmers and funeral 3250
directors pursuant to this division and Chapter 119. of the 3251
Revised Code, or division (F) of section 4717.03 of the Revised 3252
Code, as applicable, becomes effective. The board of embalmers 3253
and funeral directors shall issue its final adjudicatory order 3254
within sixty days after the completion of its hearing or, in the 3255
case of the summary suspension of a license to operate a 3256
crematory or reduction facility, within sixty days after 3257
completion of the adjudicatory hearing by the crematory and 3258
reduction facility review board. A failure to issue the order 3259
within that time results in the dissolution of the summary 3260
suspension order, but does not invalidate any subsequent final 3261
adjudicatory order. 3262

(D) If the board of embalmers and funeral directors 3263
suspends or revokes a funeral director's license or a license to 3264
operate a funeral home for any reason identified in division (A) 3265
of this section, the board may file a complaint with the court 3266
of common pleas in the county where the violation occurred 3267
requesting appointment of a receiver and the sequestration of 3268
the assets of the funeral home that held the suspended or 3269
revoked license or the licensed funeral home that employs the 3270
funeral director that held the suspended or revoked license. If 3271
the court of common pleas is satisfied with the application for 3272
a receivership, the court may appoint a receiver. 3273

The board or a receiver may employ and procure whatever 3274
assistance or advice is necessary in the receivership or 3275
liquidation and distribution of the assets of the funeral home, 3276

and, for that purpose, may retain officers or employees of the 3277
funeral home as needed. All expenses of the receivership or 3278
liquidation shall be paid from the assets of the funeral home 3279
and shall be a lien on those assets, and that lien shall be a 3280
priority to any other lien. 3281

(E) Any holder of a license or permit issued under this 3282
chapter who has pleaded guilty to, has been found by a judge or 3283
jury to be guilty of, or has had a judicial finding of 3284
eligibility for treatment in lieu of conviction entered against 3285
the individual in this state for aggravated murder, murder, 3286
voluntary manslaughter, felonious assault, kidnapping, rape, 3287
sexual battery, gross sexual imposition, aggravated arson, 3288
aggravated robbery, or aggravated burglary, or who has pleaded 3289
guilty to, has been found by a judge or jury to be guilty of, or 3290
has had a judicial finding of eligibility for treatment in lieu 3291
of conviction entered against the individual in another 3292
jurisdiction for any substantially equivalent criminal offense, 3293
is hereby suspended from practice under this chapter by 3294
operation of law, and any license or permit issued to the 3295
individual under this chapter is hereby suspended by operation 3296
of law as of the date of the guilty plea, verdict or finding of 3297
guilt, or judicial finding of eligibility for treatment in lieu 3298
of conviction, regardless of whether the proceedings are brought 3299
in this state or another jurisdiction. The board shall notify 3300
the suspended individual of the suspension of the individual's 3301
license or permit by the operation of law in accordance with 3302
sections 119.05 and 119.07 of the Revised Code. If an individual 3303
whose license or permit is suspended under this division fails 3304
to make a timely request for an adjudicatory hearing, the board 3305
shall enter a final order revoking the license. 3306

(F) No person whose license or permit has been suspended 3307

or revoked under or by the operation of this section shall 3308
knowingly practice embalming, funeral directing, ~~or~~ cremation, 3309
or reduction, or operate a funeral home, embalming facility, ~~or~~ 3310
crematory facility, or reduction facility until the board has 3311
reinstated the person's license or permit. 3312

(G) The board shall not refuse to issue a license or 3313
permit to an applicant because of a conviction of or plea of 3314
guilty to a criminal offense unless the refusal is in accordance 3315
with section 9.79 of the Revised Code. 3316

Sec. 4717.15. (A) The board of embalmers and funeral 3317
directors, without the necessity for conducting a prior 3318
adjudication hearing, may issue a notice of violation to the 3319
holder of an embalmer's, funeral director's, funeral home, ~~or~~ 3320
embalming facility, ~~or~~ crematory, or reduction facility license, 3321
or a crematory operator or reduction facility operator permit or 3322
a courtesy card permit issued under this chapter who the board 3323
finds has committed any of the violations described in division 3324
(A) (9) of section 4717.04 of the Revised Code. The notice shall 3325
set forth the specific violation committed by the licensee or 3326
permit holder and shall be sent by certified mail. The notice 3327
shall be accompanied by an order requiring the payment of the 3328
appropriate forfeiture prescribed in rules adopted under 3329
division (A) (9) of section 4717.04 of the Revised Code and by a 3330
notice informing the licensee or permit holder that the licensee 3331
is entitled to an adjudicatory hearing on the notice of 3332
violation and order if the licensee or permit holder requests a 3333
hearing and if the board receives the request within thirty days 3334
after the mailing of the notice of violation and order. The 3335
board shall conduct any such adjudicatory hearing in accordance 3336
with Chapter 119. of the Revised Code, except as otherwise 3337
provided in this division. 3338

A licensee or permit holder who receives a notice of violation and order under this division shall pay to the executive director of the board the full amount of the forfeiture by certified check within thirty days after the notice of violation and order were mailed to the licensee or permit holder unless, within that time, the licensee or permit holder submits a request for an adjudicatory hearing on the notice of violation and order. If such a request for an adjudicatory hearing is timely filed, the licensee or permit holder need not pay the forfeiture to the executive director until after a final, nonappealable administrative or judicial decision is rendered on the order requiring payment of the forfeiture. If a final nonappealable administrative or judicial decision is rendered affirming the board's order, the licensee or permit holder shall pay to the executive director of the board the full amount of the forfeiture by certified check within thirty days after notice of the decision was sent to the licensee. A forfeiture is considered to be 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 or permit, as the board considers appropriate.

(B) The board shall send to the crematory and reduction facility review board written notice that it proposes to issue to the holder of a license to operate a crematory or reduction facility issued under this chapter a notice of violation and order requiring payment of a forfeiture specified in rules adopted under division (A) (9) of section 4717.04 of the Revised Code. If, after the conclusion of the adjudicatory hearing on

the matter conducted under division (F) of section 4717.03 of 3370
the Revised Code, the board of embalmers and funeral directors 3371
finds that the licensee has committed any of the violations 3372
described in division (A) (9) of section 4717.04 of the Revised 3373
Code in connection with the operation of a crematory or 3374
reduction facility or cremation or reduction, the board of 3375
embalmers and funeral directors may issue a final order under 3376
division (F) of section 4717.03 of the Revised Code requiring 3377
payment of the appropriate forfeiture specified in rules adopted 3378
under division (A) (9) of section 4717.04 of the Revised Code. A 3379
licensee who receives such an order shall pay the full amount of 3380
the forfeiture to the executive director by certified check 3381
within thirty days after the order was sent to the licensee 3382
unless, within that time, the licensee files a notice of appeal 3383
in accordance with division (F) of section 4717.03 and section 3384
119.12 of the Revised Code. If such a notice of appeal is timely 3385
filed, the licensee or permit holder need not pay the forfeiture 3386
to the executive director until after a final, nonappealable 3387
judicial decision is rendered in the appeal. If a final, 3388
nonappealable judicial decision is rendered affirming the 3389
board's order, the licensee or permit holder shall pay to the 3390
executive director the full amount of the forfeiture by 3391
certified check within thirty days after notice of the decision 3392
was sent to the licensee or permit holder. A forfeiture is 3393
considered paid when the licensee's or permit holder's certified 3394
check is received by the executive director in Columbus. If the 3395
licensee or permit holder fails to so pay the full amount of the 3396
forfeiture to the executive director within that time, the board 3397
shall issue an order suspending or revoking the individual's 3398
license, as the board considers appropriate. 3399

Sec. 4717.20. As used in sections 4717.20 to 4717.30 of 3400

the Revised Code: 3401

(A) "Alternative container" means a receptacle, other than 3402
a casket, in which a dead human body or body parts are 3403
transported to a crematory or reduction facility and placed in 3404
the cremation or reduction chamber for cremation or reduction, 3405
and that meets all of the following requirements: 3406

(1) Is composed of ~~readily combustible~~ materials that are 3407
suitable for cremation or reduction; 3408

(2) May be closed in order to provide a complete covering 3409
for the dead human body or body parts; 3410

(3) Is resistant to leakage or spillage; 3411

(4) Is sufficiently rigid to be handled readily; 3412

(5) Provides protection for the health and safety of 3413
crematory or reduction personnel. 3414

(B) "Authorizing agent" means the person or persons 3415
identified in section 4717.21 or 4717.22 of the Revised Code who 3416
are entitled to order the cremation or reduction of a decedent 3417
or body parts and to order the final disposition of the cremated 3418
or reduced remains of a decedent or body parts. 3419

(C) "Body parts" means limbs or other portions of the 3420
anatomy that are removed from a living person for medical 3421
purposes during biopsy, treatment, or surgery. "Body parts" also 3422
includes dead human bodies that have been donated to science for 3423
purposes of medical education or research and any parts of such 3424
a dead human body that were removed for those purposes. 3425

(D) "Burial or burial-transit permit" means a burial 3426
permit or burial-transit permit issued under section 3705.17 of 3427
the Revised Code or the laws of another state that are 3428

substantially similar to that section. 3429

(E) "Casket" means a rigid container that is designed for 3430
the encasement of a dead human body and that is constructed of 3431
wood, metal, or another rigid material, is ornamented and lined 3432
with fabric, and may or may not be combustible. 3433

(F) "Temporary container" means a receptacle for cremated_ 3434
or reduced remains composed of cardboard, plastic, metal, or 3435
another material that can be closed in a manner that prevents 3436
the leakage or spillage of the ~~cremated~~ remains and the entrance 3437
of foreign material, and that is of sufficient size to hold the 3438
~~cremated~~ remains until they are placed in an urn or scattered. 3439

(G) "Urn" means a receptacle designed to encase cremated_ 3440
or reduced remains permanently. 3441

Sec. 4717.21. (A) Any person, on an antemortem basis, may 3442
serve as the person's own authorizing agent, authorize the 3443
person's own cremation, or reduction and specify the 3444
arrangements for the final disposition of the person's own 3445
cremated or reduced remains by executing an antemortem ~~cremation~~ 3446
authorization form. A guardian, custodian, or other personal 3447
representative who is authorized by law or contract to do so on 3448
behalf of a person, on an antemortem basis, may authorize the 3449
cremation or reduction of the person and specify the 3450
arrangements for the final disposition of the person's ~~cremated~~ 3451
remains by executing an antemortem ~~cremation~~ authorization form 3452
on the person's behalf. Any such antemortem ~~cremation~~ 3453
authorization form also shall be signed by one witness. The 3454
original copy of the executed authorization form shall be sent 3455
to the crematory or reduction facility being authorized to 3456
conduct the cremation or reduction, and a copy shall be retained 3457
by the person who executed the authorization form. The person 3458

who executed an antemortem ~~cremation~~-authorization form may 3459
revoke the authorization at any time by providing written notice 3460
of the revocation to the crematory or reduction facility named 3461
in the authorization form. The person who executed the 3462
authorization form may transfer the authorization to another 3463
crematory or reduction facility by providing written notice to 3464
the crematory or reduction facility named in the original 3465
authorization of the revocation of the authorization and, in 3466
accordance with this division, executing a new antemortem 3467
~~cremation~~-authorization form authorizing another crematory or 3468
reduction facility to conduct the cremation or reduction. 3469

(B) (1) Each antemortem ~~cremation~~-authorization form shall 3470
specify the final disposition that is to be made of the cremated 3471
or reduced remains. 3472

(2) Every antemortem ~~cremation~~-authorization form entered 3473
into on or after October 12, 2006, shall specify the final 3474
disposition that is to be made of the remains and shall include 3475
a provision in substantially the following form: 3476

NOTICE: Upon the death of the person who is the subject of 3477
this antemortem ~~cremation~~-authorization, the person holding the 3478
right of disposition under section 2108.70 or 2108.81 of the 3479
Revised Code may cancel the cremation or reduction arrangements, 3480
modify the arrangements for the final disposition of the 3481
cremated or reduced remains, or make alternative arrangements 3482
for the final disposition of the decedent's body. However, the 3483
person executing this antemortem ~~cremation~~-authorization is 3484
encouraged to state his or her preferences as to the manner of 3485
final disposition in a declaration of the right of disposition 3486
pursuant to section 2108.72 of the Revised Code, including that 3487
the arrangements set forth in this form shall be followed. 3488

(C) (1) Except as provided in division (C) (2) of this 3489
section, when the crematory or reduction facility is in 3490
possession of a ~~cremation~~ an authorization form that has been 3491
executed on an antemortem basis in accordance with this section, 3492
the other conditions set forth in division (A) of section 3493
4717.23 of the Revised Code have been met, the crematory or 3494
reduction facility has possession of the decedent to which the 3495
antemortem authorization pertains, and the crematory or 3496
reduction facility has received payment for the cremation or 3497
reduction of the decedent and the final disposition of the 3498
cremated or reduced remains of the decedent or is otherwise 3499
assured of payment for those services, the crematory or 3500
reduction facility shall cremate or reduce the decedent as 3501
directed and dispose of the ~~cremated~~ remains in accordance with 3502
the instructions contained in the antemortem ~~cremation~~ 3503
authorization form. 3504

(2) A person with the right of disposition for a decedent 3505
under section 2108.70 or 2108.81 of the Revised Code who is not 3506
disqualified under section 2108.75 of the Revised Code may 3507
cancel the arrangements for the decedent's cremation or 3508
reduction, modify the arrangements for the final disposition of 3509
the decedent's cremated or reduced remains, or make alternative 3510
arrangements for the final disposition of the decedent's body. 3511
If a person with the right takes any such action, the crematory or 3512
reduction facility shall disregard the instructions contained 3513
in the antemortem ~~cremation~~ authorization form and follow the 3514
instructions of the person with the right. 3515

(D) An antemortem ~~cremation~~ authorization form executed 3516
under division (A) of this section does not constitute a 3517
contract for conducting the cremation or reduction of the person 3518
named in the authorization form or for the final disposition of 3519

the person's cremated or reduced remains. Despite the existence 3520
of such an antemortem ~~cremation~~-authorization, a person with the 3521
right of disposition for a decedent under section 2108.70 or 3522
2108.81 of the Revised Code may modify, in writing, the 3523
arrangements for the final disposition of the ~~cremated~~-remains 3524
of the decedent set forth in the authorization form or may 3525
cancel the cremation or reduction and claim the decedent's body 3526
for purposes of making alternative arrangements for the final 3527
disposition of the decedent's body. The revocation of an 3528
antemortem ~~cremation~~-authorization form executed under division 3529
(A) of this section, or the cancellation of the cremation or 3530
reduction of the person named in the antemortem authorization or 3531
modification of the arrangements for the final disposition of 3532
the person's ~~cremated~~-remains as authorized by this division, 3533
does not affect the validity or enforceability of any contract 3534
entered into for the cremation or reduction of the person named 3535
in the antemortem authorization or for the final disposition of 3536
the person's ~~cremated~~-remains. 3537

(E) Nothing in this section applies to any antemortem 3538
~~cremation~~-authorization form executed prior to August 5, 1998. 3539
Any cemetery, funeral home, crematory facility, reduction 3540
facility, or other party may specify, with the written approval 3541
of the person who executed the antemortem authorization, that 3542
such an antemortem authorization is subject to sections 4717.21 3543
to 4717.30 of the Revised Code. 3544

Sec. 4717.22. (A) The person who has the right of 3545
disposition under section 2108.70 or 2108.81 of the Revised Code 3546
may serve as an authorizing agent for the cremation or reduction 3547
of a dead human body, including, without limitation, a dead 3548
human body that was donated to science for purposes of medical 3549
education or research. 3550

(B) If body parts were removed from a living person, the 3551
person from whom the body parts were removed or the person who 3552
has the right of disposition under section 2108.70 or 2108.81 of 3553
the Revised Code may serve as the authorizing agent for the 3554
cremation or reduction of the body parts. 3555

(C) If body parts were removed from a decedent whose body 3556
was donated to science for purposes of medical education or 3557
research, the person who has the right of disposition under 3558
section 2108.70 or 2108.81 of the Revised Code may serve as the 3559
authorizing agent for the cremation or reduction of the body 3560
parts. In the absence of any action by the person with the right 3561
of disposition with respect to the cremation or reduction of 3562
such body parts, the medical education or research facility to 3563
which the decedent's body was donated may serve as the 3564
authorizing agent for the cremation or reduction of such parts. 3565

Sec. 4717.23. (A) No crematory or reduction facility 3566
operator, or crematory or reduction facility, shall cremate or 3567
reduce or allow the cremation or reduction of a dead human body, 3568
other than one that was donated to science for purposes of 3569
medical education or research, until all of the following have 3570
occurred: 3571

(1) A period of at least twenty-four hours has elapsed 3572
since the decedent's death as indicated on a complete, 3573
nonprovisional death certificate filed under section 3705.16 of 3574
the Revised Code or under the laws of another state that are 3575
substantially equivalent to that section, unless, if the 3576
decedent died from a virulent communicable disease, the 3577
department of health or board of health having territorial 3578
jurisdiction where the death of the decedent occurred requires 3579
by rule or order the cremation to occur prior to the end of that 3580

period; 3581

(2) The crematory or reduction facility has received a 3582
burial or burial-transit permit that authorizes the cremation or 3583
reduction of the decedent; 3584

(3) The crematory or reduction facility has received a 3585
completed cremation or reduction authorization form executed 3586
pursuant to section 4717.21 or 4717.24 of the Revised Code, as 3587
applicable, that authorizes the cremation or reduction of the 3588
decedent. A blank ~~cremation~~ authorization form shall be provided 3589
by the crematory or reduction facility and shall comply with 3590
section 4717.24 of the Revised Code and, if applicable, section 3591
4717.21 of the Revised Code. 3592

(4) The crematory or reduction facility has received any 3593
other documentation required by this state or a political 3594
subdivision of this state. 3595

(B) No crematory or reduction facility ~~operator~~ or 3596
crematory or reduction facility shall cremate or reduce or allow 3597
the cremation or reduction of any body parts, including, without 3598
limitation, dead human bodies that were donated to science for 3599
purposes of medical research or education, at a crematory or 3600
reduction facility licensed to operate in this state until both 3601
of the following have occurred: 3602

(1) The crematory or reduction facility has received a 3603
completed cremation or reduction authorization form executed 3604
pursuant to section 4717.25 of the Revised Code or, if the 3605
decedent has executed an antemortem ~~cremation~~ authorization form 3606
in accordance with section 4717.21 of the Revised Code and has 3607
donated the decedent's body to science for purposes of medical 3608
education or research, such an antemortem ~~cremation~~ 3609

authorization form; 3610

(2) The crematory or reduction facility has received any 3611
other documentation required by this state or a political 3612
subdivision of this state. 3613

Sec. 4717.24. (A) A cremation or reduction authorization 3614
form authorizing the cremation or reduction of a dead human 3615
body, other than one that was donated to science for purposes of 3616
medical education or research, shall include at least all of the 3617
following information and statements: 3618

(1) A statement that the decedent has been identified in 3619
accordance with division (B) of this section; 3620

(2) The name of the funeral director or other individual 3621
who obtained the burial or burial-transit permit authorizing the 3622
cremation or reduction of the decedent; 3623

(3) The name of the authorizing agent and the relationship 3624
of the authorizing agent to the decedent; 3625

(4) A statement that the authorizing agent in fact has the 3626
right to authorize cremation or reduction of the decedent and 3627
that the authorizing agent does not have actual knowledge of the 3628
existence of any living person who has a superior priority right 3629
to act as the authorizing agent under section 4717.22 of the 3630
Revised Code. If the person executing the cremation or reduction 3631
authorization form knows of another living person who has such a 3632
superior priority right, the authorization form shall include a 3633
statement indicating that the person executing the authorization 3634
form has made reasonable efforts to contact the person having 3635
the superior priority right and has been unable to do so and 3636
that the person executing the authorization form has no reason 3637
to believe that the person having the superior priority right 3638

would object to the cremation or reduction of the decedent. 3639

(5) A statement of whether the authorizing agent has 3640
actual knowledge of the presence in the decedent of a pacemaker, 3641
defibrillator, or any other mechanical or radioactive device or 3642
implant that poses a hazard to the health or safety of personnel 3643
performing the cremation or reduction; 3644

(6) A statement indicating the crematory or reduction 3645
facility is to cremate or reduce the casket or alternative 3646
container in which the decedent was delivered to or accepted by 3647
the crematory or reduction facility; 3648

(7) A statement of whether the crematory or reduction 3649
facility is authorized to simultaneously cremate or reduce the 3650
decedent in the same cremation or reduction chamber with one or 3651
more other decedents who were related to the decedent named in 3652
the cremation or reduction authorization form by consanguinity 3653
or affinity or who, at any time during the one-year period 3654
preceding the decedent's death, lived with the decedent in a 3655
common law marital relationship or otherwise cohabited with the 3656
decedent. ~~A cremation~~ An authorization form executed under this 3657
section shall not authorize the simultaneous cremation or 3658
reduction of a decedent in the same ~~cremation~~ chamber with one 3659
or more other decedents except under the circumstances described 3660
in the immediately preceding sentence. 3661

(8) The names of any persons designated by the authorizing 3662
agent to be present in the holding facility or cremation ~~room~~ 3663
or reduction area prior to or during the cremation or reduction 3664
of the decedent or during the removal of the cremated or reduced 3665
remains from the cremation or reduction chamber; 3666

(9) The authorization for the crematory or reduction 3667

facility to cremate or reduce the decedent and to process or 3668
pulverize the cremated or reduced remains as is the practice at 3669
the particular crematory or reduction facility; 3670

(10) A statement of whether it is the crematory or 3671
reduction facility's practice to return all of the residue 3672
removed from the cremation or reduction chamber following the 3673
cremation or reduction or to separate and remove foreign matter 3674
from the residue before returning the cremated or reduced 3675
remains to the authorizing agent or the person designated on the 3676
authorization form to receive the ~~cremated~~ remains pursuant to 3677
division (A) (11) of this section; 3678

(11) The name of the person who is to receive the cremated 3679
or reduced remains of the decedent from the crematory or 3680
reduction facility; 3681

(12) The manner in which the final disposition of the 3682
cremated or reduced remains of the decedent is to occur, if 3683
known. If the cremation or reduction authorization form does not 3684
specify the manner of the final disposition of the ~~cremated~~ 3685
remains, it shall indicate that the ~~cremated~~ remains will be 3686
held by the crematory or reduction facility for thirty days 3687
after the cremation, or reduction, -unless, prior to the end of 3688
that period, they are picked up from the crematory or reduction 3689
facility by the person designated on the ~~cremation~~ authorization 3690
form to receive them, the authorizing agent, or, if applicable, 3691
the funeral director who obtained the burial or burial-transit 3692
permit for the decedent, or are delivered or shipped by the 3693
crematory or reduction facility to one of those persons. The 3694
authorization form shall indicate that if no instructions for 3695
the final disposition are provided on the authorization form and 3696
that if no arrangements for final disposition have been made 3697

within the thirty-day period, the crematory or reduction 3698
facility may return the ~~cremated~~ remains to the authorizing 3699
agent. The authorization form shall further indicate that if no 3700
arrangements for the final disposition of the ~~cremated~~ remains 3701
have been made within sixty days after the completion of the 3702
cremation or reduction and if the authorizing agent has not 3703
picked them up or caused them to be picked up within that 3704
period, the crematory or reduction facility operator or 3705
crematory or reduction facility may dispose of them in 3706
accordance with division (C) of section 4717.27 of the Revised 3707
Code. 3708

(13) A listing of the items of value to be delivered to 3709
the crematory or reduction facility along with the dead human 3710
body, if any, and instructions regarding how those items are to 3711
be handled; 3712

(14) A statement of whether the authorizing agent has made 3713
arrangements for any type of viewing of the decedent or for a 3714
service with the decedent present prior to the cremation or 3715
reduction and, if so, the date, time, and place of the service; 3716

(15) A statement of whether the crematory or reduction 3717
facility may proceed with the cremation or reduction at any time 3718
after the conditions set forth in division (A) of section 3719
4717.23 of the Revised Code have been met and the decedent has 3720
been received at the facility; 3721

(16) The certification of the authorizing agent to the 3722
effect that all of the information and statements contained in 3723
the authorization form are accurate; 3724

(17) The signature of the authorizing agent and the 3725
signature of at least one witness who observed the authorizing 3726

agent execute the cremation or reduction authorization form. 3727

(B) In making the identification of the decedent required 3728
by division (A) (1) of this section, the funeral home arranging 3729
the cremation or reduction shall require the authorizing agent 3730
or the agent's appointed representative to visually identify the 3731
decedent's remains or a photograph or other visual image of the 3732
remains. If identification is by photograph or other visual 3733
image, the authorizing agent or representative shall sign the 3734
photograph or other visual image. If visual identification is 3735
not feasible, other positive identification of the decedent may 3736
be used including, but not limited to, reliance upon an 3737
identification made through the coroner's office or 3738
identification of photographs or other visual images of scars, 3739
tattoos, or physical deformities taken from the decedent's 3740
remains. 3741

(C) An authorizing agent who is not available to execute a 3742
cremation or reduction authorization form in person may 3743
designate another individual to serve as the authorizing agent 3744
by providing to the crematory or reduction facility where the 3745
cremation or reduction is to occur a written designation, signed 3746
by the authorizing agent and by a witness who observed the 3747
authorizing agent execute the designation, authorizing that 3748
other individual to serve as the authorizing agent. Any such 3749
written designation shall contain the name of the decedent, the 3750
name and address of the authorizing agent, the relationship of 3751
the authorizing agent to the decedent, and the name and address 3752
of the individual who is being designated to serve as the 3753
authorizing agent. Upon receiving such a written designation, 3754
the operator shall permit the individual named in the written 3755
designation to serve as the authorizing agent and to execute the 3756
~~cremation~~ authorization form authorizing the cremation or 3757

reduction of the decedent named in the written designation. 3758

(D) An authorizing agent who signs a cremation or 3759
reduction authorization form under this section is hereby deemed 3760
to warrant the accuracy of the information and statements 3761
contained in such authorization form, including the 3762
identification of the decedent and the agent's authority to 3763
authorize the cremation or reduction. A funeral home and its 3764
employees are not responsible for verifying the accuracy of any 3765
information or statements the authorizing agent made on the 3766
authorization form, unless the funeral home or its employees 3767
have actual knowledge to the contrary regarding any such 3768
information or statement. When delivering the decedent's remains 3769
to a crematory or reduction facility or in carrying out the 3770
disposition in its own facility, the funeral home is responsible 3771
for having the decedent identified pursuant to division (B) of 3772
this section and carrying out the obligations imposed on the 3773
funeral home by division (B) of section 4717.29 of the Revised 3774
Code. 3775

(E) At any time after executing a cremation or reduction 3776
authorization form and prior to the beginning of the cremation_ 3777
or reduction process, the authorizing agent who executed the 3778
~~cremation~~ authorization form under division (A) or (C) of this 3779
section may, in writing, modify the arrangements for the final 3780
disposition of the cremated or reduced remains of the decedent 3781
set forth in the authorization form or may, in writing, revoke 3782
the authorization, cancel the cremation, or reduction, and claim 3783
the decedent's body for purposes of making alternative 3784
arrangements for the final disposition of the decedent's body. 3785
The crematory or reduction facility shall cancel the cremation_ 3786
or reduction if the crematory or reduction facility receives 3787
such a revocation before beginning the cremation or reduction. 3788

(F) A cremation or reduction authorization form executed 3789
under this section does not constitute a contract for conducting 3790
the cremation or reduction of the decedent named in the 3791
authorization form or for the final disposition of the cremated_ 3792
or reduced remains of the decedent. The revocation of a- 3793
~~cremation~~an authorization form or modification of the 3794
arrangements for the final disposition of the ~~cremated~~ remains 3795
of the decedent pursuant to division (E) of this section does 3796
not affect the validity or enforceability of any contract for 3797
the cremation or reduction of the decedent named in the 3798
authorization form or for the final disposition of the ~~cremated~~ 3799
remains of the decedent. 3800

Sec. 4717.25. (A) A cremation or reduction authorization 3801
form authorizing the cremation or reduction of any body parts, 3802
including, without limitation, dead human bodies that were 3803
donated to science for purposes of medical education or research 3804
shall include at least all of the following information and 3805
statements, as applicable: 3806

(1) The identity of the decedent whose body was donated to 3807
science for purposes of medical education or research or the 3808
identity of the living person or such a decedent from whom the 3809
body parts were removed; 3810

(2) The name of the authorizing agent and the relationship 3811
of the authorizing agent to the decedent or the living person 3812
from whom the body parts were removed; 3813

(3) A statement that the authorizing agent in fact has the 3814
right to authorize the cremation or reduction of the decedent or 3815
the body parts removed from the decedent or living person and a 3816
description of the basis of the person's right to execute the 3817
cremation or reduction authorization form; 3818

(4) A statement of whether the crematory or reduction 3819
facility is authorized to simultaneously cremate or reduce the 3820
decedent or body parts removed from the decedent or living 3821
person with one or more other decedents whose bodies were 3822
donated to science for purposes of medical education or research 3823
or with body parts removed from one or more other decedents or 3824
living persons; 3825

(5) The authorization for the crematory or reduction 3826
facility to cremate or reduce the decedent or body parts removed 3827
from the decedent or living person and to process or pulverize 3828
the cremated or reduced remains as is the practice at the 3829
particular crematory or reduction facility; 3830

(6) A statement of whether it is the crematory or 3831
reduction facility's practice to return all of the residue 3832
removed from the cremation or reduction chamber following the 3833
cremation or reduction or to separate and remove foreign matter 3834
from the residue before returning the cremated or reduced 3835
remains to the authorizing agent or the authorizing agent's 3836
designee; 3837

(7) The name of the person who is to receive the cremated or reduced 3838
remains from the crematory or reduction facility; 3839

(8) The manner in which the final disposition of the 3840
cremated or reduced remains is to occur, if known. If the 3841
cremation or reduction authorization form does not specify the 3842
manner of the final disposition of the ~~cremated~~ remains, it 3843
shall indicate that the ~~cremated~~ remains will be held by the 3844
crematory or reduction facility for thirty days after the 3845
cremation or reduction, unless, prior to the end of that period, 3846
they are picked up from the crematory or reduction facility by 3847
the person designated on the authorization form to receive them 3848

or by the authorizing agent, or are delivered or shipped by the 3849
crematory or reduction facility to one of those persons. The 3850
authorization form shall indicate that if no instructions for 3851
the final disposition of the ~~cremated~~ remains are provided on 3852
the authorization form and that if no arrangements for final 3853
disposition have been made within the thirty-day period, the 3854
crematory or reduction facility may return the ~~cremated~~ remains 3855
to the authorizing agent. The authorization form shall further 3856
indicate that if no arrangements for the final disposition of 3857
the ~~cremated~~ remains have been made within sixty days after the 3858
cremation or reduction and if the authorizing agent or person 3859
designated on the authorization form to receive the ~~cremated~~ 3860
remains has not picked them up or caused them to be picked up 3861
within that period, the crematory or reduction facility operator 3862
or the crematory or reduction facility may dispose of them in 3863
accordance with division (C) (1) or (2) of section 4717.27 of the 3864
Revised Code. 3865

(9) The certification of the authorizing agent to the 3866
effect that all of the information and statements contained in 3867
the authorization form are accurate. 3868

(B) An authorizing agent who signs a cremation or 3869
reduction authorization form under this section is hereby deemed 3870
to warrant the accuracy of the information and statements 3871
contained in the authorization form, including the person's 3872
authority to authorize the cremation or reduction. 3873

(C) At any time after executing a cremation or reduction 3874
authorization form and prior to the beginning of the cremation_ 3875
or reduction process, an authorizing agent who executed a- 3876
~~cremation~~ an authorization form under this section may, in 3877
writing, revoke the authorization, cancel the cremation or 3878

reduction, and claim the decedent's body or the body parts for 3879
purposes of making alternative arrangements for the final 3880
disposition of the decedent's body or the body parts. The 3881
crematory or reduction facility shall cancel the cremation or 3882
reduction if the crematory or reduction facility receives such a 3883
revocation before beginning the cremation or reduction. 3884

(D) A cremation or reduction authorization form executed 3885
under this section does not constitute a contract for conducting 3886
the cremation or reduction of the decedent named in the 3887
authorization form or body parts removed from the decedent or 3888
living person named in the form or for the final disposition of 3889
the cremated or reduced remains of the decedent or body parts. 3890
The revocation of a ~~cremation~~ an authorization form or 3891
modification of the arrangements for the final disposition of 3892
the ~~cremated~~ remains of the decedent or the body parts pursuant 3893
to division (C) of this section does not affect the validity or 3894
enforceability of any contract for the cremation or reduction of 3895
the decedent named in the authorization form, the cremation or 3896
reduction of body parts from the decedent or living person named 3897
in the authorization form, or the final disposition of the 3898
~~cremated~~ remains of the decedent or body parts. 3899

Sec. 4717.26. (A) The crematory or reduction facility may 3900
schedule the time for the cremation or reduction of a dead human 3901
body to occur at the crematory or reduction facility's own 3902
convenience at any time after the conditions set forth in 3903
division (A) or (B) of section 4717.23 of the Revised Code, as 3904
applicable, have been met and the decedent or body parts have 3905
been delivered to the facility, unless, in the case of a dead 3906
human body, the crematory or reduction facility has received 3907
specific instructions to the contrary on the cremation or 3908
reduction authorization form authorizing the cremation or 3909

reduction of the decedent executed under section 4717.21, 3910
4717.24, or 4717.25 of the Revised Code. The crematory_or 3911
reduction facility becomes responsible for a dead human body or 3912
body parts when the body or body parts have been delivered to or 3913
accepted by the facility or an employee or agent of the 3914
facility. 3915

(B) No crematory_or reduction facility operator or 3916
crematory_or reduction facility shall fail to do either of the 3917
following: 3918

(1) Upon receipt at the crematory_or reduction facility of 3919
any dead human body that has not been embalmed, and subject to 3920
the prohibition set forth in division (C)(1) of this section, 3921
place the body in a holding or refrigerated facility at the 3922
crematory_or reduction facility and keep the body in the holding 3923
or refrigerated facility until near the time the cremation_or 3924
reduction process commences or until the body is held at the 3925
facility for eight hours or longer. If the body is held for 3926
eight hours or longer, place the body in a refrigerated facility 3927
at the crematory_or reduction facility and keep the body in the 3928
refrigerated facility until near the time the cremation process 3929
commences; 3930

(2) Upon receipt of any dead human body that has been 3931
embalmed, place the body in a holding facility at the crematory_ 3932
or reduction facility and keep the body in the holding facility 3933
until the cremation_or reduction process commences. 3934

(C) No crematory_or reduction facility operator or 3935
crematory_or reduction facility shall do either of the 3936
following, unless the instructions contained in the cremation_or 3937
reduction authorization form authorizing the cremation_or 3938
reduction of the decedent executed under section 4717.21, 3939

4717.24, or 4717.25 of the Revised Code specifically provide 3940
otherwise: 3941

(1) Remove any dead human body from the casket or 3942
alternative container in which the body was delivered to or 3943
accepted by the crematory or reduction facility; 3944

(2) Fail to cremate or reduce the casket or alternative 3945
container in which the body was delivered or accepted, in its 3946
entirety with the body. 3947

(D) No crematory or reduction facility shall 3948
simultaneously cremate or reduce more than one decedent or body 3949
parts removed from more than one decedent or living person in 3950
the same cremation or reduction chamber unless the cremation or 3951
reduction authorization forms executed under section 4717.21, 3952
4717.24, or 4717.25 of the Revised Code authorizing the 3953
cremation or reduction of each of the decedents or body parts 3954
removed from each decedent or living person specifically 3955
authorize such a simultaneous cremation or reduction. This 3956
division does not prohibit the use of cremation or reduction 3957
equipment that contains more than one cremation or reduction 3958
chamber. 3959

(E) No crematory or reduction facility shall permit any 3960
persons other than employees of the crematory or reduction 3961
facility, the authorizing agent for the cremation or reduction 3962
of the decedent who is to be, is being, or was cremated or 3963
reduced, persons designated to be present at the cremation or 3964
reduction of the decedent on the cremation or reduction 3965
authorization form executed under section 4717.21 or 4717.24 of 3966
the Revised Code, and persons authorized by the individual who 3967
is actually in charge of the crematory or reduction facility, to 3968
be present in the holding facility or cremation ~~room~~ or 3969

reduction area while any dead human bodies or body parts are 3970
being held there prior to cremation or reduction or are being 3971
cremated or reduced or while any cremated or reduced remains are 3972
being removed from the cremation or reduction chamber. 3973

(F) (1) No crematory or reduction facility shall remove any 3974
dental gold, body parts, organs, or other items of value from a 3975
dead human body prior to the cremation or reduction or from the 3976
cremated or reduced remains after cremation or reduction unless 3977
the cremation or reduction authorization form authorizing the 3978
cremation or reduction of the decedent executed under section 3979
4717.21 or 4717.24 of the Revised Code specifically authorizes 3980
the removal thereof. 3981

(2) No crematory or reduction facility that removes any 3982
dental gold, body parts, organs, or other items from a dead 3983
human body or assists in such removal shall charge a fee for 3984
doing so that exceeds the actual cost to the crematory or 3985
reduction facility for performing or assisting in the removal. 3986

(G) Upon the completion of each cremation or reduction, 3987
the crematory or reduction facility shall remove from the 3988
cremation or reduction chamber all of the cremation or reduction 3989
residue that is practicably recoverable. If the cremation or 3990
reduction authorization form executed under section 4717.21, 3991
4717.24, or 4717.25 of the Revised Code specifies that the 3992
cremated or reduced remains are to be placed in an urn, the 3993
crematory or reduction facility shall place them in the type of 3994
urn specified on the authorization form. If the authorization 3995
form does not specify that the ~~cremated~~ remains are to be placed 3996
in an urn, the crematory or reduction facility shall place them 3997
in a temporary container. If not all of the recovered ~~cremated~~ 3998
remains will fit in the urn selected or the temporary container, 3999

the crematory or reduction facility shall place the remainder in 4000
a separate temporary container, and the ~~cremated~~ remains placed 4001
in the separate temporary container shall be delivered, 4002
released, or disposed of along with those in the urn or other 4003
temporary container. Nothing in this section requires a 4004
crematory or reduction facility to recover any specified 4005
quantity or quality of ~~cremated~~ remains upon the completion of a 4006
cremation or reduction, but only requires a crematory or 4007
reduction facility to recover from the ~~cremation~~ chamber all of 4008
the ~~cremation~~ residue that is practicably recoverable. 4009

(H) No crematory or reduction facility shall knowingly 4010
represent to an authorizing agent or a designee of an 4011
authorizing agent that an urn or temporary container contains 4012
the recovered cremated or reduced remains of a specific decedent 4013
or of body parts removed from a specific decedent or living 4014
person when it does not. This division does not prohibit the 4015
making of such a representation because of the presence in the 4016
recovered ~~cremated~~ remains of de minimus amounts of the ~~cremated~~ 4017
remains of another decedent or of body parts removed from 4018
another decedent or living person that were not practicably 4019
recoverable and that remained in the cremation or reduction 4020
chamber after the ~~cremated~~ remains from previous cremations or 4021
reductions were removed. 4022

(I) No crematory or reduction facility or funeral director 4023
shall ship or cause to be shipped any cremated or reduced 4024
remains by a class or method of mail, common carrier service, or 4025
delivery service that does not have an internal system for 4026
tracing the location of the ~~cremated~~ remains during shipment and 4027
that does not require a signed receipt from the person accepting 4028
delivery of the ~~cremated~~ remains. 4029

(J) No crematory or reduction facility shall fail to 4030
establish and maintain a system for accurately identifying each 4031
dead human body in the facility's possession, and for 4032
identifying each decedent or living person from which body parts 4033
in the facility's possession were removed, throughout all phases 4034
of the holding and the cremation or reduction process. 4035

(K) No crematory or reduction facility shall knowingly use 4036
or allow the use of the same cremation or reduction chamber for 4037
the cremation or reduction of dead human bodies, or human body 4038
parts, and animals. 4039

Sec. 4717.27. (A) The authorizing agent who executed the 4040
cremation or reduction authorization form authorizing the 4041
cremation or reduction of a decedent under section 4717.24 of 4042
the Revised Code or the cremation or reduction of body parts 4043
under section 4717.25 of the Revised Code is ultimately 4044
responsible for the final disposition of the cremated or reduced 4045
remains of the decedent or body parts. 4046

(B) If the cremation or reduction authorization form does 4047
not contain instructions for the final disposition of the 4048
cremated or reduced remains of the decedent or body parts, if no 4049
arrangements for the disposition of the ~~cremated~~ remains are 4050
made within thirty days after the completion of the cremation or 4051
reduction, and if the ~~cremated~~ remains have not been picked up 4052
within that thirty-day period by the person designated to 4053
receive them on the authorization form or, in the absence of 4054
such a designated person, by the authorizing agent, the 4055
crematory or reduction facility or the funeral home holding the 4056
unclaimed ~~cremated~~ remains, at the end of that thirty-day 4057
period, may release or deliver them in person to, or cause their 4058
delivery by a method described in division (I) of section 4059

4717.26 of the Revised Code that is acceptable under that 4060
division to, the person designated to receive them on the 4061
~~cremation~~ authorization form or, if no person has been so 4062
designated, to the authorizing agent. 4063

(C) (1) If the cremation or reduction authorization form 4064
does not contain instructions for the final disposition of the 4065
cremated or reduced remains of the decedent or body parts, if no 4066
arrangements for the final disposition of the ~~cremated~~ remains 4067
are made within sixty days after the completion of the cremation 4068
or reduction, and if the ~~cremated~~ remains have not been picked 4069
up by the person designated on the authorization form to receive 4070
them or, in the absence of such a designated person, by the 4071
authorizing agent, the crematory or reduction facility or the 4072
funeral home holding the unclaimed ~~cremated~~ remains may dispose 4073
of the ~~cremated~~ remains in a grave, crypt, or niche, by 4074
scattering them in any dignified manner, including in a memorial 4075
garden, at sea, by air, or at any scattering grounds described 4076
in section 1721.21 of the Revised Code, or in any other lawful 4077
manner, at any time after the end of that sixty-day period. 4078

(2) If the cremation or reduction authorization form 4079
specifies the manner of the final disposition of the cremated or 4080
reduced remains, or if within sixty days after the completion of 4081
the cremation or reduction the authorizing agent makes 4082
arrangements for the final disposition of the ~~cremated~~ remains, 4083
and if either the arrangements have not been carried out within 4084
that sixty-day period because of the inaction of a party other 4085
than the operator of the crematory or reduction facility or the 4086
funeral home holding the unclaimed ~~cremated~~ remains, or the 4087
authorizing agent fails to pick up the ~~cremated~~ remains within 4088
that sixty-day period, the crematory or reduction facility or 4089
the funeral home holding the unclaimed ~~cremated~~ remains may 4090

dispose of the ~~cremated~~ remains in a grave, crypt, or niche, by 4091
scattering them in any dignified manner, including in a memorial 4092
garden, at sea, by air, or at any scattering grounds described 4093
in section 1721.21 of the Revised Code, or in any other lawful 4094
manner, at any time after the end of that period. 4095

(3) If cremated or reduced remains of a decedent who was 4096
eighteen years or older at the time of death are unclaimed under 4097
divisions (C) (1) and (2) of this section, the crematory 4098
facility, reduction facility, or ~~the~~ funeral home holding the 4099
~~cremated~~ remains shall, before disposing of the unclaimed 4100
~~cremated~~ remains, notify the secretary of the United States 4101
department of veterans affairs of the name of, and other 4102
identifying information related to, the decedent. If, within 4103
sixty days of the notification, the secretary of the department 4104
of veterans affairs notifies the crematory facility, reduction 4105
facility, or funeral home that the decedent was a veteran who is 4106
eligible for burial in a national cemetery under the control of 4107
the national cemetery administration and that the secretary 4108
agrees to provide for the cost of the transportation and burial 4109
of the unclaimed ~~cremated~~ remains in a national cemetery, the 4110
crematory facility, reduction facility, or funeral home shall 4111
follow the directions of the secretary and arrange for the 4112
burial of the unclaimed remains in the national cemetery at the 4113
secretary's expense. If the secretary does not assume the right 4114
to direct the burial of the unclaimed remains within sixty days 4115
of the notification by the crematory facility, reduction 4116
facility, or funeral home, the crematory facility, reduction 4117
facility, or funeral home may carry out the disposition of the 4118
unclaimed remains under divisions (C) (1) and (2) of this 4119
section. 4120

(4) When cremated or reduced remains are disposed of in 4121

accordance with division (C) (1) or (2) of this section, the 4122
authorizing agent who executed the cremation or reduction 4123
authorization form authorizing the cremation or reduction of the 4124
decedent or body parts under section 4717.24 or 4717.25 of the 4125
Revised Code is liable to the crematory facility, reduction 4126
facility, or ~~the~~ funeral home for the cost of the final 4127
disposition, which cost shall not exceed the reasonable cost for 4128
disposing of the ~~cremated~~ remains in a common grave or crypt in 4129
the county where the ~~cremated~~ remains were buried or placed in a 4130
grave, crypt or niche, or scattered. 4131

(D) (1) Except as provided in division (D) (2) of this 4132
section, no person shall do either of the following: 4133

(a) Dispose of the cremated or reduced remains of a dead 4134
human body or body parts in such a manner or in such a location 4135
that the ~~cremated~~ remains are commingled with those of another 4136
decedent or body parts removed from another decedent or living 4137
person; 4138

(b) Place the cremated or reduced remains of more than one 4139
decedent or of body parts removed from more than one decedent or 4140
living person in the same urn or temporary container. 4141

(2) Division (D) (1) of this section does not prohibit any 4142
of the following: 4143

(a) The scattering of cremated or reduced remains at sea 4144
or by air or in a dedicated area at a cemetery used exclusively 4145
for the scattering on the ground of the ~~cremated~~ remains of dead 4146
human bodies or body parts. 4147

(b) The commingling of the cremated or reduced remains of 4148
more than one decedent or of body parts removed from more than 4149
one decedent or living person or the placement in the same urn 4150

or temporary container of the ~~cremated~~-remains of more than one 4151
decedent or of body parts removed from more than one decedent or 4152
living person when each authorizing agent who executed the 4153
cremation or reduction authorization form authorizing the 4154
cremation or reduction of each of the decedents or body parts 4155
removed from each of the decedents or living persons under 4156
section 4717.21, 4717.24, or 4717.25 of the Revised Code 4157
authorized the commingling of the ~~cremated~~-remains or the 4158
placement of the ~~cremated~~-remains in the same urn or temporary 4159
container on the authorization form. 4160

(c) The commingling, by the individual designated on the 4161
cremation or reduction authorization form authorizing the 4162
cremation or reduction of the decedent or body parts to receive 4163
the ~~cremated~~or reduced remains, other than a funeral director 4164
or employee of a cemetery, or by the authorizing agent who 4165
executed the ~~cremation~~-authorization form, after receipt of the 4166
~~cremated~~-remains, of the ~~cremated~~-remains with those of another 4167
decedent or of body parts removed from another decedent or 4168
living person or the placing of them by any such person in the 4169
same urn or temporary container with those of another decedent 4170
or of body parts removed from another decedent or living person. 4171

Sec. 4717.28. (A) No crematory or reduction facility shall 4172
fail to ensure that a written receipt is provided to the person 4173
who delivers a dead human body or body parts to the facility for 4174
cremation or reduction. If the dead human body is other than one 4175
that was donated to science for purposes of medical education or 4176
research, the receipt shall be signed by both a representative 4177
of the crematory or reduction facility and the person who 4178
delivered the decedent to the crematory or reduction facility 4179
and shall indicate the name of the decedent; the date and time 4180
of delivery; the type of casket or alternative container in 4181

which the decedent was delivered to the facility; the name of 4182
the person who delivered the decedent to the facility; if 4183
applicable, the name of the funeral home or other establishment 4184
with whom the delivery person is affiliated; and the name of the 4185
person who received the decedent on behalf of the facility. If 4186
the dead human body was donated to science for purposes of 4187
medical education or research, the receipt shall consist of a 4188
copy of the cremation or reduction authorization form executed 4189
under section 4717.21, 4717.24, or 4717.25 of the Revised Code 4190
that authorizes the cremation or reduction of the decedent or 4191
body parts that has been signed by both a representative of the 4192
crematory or reduction facility and the person who delivered the 4193
decedent or body parts to the crematory or reduction facility 4194
and that indicates the date and time of the delivery. The 4195
operator may provide the copy of the receipt to the person who 4196
delivered the decedent or body parts to the facility either in 4197
person or by certified mail, return receipt requested. 4198

(B) No crematory or reduction facility shall fail to 4199
ensure at the time of releasing cremated or reduced remains that 4200
a written receipt signed by both a representative of the 4201
crematory or reduction facility and the person who received the 4202
~~cremated~~-remains is provided to the person who received the 4203
~~cremated~~-remains. Unless the ~~cremated~~-remains are those of a 4204
dead human body that was donated to science for purposes of 4205
medical education or research or are those of body parts, the 4206
receipt shall indicate the name of the decedent; the date and 4207
time of the release; the name of the person to whom the ~~cremated~~ 4208
remains were released; if applicable, the name of the funeral 4209
home, cemetery, or other entity to whom the ~~cremated~~-remains 4210
were released; and the name of the person who released the 4211
~~cremated~~-remains on behalf of the crematory or reduction 4212

facility. If the ~~cremated~~-remains are those of a dead human body 4213
that was donated to science for purposes of medical education or 4214
research or are those of body parts, the receipt shall consist 4215
of a copy of the cremation or reduction authorization form 4216
executed under section 4717.21, 4717.24, or 4717.25 of the 4217
Revised Code that authorizes the cremation or reduction of the 4218
decedent or body parts that has been signed by both a 4219
representative of the crematory or reduction facility and the 4220
person who received the ~~cremated~~-remains and that indicates the 4221
date and time of the release. If the ~~cremated~~-remains were 4222
delivered to the authorizing agent or other individual 4223
designated on the ~~cremation~~-authorization form by a method 4224
described in division (I) of section 4717.26 of the Revised Code 4225
that is acceptable under that division, the receipt required by 4226
this division shall accompany the ~~cremated~~-remains, and the 4227
signature of the authorizing agent or other designated 4228
individual on the delivery receipt meets the requirement of this 4229
division that the person receiving the ~~cremated~~-remains sign the 4230
receipt provided by the crematory or reduction facility. 4231

(C) For each cremation or reduction carried out at a 4232
crematory or reduction facility, the crematory or reduction 4233
facility shall make and keep on file the following records and 4234
documents for the time period described in division (E) of this 4235
section: 4236

(1) A copy of each receipt issued upon acceptance by or 4237
delivery to the crematory or reduction facility of a dead human 4238
body under division (A) of this section; 4239

(2) A copy of each delivery receipt issued under division 4240
(B) of this section; 4241

(3) A record of each cremation or reduction conducted at 4242

the facility, containing at least the name of the decedent or, 4243
in the case of body parts, the name of the decedent or living 4244
person from whom the body parts were removed, the date and time 4245
of the cremation~~r~~ or reduction, and the final disposition made 4246
of the cremated or reduced remains; 4247

(4) A separate record of the cremated or reduced remains 4248
of each decedent or the body parts removed from each decedent or 4249
living person that were disposed of in accordance with division 4250
(C) (1) or (2) of section 4717.27 of the Revised Code, containing 4251
at least the name of the decedent, the date and time of the 4252
cremation~~r~~ or reduction, and the location, date, and manner of 4253
final disposition of the ~~cremated~~ remains. 4254

(D) All records required to be maintained under sections 4255
4717.21 to 4717.30 of the Revised Code are subject to inspection 4256
by the board of embalmers and funeral directors or an authorized 4257
representative of the board, upon reasonable notice, at any 4258
reasonable time. 4259

(E) The documents listed in divisions (C) (1) and (2) of 4260
this section shall be retained for the shorter of the time that 4261
the crematory or reduction facility remains engaged in the 4262
business of cremating or reducing dead human bodies or body 4263
parts or ten years following the date of the cremation. The 4264
documents listed in divisions (C) (3) and (4) of this section 4265
shall be retained during the time that the crematory or 4266
reduction facility remains engaged in the business of cremating 4267
or reducing dead human bodies or body parts. 4268

Sec. 4717.29. (A) A person executing a cremation or 4269
reduction authorization form as the authorizing agent under 4270
section 4717.24 of the Revised Code shall use diligent efforts 4271
to determine whether a pacemaker, cardiac defibrillator, or any 4272

other mechanical or radioactive device or implant is present in 4273
the decedent's body that poses a hazard to the health or safety 4274
of the personnel of the crematory or reduction facility or to 4275
the cremation or reduction chamber during the cremation or 4276
reduction process and shall indicate the presence of the device 4277
or implant on the ~~cremation~~ authorization form. If the decedent 4278
is to be delivered to the crematory or reduction facility by a 4279
funeral director, the person executing the authorization form 4280
shall inform the funeral director of the presence of the device 4281
or implant. 4282

(B) If a funeral director delivers the decedent to a 4283
crematory or reduction facility, the funeral director shall take 4284
reasonable precautions to ensure necessary actions are taken to 4285
remove a device or implant from the decedent, or to render the 4286
device or implant nonhazardous prior to delivering the decedent 4287
to the crematory or reduction facility. 4288

Sec. 4717.30. (A) A crematory or reduction facility 4289
operator, crematory or reduction facility, funeral director, or 4290
funeral home is not liable in damages in a civil action for any 4291
of the following actions or omissions, unless the actions or 4292
omissions were made with malicious purpose, in bad faith, or in 4293
a wanton or reckless manner or unless any of the conditions set 4294
forth in divisions (B) (1) to (3) of this section apply: 4295

(1) (a) For having arranged or performed the cremation or 4296
reduction of the decedent, or having released or disposed of the 4297
cremated or reduced remains, in accordance with the instructions 4298
set forth in the cremation or reduction authorization form 4299
executed by the decedent on an antemortem basis under section 4300
4717.21 of the Revised Code; 4301

(b) For having arranged or performed the cremation or 4302

reduction of the decedent or body parts removed from the 4303
decedent or living person or having released or disposed of the 4304
cremated or reduced remains in accordance with section 4717.27 4305
of the Revised Code or the instructions set forth in a cremation 4306
or reduction authorization form executed by the person 4307
authorized to serve as the authorizing agent for the cremation_ 4308
or reduction of the decedent or for the cremation or reduction 4309
of body parts of the decedent or living person, named in the 4310
~~cremation~~ authorization form executed under section 4717.24 or 4311
4717.25 of the Revised Code. 4312

(2) For having arranged or performed the cremation or 4313
reduction of the decedent, or having released or disposed of the 4314
cremated or reduced remains, in accordance with section 4717.27 4315
of the Revised Code or the instructions set forth in the 4316
cremation or reduction authorization form executed by a 4317
designated agent under division (C) of section 4717.24 of the 4318
Revised Code. 4319

(B) The crematory or reduction facility operator, 4320
crematory or reduction facility, funeral director, or funeral 4321
home is not liable in damages in a civil action for refusing to 4322
accept a dead human body or body parts or to perform a cremation 4323
or reduction under any of the following circumstances, unless 4324
the refusal was made with malicious purpose, in bad faith, or in 4325
a wanton or reckless manner: 4326

(1) The crematory or reduction facility operator, 4327
crematory or reduction facility, funeral director, or funeral 4328
home has actual knowledge that there is a dispute regarding the 4329
cremation or reduction of the decedent or body parts, until such 4330
time as the crematory or reduction facility operator, crematory_ 4331
or reduction facility, funeral director, or funeral home 4332

receives an order of the probate court having jurisdiction 4333
ordering the cremation or reduction of the decedent or body 4334
parts or until the crematory or reduction facility operator, 4335
crematory or reduction facility, funeral director, or funeral 4336
home receives from the parties to the dispute a copy of a 4337
written agreement resolving the dispute and authorizing the 4338
cremation or reduction to be performed. 4339

(2) The crematory or reduction facility operator, 4340
crematory or reduction facility, funeral director, or funeral 4341
home has a reasonable basis for questioning the accuracy of any 4342
of the information or statements contained in a cremation or 4343
reduction authorization form executed under section 4717.21, 4344
4717.24, or 4717.25 of the Revised Code, as applicable, that 4345
authorizes the cremation or reduction of the decedent or body 4346
parts. 4347

(3) The crematory or reduction facility operator, 4348
crematory or reduction facility, funeral director, or funeral 4349
home has any other lawful reason for refusing to accept the dead 4350
human body or body parts or to perform the cremation or 4351
reduction. 4352

(C) A crematory or reduction facility operator, crematory 4353
or reduction facility, funeral director, or funeral home is not 4354
liable in damages in a civil action for refusing to release or 4355
dispose of the cremated or reduced remains of a decedent or body 4356
parts when the crematory or reduction facility operator, 4357
crematory or reduction facility, funeral director, or funeral 4358
home has actual knowledge that there is a dispute regarding the 4359
release or final disposition of the ~~cremated~~ remains in 4360
connection with any damages sustained, prior to the time the 4361
crematory or reduction facility operator, crematory or reduction 4362

facility, funeral home, or funeral director receives an order of 4363
the probate court having jurisdiction ordering the release or 4364
final disposition of the ~~cremated~~ remains, or prior to the time 4365
the crematory or reduction facility operator, crematory or 4366
reduction facility, funeral director, or funeral home receives 4367
from the parties to the dispute a copy of a written agreement 4368
resolving the dispute and authorizing the cremation or reduction 4369
to be performed. 4370

(D) A crematory or reduction facility operator, crematory_ 4371
or reduction facility, funeral director, or funeral home is not 4372
liable in damages in a civil action in connection with the 4373
cremation or reduction of, or disposition of the cremated or 4374
reduced remains of, any dental gold, jewelry, or other items of 4375
value delivered to the crematory or reduction facility or 4376
funeral home with a dead human body or body parts, unless either 4377
or both of the following apply: 4378

(1) The cremation or reduction authorization form 4379
authorizing the cremation or reduction of the decedent or body 4380
parts executed under section 4717.21, 4717.24, or 4717.25 of the 4381
Revised Code, as applicable, contains specific instructions for 4382
the removal or recovery and disposition of any such dental gold, 4383
jewelry, or other items of value prior to the cremation or 4384
reduction, and the crematory or reduction facility operator, 4385
crematory or reduction facility, funeral director, or funeral 4386
home has failed to comply with the written instructions. 4387

(2) The actions or omissions of the crematory or reduction 4388
facility operator, crematory or reduction facility, funeral 4389
director, or funeral home were made with malicious purpose, in 4390
bad faith, or in a wanton or reckless manner. 4391

(E) (1) This section does not create a new cause of action 4392

against or substantive legal right against a crematory_or 4393
reduction facility operator, crematory_or reduction facility, 4394
funeral director, or funeral home. 4395

(2) This section does not affect any immunities from civil 4396
liability or defenses established by another section of the 4397
Revised Code or available at common law to which a crematory_or 4398
reduction facility operator, crematory_or reduction facility, 4399
funeral director, or funeral home may be entitled under 4400
circumstances not covered by this section. 4401

Sec. 4717.36. (A) This section applies only to preneed 4402
funeral contracts that are funded by any means other than an 4403
insurance policy or policies, or an annuity or annuities. 4404

No money in a preneed funeral contract trust shall be 4405
distributed from the trust except as provided in this section. 4406

(B) A seller of a preneed funeral contract that stipulates 4407
a fixed or firm or guaranteed price for funeral services and 4408
funeral goods to be provided under a preneed funeral contract 4409
may charge an initial service fee not to exceed ten per cent of 4410
the total amount of all payments to be paid under the preneed 4411
funeral contract for such guaranteed price funeral services and 4412
funeral goods. If the amount to be paid by the purchaser is to 4413
be paid in installments, the seller may collect the initial 4414
service fee only after all of the installments have been paid. 4415

(C) (1) Except for the following, all payments made by the 4416
purchaser of a preneed funeral contract shall be made in the 4417
form of a check, cashier's check, money order, or debit or 4418
credit card, payable only to the trustee of the preneed funeral 4419
contract trust or to the trustee's designated depository: 4420

(a) The initial service fee permitted by division (B) of 4421

this section; 4422

(b) The fee collected under division ~~(A) (14)~~ (A) (18) of 4423
section 4717.07 of the Revised Code; 4424

(c) Any applicable sales tax. 4425

(2) If the purchaser makes payment in the form of a check 4426
made payable to the seller, the seller may, within five business 4427
days of receiving the check, sign over and forward the check to 4428
the trustee or the trustee's designated depository. 4429

(3) Within thirty days of the seller receiving any form of 4430
payment made payable to the trustee or the trustee's designee, 4431
the seller shall remit the payment to the trustee or the 4432
trustee's designee unless the purchaser rescinds the preneed 4433
funeral contract in accordance with division (A) of section 4434
4717.34 of the Revised Code. The funds deposited with the 4435
trustee shall remain intact and held in trust for the contract 4436
beneficiary. 4437

(D) The seller shall establish a preneed funeral contract 4438
trust at one of the following types of institutions and shall 4439
designate that institution as the trustee of the preneed funeral 4440
contract trust: 4441

(1) A trust company licensed under Chapter 1111. of the 4442
Revised Code; 4443

(2) A national bank, federal savings bank, or federal 4444
savings association that pledges securities in accordance with 4445
section 1111.04 of the Revised Code; 4446

(3) A credit union authorized to conduct business in this 4447
state pursuant to Chapter 1733. of the Revised Code. 4448

(E) Moneys deposited in a preneed funeral contract trust 4449

fund shall be held and invested in the manner in which trust 4450
funds are permitted to be held and invested pursuant to Chapter 4451
1111. of the Revised Code. 4452

(F) The seller shall establish a separate preneed funeral 4453
contract trust for the moneys paid under each preneed funeral 4454
contract, unless the purchaser or purchasers of a preneed 4455
funeral contract or contracts authorize the seller to place the 4456
moneys paid for that contract or those contracts in a combined 4457
preneed funeral contract trust. The trustee of a combined 4458
preneed funeral contract trust shall keep exact records of the 4459
corpus, income, expenses, and disbursements with regard to each 4460
purchaser and contract beneficiary for whom moneys are held in 4461
the trust. The terms of a preneed funeral contract trust are 4462
governed by this section and the payments from that trust are 4463
governed by Chapter 1111. of the Revised Code, except as 4464
otherwise provided in this section. 4465

A trustee of a preneed funeral contract trust may pay 4466
taxes and expenses for a preneed funeral contract trust and may 4467
charge a fee for managing a preneed funeral contract trust. The 4468
fee shall not exceed the amount regularly or usually charged for 4469
similar services rendered by the institutions described in 4470
division (D) of this section when serving as a trustee. 4471

(G) If the purchaser of a preneed funeral contract that is 4472
revocable elects to cancel the contract, the purchaser shall 4473
provide a written notice to the seller of the contract and the 4474
trustee of the preneed funeral contract trust stating that the 4475
purchaser intends to cancel the contract. Fifteen days after the 4476
purchaser provides that notice to the seller and trustee, the 4477
purchaser may cancel the contract. Upon canceling a preneed 4478
funeral contract pursuant to this division, one of the following 4479

shall occur, as applicable: 4480

(1) If the preneed funeral contract does not stipulate a 4481
firm or fixed or guaranteed price for funeral goods and funeral 4482
services to be provided under the preneed funeral contract, the 4483
trustee shall give to the purchaser all of the assets of the 4484
trust that exist at the time of cancellation, less any fees 4485
charged, distributions paid, and expenses incurred by the 4486
trustee pursuant to division (F) of this section. 4487

(2) If the preneed funeral contract does stipulate a firm 4488
or fixed or guaranteed price for funeral goods and funeral 4489
services to be provided under the contract, the purchaser may 4490
request and receive from the trustee all of the assets of the 4491
trust at the time of cancellation, less a cancellation fee that 4492
the original seller may collect from the trustee that is equal 4493
to or less than ten per cent of the value of the assets of the 4494
trust on the date the trust is cancelled, provided, however, 4495
that to the extent the original seller took an initial service 4496
fee as permitted by division (B) of this section, the aggregate 4497
amount of the cancellation fee and the initial service fee may 4498
not exceed ten per cent of the value of those assets. In 4499
addition to any cancellation fee, there may also be deducted any 4500
fees charged, distributions paid, and expenses incurred by the 4501
trustee pursuant to division (F) of this section. 4502

If more than one purchaser enters into the contract, all 4503
of those purchasers must request cancellation of the contract 4504
for it to be effective under this division, and the trustee 4505
shall refund to each purchaser only those funds that purchaser 4506
has paid under the contract and any income earned on those funds 4507
in an amount that is in direct proportion to the amount of funds 4508
that purchaser paid relative to the total amount of payments 4509

deposited in that trust, less any fees charged, distributions 4510
paid, and expenses incurred by the trustee pursuant to division 4511
(F) of this section, the amount of which are in direct 4512
proportion to the amount of funds that purchaser paid relative 4513
to the total amount of payments deposited in that trust. 4514

(H) The purchaser of a preneed funeral contract that is 4515
irrevocable may transfer the preneed funeral contract to a 4516
successor seller. A purchaser who elects to make such a transfer 4517
shall provide a written notice of the designation of a successor 4518
seller to the trustee and the original seller. Within fifteen 4519
days after receiving the written notice of the new designation 4520
from the purchaser, the trustee shall list the successor seller 4521
as the seller of the preneed funeral contract and the original 4522
seller shall relinquish and transfer all rights under the 4523
preneed funeral contract to the successor seller. The trustee 4524
shall confirm the transfer by providing written notice of the 4525
transfer to the original seller, the successor seller, and the 4526
purchaser. If the preneed funeral contract stipulates a firm or 4527
fixed or guaranteed price for the funeral goods and funeral 4528
services to be provided under the preneed funeral contract, the 4529
original seller may collect from the trustee a transfer fee from 4530
the trust that equals up to ten per cent of the value of the 4531
assets of the trust on the date the trust is transferred, 4532
provided, however, that to the extent the original seller took 4533
an initial service fee as permitted by division (B) of this 4534
section, the aggregate amount of the transfer fee and the 4535
initial service fee may not exceed ten per cent of the value of 4536
those assets. If the preneed funeral contract does not stipulate 4537
a firm or fixed or guaranteed price for funeral goods and 4538
funeral services to be provided under the preneed funeral 4539
contract, no transfer fee shall be collected by the original 4540

seller. 4541

(I) If a seller of a preneed funeral contract elects to 4542
transfer a preneed funeral contract trust from an institution 4543
listed in divisions (D) (1) to (3) of this section to a different 4544
institution, the trustee of the original trust shall notify the 4545
purchaser of the preneed funeral contract of that transfer in 4546
writing within thirty days after the transfer occurred and shall 4547
provide the purchaser with the name of and the contact 4548
information for the institution where the new trust is 4549
maintained. Upon receipt of the trust, the trustee of the 4550
transferred trust shall notify the purchaser of the receipt of 4551
the trusts in accordance with division (A) of section 4717.33 of 4552
the Revised Code. 4553

(J) (1) If a seller receives a notice that the contract 4554
beneficiary has died and that funeral goods and funeral services 4555
have been provided by a provider other than the seller, the 4556
seller shall direct the trustee, within thirty days after 4557
receiving that notice, to pay to the provider that provided the 4558
funeral goods and services, if still unpaid, all funds held by 4559
the trustee, less any fees charged, distributions paid, and 4560
expenses incurred by the trustee pursuant to division (F) of 4561
this section. 4562

(2) If the provider has already been paid for providing 4563
the funeral goods and funeral services to the contract 4564
beneficiary, the seller shall direct the trustee to pay to the 4565
estate of the contract beneficiary or, if no estate has been 4566
opened, to any person with the right of disposition under 4567
section 2108.81 of the Revised Code all funds held by the 4568
trustee, less any fees charged, distributions paid, and expenses 4569
incurred by the trustee pursuant to division (F) of this 4570

section. The trustee shall make a reasonable attempt to pay the 4571
estate or person with the right of disposition within one 4572
hundred eighty days of receipt of notice that the contract 4573
beneficiary has died. If the trustee is unable to make payment 4574
within one hundred eighty days, the trustee shall report and 4575
remit the funds to the director of commerce pursuant to Chapter 4576
169. of the Revised Code. 4577

(3) In the event the preneed funeral contract stipulates a 4578
firm or fixed or guaranteed price for funeral goods and funeral 4579
services that were to be provided under the preneed funeral 4580
contract, the seller may collect from the trustee a cancellation 4581
fee not exceeding ten per cent of the value of the assets of the 4582
trust on the date the trust is transferred, provided, however, 4583
that to the extent the original seller took an initial service 4584
fee as permitted by division (B) of this section, the aggregate 4585
amount of the transfer fee and the initial service fee shall not 4586
exceed ten per cent of the value of those assets. If the preneed 4587
funeral trust does not stipulate a firm or fixed or guaranteed 4588
price for funeral goods and funeral services to be provided 4589
under the preneed funeral contract, no cancellation fees shall 4590
be collected by the original seller. 4591

(K) A certified copy of the certificate of death or other 4592
evidence of death satisfactory to the trustee shall be furnished 4593
to the trustee as evidence of death, and the trustee shall 4594
promptly pay the accumulated payments and income, if any, 4595
according to the preneed funeral contract. Such payment of the 4596
accumulated payments and income pursuant to this section and, 4597
when applicable, the preneed funeral contract, relieves the 4598
trustee of any further liability on the accumulated payments and 4599
income. 4600

If, after a preneed funeral contract has been performed 4601
and paid for by the proceeds of a preneed trust fund, there are 4602
excess funds that the purchaser previously assigned by a written 4603
contract to the seller to pay for preneed funeral services or 4604
funeral goods for other individuals, the trustee holding such 4605
excess funds shall pay those funds directly to the seller, and 4606
the seller shall deposit the funds into a trust or purchase 4607
insurance or annuity policies to fund additional preneed funeral 4608
contracts. 4609

Sec. 4717.41. (A) There is hereby created the preneed 4610
recovery fund, which shall be in the custody of the treasurer of 4611
state but shall not be part of the state treasury. All fees 4612
collected under division ~~(A) (14)~~ (A) (18) of section 4717.07 of 4613
the Revised Code shall be deposited into the fund. The fund 4614
shall be used to reimburse purchasers of preneed funeral 4615
contracts who have suffered financial loss as a result of the 4616
malfeasance, misfeasance, default, failure, or insolvency in 4617
connection with the sale of a preneed funeral contract by any 4618
licensee under this chapter, regardless of whether the sale of 4619
such contract occurred before or after the establishment of the 4620
fund. The fund, and all investment earnings thereon, shall only 4621
be used for the purposes set forth in this section and shall not 4622
be used for any other purposes. The fund shall be administered 4623
by the board of embalmers and funeral directors. 4624

(B) All fees collected under division ~~(A) (14)~~ (A) (18) of 4625
section 4717.07 of the Revised Code shall be deposited into the 4626
fund. Deposits to and disbursements from the fund account shall 4627
be subject to rules established by the board. 4628

(C) If at the end of any fiscal year for this state, the 4629
balance in the fund exceeds two million dollars, the fee 4630

required by division ~~(A) (14)~~ (A) (18) of section 4717.07 of the 4631
Revised Code for the upcoming fiscal year shall be reduced by 4632
fifty per cent. If the balance in the fund at the end of a 4633
fiscal year exceeds three million dollars, the payment of the 4634
fee required by division ~~(A) (14)~~ (A) (18) of section 4717.07 of 4635
the Revised Code shall be suspended for the upcoming fiscal 4636
year. 4637

(D) The board shall adopt rules governing management of 4638
the fund, the presentation and processing of applications for 4639
reimbursement, subrogation, or assignment of the rights of any 4640
reimbursed applicant. 4641

(E) The board may expend moneys in the fund for the 4642
following purposes: 4643

(1) To make reimbursements on approved applications; 4644

(2) To purchase insurance to cover losses as considered 4645
appropriate by the board and not inconsistent with the purposes 4646
of the fund; 4647

(3) To invest such portions of the fund as are not 4648
currently needed to reimburse losses and maintain adequate 4649
reserves, as are permitted to be made by fiduciaries under the 4650
laws of this state; 4651

(4) To pay the expenses of the board for administering the 4652
fund, including employment of local counsel to prosecute 4653
subrogation claims. 4654

(F) Reimbursements from the fund shall be made only to the 4655
extent to which those losses are not bonded or otherwise 4656
covered, protected, or reimbursed and only after the applicant 4657
has complied with all applicable rules of the board. 4658

(G) The board shall investigate all applications made and 4659
may reject or allow such claims in whole or in part to the 4660
extent that moneys are available in the fund. The board shall 4661
have complete discretion to determine the order and manner of 4662
payment of approved applications. All payments shall be a matter 4663
of privilege and not of right, and no person shall have any 4664
right in the fund as a third-party beneficiary or otherwise. No 4665
attorney may be compensated by the board for prosecuting an 4666
application for reimbursement. 4667

(H) If reimbursement is made to an applicant under this 4668
section, the board shall be subrogated in the reimbursement 4669
amount and may bring any action it considers advisable against 4670
any person. The board may enforce any claims it may have for 4671
restitution or otherwise and may employ and compensate 4672
consultants, agents, legal counsel, accountants, and other 4673
persons it considers appropriate. 4674

Sec. 4767.05. (A) There is hereby created the Ohio 4675
cemetery dispute resolution commission, which shall consist of 4676
nine members to be appointed by the governor with the advice and 4677
consent of the senate as follows: 4678

(1) One member shall be the management authority of a 4679
municipal, township, or union cemetery and shall be selected 4680
from a list of four names submitted to the governor. Two of the 4681
four names shall be submitted by the Ohio township association 4682
and two names shall be submitted by the Ohio municipal league. 4683

(2) Four members shall be individuals employed in a 4684
management position by a cemetery company or cemetery 4685
association selected from a list of names submitted to the 4686
governor by the Ohio cemetery association. 4687

(3) Two members shall be employed in a management position 4688
by a cemetery that is owned or operated by a religious, 4689
fraternal, or benevolent society and shall be selected from a 4690
list of four names submitted by the Ohio cemetery association. 4691

(4) Two members, at least one of whom shall be at least 4692
sixty-five years of age, shall be representatives of the public 4693
with no financial interest in the death care industry. 4694

Each member of the commission, except for the two members 4695
who represent the public, shall, at the time of appointment, 4696
have had a minimum of five consecutive years of experience in 4697
the active administration and management of a cemetery in this 4698
state. 4699

(B) Within ninety days after July 1, 1993, the governor 4700
shall make initial appointments to the commission. Of the 4701
initial appointments, two shall be for terms ending July 1, 4702
1994, two shall be for terms ending July 1, 1995, two shall be 4703
for terms ending July 1, 1996, and three shall be for terms 4704
ending July 1, 1997. Thereafter, terms of office shall be for 4705
four years, with each term ending on the same day of the same 4706
month as did the term that it succeeds. Each member shall hold 4707
office from the date of appointment until the end of the term 4708
for which the member was appointed. Vacancies shall be filled in 4709
the manner provided for original appointments, with each 4710
appointee, other than a representative of the public, being 4711
appointed from a list of two names submitted to the governor by 4712
the association or organization that was required to nominate 4713
candidates for initial appointment to the position that has 4714
become vacant. Any member appointed to fill a vacancy occurring 4715
prior to the expiration date of the term for which the member's 4716
predecessor was appointed shall hold office for the remainder of 4717

that term. A member shall continue in office subsequent to the 4718
expiration date of the member's term until the member's 4719
successor takes office or until a period of sixty days has 4720
elapsed, whichever occurs first. No person shall serve as a 4721
member of the commission for more than two consecutive terms, 4722
excluding any term served to fill an initial appointment to a 4723
term of less than four years or an unexpired term caused by a 4724
vacancy. 4725

(C) The commission annually shall elect from among its 4726
members a chairperson, vice-chairperson, and secretary, each of 4727
whom shall serve a term of one year in that office. The 4728
commission shall meet at least four times a year. Additional 4729
meetings may be called by the chairperson, or by the vice- 4730
chairperson when the chairperson is disabled, or by a majority 4731
of the members of the commission. A majority of the members 4732
constitutes a quorum to transact and vote on business of the 4733
commission. 4734

The chairperson or vice-chairperson may: 4735

(1) Administer oaths; 4736

(2) Issue subpoenas; 4737

(3) Summon witnesses; 4738

(4) Compel the production of books, papers, records, and 4739
other forms of evidence; 4740

(5) Fix the time and place for hearing any matter related 4741
to compliance with sections 1721.19, 1721.20, 1721.21, 1721.211, 4742
4735.02, 4767.02, and 4767.09 of the Revised Code. 4743

The chairperson shall designate three members of the 4744
commission to serve on the crematory and reduction facility 4745

review board in accordance with section 4717.03 of the Revised 4746
Code for such time as the chairperson finds appropriate. Members 4747
designated to serve on the crematory and reduction facility 4748
review board shall perform all functions necessary to carry out 4749
the duties of the board as described in section 4717.03 of the 4750
Revised Code. Members who serve on the crematory and reduction 4751
facility review board shall receive no compensation for such 4752
service. 4753

(D) Before entering upon the duties of office, each member 4754
of the commission shall take the oath pursuant to section 3.22 4755
of the Revised Code. The governor may remove any member for 4756
misconduct, neglect of duty, incapacity, or malfeasance in 4757
accordance with section 3.04 of the Revised Code. 4758

(E) Members of the commission shall receive no 4759
compensation but shall be reimbursed for their actual and 4760
necessary expenses incurred in the performance of their duties 4761
as members of the commission. 4762

(F) The division of real estate in the department of 4763
commerce shall provide the commission with meeting space, staff 4764
services, and other technical assistance required by the 4765
commission in carrying out its duties pursuant to sections 4766
4767.05 to 4767.08 of the Revised Code. 4767

Sec. 5120.45. The state shall bear the expense of the 4768
burial ~~or~~, cremation or reduction of an inmate who dies in a 4769
state correctional institution, if the body is not claimed for 4770
interment ~~or~~, cremation or reduction at the expense of friends 4771
or relatives, or is not delivered for anatomical purposes or for 4772
the study of embalming in accordance with section 1713.34 of the 4773
Revised Code. When the expense is borne by the state, interment 4774
of the person or the person's cremated or reduced remains shall 4775

be in the institution cemetery or other place provided by the 4776
state. The managing officer of the institution shall provide at 4777
the grave of the person or, if the person's ~~cremated~~ remains are 4778
buried, at the grave of the person's ~~cremated~~ remains, a metal, 4779
stone, or concrete marker on which shall be inscribed the name 4780
and age of the person and the date of death. 4781

Sec. 5121.11. The state shall bear the expense of the 4782
burial~~or~~, cremation or reduction of an indigent resident who 4783
dies in a state institution operated by the department of 4784
developmental disabilities under section 5123.03 of the Revised 4785
Code or in a state correctional institution if the body is not 4786
claimed for interment~~or~~, cremation or reduction at the expense 4787
of friends or relatives or is not delivered for anatomical 4788
purposes or for the study of embalming in accordance with 4789
section 1713.34 of the Revised Code. The managing officer of the 4790
institution shall provide at the grave of the person or, if the 4791
person's cremated or reduced remains are buried, at the grave of 4792
the person's ~~cremated~~ remains, a metal, stone, or concrete 4793
marker on which shall be inscribed the name and age of the 4794
person and the date of death. 4795

Sec. 5121.53. The state shall bear the expense of the 4796
burial~~or~~, cremation or reduction of an indigent patient who 4797
dies in a hospital if the body is not claimed for interment~~or~~, 4798
cremation or reduction at the expense of friends or relatives, 4799
or is not delivered for anatomical purposes or for the study of 4800
embalming in accordance with section 1713.34 of the Revised 4801
Code. The managing officer of the hospital shall provide at the 4802
grave of the patient or, if the patient's cremated or reduced 4803
remains are buried, at the grave of the patient's ~~cremated~~ 4804
remains, a metal, stone, or concrete marker on which shall be 4805
inscribed the name and age of the patient and the date of death. 4806

Sec. 5901.25. The board of county commissioners shall 4807
require the veterans service commission, upon application and 4808
with the approval of the family or friends of the deceased, to 4809
contract, at a fair and reasonable price, with the funeral 4810
director selected by the family or friends, and cause to be 4811
interred~~or~~, cremated or reduced in a decent and respectable 4812
manner the body of any veteran, or the parent, spouse, or 4813
surviving spouse of any such veteran, who dies without the means 4814
to defray the necessary funeral~~or~~, cremation or reduction 4815
expenses. Such a burial may be made in any cemetery or burial 4816
ground within the state, other than those used exclusively for 4817
the burial of paupers and criminals. 4818

Sec. 5901.26. Pursuant to section 5901.25 of the Revised 4819
Code, the veterans service commission shall use the forms of 4820
contracts prescribed by sections 5901.25 to 5901.32 of the 4821
Revised Code, and abide by the regulations provided by such 4822
sections. The commission shall see that funeral directors 4823
furnish all items specified in the contract, that when the 4824
benefits of such sections are claimed the entire amount to be 4825
contributed by the county toward the cost of the burial~~or~~, 4826
cremation or reduction shall not exceed the sum of one thousand 4827
dollars, and that any remaining costs are paid by the family or 4828
friends of the deceased. 4829

Sec. 5901.27. Before assuming the charge and expense of 4830
any burial~~or~~, cremation, or reduction, the veterans service 4831
commission, pursuant to section 5901.25 of the Revised Code, 4832
shall satisfy itself, beyond a reasonable doubt, by careful 4833
inquiry, that the family of the deceased is unable, for want of 4834
means, to defray the expenses of the burial~~or~~, cremation, or 4835
reduction, or that the family may be deprived of means actually 4836
necessary for its immediate support. Thereupon the commission 4837

shall cause the deceased to be buried~~or~~, cremated, or reduced 4838
and make a report thereof to the board of county commissioners. 4839
The report shall set forth that the commission found the family 4840
of the deceased person in indigent circumstances and unable to 4841
pay the expenses of burial~~or~~, cremation, or reduction. The 4842
report shall also set forth the name of the deceased, the rank 4843
and command to which the deceased belonged if a veteran, the 4844
date of death, the place of burial or disposition made of the 4845
person's cremated or reduced remains, the occupation while 4846
living, and an accurate itemized statement of the expenses 4847
incurred by reason of the burial~~or~~, cremation, or reduction. 4848

Sec. 5901.29. The funeral director employed to perform the 4849
service described by section 5901.25 of the Revised Code shall 4850
use the blanks provided by this section, specifying what the 4851
funeral director is to furnish for the service. The contract 4852
shall be signed by the funeral director and a copy thereof left 4853
with the veterans service commission with which it is made. Such 4854
contract shall read as follows: 4855

"I _____, funeral director, residing at 4856
_____ hereby agree to furnish the following items 4857
for the burial~~or~~, cremation, or reduction (circle one) of 4858
_____, who resided at _____, and died 4859
_____, _____, which shall consist of: 4860

(A) One casket, nicely covered with a good quality of 4861
black cloth, lined with a good quality of white satin or other 4862
material, and trimmed on the outside with handles of a fair 4863
quality in keeping with the casket; 4864

(B) One burial robe of a good quality of material; 4865

(C) One plain box appropriate for receiving the coffin or 4866

urn containing cremated or reduced remains inside the grave; 4867

(D) Payment for digging the grave, in the place designated 4868
by the friends of the deceased or as otherwise provided, and for 4869
filling the grave in a proper manner; 4870

(E) Furnishing a funeral car for conveying the remains to 4871
the place of burial ~~or crematory~~, cremation, or reduction; 4872

(F) Preparing the body for burial when so requested; 4873

(G) Furnishing necessary transportation for the use of the 4874
family, friends, and pallbearers, which people shall be returned 4875
to their respective homes or to the place where the funeral 4876
services were held; 4877

(H) Furnishing a decent, respectable funeral, for the sum 4878
of _____ dollars." 4879

Sec. 5901.32. Upon securing the report and statement of 4880
expenses as provided by section 5901.27 of the Revised Code, the 4881
board of county commissioners shall transcribe in a book to be 4882
kept for that purpose, all the facts contained in the report 4883
concerning a deceased veteran, and shall certify the expenses 4884
thus incurred to the county auditor, who shall draw a warrant 4885
for those expenses upon the county treasurer, to be paid from 4886
the county fund to such persons as are designated by the board. 4887
Upon the death of any indigent veteran residing within the 4888
county at the time of death and the burial of the indigent 4889
veteran or the indigent veteran's cremated or reduced remains, 4890
the board shall make application to the proper authorities, 4891
under the United States government, for a suitable headstone, as 4892
provided by act of congress, and shall cause it to be placed at 4893
the grave of the deceased veteran or the deceased veteran's 4894
~~cremated~~ remains. 4895

Section 2. That existing sections 9.15, 313.12, 759.01, 4896
1713.36, 1721.06, 1721.18, 1721.21, 2108.15, 2108.70, 2108.72, 4897
2108.75, 2108.82, 2108.83, 2108.84, 2108.85, 2108.86, 2108.87, 4898
2111.13, 2743.51, 2925.01, 3705.01, 3705.17, 3705.18, 3705.19, 4899
3705.20, 4511.451, 4717.01, 4717.03, 4717.04, 4717.06, 4717.07, 4900
4717.08, 4717.11, 4717.13, 4717.14, 4717.15, 4717.20, 4717.21, 4901
4717.22, 4717.23, 4717.24, 4717.25, 4717.26, 4717.27, 4717.28, 4902
4717.29, 4717.30, 4717.36, 4717.41, 4767.05, 5120.45, 5121.11, 4903
5121.53, 5901.25, 5901.26, 5901.27, 5901.29, and 5901.32 of the 4904
Revised Code are hereby repealed. 4905

Section 3. The General Assembly, applying the principle 4906
stated in division (B) of section 1.52 of the Revised Code that 4907
amendments are to be harmonized if reasonably capable of 4908
simultaneous operation, finds that the following sections, 4909
presented in this act as composites of the sections as amended 4910
by the acts indicated, are the resulting versions of the 4911
sections in effect prior to the effective date of the sections 4912
as presented in this act: 4913

Section 313.12 of the Revised Code as amended by both H.B. 4914
497 and S.B. 196 of the 135th General Assembly. 4915

Section 2108.82 of the Revised Code as amended by both 4916
S.B. 202 and S.B. 224 of the 134th General Assembly. 4917