As Introduced

136th General Assembly Regular Session 2025-2026

S. B. No. 323

Senator Blessing

To	amend sed	ctions 9.	15, 313.12	2, 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,	3705.18,	3705.19,	3705.20,	5
	4511.451,	4717.01,	4717.03,	4717.04,	4717.06,	6
	4717.07,	4717.08,	4717.11,	4717.13,	4717.14,	7
	4717.15,	4717.20,	4717.21,	4717.22,	4717.23,	8
	4717.24,	4717.25,	4717.26,	4717.27,	4717.28,	9
	4717.29,	4717.30,	4717.36,	4717.41,	4767.02,	10
	4767.05,	5120.45,	5121.11,	5121.53,	5901.25,	11
	5901.26,	5901.27,	5901.29,	and 5901.	.32 of the	12
	Revised (Code to pa	rovide for	r the natu	ıral organic	13
	reduction	n of remai	ins.			14

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

Sec	ction 1. T	That secti	ons 9.15,	313.12,	759.01, 1	1713.36,	15
1721.06,	1721.18,	1721.21,	2108.15,	2108.70,	2108.72,	2108.75,	16
2108.82,	2108.83,	2108.84,	2108.85,	2108.86,	2108.87,	2111.13,	17
2743.51,	2925.01,	3705.01,	3705.18,	3705.19,	3705.20,	4511.451,	18
4717.01,	4717.03,	4717.04,	4717.06,	4717.07,	4717.08,	4717.11,	19
4717.13,	4717.14,	4717.15,	4717.20,	4717.21,	4717.22,	4717.23,	20
4717.24,	4717.25,	4717.26,	4717.27,	4717.28,	4717.29,	4717.30,	21

4717.36, 4717.41, 4767.02, 4767.05, 5120.45, 5121.11, 5121.53,	22
5901.25, 5901.26, 5901.27, 5901.29, and 5901.32 of the Revised	23
Code be amended to read as follows:	24
Sec. 9.15. As used in this section, "legal residence"	25
means a permanent place of abode used or occupied as living	26
quarters at the time of a person's death, including a nursing	27
home, hospital, or other care facility.	28
When the body of a dead person is found in a township or	29
municipal corporation, and such person was not an inmate of a	30
correctional, benevolent, or charitable institution of this	31
state, and the body is not claimed by any person for private	32
interment—or_,_cremation, or reduction at the person's own	33
expense, or delivered for the purpose of medical or surgical	34
study or dissection in accordance with section 1713.34 of the	35
Revised Code, it shall be disposed of as follows:	36
(A) If the person was a legal resident of the county, the	37
proper officers of the township or municipal corporation in	38
which the person's body was found shall cause it to be buried— or	39
<pre>, cremated, or reduced at the expense of the township or</pre>	40
municipal corporation in which the person had a legal residence	41
at the time of death.	42
(B) If the person had a legal residence in any other	43
county of the state at the time of death, the superintendent of	44
the county home of the county in which such body was found shall	45
cause it to be buried—or—, cremated, or reduced at the expense	46
of the township or municipal corporation in which the person had	47
a legal residence at the time of death.	48
(C) If the person was an inmate of a correctional	49
institution of the county or a patient or resident of a	50

benevolent institution of the county, the person had no legal	51
residence in the state, or the person's legal residence is	52
unknown, the superintendent shall cause the person to be buried-	53
or cremated, or reduced at the expense of the county.	54
Such officials shall provide, at the grave of the person	55

Such officials shall provide, at the grave of the person 55 or, if the person's cremated or reduced remains are buried, at 56 the grave of the person's eremated remains, a metal, stone, or 57 concrete marker on which the person's name and age, if known, 58 and date of death shall be inscribed. 59

A political subdivision is not relieved of its duty to 60 bury-or, cremate, or reduce a person at its expense under this 61 section when the body is claimed by an indigent person. As used 62 in this section, "indigent person" means a person whose income 63 does not exceed one hundred fifty per cent of the federal 64 poverty line, as revised annually by the United States 65 department of health and human services in accordance with 66 section 673(2) of the "Omnibus Budget Reconciliation Act of 67 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family 68 size equal to the size of the person's family. 69

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Sec. 313.12. (A) (1) When any person dies in circumstances as described in division (A) (2) of this section, the physician, certified nurse-midwife, clinical nurse specialist, or certified nurse practitioner called in attendance and any of the following who obtains knowledge thereof arising from the person's duties, shall immediately notify the office of the coroner of the known facts concerning the time, place, manner, and circumstances of the death, and any other information that is required pursuant to sections 313.01 to 313.22 of the Revised Code:

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

(b) Any member of an ambulance service or emergency squad;	80
(c) A law enforcement agency.	81
(2) The notification required by division (A)(1) of this	82
section applies in all of the following circumstances:	83
(a) When any person dies as a result of criminal or other	84
violent means, by casualty, by suicide, or in any suspicious or	85
unusual manner;	86
(b) When any person, including a child under two years of	87
age, dies suddenly when in apparent good health;	88
(c) When any person with a developmental disability dies	89
regardless of the circumstances.	90
(3) In the case of a death in circumstances as described	91
in division (A)(2) of this section, if a request is made for	92
cremation or reduction, the funeral director called in	93
attendance shall immediately notify the coroner.	94
(B) As used in this section:	95
(1) "Developmental disability" has the same meaning as in	96
section 5123.01 of the Revised Code.	97
(2) "Health care worker" means any individual licensed or	98
otherwise authorized by the state to practice a health care	99
profession and any other individual who provides health-related	100
services in any setting as part of the individual's employment	101
or otherwise for remuneration.	102
Sec. 759.01. Any municipal corporation may provide public	103
cemeteries—and—, crematories, or reduction facilities for burial	104
or	105
and private cemeteries, and crematories, and reduction	106

facilities. Any cemetery established by a municipal corporation	107
shall register with the division of real estate in the	108
department of commerce pursuant to section 4767.03 of the	109
Revised Code. Any cemetery of that nature is subject to Chapter	110
4767. and to sections 517.23 to 517.25 and 1721.211 of the	111
Revised Code in addition to being subject to this chapter.	112
Sec. 1713.36. After the bodies referred to in section	113
1713.34 of the Revised Code have been subjected to medical or	114
surgical examination or dissection or for the study of	115
embalming, the remains thereof shall be interred, or shall be	116
cremated or reduced and the ashes remains interred, in some	117
suitable place at the expense of the parties in whose keeping	118
the corpse was placed.	119
Sec. 1721.06. After paying for its land, a cemetery	120
company or association shall apply all its receipts and income,	121
whether from sale of lots, from donations, or otherwise,	122
exclusively to laying out, preserving, protecting, and	123
embellishing the cemetery and avenues within it or leading to	124
it, to the erection of buildings necessary or appropriate for	125
cemetery purposes, and to paying the necessary expenses of the	126
cemetery company or association. No debts shall be incurred by	127
the cemetery company or association except for purchasing,	128
laying out, inclosing, and embellishing the ground, buildings	129
necessary or appropriate for cemetery purposes, and avenues, for	130
which purposes it may contract debts to be paid out of future	131
receipts. For purposes of this section, buildings appropriate	132
for cemetery purposes include, but are not limited to, buildings	133
for crematory or reduction facilities, funeral homes, and other	134
buildings intended to produce income for the cemetery company or	135

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association.

No part of the funds of a cemetery company or association,	137
or of the proceeds of land sold by it, shall ever be divided	138
among its stockholders or lot owners, and all its funds shall be	139
used exclusively for the purposes of the company or association	140
as specified in this section, or invested in a fund the income	141
of which shall be so used and appropriated.	142
Sec. 1721.18. Any company or association incorporated for	143
the erection and maintenance of a crematory or reduction	144
facility may exercise all the rights and powers conferred by	145
sections 1721.01 to 1721.18, inclusive, of the Revised Code,	146
subject to the conditions provided in such sections. No building	147
shall be erected for such a purpose within two hundred yards of	148
a dwelling house unless the owner of the dwelling house gives-	149
his the owner's consent. No person, company, association, or	150
firm shall establish a morgue on a street upon which there are	151
dwelling houses unless the owners or occupants of all dwelling	152
houses within two hundred yards of the proposed morgue give	153
their written consent thereto. This section does not apply to a	154
crematory built, or a morgue established, as of on or before	155
April 3, 1900.	156
Sec. 1721.21. (A) As used in this section:	157
(1) "Person" means any corporation, company, partnership,	158
individual, or other entity owning or operating a cemetery for	159
the disposition of human remains.	160
(2) "Cemetery" means any one or a combination of more than	161
one of the following:	162
(a) A burial ground for earth interments;	163
(b) A mausoleum for crypt entombments;	164
(c) A columbarium for the deposit of cremated or reduced	165

remains;	166
(d) A scattering ground for the spreading of cremated or	167
<pre>reduced remains.</pre>	168
(3) "Interment" means the disposition of human remains by	169
earth burial, entombment, or inurnment.	170
(4) "Burial right" means the right of earth interment.	171
(5) "Entombment right" means the right of entombment in a	172
mausoleum.	173
(6) "Columbarium right" means the right of inurnment in a	174
columbarium for cremated or reduced remains.	175
(7) "Human remains" means any part of the body of a	176
deceased human being, in any stage of decomposition or state of	177
preservation, or the remaining bone fragments from the body of a	178
deceased human being that has been reduced by cremation,	179
reduction, or alternative disposition.	180
(B) No person shall operate or continue to operate any	181
cemetery in this state unless an endowment care trust is	182
established and maintained as required by this section.	183
(C) Any person desiring to operate any cemetery that is	184
organized or developed after July 1, 1970, before offering to	185
sell or selling any burial lot, burial right, entombment right,	186
or columbarium right in that cemetery, shall first establish an	187
endowment care trust, segregated from other assets, and place in	188
that fund a minimum of fifty thousand dollars in cash or in	189
bonds of the United States, this state, or any county or	190
municipal corporation of this state.	191
Whenever any person described in this division has placed	192
another fifty thousand dollars in the endowment care trust out	193

of gross sales proceeds, in addition to the deposit required by	194
this division, that person, after submitting proof of this fact	195
to the trustees of the endowment care trust, may be paid a	196
distribution in the sum of fifty thousand dollars from the	197
endowment care trust.	198

- (D) Any person desiring to operate or to continue to 199 operate any cemetery after July 1, 1970, shall place into the 200 endowment care trust as required by this section not less than 201 ten per cent of the gross sales proceeds received from the sale 202 203 of any burial lot, burial right, entombment right, or columbarium right. This percentage shall be placed in the 204 endowment care trust no later than thirty days following the 205 month in which the entire gross sales are received. 206
- (E) The trustees of the endowment care trust shall consist 207 of at least three individuals who have been residents of the 208 county in which the cemetery is located for at least one year, 209 or a trust company licensed under Chapter 1111. of the Revised 210 Code or a national bank or federal savings association that has 211 securities pledged in accordance with section 1111.04 of the 212 Revised Code. If the trustees are not a financial institution or 213 trust company, the trustees shall be bonded by a fidelity bond, 214 or insured under an insurance policy less any deductible, in an 215 aggregate amount of not less than one hundred per cent of the 216 funds held by the trustees. The trustees or their agent shall, 217 on a continuous basis, keep exact records as to the amount of 218 funds under any joint account or trust instrument being held for 219 the individual beneficiaries showing the amount paid, the amount 220 deposited and invested, and accruals and income. 221

The funds of the endowment care trust shall be held and 222 invested in the manner in which trust funds are permitted to be 223

held and invested pursuant to sections 2109.37 and 2109.371 of	224
the Revised Code or, if provided for in the instrument creating	225
the trust, pursuant to the Ohio Uniform Prudent Investor Act.	226
(F) Any person offering to sell or selling any burial lot,	227
burial right, entombment right, or columbarium right shall give	228
to the purchaser of the lot or right, at the time of sale, a	229
written agreement that identifies and unconditionally guarantees	230
to the purchaser the specific location of the lot or the	231
specific location to which the right applies.	232
(G) No person shall open or close any grave, crypt, or	233
niche for the interment of human remains in a cemetery without	234
the permission of the cemetery association or other entity	235
having control and management of the cemetery.	236
(H) Except as provided in division (G) of this section,	237
this section does not apply to a family cemetery as defined in	238
section 4767.02 of the Revised Code, to any cemetery that is	239
owned and operated entirely and exclusively by churches,	240
religious societies, established fraternal organizations,	241
municipal corporations, or other political subdivisions of the	242
state, or to a national cemetery.	243
(I) The distribution from the endowment care trust shall	244
be used only to pay for both of the following:	245
(1) The cost and expenses incurred to establish, manage,	246
invest, and administer the records and the trust;	247
(2) The maintenance, supervision, improvement, and	248
preservation of the grounds, lots, buildings, equipment,	249
statuary, and other real and personal property of the cemetery.	250
(J)(1) Annual reports of all the assets and investments of	251
the endowment care trust shall be prepared and maintained, and	252

shall be available for inspection at reasonable times by any	253
owner of interment rights in the cemetery.	254
(2) Every cemetery required to establish and maintain an	255
endowment care trust shall ensure each of the following:	256
(a) That the cemetery has deposited, at the time specified	257
in division (D) of this section, the amounts required by that	258
division in the cemetery's endowment care trust;	259
(b) That the cemetery used the amounts withdrawn only for	260
the purposes specified in division (I) of this section;	261
(c) Subject to division (K)(5) of this section, that all	262
principal and capital gains, less any payment of taxes	263
associated with such gains, have remained in the endowment care	264
trust;	265
(d) That the endowment care trust has not been used to	266
collateralize or guarantee loans and has not otherwise been	267
subjected to any consensual lien;	268
(e) That the endowment care trust is invested in	269
compliance with the investing standards set forth in sections	270
2109.37 and 2109.371 of the Revised Code, or, if provided for in	271
the instrument creating the trust, the Ohio Uniform Prudent	272
Investor Act.	273
(3) Every cemetery required to establish and maintain an	274
endowment care trust shall do both of the following:	275
(a) File an affidavit annually with the division of real	276
estate of the department of commerce, in a form prescribed by	277
the division, certifying under oath the cemetery satisfied	278
division (J)(2) of this section;	279
(b) Notify the division of real estate of the department	280

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of commerce, in a form prescribed by the division, of the	281
percentage of the unitrust distribution from the endowment care	282
trust, as described in divisions (K)(2)(a)(ii) and (b) of this	283
section.	284
(K)(1) Every cemetery shall choose the distribution of	285
either of the following from the endowment care trust:	286
(a) All net ordinary income, which includes collected	287
dividends, interest, and other income earned by the trust,	288
reduced by any expenses, including, but not limited to, taxes on	289
income, fees, commissions, and costs;	290
(b) A unitrust disbursement not exceeding five per cent of	291
the fair market value of the endowment care fund. "Fair market	292
value," for the purpose of division (K)(1)(b) of this section,	293
means the average of the net fair market value of the assets of	294
the endowment care trust as of the last trading day for each of	295
the three preceding fiscal year ends.	296
(2)(a) A cemetery that selects the unitrust disbursement	297
distribution method, as provided in division (K)(1)(b) of this	298
section, shall do both of the following:	299
(i) Deliver to the trustees of the endowment care trust	300
written instructions, including the disbursement percentage	301
selected, not later than sixty days prior to the beginning of a	302
calendar year;	303
(ii) Deliver to the division of real estate of the	304
department of commerce notification that the cemetery selected	305
the unitrust disbursement method and the percentage selected, in	306
compliance with division (J)(3)(b) of this section.	307
(b) The distribution method and, if a unitrust	308
disbursement, the disbursement percentage selected shall remain	309

in effect unless the cemetery notifies the trustees and the	310
division of real estate of the department of commerce of its	311
desire to effect a change. The trustees shall ensure that an	312
investment policy is in place whose goals and objectives are	313
supportive of the growth of the endowment care trust.	314
(3) Distributions from the endowment care trust shall be	315
made on a monthly, quarterly, semiannual, or annual basis, as	316
agreed upon by the cemetery and the trustees. If the trustees do	317
not receive written instructions from the cemetery informing the	318
trustees of the method of calculation and distribution chosen,	319
the trustees shall calculate and distribute the net income, as	320
earned, on a monthly basis.	321
(4) In order to withdraw a unitrust disbursement, the fair	322
market value of the endowment care trust after the disbursement	323
shall be greater than eighty per cent of the aggregate fair	324
market value of the endowment care trust as of the end of the	325
immediately preceding calendar year. Should this not be the	326
case, disbursement shall be limited for that year to net	327
ordinary income.	328
(5) The trustees shall pay reasonable operating expenses	329
and taxes of the endowment care trust itself. If the operating	330
expenses and taxes paid are greater than two and one-half per	331
cent of the fair market value for the preceding calendar year	332
end and the cemetery has selected a unitrust disbursement, the	333
trustees shall reduce the unitrust disbursement by the amount	334
exceeding two and one-half per cent.	335
Sec. 2108.15. Subject to division (I) of section 2108.11	336
and sections 2108.26 to 2108.272 of the Revised Code, the rights	337

of the person to which a part passes under section 2108.11 of

the Revised Code shall be superior to the rights of all others

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with respect to the part. The person may accept or reject an	340
anatomical gift in whole or in part.	341
Subject to the terms of the document of gift and sections	342
2108.01 to 2108.29 of the Revised Code, a person that accepts an	343
anatomical gift of an entire body may allow embalming, burial,	344
or cremation, or reduction, and use of remains in a funeral	345
service. If the gift is of a part, the person to whom the part	346
passes under section 2108.11 of the Revised Code, upon the death	347
of the donor and before embalming, burial, or cremation, or	348
reduction, shall cause the part to be removed without	349
unnecessary mutilation. After removal of the part, custody of	350
the remainder of the decedent's body passes to the persons to	351
whom the right of disposition for the body has been assigned	352
pursuant to section 2108.70 of the Revised Code or who have the	353
right of disposition for the body as described in section	354
2108.81 of the Revised Code.	355
Sec. 2108.70. (A) As used in this section and sections	356
2108.71 to 2108.90 of the Revised Code:	357
(1) "Adult" means an individual who is eighteen years of	358
age or older.	359
(2) "Declarant" means an adult who has executed a written	360
declaration described in division (B) of this section.	361
(3) "Representative" means an adult or a group of adults,	362
collectively, to whom a declarant has assigned the right of	363
disposition.	364
(4) "Right of disposition" means one or more of the rights	365
described in division (B) of this section that a declarant	366
chooses to assign to a representative in a written declaration	367
executed under that division or all of the rights described in	368

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division (B) of this section that are assigned to a person	369
pursuant to section 2108.81 of the Revised Code.	370
(5) "Successor representative" means an adult or group of	371
adults, collectively, to whom the right of disposition for a	372
declarant has been reassigned because the declarant's	373
representative is disqualified from exercising the right under	374
section 2108.75 of the Revised Code. Each successor	375
representative shall be considered in the order the	376
representative is designated by the declarant.	377
(B) An adult who is of sound mind may execute at any time	378
a written declaration assigning to a representative one or more	379
of the following rights:	380
(1) The right to direct the disposition, after death, of	381
the declarant's body or any part of the declarant's body that	382
becomes separated from the body before death. This right	383
includes the right to determine the location, manner, and	384
conditions of the disposition of the declarant's bodily remains.	385
(2) The right to make arrangements and purchase goods and	386
services for the declarant's funeral. This right includes the	387
right to determine the location, manner, and condition of the	388
declarant's funeral.	389
(3) The right to make arrangements and purchase goods and	390
services for the declarant's burial, cremation, reduction, or	391
other manner of final disposition. This right includes the right	392
to determine the location, manner, and condition of the	393
declarant's burial, cremation, reduction, or other manner of	394
final disposition.	395
(C)(1) Subject to division (C)(2) of this section, a	396
declarant may designate a successor representative	397

(2) If a representative is a group of persons and not all	398
of the persons in the group meet at least one criterion to be	399
disqualified from serving as the representative, as described in	400
section 2108.75 of the Revised Code, the persons in the group	401
who are not disqualified shall remain the representative who has	402
the right of disposition.	403
(D) The assignment or reassignment of a right of	404
disposition to a representative and a successor representative	405
supercedes supersedes an assignment of a right of disposition	406
under section 2108.81 of the Revised Code.	407
Sec. 2108.72. (A) The written declaration described in	408
section 2108.70 of the Revised Code shall include all of the	409
following:	410
(1) The declarant's legal name and present address;	411
(2) A statement that the declarant, an adult being of	412
sound mind, willfully and voluntarily appoints a representative	413
to have the declarant's right of disposition for the declarant's	414
body upon the declarant's death;	415
(3) A statement that all decisions made by the declarant's	416
representative with respect to the right of disposition are	417
binding;	418
(4) The name, last known address, and last known telephone	419
number of the representative or, if the representative is a	420
group of persons, the name, last known address, and last known	421
telephone number of each person in the group;	422
(5) If the declarant chooses to have a successor	423
representative, a statement that if any person or group of	424
persons named as the declarant's representative is disqualified	425
from serving in such position as described in section 2108.75 of	426

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the Revised Code, the declarant appoints a successor	427
representative;	428
(6) If applicable, the name, last known address, and last	429
known telephone number of the successor representative or, if	430
the successor representative is a group of persons, the name,	431
last known address, and last known telephone number of each	432
person in the group;	433
(7) A space where the declarant may indicate the	434
declarant's preferences regarding how the right of disposition	435
should be exercised, including any religious observances the	436
declarant wishes the person with the right of disposition to	437
consider;	438
(8) A space where the declarant may indicate one or more	439
sources of funds that may be used to pay for goods and services	440
associated with the exercise of the right of disposition;	441
(9) A statement that the declarant's written declaration	442
becomes effective on the declarant's death;	443
(10) A statement that the declarant revokes any written	444
declaration that the declarant executed, in accordance with	445
section 2108.70 of the Revised Code, prior to the execution of	446
the present written declaration;	447
(11) A space where the declarant can sign and date the	448
written declaration;	449
(12) A space where a notary public or two witnesses can	450
sign and date the written declaration as described in section	451
2108.73 of the Revised Code.	452
(B) A written declaration may take the following form:	453
APPOINTMENT OF REPRESENTATIVE FOR DISPOSITION OF BODILY	454

REMAINS, FUNERAL ARRANGEMENTS, AND BURIAL—OR—, CREMATION, OR	455
REDUCTION GOODS AND SERVICES:	456
I, (legal name and present address of	457
declarant), an adult being of sound mind, willfully and	458
voluntarily appoint my representative, named below, to have the	459
right of disposition, as defined in section 2108.70 of the	460
Revised Code, for my body upon my death. All decisions made by	461
my representative with respect to the right of disposition shall	462
be binding.	463
REPRESENTATIVE:	464
(If the representative is a group of persons, indicate the	465
name, last known address, and telephone number of each person in	466
the group.)	467
Name(s):	468
Address(es):	469
Telephone Number(s):	470
SUCCESSOR REPRESENTATIVE:	471
If my representative is disqualified from serving as my	472
representative as described in section 2108.75 of the Revised	473
Code, then I hereby appoint the following person or group of	474
persons to serve as my successor representative.	475
(If the successor representative is a group of persons,	476
indicate the name, last known address, and telephone number of	477
each person in the group.)	478
Name(s):	479
Address(es):	480
Telephone Number(s):	481

PREFERENCES REGARDING HOW THE RIGHT OF DISPOSITION SHOULD	482
BE EXERCISED, INCLUDING ANY RELIGIOUS OBSERVANCES THE DECLARANT	483
WISHES A REPRESENTATIVE OR A SUCCESSOR REPRESENTATIVE TO	484
CONSIDER:	485
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ONE OR MORE SOURCES OF FUNDS THAT COULD BE USED TO PAY FOR	490
GOODS AND SERVICES ASSOCIATED WITH AN EXERCISE OF THE RIGHT OF	491
DISPOSITION:	492
	493
	494
	495
	496
DURATION:	497
The appointment of my representative and, if applicable,	498
successor representative, becomes effective upon my death.	499
PRIOR APPOINTMENTS REVOKED:	500
I hereby revoke any written declaration that I executed in	501
accordance with section 2108.70 of the Ohio Revised Code prior	502
to the date of execution of this written declaration indicated	503
below.	504
AUTHORIZATION TO ACT:	505
I hereby agree that any of the following that receives a	506
copy of this written declaration may act under it:	507
- Cemetery organization;	508

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

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disposition as defined	in section 2108.70 of the Revised Code,	534
and understands that he	or she is liable for the reasonable	535
costs of exercising the	right, including any goods and services	536
that are purchased.		537
ACCEPTANCE (OPTION	NAL):	538
The undersigned he	ereby accepts this appointment as	539
representative or succe	ssor representative, as applicable, for	540
the right of disposition	n as defined in section 2108.70 of the	541
Revised Code.		542
	Signed this day of	543
		544
	Signature of representative (if	545
	representative is a group of persons,	546
	each person in the group shall sign)	547
	Signed this day of	548
		549
	Signature of successor representative	550
	(if successor representative is a	551
	group of persons, each person in the	552
	group shall sign)	553
WITNESSES:		554
I attest that the	declarant signed or acknowledged this	555
assignment of the right	of disposition under section 2108.70 of	556
the Revised Code in my	presence and that the declarant is at	557
least eighteen years of	age and appears to be of sound mind and	558

not under or subject to dur	ress, fraud, or undue influence. I	559
further attest that I am no	ot the declarant's representative or	560
successor representative, 1	I am at least eighteen years of age,	561
and I am not related to the declarant by blood, marriage, or		562
adoption.		563
First witness:		564
Name (printed):		565
	Residing at:	566
Signature:		567
		568
Date:		569
		570
Second witness:		571
Name (printed):		572
	Residing at:	573
Signature:		574
		575
Date:		576
		577
OR		578
NOTARY ACKNOWLEDGMENT		579
State of Ohio		580
County of	SS.	581
On, b	pefore me, the undersigned notary	582

public, personally appeared	, known to me or	583
satisfactorily proven to be the person	n whose name is subscribed	584
as the declarant, and who has acknowled	edged that he or she	585
executed this written declaration under	er section 2108.70 of the	586
Revised Code for the purposes expresse	ed in that section. I	587
attest that the declarant is at least	eighteen years of age and	588
appears to be of sound mind and not ur	nder or subject to duress,	589
fraud, or undue influence.		590
sic	gnature of notary public	591
	mature of motary public	331
		592
Му	commission expires on:	593
		594
(C) Completion of a federal Reco	ard of Emergency Data form,	595
DD Form 93, or its successor form, by	a member of the military,	596
is sufficient to constitute a written	declaration under section	597
2108.70 of the Revised Code if section	ı 13a of DD Form 93,	598
entitled "Person Authorized to Direct	Disposition," has been	599
properly completed by the member of the	ne military who has	600
subsequently died while under active of	duty orders as described in	601
10 U.S.C. 1481.		602
Sec. 2108.75. (A) A person shall	be disqualified from	603
serving as a representative or success	sor representative, or from	604
having the right of disposition for a	deceased person pursuant	605
to section 2108.81 of the Revised Code	e, if any of the following	606
occurs:		607
(1) The person dies.		608
(2) A probate court declares or	determines that the person	609

is incompetent.

610

(3) The person resigns or declines to exercise the right	611
as described in section 2108.88 of the Revised Code.	612
(4) The person fails to exercise the right within forty-	613
eight hours after notification of the declarant's or deceased	614
person's death or, if there is no notification, within seventy-	615
two hours of either of the following, as applicable:	616
(a) The declarant's or deceased person's death;	617
(b) The discovery of the declarant's or deceased person's	618
remains, when such discovery occurs more than an hour after the	619
declarant's or deceased person's death.	620
(5) The person cannot be located with reasonable effort.	621
(6) The person meets the criteria described in section	622
2108.76 or 2108.77 of the Revised Code.	623
(7) The person refuses to assume the liability for the	624
costs of disposition.	625
(B) No owner, employee, or agent of a funeral home,	626
cemetery, or reduction facility providing funeral,	627
burial, or cremation, or reduction services for a declarant	628
shall serve as a representative or successor representative for	629
the declarant unless the owner, employee, or agent is related to	630
the declarant by blood, marriage, or adoption.	631
(C) Subject to divisions (C)(2) and (D) of section 2108.70	632
of the Revised Code, if a person is disqualified from serving as	633
the declarant's representative or successor representative, or	634
from having the right of disposition for a deceased person	635
pursuant to section 2108.81 of the Revised Code, as described in	636
division (A) of this section, the right is automatically	637
reassigned to, and vests in, the next person who has the right	638

pursuant to the declarant's written declaration or pursuant to	639
the order of priority in section 2108.81 of the Revised Code.	640
If a right of disposition for a deceased person is	641
assigned to a funeral director under division (B)(9) of section	642
2108.81 of the Revised Code, the funeral director is not liable	643
for the cost of disposition.	644
Sec. 2108.82. (A) Notwithstanding section 2108.81 of the	645
Revised Code and in accordance with division (B) of this	646
section, the probate court for the county in which the declarant	647
or deceased person resided at the time of death may, on its own	648
motion or the motion of another person, assign to any person the	649
right of disposition for a declarant or deceased person.	650
(B) In making a determination for purposes of division (A)	651
of this section and division (C) of section 2108.79 of the	652
Revised Code, the court shall consider the following:	653
(1) Whether evidence presented to, or in the possession of	654
the court, demonstrates that the person who is the subject of	655
the motion and the declarant or deceased person had a close	656
personal relationship;	657
(2) The reasonableness and practicality of any plans that	658
the person who is the subject of the motion may have for the	659
declarant's or deceased person's funeral, burial, cremation,_	660
reduction, final disposition, redisposition, or disinterment,	661
including the degree to which such plans allow maximum	662
participation by all persons who wish to pay their final	663
respects to the deceased person;	664
(3) The convenience and needs of other family members and	665
friends wishing to pay their final respects to the declarant or	666
deceased person;	667

(4) The express written desires of the declarant or	668
deceased person;	669
(5) The religious beliefs or other evidence of the desires	670
of the declarant or deceased person;	671
	670
(6) The conduct of the persons involved in the proceedings	672 673
related to the circumstances concerning the deceased person, the deceased person's estate, and other family members;	674
deceased person's estate, and other raming members,	0/4
(7) The length of time that has elapsed since the original	675
or last disposition;	676
(8) Whether there is a change of circumstances, including,	677
but not limited to, any of the following:	678
(a) A change to the physical or environmental conditions	679
of the cemetery or other location of the deceased person's	680
bodily remains or the surrounding area;	681
	600
(b) A change to the financial condition of the cemetery	682
operator or organization containing the deceased person's bodily remains;	683 684
remains;	004
(c) A change related to the residence of the deceased	685
person's family members;	686
(d) A change to the burial arrangements for the deceased	687
person's family members.	688
A change of circumstances does not include a mere change	689
of the representative who has been assigned the right to direct	690
the disposition of the deceased person's bodily remains.	691
(C) There shall be no disinterment or other change of the	692
original or last disposition unless the court makes a finding of	693
compelling reasons based upon the factors listed in division (B)	694

of this section. 695

(D) The personal representative of either the declarant or 696 the deceased does not have a greater claim to the right of 697 disposition than such persons otherwise have pursuant to law. 698

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

Sec. 2108.84. If a funeral home, funeral director, 717 crematory operator, reduction facility operator, or other person 718 asked to assist with a declarant's or deceased person's funeral, 719 burial, cremation, reduction, or other manner of final 720 disposition is in possession of a declarant's or deceased 721 person's remains while a dispute described in section 2108.83 of 722 the Revised Code is pending, the funeral home, funeral director, 723 crematory operator, reduction facility operator, or other person 724 S. B. No. 323 Page 27 As Introduced

may embalm or refrigerate and shelter the remains to preserve	725
them and may add the cost of embalming, refrigeration, and	726
sheltering to the final disposition costs to be charged.	727
Sec. 2108.85. (A) If a funeral home, funeral director,	728
crematory operator, reduction facility operator, cemetery	729
operator, cemetery organization, or other person asked to assist	730
with a declarant's or deceased person's funeral, burial,	731
cremation, reduction, or other manner of final disposition	732
brings a legal action for purposes of section 2108.83 or 2108.84	733
of the Revised Code, the funeral home, funeral director,	734
crematory operator, reduction facility operator, cemetery	735
operator, cemetery organization, or other person may add to the	736
costs the person charges for the goods and services the person	737
provided the legal fees, if reasonable, and the court costs that	738
the person incurred.	739
(B) The right created by division (A) of this section	740
	740 741
(B) The right created by division (A) of this section	
(B) The right created by division (A) of this section shall neither be construed to require, nor impose a duty on, a	741
(B) The right created by division (A) of this section shall neither be construed to require, nor impose a duty on, a funeral home, funeral director, crematory operator, reduction	741 742
(B) The right created by division (A) of this section shall neither be construed to require, nor impose a duty on, a funeral home, funeral director, crematory operator, reduction facility operator, cemetery operator, cemetery organization, or	741 742 743
(B) The right created by division (A) of this section shall neither be construed to require, nor impose a duty on, a funeral home, funeral director, crematory operator, reduction facility operator, cemetery operator, cemetery organization, or other person asked to assist with a declarant's or deceased	741 742 743 744
(B) The right created by division (A) of this section shall neither be construed to require, nor impose a duty on, a funeral home, funeral director, crematory operator, reduction facility operator, cemetery operator, cemetery organization, or other person asked to assist with a declarant's or deceased person's funeral, burial, cremation, reduction, or other manner	741 742 743 744 745
(B) The right created by division (A) of this section shall neither be construed to require, nor impose a duty on, a funeral home, funeral director, crematory operator, reduction facility operator, cemetery operator, cemetery organization, or other person asked to assist with a declarant's or deceased person's funeral, burial, cremation, reduction, or other manner of final disposition, to bring a legal action and such person	741 742 743 744 745 746
(B) The right created by division (A) of this section shall neither be construed to require, nor impose a duty on, a funeral home, funeral director, crematory operator, reduction facility operator, cemetery operator, cemetery organization, or other person asked to assist with a declarant's or deceased person's funeral, burial, cremation, reduction, or other manner of final disposition, to bring a legal action and such person shall not be held criminally or civilly liable for not bringing	741 742 743 744 745 746 747
(B) The right created by division (A) of this section shall neither be construed to require, nor impose a duty on, a funeral home, funeral director, crematory operator, reduction facility operator, cemetery operator, cemetery organization, or other person asked to assist with a declarant's or deceased person's funeral, burial, cremation, reduction, or other manner of final disposition, to bring a legal action and such person shall not be held criminally or civilly liable for not bringing an action.	741 742 743 744 745 746 747
(B) The right created by division (A) of this section shall neither be construed to require, nor impose a duty on, a funeral home, funeral director, crematory operator, reduction facility operator, cemetery operator, cemetery organization, or other person asked to assist with a declarant's or deceased person's funeral, burial, cremation, reduction, or other manner of final disposition, to bring a legal action and such person shall not be held criminally or civilly liable for not bringing an action. Sec. 2108.86. (A) A funeral home, funeral director,	741 742 743 744 745 746 747 748
(B) The right created by division (A) of this section shall neither be construed to require, nor impose a duty on, a funeral home, funeral director, crematory operator, reduction facility operator, cemetery operator, cemetery organization, or other person asked to assist with a declarant's or deceased person's funeral, burial, cremation, reduction, or other manner of final disposition, to bring a legal action and such person shall not be held criminally or civilly liable for not bringing an action. Sec. 2108.86. (A) A funeral home, funeral director, crematory operator, reduction facility operator, cemetery	741 742 743 744 745 746 747 748 749 750
(B) The right created by division (A) of this section shall neither be construed to require, nor impose a duty on, a funeral home, funeral director, crematory operator, reduction facility operator, cemetery operator, cemetery organization, or other person asked to assist with a declarant's or deceased person's funeral, burial, cremation, reduction, or other manner of final disposition, to bring a legal action and such person shall not be held criminally or civilly liable for not bringing an action. Sec. 2108.86. (A) A funeral home, funeral director, crematory operator, reduction facility operator, cemetery operator, cemetery operator, cemetery organization, or other person asked to assist	741 742 743 744 745 746 747 748 749 750 751

person or group of persons whom the funeral home, funeral 755 director, crematory operator, reduction facility operator, 756 cemetery operator, cemetery organization, or other person 757 reasonably believes has the right of disposition. 758

- (B) If the circumstances described in division (A) of 759 section 2108.81 of the Revised Code apply, a funeral home, 760 funeral director, crematory operator, reduction facility 761 operator, cemetery operator, cemetery organization, or other 762 person asked to assist with a deceased person's funeral, burial, 763 cremation, reduction, or other manner of final disposition has 764 the right to rely on the instructions of the person or group of 765 persons the funeral home, funeral director, crematory operator, 766 reduction facility operator, cemetery operator, cemetery 767 organization, or other person reasonably believes has the right 768 of disposition pursuant to section 2108.81 of the Revised Code. 769
- (C) No funeral home, funeral director, crematory operator, 770 reduction facility operator, cemetery operator, cemetery 771 organization, or other person asked to assist with a deceased 772 person's funeral, burial, cremation, reduction, or other manner 773 of final disposition, who relies, pursuant to divisions (A) and 774 (B) of this section, in good faith on the contents of a written 775 declaration or the instructions of the person or group of 776 persons the funeral home, funeral director, crematory operator, 777 reduction facility operator, cemetery operator, cemetery 778 organization, or other person reasonably believes has the right 779 of disposition, shall be subject to criminal or civil liability 780 or subject to disciplinary action for taking an action or not 781 taking an action in reliance on such contents or instructions 782 and for otherwise complying with sections 2108.70 to 2108.90 of 783 the Revised Code. 784

Sec. 2108.87. (A) A funeral home, funeral director,	785
crematory operator, reduction facility operator, cemetery	786
operator, cemetery organization, or other person asked to assist	787
with a deceased person's funeral, burial, cremation, reduction,	788
or other manner of final disposition may independently	789
investigate the existence of, or locate or contact, the	790
following persons:	791
(1) A representative or successor representative named in	792
a written declaration;	793
(2) A person listed in section 2108.81 of the Revised	794
Code.	795
(B) In no circumstances shall a funeral home, funeral	796
director, crematory operator, reduction facility operator,	797
cemetery operator, cemetery organization, or other person asked	798
to assist with a deceased person's funeral, burial, cremation,_	799
reduction, or other manner of final disposition have a duty to	800
independently investigate the existence of, or locate or	801
contact, the persons described in division (A) of this section.	802
Sec. 2111.13. (A) When a guardian is appointed to have the	803
custody and maintenance of a ward, and to have charge of the	804
education of the ward if the ward is a minor, the guardian's	805
duties are as follows:	806
(1) To protect and control the person of the ward;	807
(2) To provide suitable maintenance for the ward when	808
necessary, which shall be paid out of the estate of such ward	809
upon the order of the guardian of the person;	810
(3) To provide such maintenance and education for such	811
ward as the amount of the ward's estate justifies when the ward	812
is a minor and has no father or mother, or has a father or	813

mother who fails to maintain or educate the ward, which shall be	814
paid out of such ward's estate upon the order of the guardian of	815
the person;	816
(4) To obey all the orders and judgments of the probate	817
court touching the guardianship.	818
(B) Except as provided in section 2111.131 of the Revised	819
Code, no part of the ward's estate shall be used for the	820
support, maintenance, or education of such ward unless ordered	821
and approved by the court.	822
(C) A guardian of the person may authorize or approve the	823
provision to the ward of medical, health, or other professional	824
care, counsel, treatment, or services unless the ward or an	825
interested party files objections with the probate court, or the	826
court, by rule or order, provides otherwise.	827
(D) Unless a person with the right of disposition for a	828
ward under section 2108.70 or 2108.81 of the Revised Code has	829
made a decision regarding whether or not consent to an autopsy	830
or post-mortem examination on the body of the deceased ward	831
under section 2108.50 of the Revised Code shall be given, a	832
guardian of the person of a ward who has died may consent to the	833
autopsy or post-mortem examination.	834
(E) If a deceased ward did not have a guardian of the	835
estate, the estate is not required to be administered by a	836
probate court, and a person with the right of disposition for a	837
ward, as described in section 2108.70 or 2108.81 of the Revised	838
Code, has not made a decision regarding the disposition of the	839
ward's body or remains, the guardian of the person of the ward	840
may authorize the burial—or, cremation, or reduction of the	841
ward.	842

(F) A guardian who gives consent or authorization as	843
described in divisions (D) and (E) of this section shall notify	844
the probate court as soon as possible after giving the consent	845
or authorization.	846
Sec. 2743.51. As used in sections 2743.51 to 2743.72 of	847
the Revised Code:	848
(A) "Claimant" means both of the following categories of	849
persons:	850
	0.5.1
(1) Any of the following persons who claim an award of	851
reparations under sections 2743.51 to 2743.72 of the Revised	852
Code:	853
(a) A victim who was one of the following at the time of	854
the criminally injurious conduct:	855
(i) A resident of the United States;	856
(ii) A resident of a foreign country the laws of which	857
permit residents of this state to recover compensation as	858
victims of offenses committed in that country.	859
(b) A dependent of a deceased victim who is described in	860
division (A)(1)(a) of this section;	861
(c) A third person, other than a collateral source, who	862
legally assumes or voluntarily pays the obligations of a victim,	863
or of a dependent of a victim, who is described in division (A)	864
(1)(a) of this section, which obligations are incurred as a	865
result of the criminally injurious conduct that is the subject	866
of the claim and may include, but are not limited to, medical or	867
burial expenses;	868
(d) A person who is authorized to act on behalf of any	869
person who is described in division (A)(1)(a), (b), or (c) of	870

this section;	871
(e) The estate of a deceased victim who is described in	872
division (A)(1)(a) of this section.	873
(2) Any of the following persons who claim an award of	874
reparations under sections 2743.51 to 2743.72 of the Revised	875
Code:	876
(a) A victim who had a permanent place of residence within	877
this state at the time of the criminally injurious conduct and	878
who, at the time of the criminally injurious conduct, complied	879
with any one of the following:	880
(i) Had a permanent place of employment in this state;	881
(ii) Was a member of the regular armed forces of the	882
United States or of the United States coast guard or was a full-	883
time member of the Ohio organized militia or of the United	884
States army reserve, naval reserve, or air force reserve;	885
(iii) Was retired and receiving social security or any	886
other retirement income;	887
(iv) Was sixty years of age or older;	888
(v) Was temporarily in another state for the purpose of	889
receiving medical treatment;	890
(vi) Was temporarily in another state for the purpose of	891
performing employment-related duties required by an employer	892
located within this state as an express condition of employment	893
or employee benefits;	894
(vii) Was temporarily in another state for the purpose of	895
receiving occupational, vocational, or other job-related	896
training or instruction required by an employer located within	897

this state as an express condition of employment or employee	898
benefits;	899
(viii) Was a full-time student at an academic institution,	900
college, or university located in another state;	901
	0.00
(ix) Had not departed the geographical boundaries of this	902
state for a period exceeding thirty days or with the intention	903
of becoming a citizen of another state or establishing a	904
permanent place of residence in another state.	905
(b) A dependent of a deceased victim who is described in	906
division (A)(2)(a) of this section;	907
(c) A third person, other than a collateral source, who	908
legally assumes or voluntarily pays the obligations of a victim,	909
or of a dependent of a victim, who is described in division (A)	910
(2)(a) of this section, which obligations are incurred as a	911
result of the criminally injurious conduct that is the subject	912
of the claim and may include, but are not limited to, medical or	913
burial expenses;	914
(d) A person who is authorized to act on behalf of any	915
person who is described in division (A)(2)(a), (b), or (c) of	916
this section;	917
(e) The estate of a deceased victim who is described in	918
division (A)(2)(a) of this section.	919
	000
(B) "Collateral source" means a source of benefits or	920
advantages for economic loss otherwise reparable that the victim	921
or claimant has received, or that is readily available to the	922
victim or claimant, from any of the following sources:	923
(1) The offender;	924
(2) The government of the United States or any of its	925

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agencies, a state or any of its political subdivisions, or an	926
instrumentality of two or more states, unless the law providing	927
for the benefits or advantages makes them excess or secondary to	928
benefits under sections 2743.51 to 2743.72 of the Revised Code;	929
(3) Social security, medicare, and medicaid;	930
(4) State-required, temporary, nonoccupational disability	931
insurance;	932
(5) Workers' compensation;	933
(6) Wage continuation programs of any employer;	934
(7) Proceeds of a contract of insurance payable to the	935
victim for loss that the victim sustained because of the	936
criminally injurious conduct;	937
(8) A contract providing prepaid hospital and other health	938
care services, or benefits for disability;	939
(9) That portion of the proceeds of all contracts of	940
insurance payable to the claimant on account of the death of the	941
victim that exceeds fifty thousand dollars;	942
(10) Any compensation recovered or recoverable under the	943
laws of another state, district, territory, or foreign country	944
because the victim was the victim of an offense committed in	945
that state, district, territory, or country.	946
"Collateral source" does not include any money, or the	947
monetary value of any property, that is subject to sections	948
2969.01 to 2969.06 of the Revised Code or that is received as a	949
benefit from the Ohio public safety officers death benefit fund	950
created by section 742.62 of the Revised Code.	951
(C) "Criminally injurious conduct" means one of the	952

following:	953
(1) For the purposes of any person described in division	954
(A)(1) of this section, any conduct that occurs or is attempted	955
in this state; poses a substantial threat of personal injury or	956
death; and is punishable by fine, imprisonment, or death, or	957
would be so punishable but for the fact that the person engaging	958
in the conduct lacked capacity to commit the crime under the	959
laws of this state. Criminally injurious conduct does not	960
include conduct arising out of the ownership, maintenance, or	961
use of a motor vehicle, except when any of the following	962
applies:	963
(a) The person engaging in the conduct intended to cause	964
personal injury or death;	965
(b) The person engaging in the conduct was using the	966
vehicle to flee immediately after committing a felony or an act	967
that would constitute a felony but for the fact that the person	968
engaging in the conduct lacked the capacity to commit the felony	969
under the laws of this state;	970
(c) The person engaging in the conduct was using the	971
vehicle in a manner that constitutes an OVI violation;	972
(d) The conduct occurred on or after July 25, 1990, and	973
the person engaging in the conduct was using the vehicle in a	974
manner that constitutes a violation of section 2903.08 of the	975
Revised Code;	976
(e) The person engaging in the conduct acted in a manner	977
that caused serious physical harm to a person and that	978
constituted a violation of section 4549.02 or 4549.021 of the	979
Revised Code.	980
(2) For the purposes of any person described in division	981

(A) (2) of this section, any conduct that occurs of is attempted	982
in another state, district, territory, or foreign country; poses	983
a substantial threat of personal injury or death; and is	984
punishable by fine, imprisonment, or death, or would be so	985
punishable but for the fact that the person engaging in the	986
conduct lacked capacity to commit the crime under the laws of	987
the state, district, territory, or foreign country in which the	988
conduct occurred or was attempted. Criminally injurious conduct	989
does not include conduct arising out of the ownership,	990
maintenance, or use of a motor vehicle, except when any of the	991
following applies:	992
(a) The person engaging in the conduct intended to cause	993
personal injury or death;	994
personal injury or acasi,	331
(b) The person engaging in the conduct was using the	995
vehicle to flee immediately after committing a felony or an act	996
that would constitute a felony but for the fact that the person	997
engaging in the conduct lacked the capacity to commit the felony	998
under the laws of the state, district, territory, or foreign	999
country in which the conduct occurred or was attempted;	1000
(c) The person engaging in the conduct was using the	1001
vehicle in a manner that constitutes an OVI violation;	1002
(d) The conduct occurred on or after July 25, 1990, the	1003
person engaging in the conduct was using the vehicle in a manner	1004
that constitutes a violation of any law of the state, district,	1005
territory, or foreign country in which the conduct occurred, and	1006
that law is substantially similar to a violation of section	1007
2903.08 of the Revised Code;	1008
(e) The person engaging in the conduct acted in a manner	1009

1010

that caused serious physical harm to a person and that

constituted a violation of any law of the state, district,	1011
territory, or foreign country in which the conduct occurred, and	1012
that law is substantially similar to section 4549.02 or 4549.021	1013
of the Revised Code.	1014
(3) For the purposes of any person described in division	1015
(A)(1) or (2) of this section, terrorism that occurs within or	1016
outside the territorial jurisdiction of the United States.	1017
(D) "Dependent" means an individual wholly or partially	1018
dependent upon the victim for care and support, and includes a	1019
child of the victim born after the victim's death.	1020
(E) "Economic loss" means economic detriment consisting	1021
only of allowable expense, work loss, funeral expense,	1022
unemployment benefits loss, replacement services loss, cost of	1023
crime scene cleanup, and cost of evidence replacement. If	1024
criminally injurious conduct causes death, economic loss	1025
includes a dependent's economic loss and a dependent's	1026
replacement services loss. Noneconomic detriment is not economic	1027
loss; however, economic loss may be caused by pain and suffering	1028
or physical impairment.	1029
(F)(1) For a victim described in division (L)(1) of this	1030
section, "allowable expense" means reasonable charges incurred	1031
for reasonably needed products, services, and accommodations,	1032
including those for medical care, rehabilitation, rehabilitative	1033
occupational training, and other remedial treatment and care and	1034
including replacement costs for hearing aids; dentures,	1035
retainers, and other dental appliances; canes, walkers, and	1036
other mobility tools; and eyeglasses and other corrective	1037
lenses. It does not include that portion of a charge for a room	1038
in a hospital, clinic, convalescent home, nursing home, or any	1039

other institution engaged in providing nursing care and related

services in excess of a reasonable and customary charge for	1041
semiprivate accommodations, unless accommodations other than	1042
semiprivate accommodations are medically required.	1043
(2) For a victim described in division (L)(2) of this	1044
section, "allowable expense" means reasonable charges incurred	1045
for psychiatric care or counseling reasonably needed as a result	1046
of the criminally injurious conduct. No other type of expense is	1047
compensable under section 2743.51 to 2743.72 of the Revised Code	1048
for a victim of that type.	1049
(3) For a victim described in division (L)(3) of this	1050
section, "allowable expense" means work loss and reasonable	1051
charges incurred for psychiatric care or counseling reasonably	1052
needed as a result of the criminally injurious conduct. No other	1053
type of expense is compensable under sections 2743.51 to 2743.72	1054
of the Revised Code for a victim of that type.	1055
(4) A family member of a victim who died as a proximate	1056
result of criminally injurious conduct may be reimbursed as an	1057
allowable expense through the victim's application for wages	1058
lost and travel expenses incurred in order to attend criminal	1059
justice proceedings arising from the criminally injurious	1060
conduct. The cumulative allowable expense for wages lost and	1061
travel expenses incurred by a family member to attend criminal	1062
justice proceedings shall not exceed five hundred dollars for	1063
each family member of the victim and two thousand dollars in the	1064
aggregate for all family members of the victim.	1065
(5) For a victim described in division (L)(1) of this	1066
section, "allowable expense" includes both of the following:	1067

(a) Reasonable expenses and fees necessary to obtain a

guardian's bond pursuant to section 2109.04 of the Revised Code

1068

when the bond is required to pay an award to a fiduciary on	1070
behalf of a minor or other incompetent;	1071
(b) Attorney's fees not exceeding one thousand dollars, at	1072
a rate not exceeding one hundred dollars per hour, incurred to	1073
successfully obtain a restraining order, custody order, or other	1074
order to physically separate a victim from an offender.	1075
Attorney's fees for the services described in this division may	1076
include an amount for reasonable travel time incurred to attend	1077
court hearings, not exceeding three hours' round-trip for each	1078
court hearing, assessed at a rate not exceeding thirty dollars	1079
per hour.	1080
(G) "Work loss" means loss of income from work that the	1081
injured person would have performed if the person had not been	1082
injured and expenses reasonably incurred by the person to obtain	1083
services in lieu of those the person would have performed for	1084
income, reduced by any income from substitute work actually	1085
performed by the person, or by income the person would have	1086
earned in available appropriate substitute work that the person	1087
was capable of performing but unreasonably failed to undertake.	1088
(H) "Replacement services loss" means expenses reasonably	1089
incurred in obtaining ordinary and necessary services in lieu of	1090
those the injured person would have performed, not for income,	1091
but for the benefit of the person's self or family, if the	1092
person had not been injured.	1093
(I) "Dependent's economic loss" means loss after a	1094
victim's death of contributions of things of economic value to	1095
the victim's dependents, not including services they would have	1096
received from the victim if the victim had not suffered the	1097
fatal injury, less expenses of the dependents avoided by reason	1098

of the victim's death. If a minor child of a victim is adopted

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after the victim's death, the minor child continues after the	1100
adoption to incur a dependent's economic loss as a result of the	1101
victim's death. If the surviving spouse of a victim remarries,	1102
the surviving spouse continues after the remarriage to incur a	1103
dependent's economic loss as a result of the victim's death.	1104
(J) "Dependent's replacement services loss" means loss	1105
reasonably incurred by dependents after a victim's death in	1106
obtaining ordinary and necessary services in lieu of those the	1107
victim would have performed for their benefit if the victim had	1108
not suffered the fatal injury, less expenses of the dependents	1109
avoided by reason of the victim's death and not subtracted in	1110
calculating the dependent's economic loss. If a minor child of a	1111
victim is adopted after the victim's death, the minor child	1112
continues after the adoption to incur a dependent's replacement	1113
services loss as a result of the victim's death. If the	1114
surviving spouse of a victim remarries, the surviving spouse	1115
continues after the remarriage to incur a dependent's	1116
replacement services loss as a result of the victim's death.	1117
(K) "Noneconomic detriment" means pain, suffering,	1118
inconvenience, physical impairment, or other nonpecuniary	1119
damage.	1120
(L) "Victim" means one of the following:	1121
(1) A person who suffers personal injury or death as a	1122
result of any of the following:	1123
(a) Criminally injurious conduct;	1124
(b) The good faith effort of any person to prevent	1125
criminally injurious conduct;	1126
(c) The good faith effort of any person to apprehend a	1127
person suspected of engaging in criminally injurious conduct.	1128

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(2) A person who is an immediate family member of a victim	1129
of criminally injurious conduct that consists of a homicide, a	1130
sexual assault, domestic violence, or a severe and permanently	1131
incapacitating injury resulting in paraplegia or a similar life-	1132
altering condition, who requires psychiatric care or counseling	1133
as a result of the criminally injurious conduct;	1134
(3) A person who suffers trauma so severe that it impedes	1135
or prohibits a person from participating in normal daily	1136
activities and who is either of the following:	1137
(a) A family member of a victim of criminally injurious	1138
conduct that consists of a homicide, or a family member of a	1139
victim who, as a result of criminally injurious conduct, has	1140
sustained a severe and permanently incapacitating injury	1141
resulting in paraplegia or a similar life-altering condition,	1142
and who can demonstrate either of the following by a	1143
preponderance of the evidence:	1144
(i) The person witnessed the criminally injurious conduct.	1145
(ii) The person arrived at the crime scene in its	1146
immediate aftermath.	1147
(b) An immediate family member who is a caretaker of a	1148
dependent victim of criminally injurious conduct that consists	1149
of a sexual assault.	1150
(M) "Contributory misconduct" means any conduct of the	1151
claimant or of the victim through whom the claimant claims an	1152
award of reparations that is unlawful or intentionally tortious	1153
and to which all of the following apply:	1154
(1) The conduct occurred at the time of the criminally	1155
injurious conduct that is the basis of the claim.	1156

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(2) The conduct itself caused or posed a substantial and	1157
imminent threat of causing serious physical harm or death to	1158
another.	1159
(3) The conduct instigated or proximately caused the	1160
criminally injurious conduct that is the basis of the claim.	1161
(N)(1) "Funeral expense" means any reasonable charges that	1162
are not in excess of seven thousand five hundred dollars per	1163
funeral and that are incurred for expenses directly related to a	1164
victim's funeral, cremation, reduction, or burial and any wages	1165
lost or travel expenses incurred by a family member of a victim	1166
in order to attend the victim's funeral, cremation, reduction,	1167
or burial.	1168
(2) An award for funeral expenses shall be applied first	1169
to expenses directly related to the victim's funeral, cremation,	1170
reduction, or burial. An award for wages lost or travel expenses	1171
incurred by a family member of the victim shall not exceed five	1172
hundred dollars for each family member and shall not exceed in	1173
the aggregate the difference between seven thousand five hundred	1174
dollars and expenses that are reimbursed by the program and that	1175
are directly related to the victim's funeral, cremation,_	1176
reduction, or burial.	1177
(O) "Unemployment benefits loss" means a loss of	1178
unemployment benefits pursuant to Chapter 4141. of the Revised	1179
Code when the loss arises solely from the inability of a victim	1180
to meet the able to work, available for suitable work, or the	1181
actively seeking suitable work requirements of division (A) (4)	1182
(a) of section 4141.29 of the Revised Code.	1183
(a) of Section 4141.29 of the Revised Code.	1103
(P) "OVI violation" means any of the following:	1184
(1) A violation of section 4511.19 of the Revised Code, of	1185

any municipal ordinance prohibiting the operation of a vehicle	1186
while under the influence of alcohol, a drug of abuse, or a	1187
combination of them, or of any municipal ordinance prohibiting	1188
the operation of a vehicle with a prohibited concentration of	1189
alcohol, a controlled substance, or a metabolite of a controlled	1190
substance in the whole blood, blood serum or plasma, breath, or	1191
urine;	1192
(2) A violation of division (A)(1) of section 2903.06 of	1193
the Revised Code;	1194
(3) A violation of division (A)(2), (3), or (4) of section	1195
2903.06 of the Revised Code or of a municipal ordinance	1196
substantially similar to any of those divisions, if the offender	1197
was under the influence of alcohol, a drug of abuse, or a	1198
combination of them, at the time of the commission of the	1199
offense;	1200
(4) For purposes of any person described in division (A)	1201
(2) of this section, a violation of any law of the state,	1202
district, territory, or foreign country in which the criminally	1203
injurious conduct occurred, if that law is substantially similar	1204
to a violation described in division (P)(1) or (2) of this	1205
section or if that law is substantially similar to a violation	1206
described in division (P)(3) of this section and the offender	1207
was under the influence of alcohol, a drug of abuse, or a	1208
combination of them, at the time of the commission of the	1209
offense.	1210
(Q) "Pendency of the claim" for an original reparations	1211
application or supplemental reparations application means the	1212
period of time from the date the criminally injurious conduct	1213
upon which the application is based occurred until the date a	1214

reparations application or supplemental reparations application	1216
is issued.	1217
(R) "Terrorism" means any activity to which all of the	1218
following apply:	1219
(1) The activity involves a violent act or an act that is	1220
dangerous to human life.	1221
(2) The act described in division (R)(1) of this section	1222
is committed within the territorial jurisdiction of the United	1223
States and is a violation of the criminal laws of the United	1224
States, this state, or any other state or the act described in	1225
division (R)(1) of this section is committed outside the	1226
territorial jurisdiction of the United States and would be a	1227
violation of the criminal laws of the United States, this state,	1228
or any other state if committed within the territorial	1229
jurisdiction of the United States.	1230
(3) The activity appears to be intended to do any of the	1231
following:	1232
(a) Intimidate or coerce a civilian population;	1233
(b) Influence the policy of any government by intimidation	1234
or coercion;	1235
(c) Affect the conduct of any government by assassination	1236
or kidnapping.	1237
(4) The activity occurs primarily outside the territorial	1238
jurisdiction of the United States or transcends the national	1239
boundaries of the United States in terms of the means by which	1240
the activity is accomplished, the person or persons that the	1241
activity appears intended to intimidate or coerce, or the area	1242
or locale in which the perpetrator or perpetrators of the	1243

activity operate or seek asylum.	1244
(S) "Transcends the national boundaries of the United	1245
States" means occurring outside the territorial jurisdiction of	1246
the United States in addition to occurring within the	1247
territorial jurisdiction of the United States.	1248
(T) "Cost of crime scene cleanup" means any of the	1249
following:	1250
(1) The replacement cost for items of clothing removed	1251
from a victim in order to make an assessment of possible	1252
physical harm or to treat physical harm;	1253
(2) Reasonable and necessary costs of cleaning the scene	1254
and repairing, for the purpose of personal security, property	1255
damaged at the scene where the criminally injurious conduct	1256
occurred, not to exceed seven hundred fifty dollars in the	1257
aggregate per claim.	1258
(U) "Cost of evidence replacement" means costs for	1259
replacement of property confiscated for evidentiary purposes	1260
related to the criminally injurious conduct, not to exceed seven	1261
hundred fifty dollars in the aggregate per claim.	1262
(V) "Provider" means any person who provides a victim or	1263
claimant with a product, service, or accommodations that are an	1264
allowable expense or a funeral expense.	1265
(W) "Immediate family member" means an individual who	1266
resided in the same permanent household as a victim at the time	1267
of the criminally injurious conduct and who is related to the	1268
victim by affinity or consanguinity.	1269
(X) "Family member" means an individual who is related to	1270
a victim by affinity or consanguinity.	1271

Sec. 2925.01. As used in this chapter:	1272
(A) "Administer," "controlled substance," "controlled	1273
substance analog," "dispense," "distribute," "hypodermic,"	1274
"manufacturer," "official written order," "person,"	1275
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II,"	1276
"schedule III," "schedule IV," "schedule V," and "wholesaler"	1277
have the same meanings as in section 3719.01 of the Revised	1278
Code.	1279
(B) "Drug of abuse" and "person with a drug dependency"	1280
have the same meanings as in section 3719.011 of the Revised	1281
Code.	1282
(C) "Drug," "dangerous drug," "licensed health	1283
professional authorized to prescribe drugs," and "prescription"	1284
have the same meanings as in section 4729.01 of the Revised	1285
Code.	1286
(D) "Bulk amount" of a controlled substance means any of	1287
the following:	1288
(1) For any compound, mixture, preparation, or substance	1289
included in schedule I, schedule II, or schedule III, with the	1290
exception of any controlled substance analog, marihuana,	1291
cocaine, L.S.D., heroin, any fentanyl-related compound, and	1292
hashish and except as provided in division (D)(2), (5), or (6)	1293
of this section, whichever of the following is applicable:	1294
(a) An amount equal to or exceeding ten grams or twenty-	1295
five unit doses of a compound, mixture, preparation, or	1296
substance that is or contains any amount of a schedule I opiate	1297
or opium derivative;	1298
(b) An amount equal to or exceeding ten grams of a	1299
compound, mixture, preparation, or substance that is or contains	1300

any amount of raw or gum opium;	1301
(c) An amount equal to or exceeding thirty grams or ten	1302
unit doses of a compound, mixture, preparation, or substance	1303
that is or contains any amount of a schedule I hallucinogen	1304
other than tetrahydrocannabinol or lysergic acid amide, or a	1305
schedule I stimulant or depressant;	1306
(d) An amount equal to or exceeding twenty grams or five	1307
times the maximum daily dose in the usual dose range specified	1308
in a standard pharmaceutical reference manual of a compound,	1309
mixture, preparation, or substance that is or contains any	1310
amount of a schedule II opiate or opium derivative;	1311
(e) An amount equal to or exceeding five grams or ten unit	1312
doses of a compound, mixture, preparation, or substance that is	1313
or contains any amount of phencyclidine;	1314
(f) An amount equal to or exceeding one hundred twenty	1315
grams or thirty times the maximum daily dose in the usual dose	1016
	1316
range specified in a standard pharmaceutical reference manual of	1316
range specified in a standard pharmaceutical reference manual of	1317
range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or	1317 1318
range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a schedule II stimulant that is in a	1317 1318 1319
range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a schedule II stimulant that is in a final dosage form manufactured by a person authorized by the	1317 1318 1319 1320
range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a schedule II stimulant that is in a final dosage form manufactured by a person authorized by the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21	1317 1318 1319 1320 1321
range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a schedule II stimulant that is in a final dosage form manufactured by a person authorized by the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, and the federal drug abuse control	1317 1318 1319 1320 1321 1322
range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a schedule II stimulant that is in a final dosage form manufactured by a person authorized by the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, and the federal drug abuse control laws, as defined in section 3719.01 of the Revised Code, that is	1317 1318 1319 1320 1321 1322 1323
range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a schedule II stimulant that is in a final dosage form manufactured by a person authorized by the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, and the federal drug abuse control laws, as defined in section 3719.01 of the Revised Code, that is or contains any amount of a schedule II depressant substance or	1317 1318 1319 1320 1321 1322 1323 1324
range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a schedule II stimulant that is in a final dosage form manufactured by a person authorized by the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, and the federal drug abuse control laws, as defined in section 3719.01 of the Revised Code, that is or contains any amount of a schedule II depressant substance or a schedule II hallucinogenic substance;	1317 1318 1319 1320 1321 1322 1323 1324 1325
range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a schedule II stimulant that is in a final dosage form manufactured by a person authorized by the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, and the federal drug abuse control laws, as defined in section 3719.01 of the Revised Code, that is or contains any amount of a schedule II depressant substance or a schedule II hallucinogenic substance; (g) An amount equal to or exceeding three grams of a	1317 1318 1319 1320 1321 1322 1323 1324 1325

person authorized by the Federal Food, Drug, and Cosmetic Act	1330
and the federal drug abuse control laws.	1331
(2) An amount equal to or exceeding one hundred twenty	1332
grams or thirty times the maximum daily dose in the usual dose	1333
range specified in a standard pharmaceutical reference manual of	1334
a compound, mixture, preparation, or substance that is or	1335
contains any amount of a schedule III or IV substance other than	1336
an anabolic steroid or a schedule III opiate or opium	1337
derivative;	1338
(3) An amount equal to or exceeding twenty grams or five	1339
times the maximum daily dose in the usual dose range specified	1340
in a standard pharmaceutical reference manual of a compound,	1341
mixture, preparation, or substance that is or contains any	1342
amount of a schedule III opiate or opium derivative;	1343
(4) An amount equal to or exceeding two hundred fifty	1344
milliliters or two hundred fifty grams of a compound, mixture,	1345
preparation, or substance that is or contains any amount of a	1346
schedule V substance;	1347
(5) An amount equal to or exceeding two hundred solid	1348
dosage units, sixteen grams, or sixteen milliliters of a	1349
compound, mixture, preparation, or substance that is or contains	1350
any amount of a schedule III anabolic steroid;	1351
(6) For any compound, mixture, preparation, or substance	1352
that is a combination of a fentanyl-related compound and any	1353
other compound, mixture, preparation, or substance included in	1354
schedule III, schedule IV, or schedule V, if the defendant is	1355
charged with a violation of section 2925.11 of the Revised Code	1356
and the sentencing provisions set forth in divisions (C)(10)(b)	1357
and (C)(11) of that section will not apply regarding the	1358

defendant and the violation, the bulk amount of the controlled	1359
substance for purposes of the violation is the amount specified	1360
in division (D)(1), (2), (3), (4), or (5) of this section for	1361
the other schedule III, IV, or V controlled substance that is	1362
combined with the fentanyl-related compound.	1363
(E) "Unit dose" means an amount or unit of a compound,	1364
mixture, or preparation containing a controlled substance that	1365
is separately identifiable and in a form that indicates that it	1366
is the amount or unit by which the controlled substance is	1367
separately administered to or taken by an individual.	1368
(F) "Cultivate" includes planting, watering, fertilizing,	1369
or tilling.	1370
(G) "Drug abuse offense" means any of the following:	1371
(1) A violation of division (A) of section 2913.02 that	1372
constitutes theft of drugs, or a violation of section 2925.02,	1373
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12,	1374
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36,	1375
or 2925.37 of the Revised Code;	1376
(2) A violation of an existing or former law of this or	1377
any other state or of the United States that is substantially	1378
equivalent to any section listed in division (G)(1) of this	1379
section;	1380
(3) An offense under an existing or former law of this or	1381
any other state, or of the United States, of which planting,	1382
cultivating, harvesting, processing, making, manufacturing,	1383
producing, shipping, transporting, delivering, acquiring,	1384
possessing, storing, distributing, dispensing, selling, inducing	1385
another to use, administering to another, using, or otherwise	1386
dealing with a controlled substance is an element;	1387

(4) A conspiracy to commit, attempt to commit, or	1388
complicity in committing or attempting to commit any offense	1389
under division $(G)(1)$, (2) , or (3) of this section.	1390
(H) "Felony drug abuse offense" means any drug abuse	1391
offense that would constitute a felony under the laws of this	1392
state, any other state, or the United States.	1393
(I) "Harmful intoxicant" does not include beer or	1394
intoxicating liquor but means any of the following:	1395
(1) Any compound, mixture, preparation, or substance the	1396
gas, fumes, or vapor of which when inhaled can induce	1397
intoxication, excitement, giddiness, irrational behavior,	1398
depression, stupefaction, paralysis, unconsciousness,	1399
asphyxiation, or other harmful physiological effects, and	1400
includes, but is not limited to, any of the following:	1401
(a) Any volatile organic solvent, plastic cement, model	1402
cement, fingernail polish remover, lacquer thinner, cleaning	1403
fluid, gasoline, or other preparation containing a volatile	1404
organic solvent;	1405
(b) Any aerosol propellant;	1406
(c) Any fluorocarbon refrigerant;	1407
(d) Any anesthetic gas.	1408
(2) Gamma Butyrolactone;	1409
(3) 1,4 Butanediol.	1410
(J) "Manufacture" means to plant, cultivate, harvest,	1411
process, make, prepare, or otherwise engage in any part of the	1412
production of a drug, by propagation, extraction, chemical	1413
synthesis, or compounding, or any combination of the same, and	1414

includes packaging, repackaging, labeling, and other activities	1415
incident to production.	1416
(K) "Possess" or "possession" means having control over a	1417
thing or substance, but may not be inferred solely from mere	1418
access to the thing or substance through ownership or occupation	1419
of the premises upon which the thing or substance is found.	1420
(L) "Sample drug" means a drug or pharmaceutical	1421
preparation that would be hazardous to health or safety if used	1422
without the supervision of a licensed health professional	1423
authorized to prescribe drugs, or a drug of abuse, and that, at	1424
one time, had been placed in a container plainly marked as a	1425
sample by a manufacturer.	1426
(M) "Standard pharmaceutical reference manual" means the	1427
current edition, with cumulative changes if any, of references	1428
that are approved by the state board of pharmacy.	1429
(N) "Juvenile" means a person under eighteen years of age.	1430
(O) "Counterfeit controlled substance" means any of the	1431
following:	1432
(1) Any drug that bears, or whose container or label	1433
bears, a trademark, trade name, or other identifying mark used	1434
without authorization of the owner of rights to that trademark,	1435
trade name, or identifying mark;	1436
(2) Any unmarked or unlabeled substance that is	1437
represented to be a controlled substance manufactured,	1438
processed, packed, or distributed by a person other than the	1439
person that manufactured, processed, packed, or distributed it;	1440
(3) Any substance that is represented to be a controlled	1441
substance but is not a controlled substance or is a different	1442

controlled substance;	1443
(4) Any substance other than a controlled substance that a	1444
reasonable person would believe to be a controlled substance	1445
because of its similarity in shape, size, and color, or its	1446
markings, labeling, packaging, distribution, or the price for	1447
which it is sold or offered for sale.	1448
(P) An offense is "committed in the vicinity of a school"	1449
if the offender commits the offense on school premises, in a	1450
school building, or within one thousand feet of the boundaries	1451
of any school premises, regardless of whether the offender knows	1452
the offense is being committed on school premises, in a school	1453
building, or within one thousand feet of the boundaries of any	1454
school premises.	1455
(Q) "School" means any school operated by a board of	1456
education, any community school established under Chapter 3314.	1457
of the Revised Code, or any nonpublic school for which the	1458
director of education and workforce prescribes minimum standards	1459
under section 3301.07 of the Revised Code, whether or not any	1460
instruction, extracurricular activities, or training provided by	1461
the school is being conducted at the time a criminal offense is	1462
committed.	1463
(R) "School premises" means either of the following:	1464
(1) The parcel of real property on which any school is	1465
situated, whether or not any instruction, extracurricular	1466
activities, or training provided by the school is being	1467
conducted on the premises at the time a criminal offense is	1468
committed;	1469
(2) Any other parcel of real property that is owned or	1470
leased by a board of education of a school, the governing	1471

authority of a community school established under Chapter 3314.	1472
of the Revised Code, or the governing body of a nonpublic school	1473
for which the director of education and workforce prescribes	1474
minimum standards under section 3301.07 of the Revised Code and	1475
on which some of the instruction, extracurricular activities, or	1476
training of the school is conducted, whether or not any	1477
instruction, extracurricular activities, or training provided by	1478
the school is being conducted on the parcel of real property at	1479
the time a criminal offense is committed.	1480
(S) "School building" means any building in which any of	1481
(5) School building means any building in which any or	1401
the instruction, extracurricular activities, or training	1482

- (S) "School building" means any building in which any of
 the instruction, extracurricular activities, or training
 1482
 provided by a school is conducted, whether or not any
 instruction, extracurricular activities, or training provided by
 the school is being conducted in the school building at the time
 1485
 a criminal offense is committed.
 1486
- (T) "Disciplinary counsel" means the disciplinary counsel 1487 appointed by the board of commissioners on grievances and 1488 discipline of the supreme court under the Rules for the 1489 Government of the Bar of Ohio. 1490
- (U) "Certified grievance committee" means a duly

 constituted and organized committee of the Ohio state bar

 association or of one or more local bar associations of the

 state of Ohio that complies with the criteria set forth in Rule

 V, section 6 of the Rules for the Government of the Bar of Ohio.

 1491
- (V) "Professional license" means any license, permit, 1496 certificate, registration, qualification, admission, temporary 1497 license, temporary permit, temporary certificate, or temporary 1498 registration that is described in divisions (W)(1) to (37) of 1499 this section and that qualifies a person as a professionally 1500 licensed person.

(W) "Professionally licensed person" means any of the	1502
following:	1503
(1) A person who has received a certificate or temporary	1504
certificate as a certified public accountant or who has	1505
registered as a public accountant under Chapter 4701. of the	1506
Revised Code and who holds an Ohio permit issued under that	1507
chapter;	1508
(2) A person who holds a certificate of qualification to	1509
practice architecture issued or renewed and registered under	1510
Chapter 4703. of the Revised Code;	1511
(3) A person who is registered as a landscape architect	1512
under Chapter 4703. of the Revised Code or who holds a permit as	1513
a landscape architect issued under that chapter;	1514
(4) A person licensed under Chapter 4707. of the Revised	1515
Code;	1516
(5) A person who has been issued a barber's license,	1517
barber instructor's license, assistant barber instructor's	1518
license, or independent contractor's license under Chapter 4709.	1519
of the Revised Code;	1520
(6) A person licensed and regulated to engage in the	1521
business of a debt pooling company by a legislative authority,	1522
under authority of Chapter 4710. of the Revised Code;	1523
(7) A person who has been issued a cosmetologist's	1524
license, hair designer's license, manicurist's license,	1525
esthetician's license, natural hair stylist's license, advanced	1526
license to practice cosmetology, advanced license to practice	1527
hair design, advanced license to practice manicuring, advanced	1528
license to practice esthetics, advanced license to practice	1529
natural hair styling, cosmetology instructor's license, hair	1530

design instructor's license, manicurist instructor's license,	1531
esthetics instructor's license, natural hair style instructor's	1532
license, independent contractor's license, or tanning facility	1533
permit under Chapter 4713. of the Revised Code;	1534
(8) A person who has been issued a license to practice	1535
dentistry, a general anesthesia permit, a conscious sedation	1536
permit, a limited resident's license, a limited teaching	1537
license, a dental hygienist's license, or a dental hygienist's	1538
teacher's certificate under Chapter 4715. of the Revised Code;	1539
(9) A person who has been issued an embalmer's license, a	1540
funeral director's license, a funeral home license, or a	1541
crematory or reduction facility operator license, or who has	1542
been registered for an embalmer's or funeral director's	1543
apprenticeship under Chapter 4717. of the Revised Code;	1544
(10) A person who has been licensed as a registered nurse	1545
or practical nurse, or who has been issued a certificate for the	1546
practice of nurse-midwifery under Chapter 4723. of the Revised	1547
Code;	1548
(11) A person who has been licensed to practice optometry	1549
or to engage in optical dispensing under Chapter 4725. of the	1550
Revised Code;	1551
(12) A person licensed to act as a pawnbroker under	1552
Chapter 4727. of the Revised Code;	1553
(13) A person licensed to act as a precious metals dealer	1554
under Chapter 4728. of the Revised Code;	1555
(14) A person licensed under Chapter 4729. of the Revised	1556
Code as a pharmacist or pharmacy intern or registered under that	1557
chapter as a registered pharmacy technician, certified pharmacy	1558
technician, or pharmacy technician trainee;	1559

(15) A person licensed under Chapter 4729. of the Revised	1560
Code as a manufacturer of dangerous drugs, outsourcing facility,	1561
third-party logistics provider, repackager of dangerous drugs,	1562
wholesale distributor of dangerous drugs, or terminal	1563
distributor of dangerous drugs;	1564
(16) A person who is authorized to practice as a physician	1565
assistant under Chapter 4730. of the Revised Code;	1566
(17) A person who has been issued a license to practice	1567
medicine and surgery, osteopathic medicine and surgery, or	1568
podiatric medicine and surgery under Chapter 4731. of the	1569
Revised Code or has been issued a certificate to practice a	1570
limited branch of medicine under that chapter;	1571
(18) A person licensed as a psychologist, independent	1572
school psychologist, or school psychologist under Chapter 4732.	1573
of the Revised Code;	1574
(19) A person registered to practice the profession of	1575
engineering or surveying under Chapter 4733. of the Revised	1576
Code;	1577
(20) A person who has been issued a license to practice	1578
chiropractic under Chapter 4734. of the Revised Code;	1579
(21) A person licensed to act as a real estate broker or	1580
real estate salesperson under Chapter 4735. of the Revised Code;	1581
(22) A person registered as a registered environmental	1582
health specialist under Chapter 3776. of the Revised Code;	1583
(23) A person licensed to operate or maintain a junkyard	1584
under Chapter 4737. of the Revised Code;	1585
(24) A person who has been issued a motor vehicle salvage	1586
dealer's license under Chapter 4738. of the Revised Code;	1587

(25) A person who has been licensed to act as a steam	1588
engineer under Chapter 4739. of the Revised Code;	1589
(26) A person who has been issued a license or temporary	1590
permit to practice veterinary medicine or any of its branches,	1591
or who is registered as a graduate animal technician under	1592
Chapter 4741. of the Revised Code;	1593
(27) A person who has been issued a hearing aid dealer's	1594
or fitter's license or trainee permit under Chapter 4747. of the	1595
Revised Code;	1596
(28) A person who has been issued a class A, class B, or	1597
class C license or who has been registered as an investigator or	1598
security guard employee under Chapter 4749. of the Revised Code;	1599
(29) A person licensed to practice as a nursing home	1600
administrator under Chapter 4751. of the Revised Code;	1601
(30) A person licensed to practice as a speech-language	1602
pathologist or audiologist under Chapter 4753. of the Revised	1603
Code;	1604
(31) A person issued a license as an occupational	1605
therapist or physical therapist under Chapter 4755. of the	1606
Revised Code;	1607
(32) A person who is licensed as a licensed professional	1608
clinical counselor, licensed professional counselor, social	1609
worker, independent social worker, independent marriage and	1610
family therapist, or marriage and family therapist, or	1611
registered as a social work assistant under Chapter 4757. of the	1612
Revised Code;	1613
(33) A person issued a license to practice dietetics under	1614
Chapter 4759. of the Revised Code;	1615

(34) A person who has been issued a license or limited	1616
permit to practice respiratory therapy under Chapter 4761. of	1617
the Revised Code;	1618
(35) A person who has been issued a real estate appraiser	1619
certificate under Chapter 4763. of the Revised Code;	1620
(36) A person who has been issued a home inspector license	1621
under Chapter 4764. of the Revised Code;	1622
(37) A person who has been admitted to the bar by order of	1623
the supreme court in compliance with its prescribed and	1624
<pre>published rules;</pre>	1625
(38) A person who has been issued a license to practice as	1626
a certified mental health assistant under Chapter 4772. of the	1627
Revised Code.	1628
(X) "Cocaine" means any of the following:	1629
(1) A cocaine salt, isomer, or derivative, a salt of a	1630
cocaine isomer or derivative, or the base form of cocaine;	1631
(2) Coca leaves or a salt, compound, derivative, or	1632
preparation of coca leaves, including ecgonine, a salt, isomer,	1633
or derivative of ecgonine, or a salt of an isomer or derivative	1634
of ecgonine;	1635
(3) A salt, compound, derivative, or preparation of a	1636
substance identified in division (X)(1) or (2) of this section	1637
that is chemically equivalent to or identical with any of those	1638
substances, except that the substances shall not include	1639
decocainized coca leaves or extraction of coca leaves if the	1640
extractions do not contain cocaine or ecgonine.	1641
(Y) "L.S.D." means lysergic acid diethylamide.	1642

(Z) "Hashish" means a resin or a preparation of a resin to	1643
which both of the following apply:	1644
(1) It is contained in or derived from any part of the	1645
plant of the genus cannabis, whether in solid form or in a	1646
liquid concentrate, liquid extract, or liquid distillate form.	1647
(2) It has a delta-9 tetrahydrocannabinol concentration of	1648
more than three-tenths per cent.	1649
"Hashish" does not include a hemp byproduct in the	1650
possession of a licensed hemp processor under Chapter 928. of	1651
the Revised Code, provided that the hemp byproduct is being	1652
produced, stored, and disposed of in accordance with rules	1653
adopted under section 928.03 of the Revised Code.	1654
(AA) "Marihuana" has the same meaning as in section	1655
3719.01 of the Revised Code, except that it does not include	1656
hashish.	1657
(BB) An offense is "committed in the vicinity of a	1658
juvenile" if the offender commits the offense within one hundred	1659
feet of a juvenile or within the view of a juvenile, regardless	1660
of whether the offender knows the age of the juvenile, whether	1661
the offender knows the offense is being committed within one	1662
hundred feet of or within view of the juvenile, or whether the	1663
juvenile actually views the commission of the offense.	1664
(CC) "Presumption for a prison term" or "presumption that	1665
a prison term shall be imposed" means a presumption, as	1666
described in division (D) of section 2929.13 of the Revised	1667
Code, that a prison term is a necessary sanction for a felony in	1668
order to comply with the purposes and principles of sentencing	1669
under section 2929.11 of the Revised Code.	1670
(DD) "Major drug offender" has the same meaning as in	1 6 7 1

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

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

butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl,	1725
para-fluorobutyrylfentanyl, acrylfentanyl, and ortho-	1726
fluorofentanyl:	1727
(a) A chemical scaffold consisting of both of the	1728
following:	1729
(i) A five, six, or seven member ring structure containing	1730
a nitrogen, whether or not further substituted;	1731
(ii) An attached nitrogen to the ring, whether or not that	1732
nitrogen is enclosed in a ring structure, including an attached	1733
aromatic ring or other lipophilic group to that nitrogen.	1734
(b) A polar functional group attached to the chemical	1735
scaffold, including but not limited to a hydroxyl, ketone,	1736
amide, or ester;	1737
(c) An alkyl or aryl substitution off the ring nitrogen of	1738
the chemical scaffold; and	1739
(d) The compound has not been approved for medical use by	1740
the United States food and drug administration.	1741
(LL) "First degree felony mandatory prison term" means one	1742
of the definite prison terms prescribed in division (A)(1)(b) of	1743
section 2929.14 of the Revised Code for a felony of the first	1744
degree, except that if the violation for which sentence is being	1745
imposed is committed on or after March 22, 2019, it means one of	1746
the minimum prison terms prescribed in division (A)(1)(a) of	1747
that section for a felony of the first degree.	1748
(MM) "Second degree felony mandatory prison term" means	1749
one of the definite prison terms prescribed in division (A)(2)	1750
(b) of section 2929.14 of the Revised Code for a felony of the	1751
second degree, except that if the violation for which sentence	1752

is being imposed is committed on or after March 22, 2019, it	1753
means one of the minimum prison terms prescribed in division (A)	1754
(2) (a) of that section for a felony of the second degree.	1755
(NN) "Maximum first degree felony mandatory prison term"	1756
means the maximum definite prison term prescribed in division	1757
(A)(1)(b) of section 2929.14 of the Revised Code for a felony of	1758
the first degree, except that if the violation for which	1759
sentence is being imposed is committed on or after March 22,	1760
2019, it means the longest minimum prison term prescribed in	1761
division (A)(1)(a) of that section for a felony of the first	1762
degree.	1763
(00) "Maximum second degree felony mandatory prison term"	1764
means the maximum definite prison term prescribed in division	1765
(A)(2)(b) of section 2929.14 of the Revised Code for a felony of	1766
the second degree, except that if the violation for which	1767
sentence is being imposed is committed on or after March 22,	1768
2019, it means the longest minimum prison term prescribed in	1769
division (A)(2)(a) of that section for a felony of the second	1770
degree.	1771
(PP) "Delta-9 tetrahydrocannabinol" has the same meaning	1772
as in section 928.01 of the Revised Code.	1773
(QQ) An offense is "committed in the vicinity of a	1774
substance addiction services provider or a recovering addict" if	1775
either of the following apply:	1776
(1) The offender commits the offense on the premises of a	1777
substance addiction services provider's facility, including a	1778
facility licensed prior to June 29, 2019, under section 5119.391	1779
of the Revised Code to provide methadone treatment or an opioid	1780
treatment program licensed on or after that date under section	1781

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5119.37 of the Revised Code, or within five hundred feet of the	1782
premises of a substance addiction services provider's facility	1783
and the offender knows or should know that the offense is being	1784
committed within the vicinity of the substance addiction	1785
services provider's facility.	1786
(2) The offender sells, offers to sell, delivers, or	1787
distributes the controlled substance or controlled substance	1788
analog to a person who is receiving treatment at the time of the	1789
commission of the offense, or received treatment within thirty	1790
days prior to the commission of the offense, from a substance	1791
addiction services provider and the offender knows that the	1792
person is receiving or received that treatment.	1793
(RR) "Substance addiction services provider" means an	1794
agency, association, corporation or other legal entity,	1795
individual, or program that provides one or more of the	1796
following at a facility:	1797
(1) Either alcohol addiction services, or drug addiction	1798
services, or both such services that are certified by the	1799
director of mental health and addiction services under section	1800
5119.36 of the Revised Code;	1801
(2) Recovery supports that are related to either alcohol	1802
addiction services, or drug addiction services, or both such	1803
services and paid for with federal, state, or local funds	1804
administered by the department of mental health and addiction	1805
services or a board of alcohol, drug addiction, and mental	1806
health services.	1807
(SS) "Premises of a substance addiction services	1808
provider's facility" means the parcel of real property on which	1809

any substance addiction service provider's facility is situated.

(TT) "Alcohol and drug addiction services" has the same	1811
meaning as in section 5119.01 of the Revised Code.	1812
Sec. 3705.01. As used in this chapter:	1813
(A) "Live birth" means the complete expulsion or	1814
extraction from its mother of a product of human conception that	1815
after such expulsion or extraction breathes or shows any other	1816
evidence of life such as beating of the heart, pulsation of the	1817
umbilical cord, or definite movement of voluntary muscles,	1818
whether or not the umbilical cord has been cut or the placenta	1819
is attached.	1820
(B)(1) "Fetal death" means death prior to the complete	1821
expulsion or extraction from its mother of a product of human	1822
conception, irrespective of the duration of pregnancy, which	1823
after such expulsion or extraction does not breathe or show any	1824
other evidence of life such as beating of the heart, pulsation	1825
of the umbilical cord, or definite movement of voluntary	1826
muscles.	1827
(2) "Stillborn" means that an infant of at least twenty	1828
weeks of gestation suffered a fetal death.	1829
(C) "Dead body" means a human body or part of a human body	1830
from the condition of which it reasonably may be concluded that	1831
death recently occurred.	1832
(D) "Physician" means a person licensed pursuant to	1833
Chapter 4731. of the Revised Code to practice medicine or	1834
surgery or osteopathic medicine and surgery.	1835
(E) "Attending physician" means the physician in charge of	1836
the patient's care for the illness or condition that resulted in	1837
death.	1838

(F) "Institution" means any establishment, public or	1839
private, that provides medical, surgical, or diagnostic care or	1840
treatment, or domiciliary care, to two or more unrelated	1841
individuals, or to persons committed by law.	1842
(G) "Funeral director" has the meaning given in section	1843
4717.01 of the Revised Code.	1844
(H) "State registrar" means the head of the office of	1845
vital statistics in the department of health.	1846
(I) "Medical certification" means completion of the	1847
medical certification portion of the certificate of death or	1848
fetal death as to the cause of death or fetal death.	1849
(J) "Final disposition" means the interment, cremation,_	1850
reduction, removal from the state, donation, or other	1851
authorized disposition of a dead body or a fetal death.	1852
(K) "Interment" means the final disposition of the remains	1853
(K) "Interment" means the final disposition of the remains of a dead body by burial or entombment.	1853 1854
of a dead body by burial or entombment.	1854
of a dead body by burial or entombment. (L) "Cremation" means the reduction to ashes of a dead	1854 1855
of a dead body by burial or entombment. (L) "Cremation" means the reduction to ashes of a dead body.	1854 1855 1856
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	1854 1855 1856 1857
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.	1854 1855 1856 1857
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,	1854 1855 1856 1857 1858
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	1854 1855 1856 1857 1858 1860
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	1854 1855 1856 1857 1858 1860 1861
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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	1854 1855 1856 1857 1858 1860 1861 1862

(P) "File" means the presentation of vital records for	1867
registration by the office of vital statistics.	1868
(Q) "Registration" means the acceptance by the office of	1869
vital statistics and the incorporation of vital records into its	1870
official records.	1871
(R) "Birth record" means a birth certificate that has been	1872
registered with the office of vital statistics; or, if	1873
registered prior to March 16, 1989, with the division of vital	1874
statistics; or, if registered prior to the establishment of the	1875
division of vital statistics, with the department of health or a	1876
local registrar.	1877
(S) "Certification of birth" means a document issued by	1878
the director of health or state registrar or a local registrar	1879
under division (B) of section 3705.23 of the Revised Code.	1880
(T) "Certified nurse-midwife" has the same meaning as in	1881
section 4723.01 of the Revised Code.	1882
(U) "Reduction" has the same meaning as in section 4717.01	1883
of the Revised Code.	1884
Sec. 3705.18. When a death occurs outside the state and	1885
the body is transported into this state for burial or other	1886
disposition, the body must be accompanied by an authorization	1887
for final disposition issued in accordance with the laws and	1888
health regulations of the place where death occurred. The	1889
authorization that accompanied the body shall be accepted as	1890
authorization for burial, cremation, reduction, or other	1891
disposal in Ohio. The person in charge of place of burial shall	1892
endorse and forward the authorization for final disposition that	1893
accompanied the body to the local registrar of vital statistics	1894
of the registration district in which burial was made.	1895

Sec. 3705.19. (A) If the deceased served in the armed	1896
forces of the United States, the death certificate shall include	1897
a statement of the branch of service in which <u>hethe</u> deceased	1898
served, the date of entry into service, the date and type of	1899
discharge from such service, and information to show the all of	1900
<pre>the following:</pre>	1901
(1) The name and location of the place where the deceased	1902
was buried or , cremated, or reduced;	1903
(2) The date of burial or , cremation, and the or	1904
reduction;	1905
(3) The location, lot, and grave number of the deceased's	1906
burial.	1907
(B) Whenever the remains of a deceased person are	1908
transported into this state for burial or other disposition, the	1909
funeral director having responsibility for disposition of the	1910
remains shall ascertain from the best qualified persons or	1911
sources available whether or not the deceased was a member of	1912
the armed forces of the United States. If the <u>funeral</u> director	1913
finds the deceased was a member, — he the funeral director shall	1914
also obtain from such persons or sources and shall transcribe on	1915
a form prescribed by the director of health, the deceased's	1916
branch of service, date of entry into service, date and type of	1917
separation or discharge from service, date of birth, state of	1918
birth, date of death, date of burial, the name and location of	1919
the cemetery, and the lot and grave number where the deceased is	1920
buried. The funeral director shall sign the completed form and	1921
submit it to the local registrar of vital statistics. If the	1922
funeral director is unable to ascertain whether or not the	1923
deceased was a member of the armed forces of the United States	1924
or ascertains that the deceased was not a member, —he_the_funeral_	1925

director shall enter such information on the form.	1926
If no funeral director is responsible for the disposition	1927
of the remains of the deceased, the person in charge of the	1928
disposition, except a sexton or other person who is customarily	1929
in charge only of the premises where burials—or , cremations, or	1930
<u>reductions</u> take place, shall perform the duties required by this	1931
division.	1932
(C) At intervals not to exceed three months, the	1933
department of health shall forward to the adjutant general a	1934
summary of information concerning deceased members and former	1935
members of the armed forces of the United States, including	1936
those who died outside this state, but whose remains were buried	1937
or received for other final disposition in this state. The	1938
summary shall state the name, date of birth, state of birth,	1939
date of death, date of entry into service, date and type of	1940
separation or discharge from service, branch of service, date of	1941
burial, place of burial, and location of grave. At the same time	1942
the department forwards this summary to the adjutant general, it	1943
shall forward to each county recorder that portion of the	1944
summary that relates to burials made, and grave locations	1945
situated, within the county. After the summary is sent to the	1946
adjutant general, the forms specified in division (B) of this	1947
section may be disposed of.	1948
Sec. 3705.20. (A) The fetal death of the product of human	1949
conception of at least twenty weeks of gestation shall be	1950
registered on a fetal death certificate.	1951
On application of the funeral director or either parent,	1952
the fetal death of the product of human conception prior to	1953
twenty weeks of gestation shall be registered on a fetal death	1954
certificate, except that the fetal death certificate shall not	1955

list the cause of death. 1956 The funeral director or the parent shall include with the 1957 application a copy of the statement required by division (B)(1) 1958 of section 3727.16 or division (B)(1) of section 4731.82 of the 1959 Revised Code. If the father submits the application, he shall 1960 also include with it a signed and notarized document from the 1961 mother attesting that she voluntarily provided the father with a 1962 1963 copy of the statement. 1964 A fetal death certificate for the product of human conception prior to twenty weeks gestation is not proof of a 1965 live birth for purposes of federal, state, and local taxes. 1966 (B) The product of human conception of at least twenty 1967 weeks of gestation that suffers a fetal death occurring in Ohio 1968 shall not be interred, deposited in a vault or tomb, cremated, 1969 reduced, or otherwise disposed of by a funeral director or other 1970 person until a fetal death certificate or provisional death 1971 certificate has been filed with and a burial permit is issued by 1972 the local registrar of vital statistics of the registration 1973 district in which the fetal death occurs, or the body is found. 1974 A burial permit for the product of human conception that 1975 suffers a fetal death prior to twenty weeks of gestation shall 1976 be issued by the local registrar of vital statistics of the 1977 registration district in which the fetal death occurs if the 1978 funeral director or either parent files a fetal death 1979 certificate with that registrar. 1980 (C) (1) The department of health and the local registrar 1981 shall keep a separate record and index record of fetal death 1982

(2) The personal or statistical information on the fetal

1983

1984

certificates.

death certificate shall be obtained by the funeral director or 1985 other person in charge of interment—or—, cremation, or reduction 1986 from the best qualified persons or sources available. 1987

(D) When a burial permit is issued under division (B) of 1988

- (D) When a burial permit is issued under division (B) of 1988 this section for the product of human conception of at least 1989 twenty weeks of gestation that suffers a fetal death, the local 1990 registrar shall inform the parent or parents listed on the fetal 1991 death certificate or provisional death certificate of the option 1992 of applying for a certificate that is issued under division (B) 1993 (3) of section 3705.23 of the Revised Code.
- Sec. 4511.451. (A) As used in this section, "funeral 1995 procession" means two or more vehicles accompanying the cremated 1996 or reduced remains or the body of a deceased person in the 1997 daytime when each of the vehicles has its headlights lighted and 1998 is displaying a purple and white or an orange and white pennant 1999 attached to each vehicle in such a manner as to be clearly 2000 visible to traffic approaching from any direction. 2001
- (B) Excepting public safety vehicles proceeding in 2002 accordance with section 4511.45 of the Revised Code or when 2003 directed otherwise by a police officer, pedestrians and the 2004 operators of all vehicles, street cars, and trackless trolleys 2005 shall yield the right of way to each vehicle that is a part of a 2006 funeral procession. Whenever the lead vehicle in a funeral 2007 procession lawfully enters an intersection, the remainder of the 2008 vehicles in the procession may continue to follow the lead 2009 vehicle through the intersection notwithstanding any traffic 2010 control devices or right of way provisions of the Revised Code, 2011 provided that the operator of each vehicle exercises due care to 2012 2013 avoid colliding with any other vehicle or pedestrian.
 - (C) No person shall operate any vehicle as a part of a 2014

funeral procession without having the headlights of the vehicle	2015
lighted and without displaying a purple and white or an orange	2016
and white pennant in such a manner as to be clearly visible to	2017
traffic approaching from any direction.	2018
(D) Except as otherwise provided in this division, whoever	2019
violates this section is guilty of a minor misdemeanor. If,	2020
within one year of the offense, the offender previously has been	2021
convicted of or pleaded guilty to one predicate motor vehicle or	2022
traffic offense, whoever violates this section is guilty of a	2023
misdemeanor of the fourth degree. If, within one year of the	2024
offense, the offender previously has been convicted of two or	2025
more predicate motor vehicle or traffic offenses, whoever	2026
violates this section is guilty of a misdemeanor of the third	2027
degree.	2028
If the offender commits the offense while distracted and	2029
the distracting activity is a contributing factor to the	2030
commission of the offense, the offender is subject to the	2031
additional fine established under section 4511.991 of the	2032
Revised Code.	2033
Sec. 4717.01. As used in this chapter:	2034
(A) "Embalming" means the process of chemically treating	2035
the dead human body by any of the following to reduce the	2036
presence and growth of microorganisms, to temporarily slow	2037
organic decomposition, and to restore acceptable physical	2038
appearance:	2039
(1) Arterial injection;	2040
(2) Cavity treatment;	2041
(3) Hypodermic tissue injection.	2042

(B) "Funeral business" means a sole proprietorship,	2043
partnership, corporation, limited liability company, or other	2044
business entity that is engaged in funeral directing for profit	2045
or for free from one or more funeral homes licensed under this	2046
chapter.	2047
(C) "Funeral directing" means the business or profession	2048
of directing or supervising funerals for profit from one or more	2049
funeral homes licensed under this chapter, the arrangement or	2050
sale of funeral services, the filling out or execution of a	2051
funeral service contract, the business or profession of	2052
preparing dead human bodies for burial by means other than	2053
embalming, the disposition of dead human bodies, the provision	2054
or maintenance of a place for the preparation, the care, or	2055
disposition of dead human bodies, the use in connection with a	2056
business of the term "funeral director," "undertaker,"	2057
"mortician," or any other term from which can be implied the	2058
business of funeral directing, or the holding out to the public	2059
that one is a funeral director or a disposer of dead human	2060
bodies.	2061
(D) "Funeral home" means a fixed place for the care,	2062
preparation for burial, or disposition of dead human bodies or	2063
the conducting of funerals. Each business location is a funeral	2064
home, regardless of common ownership or management.	2065
(E) "Embalmer" means a person who engages, in whole or in	2066
part, in embalming and who is licensed under this chapter.	2067
(F) "Funeral director" means a person who engages, in	2068
whole or in part, in funeral directing and who is licensed under	2069
this chapter.	2070

(G) "Final disposition" has the same meaning as in

division (J) of section 3705.01 of the Revised Code.	2072
(H) "Supervision" means the operation of all phases of the	2073
business of funeral directing or embalming under the specific	2074
direction of a licensed funeral director or licensed embalmer.	2075
(I) "Direct supervision" means the physical presence of a	2076
licensed funeral director or licensed embalmer while the	2077
specific functions of the funeral or embalming are being carried	2078
out.	2079
(J) "Embalming facility" means a fixed location, separate	2080
from the funeral home, that is licensed under this chapter whose	2081
only function is the embalming and preparation of dead human	2082
bodies.	2083
(K) "Crematory facility" means the physical location at	2084
which a cremation chamber is located and the cremation process	2085
takes place. "Crematory facility" does not include an infectious	2086
waste incineration facility for which a license is held under	2087
division (B) of section 3734.05 of the Revised Code, or a solid	2088
waste incineration facility for which a license is held under	2089
division (A) of that section that includes a notation pursuant	2090
to division (B)(3) of that section authorizing the facility to	2091
also treat infectious wastes, in connection with the	2092
incineration of body parts other than dead human bodies that	2093
were donated to science for purposes of medical education or	2094
research.	2095
(L) "Crematory" means the building or portion of a	2096
building that houses the holding facility and the cremation	2097
chamber.	2098
(M) "Cremation" means the technical process of using heat	2099
and flame to reduce human or animal remains to hone fragments or	2100

ashes or any combination thereof. "Cremation" includes	2101
processing and may include the pulverization of bone fragments.	2102
(N) "Cremation chamber" means the enclosed space within	2103
which cremation takes place.	2104
(O) "Cremated remains" means all human or animal remains	2105
recovered after the completion of the cremation process, which	2106
may include the residue of any foreign matter such as casket	2107
material, dental work, or eyeglasses that were cremated with the	2108
human or animal remains.	2109
(P) "Lapsed license" means a license issued under this	2110
chapter that has become invalid because of the failure of the	2111
licensee to renew the license within the time limits prescribed	2112
under this chapter.	2113
(Q) "Crematory operator" means the person who engages, in	2114
whole or in part, in cremation from one or more crematories	2115
licensed under this chapter and who has been issued a crematory	2116
operator permit under this chapter.	2117
(R) "Processing" means the reduction of identifiable bone	2118
fragments to unidentifiable bone fragments through manual or	2119
mechanical means after the completion of the cremation or	2120
<pre>natural organic reduction process.</pre>	2121
(S) "Pulverization" means the reduction of identifiable	2122
bone fragments to granulated particles by manual or mechanical	2123
means after the completion of the cremation or natural organic	2124
reduction process.	2125
(T) "Preneed funeral contract" means a written agreement,	2126
contract, or series of contracts to sell or otherwise provide	2127
any funeral services, funeral goods, or any combination thereof	2128
to be used in connection with the funeral or final disposition	2129

of a dead human body, where payment for the goods or services is	2130
made either outright or on an installment basis, prior to the	2131
death of the person purchasing the goods or services or for whom	2132
the goods or services are purchased. "Preneed funeral contract"	2133
does not include any preneed cemetery merchandise and services	2134
contract or any agreement, contract, or series of contracts	2135
pertaining to the sale of any burial lot, burial or interment	2136
right, entombment right, or columbarium right with respect to	2137
which an endowment care fund is established or is exempt from	2138
establishment pursuant to section 1721.21 of the Revised Code.	2139
For the purposes of division (T) of this section, "funeral	2140
goods" includes caskets.	2141
(U) "Purchaser" means the individual who has purchased and	2142
financed a preneed funeral contract, and who may or may not be	2143
the contract beneficiary.	2144
	2145
(V) "Contract beneficiary" means the individual for whom	2145
funeral goods and funeral services are provided pursuant to a	2146
preneed funeral contract.	2147
(W) "Seller" means any person that enters into a preneed	2148
funeral contract with a purchaser for the provision of funeral	2149
goods, funeral services, or both.	2150
(X) "Felony" means a criminal act classified as a felony	2151
by this state, any other state, or federal law.	2152
(Y) "Natural organic reduction" and "reduction" mean the	2153
technical process of converting human or animal remains into	2154
soil in a reduction chamber using the natural decomposition	2155
process accelerated by adding natural or organic materials.	2156
"Natural organic reduction" and "reduction" include the	2157
processing and pulverization of bone fragments.	2158

(Z) "Reduction facility" means the physical location at	2159
which a reduction chamber is located and the natural organic	2160
reduction process takes place.	2161
(AA) "Reduction chamber" means the enclosed space within	2162
which individual human or animal remains are reduced and any	2163
other attached, unenclosed, mechanical components that are	2164
necessary for the safe and proper functioning of the equipment.	2165
(BB) "Reduced remains" means human or animal remains that	2166
have been converted to soil through natural organic reduction,	2167
which may include the residue of any foreign matter that was	2168
reduced with such remains.	2169
(CC) "Reduction facility operator" means a person who	2170
engages, in whole or in part, in natural organic reduction at	2171
one or more reduction facilities licensed under this chapter and	2172
who has been issued a reduction operator permit under this	2173
<pre>chapter.</pre>	2174
Sec. 4717.03. (A) Members of the board of embalmers and	2175
funeral directors shall annually in July, or within thirty days	2176
after the senate's confirmation of the new members appointed in	2177
that year, meet and organize by selecting from among its members	2178
a president, vice-president, and secretary-treasurer. The board	2179
may hold other meetings as it determines necessary. A quorum of	2180
the board consists of four members, of whom at least three shall	2181
be members who are funeral directors. The concurrence of at	2182
least four members is necessary for the board to take any	2183
action. The president and secretary-treasurer shall sign all	2184
licenses issued under this chapter and affix the board's seal to	2185
each license.	2186
(B) The board may appoint an individual who is not a	2187

member of the board to serve as executive director of the board.	2188
The executive director serves at the pleasure of the board and	2189
shall do all of the following:	2190
(1) Serve as the board's chief administrative officer;	2191
(2) Act as custodian of the board's records;	2192
(3) Execute all of the board's orders;	2193
(4) Employ staff who are not members of the board and who	2194
serve at the pleasure of the executive director to provide any	2195
assistance that the board considers necessary.	2196
(C) In executing the board's orders as required by	2197
division (B)(3) of this section, the executive director may	2198
enter the premises, establishment, office, or place of business	2199
of any embalmer, funeral director, or crematory operator, or	2200
reduction facility operator in this state. The executive	2201
director may serve and execute any process issued by any court	2202
under this chapter.	2203
(D) The executive director may employ necessary	2204
inspectors, who shall be licensed embalmers and funeral	2205
directors. An inspector employed by the executive director may	2206
enter the premises, establishment, office, or place of business	2207
of any embalmer, funeral director, or -crematory operator, <u>or</u>	2208
reduction facility operator, or any embalming facility, funeral	2209
home, or crematory facility, or reduction facility in this	2210
state, for the purposes of inspecting the facility and premises;	2211
the license, permit, and certification of embalmers, funeral	2212
directors, and crematory operators, and reduction facility	2213
operators operating in the facility; and the license of the	2214
funeral home, embalming facility, or crematory facility and or	2215
reduction facility. An inspector shall also perform any other	2216

duties delegated to the inspector by the board or assigned to

the inspector by the executive director. The executive director

may enter the facility or premises of a funeral home, embalming

facility, or crematory facility, or reduction facility for the

purpose of an inspection if accompanied by an inspector or, if

an inspector is not available, when a situation presents a

danger of immediate and serious harm to the public.

2224 (E) The president of the board shall designate three of the board's members to serve on the crematory and reduction 2225 2226 facility review board, which is hereby created, for such time as 2227 the president finds appropriate to carry out the provisions of this chapter. Those members of the crematory and reduction 2228 facility review board designated by the president to serve and 2229 three members designated by the cemetery dispute resolution 2230 commission shall designate, by a majority vote, one person who 2231 holds a crematory operator permit_T or reduction facility 2232 operator permit, who is experienced in the operation of a 2233 crematory or reduction facility, and who is not affiliated with 2234 a cemetery or a funeral home to serve on the crematory and 2235 reduction facility review board for such time as the crematory 2236 and reduction facility review board finds appropriate. Members 2237 serving on the crematory and reduction facility review board 2238 shall not receive any additional compensation for serving on the 2239 board, but may be reimbursed for their actual and necessary 2240 expenses incurred in the performance of official duties as 2241 members of the board. Members of the crematory and reduction 2242 facility review board shall designate one from among its members 2243 to serve as a chairperson for such time as the board finds 2244 appropriate. Costs associated with conducting an adjudicatory 2245 hearing in accordance with division (F) of this section shall be 2246 paid from funds available to the board of embalmers and funeral 2247

directors.	2248
(F) Upon receiving written notice from the board of	2249
embalmers and funeral directors of any of the following, the	2250
crematory and reduction facility review board shall conduct an	2251
adjudicatory hearing on the matter in accordance with Chapter	2252
119. of the Revised Code, except as otherwise provided in this	2253
section or division (C) of section 4717.14 of the Revised Code:	2254
(1) Notice provided under division (I) of this section of	2255
an alleged violation of any provision of this chapter or any	2256
rules adopted under this chapter governing or in connection with	2257
crematory or reduction facility operators, crematory or	2258
<pre>reduction facilities, or cremation or natural organic reduction;</pre>	2259
(2) Notice provided under division (B) of section 4717.14	2260
of the Revised Code that the board of embalmers and funeral	2261
directors proposes to refuse to grant or renew, or to suspend or	2262
revoke, a license to operate a crematory or reduction facility;	2263
(3) Notice provided under division (C) of section 4717.14	2264
of the Revised Code that the board of embalmers and funeral	2265
directors has issued an order summarily suspending a crematory	2266
operator permit or a license to operate a crematory or reduction	2267
facility;	2268
(4) Notice provided under division (B) of section 4717.15	2269
of the Revised Code that the board of embalmers and funeral	2270
directors proposes to issue a notice of violation and order	2271
requiring payment of a forfeiture for any violation described in	2272
divisions (A)(9)(a) to (g) of section 4717.04 of the Revised	2273
Code alleged in connection with a crematory operator, reduction	2274
facility operator, crematory facility, or reduction facility,	2275
cremation, or natural organic reduction.	2276

Nothing in division (F) of this section precludes the	2277
crematory and reduction facility review board from appointing an	2278
independent examiner in accordance with section 119.09 of the	2279
Revised Code to conduct any adjudication hearing required under	2280
division (F) of this section.	2281

The crematory and reduction facility review board shall 2282 submit a written report of findings and advisory 2283 recommendations, and a written transcript of its proceedings, to 2284 the board of embalmers and funeral directors. The board of 2285 embalmers and funeral directors shall serve a copy of the 2286 written report of the crematory and reduction facility review 2287 board's findings and advisory recommendations on the party to 2288 the adjudication or the party's attorney, by certified mail, 2289 within five days after receiving the report and advisory 2290 recommendations. A party may file objections to the written 2291 report with the board of embalmers and funeral directors within 2292 ten days after receiving the report. No written report is final 2293 or appealable until it is issued as a final order by the board 2294 of embalmers and funeral directors and entered on the record of 2295 the proceedings. The board of embalmers and funeral directors 2296 shall consider objections filed by the party prior to issuing a 2297 final order. After reviewing the findings and advisory 2298 recommendations of the crematory and reduction facility review 2299 board, the written transcript of the crematory and reduction 2300 facility review board's proceedings, and any objections filed by 2301 a party, the board of embalmers and funeral directors shall 2302 issue a final order in the matter. Any party may appeal the 2303 final order issued by the board of embalmers and funeral 2304 directors in a matter described in divisions (F)(1) to (4) of 2305 this section in accordance with section 119.12 of the Revised 2306 Code, except that the appeal may be made to the court of common 2307 pleas in the county in which is located the crematory or 2308

reduction facility to which the final order pertains, or in the 2309

county in which the party resides. 2310

- (G) On its own initiative or on receiving a written 2311 complaint from any person whose identity is made known to the 2312 board of embalmers and funeral directors, the board shall 2313 investigate the acts or practices of any person holding or 2314 claiming to hold a license, permit, or certification under this 2315 chapter that, if proven to have occurred, would violate this 2316 2317 chapter or any rules adopted under it. The board may compel witnesses by subpoena to appear and testify in relation to 2318 investigations conducted under this chapter and may require by 2319 subpoena duces tecum the production of any book, paper, or 2320 document pertaining to an investigation. If a person does not 2321 comply with a subpoena or subpoena duces tecum, the board may 2322 apply to the court of common pleas of any county in this state 2323 for an order compelling the person to comply with the subpoena 2324 or subpoena duces tecum, or for failure to do so, to be held in 2325 contempt of court. 2326
- (H) If, as a result of its investigation conducted under 2327 division (G) of this section, the board of embalmers and funeral 2328 directors has reasonable cause to believe that the person 2329 investigated is violating any provision of this chapter or any 2330 rules adopted under this chapter governing or in connection with 2331 embalming, funeral directing, cremation, reduction, funeral 2332 homes, embalming facilities, or cremation crematory facilities, 2333 or reduction facilities, or the operation of funeral homes, 2334 embalming facilities, or crematory facilities, or reduction 2335 facilities, it may, after providing the opportunity for an 2336 adjudicatory hearing, issue an order directing the person to 2337 cease the acts or practices that constitute the violation. The 2338

board shall conduct the adjudicatory hearing in accordance with	2339
Chapter 119. of the Revised Code except that, notwithstanding	2340
the provisions of that chapter, the following shall apply:	2341
(1) The board shall send the notice informing the person	2342
of the person's right to a hearing by certified mail.	2343
(2) The person is entitled to a hearing only if the person	2344
requests a hearing and if the board receives the request within	2345
thirty days after the mailing of the notice described in	2346
division (H)(1) of this section.	2347
(3) A stenographic record shall be taken, in the manner	2348
prescribed in section 119.09 of the Revised Code, at every	2349
adjudicatory hearing held under this section, regardless of	2350
whether the record may be the basis of an appeal to a court.	2351
(I) If, as a result of its investigation conducted under	2352
division (G) of this section, the board of embalmers and funeral	2353
directors has reasonable cause to believe that the person	2354
investigated is violating any provision of this chapter or any	2355
rules adopted under this chapter governing or in connection with	2356
crematory or reduction facility operators, crematory or	2357
reduction facilities, or cremation, or natural organic	2358
reduction, the board shall send written notice of the alleged	2359
violation to the crematory and reduction facility review board.	2360
If, after the conclusion of the adjudicatory hearing in the	2361
matter conducted under division (F) of this section, the board	2362
of embalmers and funeral directors finds that a person is in	2363
violation of any provision of this chapter or any rules adopted	2364
under this chapter governing or in connection with crematory or	2365
reduction facility operators, crematory or reduction facilities,	2366
or cremation, or natural organic reduction, the board may issue	2367
a final order under that division directing the person to cease	2368

the acts or practices that constitute the violation.

(J) The board of embalmers and funeral directors may bring 2370 a civil action to enjoin any violation or threatened violation 2371 of sections 4717.01 to 4717.15 of the Revised Code or a rule 2372 adopted under any of those sections; division (A) or (B) of 2373 section 4717.23; division (B)(1) or (2), (C)(1) or (2), (D), 2374 (E), or (F) (1) or (2), or divisions (H) to (K) of section 2375 4717.26; division (D)(1) of section 4717.27; divisions (A) to 2376 (C) of section 4717.28, or division (D) or (E) of section 2377 4717.31 of the Revised Code. The action shall be brought in the 2378 county where the violation occurred or the threatened violation 2379 is expected to occur. At the request of the board, the attorney 2380 general shall represent the board in any matter arising under 2381 this chapter. 2382

- (K) The board of embalmers and funeral directors and the 2383 crematory and reduction facility review board may issue 2384 subpoenas for any person holding a license or permit under this 2385 chapter or persons holding themselves out as such, or for any 2386 other person whose testimony, in the opinion of either board, is 2387 necessary. The subpoena shall require the person to appear 2388 before the appropriate board or any designated member of either 2389 2390 board, upon any hearing conducted under this chapter. The penalty for disobedience to the command of such a subpoena is 2391 the same as for refusal to answer such a process issued under 2392 authority of the court of common pleas. 2393
- (L) Except as provided in section 4717.41 of the Revised 2394 Code, all moneys received by the board of embalmers and funeral 2395 directors from any source shall be deposited in the state 2396 treasury to the credit of the occupational licensing and 2397 regulatory fund created in section 4743.05 of the Revised Code. 2398

(M) The board of embalmers and funeral directors shall	2399
submit a written report to the governor on or before the first	2400
Monday of July of each year. This report shall contain a	2401
detailed statement of the nature and amount of the board's	2402
receipts and the amount and manner of its expenditures.	2403
Sec. 4717.04. (A) The board of embalmers and funeral	2404
directors shall adopt rules in accordance with Chapter 119. of	2405
the Revised Code for the government, transaction of the	2406
business, and the management of the affairs of the board of	2407
embalmers and funeral directors and the crematory and reduction	2408
facility review board, and for the administration and	2409
enforcement of this chapter. These rules shall include all of	2410
the following:	2411
(1) The nature, scope, content, and form of the	2412
application that must be completed and license examination that	2413
must be passed in order to receive an embalmer's license or a	2414
funeral director's license under section 4717.05 of the Revised	2415
Code. The rules shall ensure both of the following:	2416
(a) That the embalmer's license examination tests the	2417
applicant's knowledge through at least a comprehensive section	2418
and an Ohio laws section;	2419
(b) That the funeral director's license examination tests	2420
the applicant's knowledge through at least a comprehensive	2421
section, an Ohio laws section, and a sanitation section.	2422
(2) The minimum license examination score necessary to be	2423
licensed under section 4717.05 of the Revised Code as an	2424
embalmer or as a funeral director;	2425
(3) Procedures for determining the dates of the embalmer's	2426
and funeral director's license examinations, which shall be	2427

administered at least once each year, the time and place of each	2428
examination, and the supervision required for each examination;	2429
(4) Procedures for determining whether the board shall	2430
accept an applicant's compliance with the licensure,	2431
registration, or certification requirements of another state as	2432
grounds for granting the applicant a license under this chapter;	2433
(5) A determination of whether completion of a nationally	2434
recognized embalmer's or funeral director's examination	2435
sufficiently meets the license requirements for the	2436
comprehensive section of either the embalmer's or the funeral	2437
director's license examination administered under this chapter;	2438
(6) Continuing education requirements for licensed	2439
embalmers and funeral directors;	2440
(7) Requirements for the licensing and operation of	2441
funeral homes;	2442
(8) Requirements for the licensing and operation of	2443
embalming facilities;	2444
(9) A schedule that lists, and specifies a forfeiture	2445
commensurate with, each of the following types of conduct which,	2446
for the purposes of division (A)(9) of this section and section	2447
4717.15 of the Revised Code, are violations of this chapter:	2448
(a) Obtaining a license under this chapter by fraud or	2449
misrepresentation either in the application or in passing the	2450
required examination for the license;	2451
(b) Purposely violating any provision of sections 4717.01	2452
to 4717.15 of the Revised Code or a rule adopted under any of	2453
those sections; division (A) or (B) of section 4717.23; division	2454
(B) (1) or (2), (C) (1) or (2), (D), (E), or (F) (1) or (2), or	2455

divisions (H) to (K) of section 4717.26; division (D)(1) of	2456
section 4717.27; or divisions (A) to (C) of section 4717.28 of	2457
the Revised Code;	2458
(c) Committing unprofessional conduct;	2459
(d) Knowingly permitting an unlicensed person, other than	2460
a person serving an apprenticeship, to engage in the profession	2461
or business of embalming or funeral directing under the	2462
licensee's supervision;	2463
(e) Refusing to promptly submit the custody of a dead	2464
human body or cremated or reduced remains upon the express order	2465
of the person legally entitled to the body;	2466
(f) Transferring a license to operate a funeral home,	2467
embalming facility, or crematory facility or reduction facility	2468
from one owner or operator to another, or from one location to	2469
another, without notifying the board and following the	2470
requirements of section 4717.11 of the Revised Code;	2471
(g) Misleading the public using false or deceptive	2472
advertising;	2473
(h) Failing to forward to the board on or before its due	2474
date the annual report of preneed funeral sales required by	2475
division (J) of section 4717.31 of the Revised Code. If the	2476
annual report is sent to the board by United States mail, it	2477
shall be postmarked on or before the due date for the submission	2478
of the annual report in order to be timely filed with the board.	2479
Mail that is not postmarked shall be considered filed on the	2480
date it is received by the board.	2481
Each instance of the commission of any of the types of	2482
conduct described in division (A)(9) of this section is a	2483
separate violation. The rules adopted under division (A)(9) of	2484

this section shall establish the amount of the forfeiture for a	2485
violation of each of those divisions. The forfeiture for a first	2486
violation shall not exceed five thousand dollars, and the	2487
forfeiture for a second or subsequent violation shall not exceed	2488
ten thousand dollars. The amount of the forfeiture may differ	2489
among the types of violations according to what the board	2490
considers the seriousness of each violation.	2491
(10) Requirements for the licensing and operation of	2492
<pre>crematory facilities;</pre>	2493
(11) Requirements for the licensing and operation of	2494
reduction facilities;	2495
(12) Procedures for the board to take possession of and to	2496
arrange the lawful disposition of unclaimed cremated or reduced	2497
remains that were held or stored at a funeral home-or-,	2498
crematory, or reduction facility that has been closed;	2499
$\frac{(12)}{(13)}$ Procedures for the issuance of duplicate	2500
licenses;	2501
$\frac{(13)}{(14)}$ Requirements for criminal records checks of	2502
applicants under section 4776.03 of the Revised Code;	2503
$\frac{(14)}{(15)}$ The amount and content of corrective action	2504
courses required by the board under section 4717.14 of the	2505
Revised Code.	2506
(B) The board may adopt rules governing the educational	2507
standards for licensure as an embalmer or funeral director, or	2508
obtaining a permit to be a crematory operator $ au$ or reduction	2509
facility operator, and the standards of service and practice to	2510
be followed in embalming, funeral directing, and cremation, and	2511
<u>natural organic reduction</u> , $ au$ —and in the operation of funeral	2512
homes, embalming facilities, and crematory facilities, and	2513

reduction facilities in this state.	2514
(C) Nothing in this chapter authorizes the board of	2515
embalmers and funeral directors to regulate cemeteries, except	2516
that the board shall license and regulate funeral homes,	2517
embalming facilities, and crematory facilities and reduction	2518
facilities located at cemeteries in accordance with this	2519
chapter.	2520
(D) If the executive director of the board has knowledge	2521
or notice of a violation of division (A)(1), (3), (5), or (6) of	2522
section 4717.13 of the Revised Code or that a person is engaging	2523
in the business or profession of funeral directing in violation	2524
of division $\frac{(A)(14)(13)}{(A)(13)}$ of that section, the executive	2525
director shall notify the appropriate law enforcement authority	2526
for investigation.	2527
Sec. 4717.06. (A)(1) A licensed funeral director who	2528
desires to obtain a license to operate a funeral home, a	2529
licensed embalmer who desires to obtain a license to operate an	2530
embalming facility, or—a holder of a crematory operator permit	2531
who desires to obtain a license to operate a crematory facility $\underline{\!{}_{\!$	2532
or a holder of a reduction facility operator permit who desires	2533
to operate a reduction facility shall apply to the board of	2534
embalmers and funeral directors on a form prescribed by the	2535
board. The application shall include the initial license	2536
application fee set forth in section 4717.07 of the Revised Code	2537
and proof satisfactory to the board that the funeral home,	2538
embalming facility, or crematory facility, or reduction facility	2539
is in compliance with rules adopted by the board under section	2540
4717.04 of the Revised Code, rules adopted by the board of	2541
building standards under Chapter 3781. of the Revised Code, and	2542
all other federal, state, and local requirements relating to the	2543

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safety of the premises.

(2) If the funeral home, embalming facility, $\frac{1}{2}$ crematory	2545
facility, or reduction facility to which the license application	2546
pertains is owned by a corporation or limited liability company,	2547
the application shall include the name and address of the	2548
corporation's or limited liability company's statutory agent	2549
appointed under section 1701.07 of the Revised Code, former	2550
section 1705.06 of the Revised Code as that section existed	2551
prior to February 11, 2022, or section 1706.09 of the Revised	2552
Code or, in the case of a foreign corporation, the corporation's	2553
designated agent appointed under section 1703.041 of the Revised	2554
Code. If the funeral home, embalming facility, or -crematory	2555
facility, or reduction facility to which the application	2556
pertains is owned by a partnership, the application shall	2557
include the name and address of each of the partners. If, at any	2558
time after the submission of a license application or issuance	2559
of a license, the statutory or designated agent of a corporation	2560
or limited liability company owning a funeral home, embalming	2561
facility, or crematory facility or the address of the statutory	2562
or designated agent changes or, in the case of a partnership,	2563
any of the partners of the funeral home, embalming facility, or	2564
crematory facility, or reduction facility, or the address of any	2565
of the partners changes, the applicant for or holder of the	2566
license to operate the funeral home, embalming facility, or	2567
crematory facility, or reduction facility, shall submit written	2568
notice to the board, within thirty days after the change,	2569
informing the board of the change and of any name or address of	2570
a statutory or designated agent or partner that has changed from	2571
that contained in the application for the license or the most	2572
recent notice submitted under division (A)(2) of this section.	2573

(B) (1) The board of embalmers and funeral directors shall

issue a license to operate a funeral home only to a licensed	2575
funeral director who is named in the application as the funeral	2576
director actually in charge and ultimately responsible for the	2577
funeral home. The board shall issue the license only for the	2578
address at which the funeral home is physically located and	2579
operated. The funeral home license and licenses of the embalmers	2580
and funeral directors employed by the funeral home shall be	2581
displayed in a conspicuous place within the funeral home.	2582
(2) The funeral home shall have on the premises one of the	2583
following:	2584
(a) If embalming will take place at the funeral home, an	2585
embalming room that is adequately equipped and maintained. The	2586
embalming room shall be kept in a clean and sanitary manner and	2587
used only for the embalming, preparation, or holding of dead	2588
human bodies. The embalming room shall contain only the	2589
articles, facilities, and instruments necessary for those	2590
purposes.	2591
(b) If embalming will not take place at the funeral home,	2592
a holding room that is adequately equipped and maintained. The	2593
holding room shall be kept in a clean and sanitary manner and	2594
used only for the preparation, other than embalming, and holding	2595
of dead human bodies. The holding room shall contain only the	2596
articles and facilities necessary for those purposes.	2597
(3) Each funeral home shall be directly supervised by a	2598
funeral director licensed under this chapter, who may supervise	2599
more than one funeral home.	2600

(C)(1) The board shall issue a license to operate an

embalming facility only to a licensed embalmer who is actually

in charge of and ultimately responsible for the embalming

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facility. The board shall issue the license only for the address 2604 at which the embalming facility is physically located and 2605 operated. The license shall be displayed in a conspicuous place 2606 within the facility.

- (2) The embalming facility shall be adequately equipped 2608 and maintained in a sanitary manner. The embalming room at such 2609 a facility shall contain only the articles, facilities, and 2610 instruments necessary for its stated purpose. The embalming room 2611 shall be kept in a clean and sanitary condition and used only 2612 for the care and preparation of dead human bodies. 2613
- (D) (1) The board shall issue a license to operate a 2614 crematory facility only to a crematory operator who is actually 2615 in charge and ultimately responsible for the crematory facility. 2616 The board shall issue the license only for the address at which 2617 the crematory facility is physically located and operated. The 2618 license shall be displayed in a conspicuous place within the 2619 crematory facility. 2620
- (2) The crematory facility shall be adequately equipped 2621 and maintained in a clean and sanitary manner. The crematory 2622 facility may be located in a funeral home, embalming facility, 2623 2624 reduction facility, cemetery building, or other building in which the crematory facility may lawfully operate. If a 2625 crematory facility engages in the cremation of animals, the 2626 crematory facility shall cremate animals in a cremation chamber 2627 that also is not used to cremate dead human bodies or human body 2628 parts and shall not cremate animals in a cremation chamber used 2629 for the cremation of dead human bodies and human body parts. 2630 Cremation chambers that are used for the cremation of dead human 2631 bodies or human body parts and cremation chambers used for the 2632 cremation of animals may be located in the same area. Cremation 2633

chambers used for the cremation of animals shall have	2634
conspicuously displayed on the unit a notice that the unit is to	2635
be used for animals only.	2636
(3) A license to operate a crematory facility shall be	2637
issued to the person actually in charge of the crematory	2638
facility. This section does not require the individual who is	2639
actually in charge of the crematory facility to be an embalmer-	2640
or funeral director or reduction facility operator licensed	2641
under this chapter.	2642
(4) Nothing in this section or rules adopted under section	2643
4717.04 of the Revised Code precludes the establishment and	2644
operation of a crematory facility on or adjacent to the property	2645
on which a cemetery, funeral home, reduction facility, or	2646
embalming facility is located.	2647
(E)(1) The board shall issue a reduction facility license	2648
only for the address at which the reduction facility is	2649
physically located and operated. The license shall be displayed	2650
in a conspicuous place within the reduction facility.	2651
(2) The reduction facility shall be adequately equipped	2652
and maintained in a clean and sanitary manner. The reduction	2653
facility may be located in a funeral home, embalming facility,	2654
cemetery building, crematory facility, or any other building in	2655
which the reduction facility may lawfully operate. If the	2656
reduction facility engages in natural organic reduction of	2657
animals, the reduction facility shall reduce animals in a	2658
reduction chamber that is not also used for reduction of dead	2659
human bodies or human body parts and shall not reduce animals in	2660
a reduction chamber used for the reduction of dead human bodies	2661
or human body parts. Reduction chambers that are used for the	2662
reduction of dead human bodies or human body parts and the	2663

reduction chambers used for the reduction of animals may be	2664
located in the same area. Reduction chambers used for the	2665
reduction of animals shall have conspicuously displayed on the	2666
unit a notice that the unit is to be used for animals only.	2667
(3) The board shall issue a reduction facility license	2668
only to the holder of a reduction facility operator permit	2669
issued under section 4717.052 of the Revised Code who is	2670
actually in charge and ultimately responsible for the reduction	2671
facility. This section does not require the person in charge of	2672
the reduction facility to be an embalmer or funeral director	2673
licensed under this chapter, or the holder of a crematory	2674
operator permit.	2675
(4) Nothing in this chapter or rules adopted under section	2676
4717.04 of the Revised Code precludes the establishment and	2677
operation of a reduction facility on or adjacent to the property	2678
on which a cemetery, funeral home, embalming facility, or	2679
<pre>crematory facility is located.</pre>	2680
Sec. 4717.07. (A) The board of embalmers and funeral	2681
directors shall charge and collect the following fees:	2682
(1) For applying for an initial or biennial renewal of an	2683
embalmer's or funeral director's license, or a reactivation of a	2684
license as described in division (H) of section 4717.05 of the	2685
Revised Code, two hundred dollars;	2686
(2) For applying for an embalmer or funeral director	2687
certificate of apprenticeship, thirty-five dollars;	2688
(3) For the application to take the examination for a	2689
license to practice as an embalmer or funeral director, or to	2690
retake a section of the examination, thirty-five dollars;	2691
(4) For applying for an initial license to operate a	2692

funeral home, four hundred dollars and biennial renewal of a	2693
license to operate a funeral home, four hundred dollars;	2694
(5) For the reinstatement of a lapsed embalmer's or	2695
funeral director's license, the renewal fee prescribed in	2696
division (A)(1) of this section plus fifty dollars for each	2697
month or portion of a month the license is lapsed, but not more	2698
than one thousand dollars;	2699
(6) For the reinstatement of a lapsed license to operate a	2700
funeral home, the renewal fee prescribed in division (A)(4) of	2701
this section plus fifty dollars for each month or portion of a	2702
month the license is lapsed until reinstatement, but not more	2703
than one thousand dollars;	2704
(7) For applying for a license to operate an embalming	2705
facility, four hundred dollars and biennial renewal of a license	2706
to operate an embalming facility, four hundred dollars;	2707
(8) For the reinstatement of a lapsed license to operate	2708
an embalming facility, the renewal fee prescribed in division	2709
(A)(7) of this section plus fifty dollars for each month or	2710
portion of a month the license is lapsed until reinstatement,	2711
but not more than one thousand dollars;	2712
(9) For applying for a license to operate a crematory	2713
facility, four hundred dollars and biennial renewal of a license	2714
to operate a crematory facility, four hundred dollars;	2715
(10) For the reinstatement of a lapsed license to operate	2716
a crematory facility, the renewal fee prescribed in division (A)	2717
(9) of this section plus fifty dollars for each month or portion	2718
of a month the license is lapsed until reinstatement, but not	2719
more than five hundred dollars;	2720
(11) For applying for the initial or biennial renewal of a	2721

crematory operator permit, one hundred fifty dollars;	2722
(12) For the reinstatement of a lapsed crematory operator	2723
permit, the renewal fee prescribed in division (A)(11) of this	2724
section plus fifty dollars for each month or portion of a month	2725
the permit is lapsed, but not more than five hundred dollars;	2726
(13) For applying for a license to operate a reduction	2727
facility, four hundred dollars, and biennial renewal of a	2728
license to operate a reduction facility, four hundred dollars;	2729
(14) For the reinstatement of a lapsed license to operate	2730
a reduction facility, the renewal fee prescribed in division (A)	2731
(13) of this section plus fifty dollars for each month or	2732
portion of a month the license is lapsed until reinstatement,	2733
but not more than five hundred dollars;	2734
(15) For applying for the initial or biennial renewal of a	2735
reduction facility operator permit, one hundred fifty dollars;	2736
(16) For the reinstatement of a lapsed reduction facility	2737
operator permit, the renewal fee prescribed in division (A)(15)	2738
of this section plus fifty dollars for each month or portion of	2739
a month the permit is lapsed, but not more than five hundred	2740
dollars;	2741
(17) For the issuance of a duplicate of a license issued	2742
under this chapter, ten dollars;	2743
$\frac{(14)}{(18)}$ For each preneed funeral contract sold in the	2744
state other than those funded by the assignment of an existing	2745
insurance policy, ten dollars.	2746
(B) In addition to the fees set forth in division (A) of	2747
this section, an applicant shall pay the examination fee	2748
assessed by any examining agency the board uses for any section	2749

of an examination required under this chapter.	2750
(C) Subject to the approval of the controlling board, the	2751
board of embalmers and funeral directors may establish fees in	2752
excess of the amounts set forth in this section, provided that	2753
these fees do not exceed the amounts set forth in this section	2754
by more than fifty per cent.	2755
Sec. 4717.08. (A) Every license and permit issued under	2756
this chapter expires on the last day of December of each even-	2757
numbered year and shall be renewed on or before that date	2758
according to the standard license renewal procedure set forth in	2759
Chapter 4745. of the Revised Code. Licenses and permits not	2760
renewed by the last day of December of each even-numbered year	2761
are lapsed.	2762
(B) A holder of a lapsed license to operate a funeral	2763
home, license to operate an embalming facility, or license to	2764
operate a crematory facility, or reduction facility or a	2765
crematory operator or reduction facility operator permit may	2766
reinstate the license or permit with the board by paying the	2767
lapsed license fee established under section 4717.07 of the	2768
Revised Code.	2769
(C) A holder of a lapsed embalmer's or funeral director's	2770
license may reinstate the license with the board by paying the	2771
lapsed license fee established under section 4717.07 of the	2772
Revised Code, except that if the license is lapsed for more than	2773
one hundred eighty days after its expiration date, the holder	2774
also shall take and pass the Ohio laws examination for each	2775
license as a condition for reinstatement.	2776
Sec. 4717.11. (A)(1) A person who is licensed to operate a	2777
funeral home shall surrender that person's license to operate a	2778

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funeral home within thirty days after a change in any of the	2779
following:	2780
(a) The location of the funeral home;	2781
(b) The person who is actually in charge and ultimately	2782
responsible for the funeral home;	2783
(c) Ownership of the funeral home business that owns the	2784
funeral home that results in a majority of the ownership of the	2785
funeral business being held by one or more persons who solely or	2786
in combination with others did not own a majority of the funeral	2787
business immediately prior to the change in ownership.	2788
(2) Within thirty days after a change described in	2789
division (A)(1) of this section occurs, the funeral director who	2790
will be actually in charge and ultimately responsible for the	2791
funeral home after the change shall apply for a new funeral home	2792
license. Upon the filing of an application for a funeral home	2793
license by a licensed funeral director, the funeral home may	2794
continue to operate until the board denies the funeral home's	2795
application.	2796
(B)(1) A person who is licensed to operate an embalming	2797
facility shall surrender that person's license to operate an	2798
embalming facility within thirty days after a change in any of	2799
the following:	2800
(a) The location of the embalming facility;	2801
(b) The person who is actually in charge and ultimately	2802
responsible for the embalming facility;	2803
(c) Ownership of the business entity that owns the	2804
embalming facility that results in a majority of the ownership	2805
of the business entity being held by one or more persons who	2806

solely or in combination with others did not own a majority of	2807
the business entity immediately prior to the change in	2808
ownership.	2809
(2) Within thirty days after a change described in	2810
division (B)(1) of this section occurs, the person who will be	2811
actually in charge and ultimately responsible for the embalming	2812
facility after the change shall apply for a new license to	2813
operate the embalming facility. Upon filing of an application	2814
for a license to operate an embalming facility by a licensed	2815
embalmer, the embalming facility may continue to operate until	2816
the board denies the embalming facility's application.	2817
(C)(1) A person who is licensed to operate a crematory	2818
facility shall surrender that person's license to operate a	2819
crematory facility within thirty days after a change in any of	2820
the following:	2821
(a) The location of the crematory facility;	2822
(b) The person who is actually in charge and ultimately	2823
responsible for the crematory facility;	2824
(c) Ownership of the business entity that owns the	2825
crematory facility that results in a majority of the ownership	2826
of the business entity being held by one or more persons who	2827
alone or in combination with others did not own a majority of	2828
the business entity immediately prior to the change in	2829
ownership.	2830
(2) Within thirty days after a change described in	2831
division (C)(1) of this section occurs, the person who will be	2832
actually in charge and ultimately responsible for the crematory	2833
facility after the change shall apply for a new license to	2834
operate the crematory facility. Upon the filing of an	2835

application for a license to operate a crematory facility by a	2836
person holding a crematory operator permit, the crematory	2837
facility may continue to operate until the board denies the	2838
crematory facility's application.	2839
(D) (1) (D) A parson who is licensed to energie a reduction	2840
(D) (1) (D) A person who is licensed to operate a reduction	
facility shall obtain a new license upon any change in the	2841
location of the facility or any change in the ownership of the	2842
business entity operating the facility that results in a	2843
majority of the ownership of the business entity being held by	2844
one or more persons who solely or in combination with others did	2845
not own a majority of the business entity immediately before the	2846
change in ownership. The person licensed to operate the	2847
reduction facility shall surrender the current license to the	2848
board within thirty days after any such change occurs.	2849
(E)(1) The board of embalmers and funeral directors shall	2850
review applications for new licenses under section 4717.06 of	2851
the Revised Code.	2852
(2) If the board, upon receiving satisfactory evidence,	2853
determines that the applicant satisfies all of the requirements	2854
of $\frac{\text{division}}{\text{(A)}}$, $\frac{\text{(B)}}{\text{(C)}}$, $\frac{\text{(C)}}{\text{or}}$ of section 4717.06 of the	2855
Revised Code with respect to a particular funeral home,	2856
embalming facility, or crematory facility, or reduction	2857
facility, the board shall issue to the applicant a new license	2858
to operate that funeral home, embalming facility, or crematory	2859
facility, or reduction facility.	2860
Sec. 4717.13. (A) No person shall do any of the following:	2861
(1) Engage in the business or profession of funeral	2862
directing unless the person is licensed as a funeral director	2863
under this chapter, is certified as an apprentice funeral	2864

director in accordance with rules adopted under section 4717.04	2865
of the Revised Code and under the supervision of a funeral	2866
director licensed under this chapter, or is a student in a	2867
college of mortuary sciences approved by the board of embalmers	2868
and funeral directors and is under the direct supervision of a	2869
funeral director licensed by the board;	2870
(2) Engage in embalming unless the person is licensed as	2871
an embalmer under this chapter, is certified as an apprentice	2872
embalmer in accordance with rules adopted under section 4717.04	2873
of the Revised Code and is under the supervision of an embalmer	2874
licensed under this chapter, or is a student in a college of	2875
mortuary science approved by the board and is under the direct	2876
supervision of an embalmer licensed by the board;	2877
(3) Advertise or otherwise offer to provide or convey the	2878
impression that the person provides funeral directing services	2879
unless the person is licensed as a funeral director under this	2880
chapter and is employed by or under contract to a licensed	2881
funeral home and performs funeral directing services for that	2882
funeral home in a manner consistent with the advertisement,	2883
offering, or conveyance;	2884
(4) Advertise or otherwise offer to provide or convey the	2885
impression that the person provides embalming services unless	2886
the person is licensed as an embalmer under this chapter and is	2887
employed by or under contract to a licensed funeral home or a	2888
licensed embalming facility and performs embalming services for	2889
the funeral home or embalming facility in a manner consistent	2890
with the advertisement, offering, or conveyance;	2891

(5) Operate a funeral home without a license to operate

the funeral home issued by the board under this chapter;

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(6) Practice the business or profession of funeral	2894
directing from any place except from a funeral home that a	2895
person is licensed to operate under this chapter;	2896
(7) Practice embalming from any place except from a	2897
funeral home or embalming facility that a person is licensed to	2898
operate under this chapter;	2899
(8) Operate a crematory <u>facility</u> or perform cremation	2900
without a license to operate the crematory <u>facility</u> issued under	2901
this chapter;	2902
(9) Cremate animals in a cremation chamber in which dead	2903
human bodies or body parts are cremated or cremate dead human	2904
bodies or human body parts in a cremation chamber in which	2905
animals are cremated;	2906
(10) Hold a dead human body, before final disposition, for	2907
more than forty-eight hours after the time of death unless the	2908
dead human body is embalmed or placed into refrigeration and	2909
maintained at a constant temperature of less than forty degrees;	2910
(11) Operate a reduction facility or perform reduction	2911
without a license to operate the reduction facility issued under	2912
this chapter;	2913
(12) Reduce animals in a reduction chamber in which dead	2914
human bodies or human body parts are reduced or reduce dead	2915
human bodies or human body parts in a reduction chamber in which	2916
animals are reduced;	2917
(13) Knowingly refuse to promptly submit the custody of a	2918
dead human body or cremated or reduced remains upon the oral or	2919
written order of the person legally entitled to the body or	2920
<pre>cremated_remains;</pre>	2921

$\frac{(12)}{(14)}$ Except as ordered by the coroner or the person	2922
holding the right of disposition under section 2108.70 or	2923
2108.81 of the Revised Code, knowingly fail to carry out the	2924
final disposition of a dead human body within thirty days after	2925
taking custody of the body;	2926
(13) (15) Engage in cremation as defined in section 4717.01	2927
of the Revised Code unless the person holds a crematory operator	2928
permit under this chapter;	2929
(14) (16) Engage in natural organic reduction unless the	2930
person holds a reduction facility operator permit under section	2931
4717.052 of the Revised Code; (17) Engage in the business or	2932
profession of funeral directing, engage in embalming, or—operate	2933
a crematory <u>facility</u> or perform cremation, operate a reduction	2934
facility or perform reduction with a lapsed license—as defined—	2935
under section 4717.01 of the Revised Code.	2936
(B) No funeral director or other person in charge of the	2937
final disposition of a dead human body shall fail to do one of	2938
the following prior to the interment of the body:	2939
(1) Affix to the ankle or wrist of the deceased a tag	2940
encased in a durable and long-lasting material that contains the	2941
name, date of birth, date of death, and social security number	2942
of the deceased;	2943
(2) Place in the casket a capsule containing a tag bearing	2944
the information described in division (B)(1) of this section;	2945
(3) If the body was cremated or reduced, place a tag	2946
bearing the information described in division (B)(1) of this	2947
section in any vessel containing either of the following:	2948
(a) All the cremated or reduced remains;	2949

(b) More than ten cubic inches of the cremated or reduced	2950
remains.	2951
(C) No person who holds a funeral home license for a	2952
funeral home that is closed, or that is owned by a funeral	2953
business in which changes in the ownership of the funeral	2954
business result in a majority of the ownership of the funeral	2955
business being held by one or more persons who solely or in	2956
combination with others did not own a majority of the funeral	2957
business immediately prior to the change in ownership, shall	2958
fail to submit to the board within thirty days after the closing	2959
or such change of ownership of the funeral business owning the	2960
funeral home, a clearly enumerated account of all of the	2961
following from which the licensee, at the time of the closing or	2962
change of ownership of the funeral business and in connection	2963
with the funeral home, was to receive payment for providing the	2964
funeral services, funeral goods, or any combination of those in	2965
connection with the funeral or final disposition of a dead human	2966
body:	2967
(1) Preneed funeral contracts governed by sections 4717.31	2968
to 4717.38 of the Revised Code;	2969
(2) Life insurance policies or annuities the benefits of	2970
which are payable to the provider of funeral or burial goods or	2971
services;	2972
(3) Accounts at banks or savings banks insured by the	2973
federal deposit insurance corporation, savings and loan	2974
associations insured by the federal savings and loan insurance	2975
corporation or the Ohio deposit guarantee fund, or credit unions	2976
insured by the national credit union administration or a credit	2977
union share guaranty corporation organized under Chapter 1761.	2978
of the Revised Code that are payable upon the death of the	2979

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person for whose benefit deposits into the accounts were made.	2980
(D)(1) No person who holds a funeral home license for a	2981
funeral home that is closed shall negligently fail to send	2982
written notice to the purchaser of every preneed funeral	2983
contract to which the funeral business is a party via first	2984
class United States mail. Such notice shall be addressed to the	2985
purchaser's last known address and shall explain that the	2986
funeral business is being closed and the name of any funeral	2987
business that has been designated to assume the obligations of	2988
the preneed contract.	2989
(2) Within thirty days of the closing of a funeral home,	2990
no person who held the funeral home license for the closed	2991
funeral home shall negligently fail to transfer all preneed	2992
contracts to the funeral home or funeral homes that have been	2993
designated to assume the obligation of the preneed contracts. If	2994
the person who holds a funeral home license for a funeral home	2995
that is closed fails to designate a successor funeral home or	2996
funeral homes to assume the obligations of the preneed funeral	2997
contracts, the board shall make such designations and order the	2998
transfer of the preneed funeral contracts to the designated	2999
funeral home or funeral homes.	3000
(E) No person who holds a license under this chapter for a	3001
facility that is going out of business and that is in possession	3002
of unclaimed cremated or reduced remains shall fail to submit to	3003
the board, within thirty days prior to the closing, a copy of	3004
the written notice required in division (F) of this section and	3005
a clearly enumerated account of all unclaimed eremated remains	3006
in possession of the facility.	3007

(F) Within thirty days prior to the closing of a facility

that is going out of business and that is in possession of

unclaimed cremated or reduced remains, the person who is	3010
actually in charge of and ultimately responsible for the	3011
facility shall send written notice via first-class mail to the	3012
last known address of the authorizing agent who executed the	3013
cremation or reduction authorization form or the person	3014
designated on the cremation -authorization form to receive the	3015
<pre>cremated remains. Such notice shall include the following:</pre>	3016
(1) A statement that the funeral business is going out of	3017
business and will close;	3018
(2) The expected date of closure;	3019
(3) The manner in which the unclaimed cremated or reduced	3020
remains will be disposed and, if applicable, the location from	3021
which the cremated remains can be retrieved.	3022
(G) If the person who is actually in charge of and	3023
ultimately responsible for the facility is unable to comply with	3024
divisions $(F)(1)$ to (3) of this section and cannot locate the	3025
last known address of the authorizing agent who executed the	3026
cremation or reduction authorization form or the person	3027
designated on the cremation or reduction authorization form to	3028
receive the cremated or reduced remains, the person who is	3029
actually in charge of and ultimately responsible for the	3030
facility may seek a declaratory judgment to dispose of the	3031
unclaimed cremated remains from the probate court in the county	3032
in which the facility is located.	3033
(H) Within thirty days prior to the closing of a facility	3034
that is going out of business, no person who held the license	3035
for the facility shall negligently fail to dispose of all	3036
unclaimed cremated or reduced remains as designated in the	3037
written notice or, if unclaimed in excess of sixty days, in a	3038

manner consistent with section 4717.27 of the Revised Code.	3039
Sec. 4717.14. (A) The board of embalmers and funeral	3040
directors may, except as provided in division (G) of this	3041
section, refuse to grant or renew, or may suspend or revoke, any	3042
license or permit issued under this chapter or may require the	3043
holder of a license or permit to take corrective action courses	3044
for any of the following reasons:	3045
(1) The holder of a license or permit obtained the license	3046
or permit by fraud or misrepresentation either in the	3047
application or in passing the examination.	3048
(2) The licensee or permit holder has been convicted of or	3049
has pleaded guilty to a felony or of any crime involving moral	3050
turpitude.	3051
(3) The applicant, licensee, or permit holder has	3052
recklessly violated any provision of sections 4717.01 to 4717.15	3053
or a rule adopted under any of those sections; division (A) or	3054
(B) of section 4717.23; division (B)(1) or (2), (C)(1) or (2),	3055
(D), (E), or (F)(1) or (2), or divisions (H) to (K) of section	3056
4717.26; division (D)(1) of section 4717.27; or divisions (A) to	3057
(C) of section 4717.28 of the Revised Code; or any provisions of	3058
sections 4717.31 to 4717.38 of the Revised Code; any rule or	3059
order of the department of health or a board of health of a	3060
health district governing the disposition of dead human bodies;	3061
or any other rule or order applicable to the applicant or	3062
licensee.	3063
(4) The licensee or permit holder has committed immoral or	3064
unprofessional conduct.	3065
(5) The applicant or licensee knowingly permitted an	3066

unlicensed person, other than a person serving an

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apprenticeship, to engage in the profession or business of	3068
embalming or funeral directing under the applicant's or	3069
licensee's supervision.	3070
(6) The applicant, licensee, or permit holder has been	3071
habitually intoxicated, or is addicted to the use of morphine,	3072
cocaine, or other habit-forming or illegal drugs.	3073
(7) The applicant, licensee, or permit holder has refused	3074
to promptly submit the custody of a dead human body or cremated_	3075
or reduced remains upon the express order of the person legally	3076
entitled to the body or cremated -remains.	3077
(8) The licensee or permit holder loaned the licensee's	3078
own license or the permit holder's own permit, or the applicant,	3079
licensee, or permit holder borrowed or used the license or	3080
permit of another person, or knowingly aided or abetted the	3081
granting of an improper license or permit.	3082
(9) The applicant, licensee, or permit holder misled the	3083
public by using false or deceptive advertising. As used in this	3084
division, "false and deceptive advertising" includes, but is not	3085
limited to, any of the following:	3086
(a) Using the names of persons who are not licensed to	3087
practice funeral directing in a way that leads the public to	3088
believe that such persons are engaging in funeral directing;	3089
(b) Using any name for the funeral home other than the	3090
name under which the funeral home is licensed;	3091
(c) Using in the funeral home's name the surname of an	3092
individual who is not directly, actively, or presently	3093
associated with the funeral home, unless such surname has been	3094
previously and continuously used by the funeral home.	3095

(10) The licensee or permit holder provided services to a	3096
person knowing that those services were sold to that person by	3097
another person who lacked a license or permit under this chapter	3098
to perform the services.	3099
(B)(1) The board of embalmers and funeral directors shall	3100
refuse to grant or renew, or shall suspend or revoke a license	3101
or permit only in accordance with Chapter 119. of the Revised	3102
Code.	3103
(2) The board shall send to the crematory and -reduction	3104
facility review board written notice that it proposes to refuse	3105
to issue or renew, or proposes to suspend or revoke, a license	3106
to operate a crematory or reduction facility. If, after the	3107
conclusion of the adjudicatory hearing on the matter conducted	3108
under division (F) of section 4717.03 of the Revised Code, the	3109
board of embalmers and funeral directors finds that any of the	3110
circumstances described in divisions (A)(1) to (9) of this	3111
section apply to the person named in its proposed action, the	3112
board may issue a final order under division (F) of section	3113
4717.03 of the Revised Code refusing to issue or renew, or	3114
suspending or revoking, the person's license to operate a	3115
crematory or reduction facility.	3116
(C) If the board of embalmers and funeral directors	3117
determines that there is clear and convincing evidence that any	3118
of the circumstances described in divisions (A)(1) to (9) of	3119
this section apply to the holder of a license or permit issued	3120
under this chapter and that the licensee's or permit holder's	3121
continued practice presents a danger of immediate and serious	3122
harm to the public, the board may suspend the licensee's license	3123
or permit holder's permit without a prior adjudicatory hearing.	3124

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The executive director of the board shall prepare written

allegations for consideration by the board.	3126
The board, after reviewing the written allegations, may	3127
suspend a license or permit without a prior hearing.	3128
Notwithstanding section 121.22 of the Revised Code, the	3129
board may suspend a license or permit under this division by	3130
utilizing a telephone conference call to review the allegations	3131
and to take a vote.	3132
The board shall serve a written order of suspension in	3133
accordance with sections 119.05 and 119.07 of the Revised Code.	3134
Such an order is not subject to suspension by the court during	3135
the pendency of any appeal filed under section 119.12 of the	3136
Revised Code. If the licensee or permit holder requests an	3137
adjudicatory hearing by the board, the date set for the hearing	3138
shall be within fifteen days, but not earlier than seven days,	3139
after the licensee or permit holder has requested a hearing,	3140
unless the board and the licensee or permit holder agree to a	3141
different time for holding the hearing.	3142
Upon issuing a written order of suspension to the holder	3143
of a license to operate a crematory or reduction facility, the	3144
board of embalmers and funeral directors shall send written	3145
notice of the issuance of the order to the crematory and —	3146
reduction facility review board. The crematory and reduction	3147
facility review board shall hold an adjudicatory hearing on the	3148
order under division (F) of section 4717.03 of the Revised Code	3149
within fifteen days, but not earlier than seven days, after the	3150
issuance of the order, unless the crematory and reduction	3151
<u>facility</u> review board and the licensee agree to a different time	3152
for holding the adjudicatory hearing.	3153
Any summary suspension imposed under this division shall	3154

remain in effect, unless reversed on appeal, until a final	3155
adjudicatory order issued by the board of embalmers and funeral	3156
directors pursuant to this division and Chapter 119. of the	3157
Revised Code, or division (F) of section 4717.03 of the Revised	3158
Code, as applicable, becomes effective. The board of embalmers	3159
and funeral directors shall issue its final adjudicatory order	3160
within sixty days after the completion of its hearing or, in the	3161
case of the summary suspension of a license to operate a	3162
crematory or reduction facility, within sixty days after	3163
completion of the adjudicatory hearing by the crematory and	3164
reduction facility review board. A failure to issue the order	3165
within that time results in the dissolution of the summary	3166
suspension order, but does not invalidate any subsequent final	3167
adjudicatory order.	3168

(D) If the board of embalmers and funeral directors 3169 suspends or revokes a funeral director's license or a license to 3170 operate a funeral home for any reason identified in division (A) 3171 of this section, the board may file a complaint with the court 3172 of common pleas in the county where the violation occurred 3173 requesting appointment of a receiver and the sequestration of 3174 the assets of the funeral home that held the suspended or 3175 revoked license or the licensed funeral home that employs the 3176 funeral director that held the suspended or revoked license. If 3177 the court of common pleas is satisfied with the application for 3178 a receivership, the court may appoint a receiver. 3179

The board or a receiver may employ and procure whatever

assistance or advice is necessary in the receivership or

liquidation and distribution of the assets of the funeral home,

and, for that purpose, may retain officers or employees of the

funeral home as needed. All expenses of the receivership or

liquidation shall be paid from the assets of the funeral home

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and shall be a lien on those assets, and that lien shall be a 3186 priority to any other lien. 3187

- (E) Any holder of a license or permit issued under this 3188 3189 chapter who has pleaded guilty to, has been found by a judge or jury to be guilty of, or has had a judicial finding of 3190 eligibility for treatment in lieu of conviction entered against 3191 the individual in this state for aggravated murder, murder, 3192 voluntary manslaughter, felonious assault, kidnapping, rape, 3193 sexual battery, gross sexual imposition, aggravated arson, 3194 3195 aggravated robbery, or aggravated burglary, or who has pleaded quilty to, has been found by a judge or jury to be guilty of, or 3196 has had a judicial finding of eligibility for treatment in lieu 3197 of conviction entered against the individual in another 3198 jurisdiction for any substantially equivalent criminal offense, 3199 is hereby suspended from practice under this chapter by 3200 operation of law, and any license or permit issued to the 3201 individual under this chapter is hereby suspended by operation 3202 of law as of the date of the quilty plea, verdict or finding of 3203 guilt, or judicial finding of eligibility for treatment in lieu 3204 of conviction, regardless of whether the proceedings are brought 3205 in this state or another jurisdiction. The board shall notify 3206 the suspended individual of the suspension of the individual's 3207 license or permit by the operation of law in accordance with 3208 sections 119.05 and 119.07 of the Revised Code. If an individual 3209 whose license or permit is suspended under this division fails 3210 to make a timely request for an adjudicatory hearing, the board 3211 shall enter a final order revoking the license. 3212
- (F) No person whose license or permit has been suspended

 or revoked under or by the operation of this section shall

 knowingly practice embalming, funeral directing, or cremation,

 or reduction, or operate a funeral home, embalming facility, or

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crematory facility, or reduction facility until the board has	3217
reinstated the person's license or permit.	3218
(G) The board shall not refuse to issue a license or	3219
permit to an applicant because of a conviction of or plea of	3220
guilty to a criminal offense unless the refusal is in accordance	3221
with section 9.79 of the Revised Code.	3222
Sec. 4717.15. (A) The board of embalmers and funeral	3223
directors, without the necessity for conducting a prior	3224
adjudication hearing, may issue a notice of violation to the	3225
holder of an embalmer's, funeral director's, funeral home, or-	3226
embalming facility, or crematory, or reduction facility license,	3227
or a crematory operator or reduction facility operator permit or	3228
a courtesy card permit issued under this chapter who the board	3229
finds has committed any of the violations described in division	3230
(A)(9) of section 4717.04 of the Revised Code. The notice shall	3231
set forth the specific violation committed by the licensee or	3232
permit holder and shall be sent by certified mail. The notice	3233
shall be accompanied by an order requiring the payment of the	3234
appropriate forfeiture prescribed in rules adopted under	3235
division (A)(9) of section 4717.04 of the Revised Code and by a	3236
notice informing the licensee or permit holder that the licensee	3237
is entitled to an adjudicatory hearing on the notice of	3238
violation and order if the licensee or permit holder requests a	3239
hearing and if the board receives the request within thirty days	3240
after the mailing of the notice of violation and order. The	3241
board shall conduct any such adjudicatory hearing in accordance	3242
with Chapter 119. of the Revised Code, except as otherwise	3243
provided in this division.	3244
A licensee or permit holder who receives a notice of	3245
violation and order under this division shall pay to the	3246

executive director of the board the full amount of the	3247
forfeiture by certified check within thirty days after the	3248
notice of violation and order were mailed to the licensee or	3249
permit holder unless, within that time, the licensee or permit	3250
holder submits a request for an adjudicatory hearing on the	3251
notice of violation and order. If such a request for an	3252
adjudicatory hearing is timely filed, the licensee or permit	3253
holder need not pay the forfeiture to the executive director	3254
until after a final, nonappealable administrative or judicial	3255
decision is rendered on the order requiring payment of the	3256
forfeiture. If a final nonappealable administrative or judicial	3257
decision is rendered affirming the board's order, the licensee	3258
or permit holder shall pay to the executive director of the	3259
board the full amount of the forfeiture by certified check	3260
within thirty days after notice of the decision was sent to the	3261
licensee. A forfeiture is considered to be paid when the	3262
licensee's or permit holder's certified check is received by the	3263
executive director in Columbus. If the licensee or permit holder	3264
fails to so pay the full amount of the forfeiture to the	3265
executive director within that time, the board shall issue an	3266
order suspending or revoking the individual's license or permit,	3267
as the board considers appropriate.	3268

(B) The board shall send to the crematory and reduction 3269 facility review board written notice that it proposes to issue 3270 to the holder of a license to operate a crematory or reduction 3271 facility issued under this chapter a notice of violation and 3272 order requiring payment of a forfeiture specified in rules 3273 adopted under division (A)(9) of section 4717.04 of the Revised 3274 Code. If, after the conclusion of the adjudicatory hearing on 3275 the matter conducted under division (F) of section 4717.03 of 3276 the Revised Code, the board of embalmers and funeral directors 3277

finds that the licensee has committed any of the violations	3278
described in division (A)(9) of section 4717.04 of the Revised	3279
Code in connection with the operation of a crematory or	3280
reduction facility or cremation or reduction, the board of	3281
embalmers and funeral directors may issue a final order under	3282
division (F) of section 4717.03 of the Revised Code requiring	3283
payment of the appropriate forfeiture specified in rules adopted	3284
under division (A)(9) of section 4717.04 of the Revised Code. A	3285
licensee who receives such an order shall pay the full amount of	3286
the forfeiture to the executive director by certified check	3287
within thirty days after the order was sent to the licensee	3288
unless, within that time, the licensee files a notice of appeal	3289
in accordance with division (F) of section 4717.03 and section	3290
119.12 of the Revised Code. If such a notice of appeal is timely	3291
filed, the licensee or permit holder need not pay the forfeiture	3292
to the executive director until after a final, nonappealable	3293
judicial decision is rendered in the appeal. If a final,	3294
nonappealable judicial decision is rendered affirming the	3295
board's order, the licensee or permit holder shall pay to the	3296
executive director the full amount of the forfeiture by	3297
certified check within thirty days after notice of the decision	3298
was sent to the licensee or permit holder. A forfeiture is	3299
considered paid when the licensee's or permit holder's certified	3300
check is received by the executive director in Columbus. If the	3301
licensee or permit holder fails to so pay the full amount of the	3302
forfeiture to the executive director within that time, the board	3303
shall issue an order suspending or revoking the individual's	3304
license, as the board considers appropriate.	3305

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

(A) "Alternative container" means a receptacle, other than

the Revised Code:

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a casket, in which a dead human body or body parts are	3309
transported to a crematory or reduction facility and placed in	3310
the cremation or reduction chamber for cremation or reduction,	3311
and that meets all of the following requirements:	3312
(1) Is composed of readily combustible materials that are	3313
suitable for cremation or reduction;	3314
(2) May be closed in order to provide a complete covering	3315
for the dead human body or body parts;	3316
(3) Is resistant to leakage or spillage;	3317
(4) Is sufficiently rigid to be handled readily;	3318
(5) Provides protection for the health and safety of	3319
crematory or reduction personnel.	3320
(B) "Authorizing agent" means the person or persons	3321
identified in section 4717.21 or 4717.22 of the Revised Code who	3322
are entitled to order the cremation or reduction of a decedent	3323
or body parts and to order the final disposition of the cremated	3324
or reduced remains of a decedent or body parts.	3325
(C) "Body parts" means limbs or other portions of the	3326
anatomy that are removed from a living person for medical	3327
purposes during biopsy, treatment, or surgery. "Body parts" also	3328
includes dead human bodies that have been donated to science for	3329
purposes of medical education or research and any parts of such	3330
a dead human body that were removed for those purposes.	3331
(D) "Burial or burial-transit permit" means a burial	3332
permit or burial-transit permit issued under section 3705.17 of	3333
the Revised Code or the laws of another state that are	3334
substantially similar to that section.	3335
(E) "Casket" means a rigid container that is designed for	3336

the encasement of a dead human body and that is constructed of 3337 wood, metal, or another rigid material, is ornamented and lined 3338 with fabric, and may or may not be combustible. 3339

- or reduced remains composed of cardboard, plastic, metal, or 3341 another material that can be closed in a manner that prevents 3342 the leakage or spillage of the cremated remains and the entrance 3343 of foreign material, and that is of sufficient size to hold the cremated remains until they are placed in an urn or scattered. 3345
- (G) "Urn" means a receptacle designed to encase cremated_ 3346

 or reduced remains permanently. 3347

Sec. 4717.21. (A) Any person, on an antemortem basis, may 3348 serve as the person's own authorizing agent, authorize the 3349 person's own cremation, or reduction and specify the 3350 arrangements for the final disposition of the person's own 3351 3352 cremated or reduced remains by executing an antemortem eremation authorization form. A guardian, custodian, or other personal 3353 representative who is authorized by law or contract to do so on 3354 behalf of a person, on an antemortem basis, may authorize the 3355 cremation or reduction of the person and specify the 3356 arrangements for the final disposition of the person's eremated 3357 remains by executing an antemortem eremation—authorization form 3358 on the person's behalf. Any such antemortem cremation-3359 authorization form also shall be signed by one witness. The 3360 original copy of the executed authorization form shall be sent 3361 to the crematory or reduction facility being authorized to 3362 conduct the cremation or reduction, and a copy shall be retained 3363 by the person who executed the authorization form. The person 3364 who executed an antemortem eremation—authorization form may 3365 revoke the authorization at any time by providing written notice 3366

of the revocation to the crematory or reduction facility named	3367
in the authorization form. The person who executed the	3368
authorization form may transfer the authorization to another	3369
crematory or reduction facility by providing written notice to	3370
the crematory or reduction facility named in the original	3371
authorization of the revocation of the authorization and, in	3372
accordance with this division, executing a new antemortem	3373
<pre>eremation—authorization form authorizing another crematory_or_</pre>	3374
reduction facility to conduct the cremation or reduction.	3375
(B)(1) Each antemortem cremation—authorization form shall	3376
specify the final disposition that is to be made of the cremated	3377
or reduced remains.	3378
(2) Every antemortem eremation—authorization form entered	3379
into on or after October 12, 2006, shall specify the final	3380
disposition that is to be made of the remains and shall include	3381
a provision in substantially the following form:	3382
NOTICE: Upon the death of the person who is the subject of	3383
this antemortem cremation —authorization, the person holding the	3384
right of disposition under section 2108.70 or 2108.81 of the	3385
Revised Code may cancel the cremation or reduction arrangements,	3386
modify the arrangements for the final disposition of the	3387
cremated or reduced remains, or make alternative arrangements	3388
for the final disposition of the decedent's body. However, the	3389
person executing this antemortem cremation -authorization is	3390
encouraged to state his or her preferences as to the manner of	3391
final disposition in a declaration of the right of disposition	3392
pursuant to section 2108.72 of the Revised Code, including that	3393
the arrangements set forth in this form shall be followed.	3394
(C)(1) Except as provided in division (C)(2) of this	3395
section, when the crematory or reduction facility is in	3396

possession of a <u>cremation an</u> authorization form that has been	3397
executed on an antemortem basis in accordance with this section,	3398
the other conditions set forth in division (A) of section	3399
4717.23 of the Revised Code have been met, the crematory <u>or</u>	3400
reduction facility has possession of the decedent to which the	3401
antemortem authorization pertains, and the crematory or	3402
reduction facility has received payment for the cremation or	3403
reduction of the decedent and the final disposition of the	3404
cremated or reduced remains of the decedent or is otherwise	3405
assured of payment for those services, the crematory <u>or</u>	3406
reduction facility shall cremate or reduce the decedent as	3407
directed and dispose of the cremated -remains in accordance with	3408
the instructions contained in the antemortem cremation	3409
authorization form.	3410

- (2) A person with the right of disposition for a decedent 3411 under section 2108.70 or 2108.81 of the Revised Code who is not 3412 disqualified under section 2108.75 of the Revised Code may 3413 cancel the arrangements for the decedent's cremation τ or 3414 reduction, modify the arrangements for the final disposition of 3415 the decedent's cremated or reduced remains, or make alternative 3416 arrangements for the final disposition of the decedent's body. 3417 If a person with the right takes any such action, the crematory 3418 or reduction facility shall disregard the instructions contained 3419 in the antemortem cremation authorization form and follow the 3420 instructions of the person with the right. 3421
- (D) An antemortem eremation—authorization form executed

 under division (A) of this section does not constitute a

 3423

 contract for conducting the cremation or reduction of the person

 3424

 named in the authorization form or for the final disposition of

 the person's cremated or reduced remains. Despite the existence

 3426

 of such an antemortem eremation—authorization, a person with the

 3427

right of disposition for a decedent under section 2108.70 or	3428
2108.81 of the Revised Code may modify, in writing, the	3429
arrangements for the final disposition of the cremated -remains	3430
of the decedent set forth in the authorization form or may	3431
cancel the cremation or reduction and claim the decedent's body	3432
for purposes of making alternative arrangements for the final	3433
disposition of the decedent's body. The revocation of an	3434
antemortem eremation—authorization form executed under division	3435
(A) of this section, or the cancellation of the cremation <u>or</u>	3436
reduction of the person named in the antemortem authorization or	3437
modification of the arrangements for the final disposition of	3438
the person's cremated -remains as authorized by this division,	3439
does not affect the validity or enforceability of any contract	3440
entered into for the cremation or reduction of the person named	3441
in the antemortem authorization or for the final disposition of	3442
the person's cremated remains.	3443

- (E) Nothing in this section applies to any antemortem 3444

 cremation—authorization form executed prior to August 5, 1998. 3445

 Any cemetery, funeral home, crematory facility, reduction 3446

 facility, or other party may specify, with the written approval 3447

 of the person who executed the antemortem authorization, that 3448

 such an antemortem authorization is subject to sections 4717.21 3449

 to 4717.30 of the Revised Code. 3450
- Sec. 4717.22. (A) The person who has the right of 3451 disposition under section 2108.70 or 2108.81 of the Revised Code 3452 may serve as an authorizing agent for the cremation or reduction 3453 of a dead human body, including, without limitation, a dead 3454 human body that was donated to science for purposes of medical 3455 education or research.
 - (B) If body parts were removed from a living person, the 3457

person from whom the body parts were removed or the person who 3458 has the right of disposition under section 2108.70 or 2108.81 of 3459 the Revised Code may serve as the authorizing agent for the 3460 cremation or reduction of the body parts. 3461 (C) If body parts were removed from a decedent whose body 3462 was donated to science for purposes of medical education or 3463 research, the person who has the right of disposition under 3464 section 2108.70 or 2108.81 of the Revised Code may serve as the 3465 authorizing agent for the cremation or reduction of the body 3466 parts. In the absence of any action by the person with the right 3467 of disposition with respect to the cremation or reduction of 3468 such body parts, the medical education or research facility to 3469 which the decedent's body was donated may serve as the 3470 authorizing agent for the cremation or reduction of such parts. 3471 Sec. 4717.23. (A) No crematory or reduction facility 3472 operator, or crematory or reduction facility, shall cremate or 3473 reduce or allow the cremation or reduction of a dead human body, 3474 other than one that was donated to science for purposes of 3475 medical education or research, until all of the following have 3476 3477 occurred: (1) A period of at least twenty-four hours has elapsed 3478 since the decedent's death as indicated on a complete, 3479 nonprovisional death certificate filed under section 3705.16 of 3480 the Revised Code or under the laws of another state that are 3481 substantially equivalent to that section, unless, if the 3482 decedent died from a virulent communicable disease, the 3483 department of health or board of health having territorial 3484 jurisdiction where the death of the decedent occurred requires 3485 by rule or order the cremation to occur prior to the end of that 3486

3487

period;

(2) The crematory or reduction facility has received a	3488
burial or burial-transit permit that authorizes the cremation or	3489
<pre>reduction of the decedent;</pre>	3490
(3) The crematory or reduction facility has received a	3491
completed cremation or reduction authorization form executed	3492
pursuant to section 4717.21 or 4717.24 of the Revised Code, as	3493
applicable, that authorizes the cremation or reduction of the	3494
decedent. A blank cremation -authorization form shall be provided	3495
by the crematory or reduction facility and shall comply with	3496
section 4717.24 of the Revised Code and, if applicable, section	3497
4717.21 of the Revised Code.	3498
(4) The crematory or reduction facility has received any	3499
other documentation required by this state or a political	3500
subdivision of this state.	3501
(B) No crematory or reduction facility -operator or	3502
crematory or reduction facility shall cremate or reduce or allow	3503
the cremation or reduction of any body parts, including, without	3504
limitation, dead human bodies that were donated to science for	3505
purposes of medical research or education, at a crematory or	3506
<u>reduction</u> facility licensed to operate in this state until both	3507
of the following have occurred:	3508
(1) The crematory or reduction facility has received a	3509
completed cremation or reduction authorization form executed	3510
pursuant to section 4717.25 of the Revised Code or, if the	3511
decedent has executed an antemortem cremation -authorization form	3512
in accordance with section 4717.21 of the Revised Code and has	3513
donated the decedent's body to science for purposes of medical	3514
education or research, such an antemortem cremation	3515
authorization form;	3516

(2) The crematory or reduction facility has received any	3517
other documentation required by this state or a political	3518
subdivision of this state.	3519
Sec. 4717.24. (A) A cremation or reduction authorization	3520
form authorizing the cremation or reduction of a dead human	3521
body, other than one that was donated to science for purposes of	3522
medical education or research, shall include at least all of the	3523
following information and statements:	3524
(1) A statement that the decedent has been identified in	3525
accordance with division (B) of this section;	3526
(2) The name of the funeral director or other individual	3527
who obtained the burial or burial-transit permit authorizing the	3528
cremation or reduction of the decedent;	3529
(3) The name of the authorizing agent and the relationship	3530
of the authorizing agent to the decedent;	3531
(4) A statement that the authorizing agent in fact has the	3532
right to authorize cremation or reduction of the decedent and	3533
that the authorizing agent does not have actual knowledge of the	3534
existence of any living person who has a superior priority right	3535
to act as the authorizing agent under section 4717.22 of the	3536
Revised Code. If the person executing the cremation or reduction	3537
authorization form knows of another living person who has such a	3538
superior priority right, the authorization form shall include a	3539
statement indicating that the person executing the authorization	3540
form has made reasonable efforts to contact the person having	3541
the superior priority right and has been unable to do so and	3542
that the person executing the authorization form has no reason	3543
to believe that the person having the superior priority right	3544
would object to the cremation or reduction of the decedent.	3545

(5) A statement of whether the authorizing agent has	3546
actual knowledge of the presence in the decedent of a pacemaker,	3547
defibrillator, or any other mechanical or radioactive device or	3548
implant that poses a hazard to the health or safety of personnel	3549
performing the cremation or reduction;	3550
(6) A statement indicating the crematory or reduction	3551
facility is to cremate <u>or reduce</u> the casket or alternative	3552
container in which the decedent was delivered to or accepted by	3553
the crematory or reduction facility;	3554
(7) A statement of whether the crematory or reduction	3555
facility is authorized to simultaneously cremate or reduce the	3556
decedent in the same cremation or reduction chamber with one or	3557
more other decedents who were related to the decedent named in	3558
the cremation or reduction authorization form by consanguinity	3559
or affinity or who, at any time during the one-year period	3560
preceding the decedent's death, lived with the decedent in a	3561
common law marital relationship or otherwise cohabited with the	3562
decedent. A cremation An authorization form executed under this	3563
section shall not authorize the simultaneous cremation or	3564
reduction of a decedent in the same eremation—chamber with one	3565
or more other decedents except under the circumstances described	3566
in the immediately preceding sentence.	3567
(8) The names of any persons designated by the authorizing	3568
agent to be present in the holding facility or cremation—room—_	3569
or reduction area prior to or during the cremation or reduction	3570
of the decedent or during the removal of the cremated or reduced	3571
remains from the cremation or reduction chamber;	3572
(9) The authorization for the crematory or reduction	3573
facility to cremate or reduce the decedent and to process or	3574

pulverize the cremated or reduced remains as is the practice at

the particular crematory <u>or reduction</u> facility;	3576
(10) A statement of whether it is the crematory or	3577
reduction facility's practice to return all of the residue	3578
removed from the cremation or reduction chamber following the	3579
cremation or reduction or to separate and remove foreign matter	3580
from the residue before returning the cremated or reduced	3581
remains to the authorizing agent or the person designated on the	3582
authorization form to receive the cremated remains pursuant to	3583
division (A)(11) of this section;	3584
(11) The name of the person who is to receive the cremated	3585
or reduced remains of the decedent from the crematory or	3586
<pre>reduction facility;</pre>	3587
(12) The manner in which the final disposition of the	3588
cremated or reduced remains of the decedent is to occur, if	3589
known. If the cremation or reduction authorization form does not	3590
specify the manner of the final disposition of the cremated	3591
remains, it shall indicate that the cremated remains will be	3592
held by the crematory or reduction facility for thirty days	3593
after the cremation, or reduction, or prior to the end of	3594
that period, they are picked up from the crematory or reduction	3595
facility by the person designated on the cremation -authorization	3596
form to receive them, the authorizing agent, or, if applicable,	3597
the funeral director who obtained the burial or burial-transit	3598
permit for the decedent, or are delivered or shipped by the	3599
crematory or reduction facility to one of those persons. The	3600
authorization form shall indicate that if no instructions for	3601
the final disposition are provided on the authorization form and	3602
that if no arrangements for final disposition have been made	3603
within the thirty-day period, the crematory or reduction	3604
facility may return the cremated remains to the authorizing	3605

agent. The authorization form shall further indicate that if no	3606
arrangements for the final disposition of the cremated remains	3607
have been made within sixty days after the completion of the	3608
cremation or reduction and if the authorizing agent has not	3609
picked them up or caused them to be picked up within that	3610
period, the crematory or reduction facility operator or	3611
crematory or reduction facility may dispose of them in	3612
accordance with division (C) of section 4717.27 of the Revised	3613
Code.	3614
(13) A listing of the items of value to be delivered to	3615
the crematory or reduction facility along with the dead human	3616
body, if any, and instructions regarding how those items are to	3617
be handled;	3618
(14) A statement of whether the authorizing agent has made	3619
arrangements for any type of viewing of the decedent or for a	3620
service with the decedent present prior to the cremation or	3621
reduction and, if so, the date, time, and place of the service;	3622
(15) A statement of whether the crematory or reduction	3623
facility may proceed with the cremation or reduction at any time	3624
after the conditions set forth in division (A) of section	3625
4717.23 of the Revised Code have been met and the decedent has	3626
been received at the facility;	3627
(16) The certification of the authorizing agent to the	3628
effect that all of the information and statements contained in	3629
the authorization form are accurate;	3630
(17) The signature of the authorizing agent and the	3631
signature of at least one witness who observed the authorizing	3632
agent execute the cremation or reduction authorization form.	3633

(B) In making the identification of the decedent required

by division (A)(1) of this section, the funeral home arranging	3635
the cremation or reduction shall require the authorizing agent	3636
or the agent's appointed representative to visually identify the	3637
decedent's remains or a photograph or other visual image of the	3638
remains. If identification is by photograph or other visual	3639
image, the authorizing agent or representative shall sign the	3640
photograph or other visual image. If visual identification is	3641
not feasible, other positive identification of the decedent may	3642
be used including, but not limited to, reliance upon an	3643
identification made through the coroner's office or	3644
identification of photographs or other visual images of scars,	3645
tattoos, or physical deformities taken from the decedent's	3646
remains.	3647

(C) An authorizing agent who is not available to execute a 3648 cremation or reduction authorization form in person may 3649 designate another individual to serve as the authorizing agent 3650 by providing to the crematory or reduction facility where the 3651 cremation or reduction is to occur a written designation, signed 3652 by the authorizing agent and by a witness who observed the 3653 authorizing agent execute the designation, authorizing that 3654 other individual to serve as the authorizing agent. Any such 3655 written designation shall contain the name of the decedent, the 3656 name and address of the authorizing agent, the relationship of 3657 the authorizing agent to the decedent, and the name and address 3658 of the individual who is being designated to serve as the 3659 authorizing agent. Upon receiving such a written designation, 3660 the operator shall permit the individual named in the written 3661 designation to serve as the authorizing agent and to execute the 3662 cremation authorization form authorizing the cremation or 3663 reduction of the decedent named in the written designation. 3664

3665

(D) An authorizing agent who signs a cremation $\underline{\text{or}}$

reduction authorization form under this section is hereby deemed	3666
to warrant the accuracy of the information and statements	3667
contained in such authorization form, including the	3668
identification of the decedent and the agent's authority to	3669
authorize the cremation or reduction. A funeral home and its	3670
employees are not responsible for verifying the accuracy of any	3671
information or statements the authorizing agent made on the	3672
authorization form, unless the funeral home or its employees	3673
have actual knowledge to the contrary regarding any such	3674
information or statement. When delivering the decedent's remains	3675
to a crematory or reduction facility or in carrying out the	3676
disposition in its own facility, the funeral home is responsible	3677
for having the decedent identified pursuant to division (B) of	3678
this section and carrying out the obligations imposed on the	3679
funeral home by division (B) of section 4717.29 of the Revised	3680
Code.	3681

- (E) At any time after executing a cremation or reduction 3682 authorization form and prior to the beginning of the cremation 3683 or reduction process, the authorizing agent who executed the 3684 cremation authorization form under division (A) or (C) of this 3685 section may, in writing, modify the arrangements for the final 3686 disposition of the cremated or reduced remains of the decedent 3687 set forth in the authorization form or may, in writing, revoke 3688 the authorization, cancel the cremation, or reduction, and claim 3689 the decedent's body for purposes of making alternative 3690 arrangements for the final disposition of the decedent's body. 3691 The crematory or reduction facility shall cancel the cremation 3692 or reduction if the crematory or reduction facility receives 3693 such a revocation before beginning the cremation or reduction. 3694
- (F) A cremation or reduction authorization form executed 3695 under this section does not constitute a contract for conducting 3696

the cremation or reduction of the decedent named in the	3697
authorization form or for the final disposition of the cremated_	3698
$\underline{\text{or reduced}}$ remains of the decedent. The revocation of $\underline{\text{a-}}$	3699
eremation an authorization form or modification of the	3700
arrangements for the final disposition of the cremated remains	3701
of the decedent pursuant to division (E) of this section does	3702
not affect the validity or enforceability of any contract for	3703
the cremation or reduction of the decedent named in the	3704
authorization form or for the final disposition of the cremated	3705
remains of the decedent.	3706
Sec. 4717.25. (A) A cremation or reduction authorization	3707
form authorizing the cremation or reduction of any body parts,	3708
including, without limitation, dead human bodies that were	3709
donated to science for purposes of medical education or research	3710
shall include at least all of the following information and	3711
statements, as applicable:	3712
(1) The identity of the decedent whose body was donated to	3713
science for purposes of medical education or research or the	3714
identity of the living person or such a decedent from whom the	3715
body parts were removed;	3716
(2) The name of the authorizing agent and the relationship	3717
of the authorizing agent to the decedent or the living person	3718
from whom the body parts were removed;	3719
(3) A statement that the authorizing agent in fact has the	3720
right to authorize the cremation or reduction of the decedent or	3721
the body parts removed from the decedent or living person and a	3722
description of the basis of the person's right to execute the	3723
cremation or reduction authorization form;	3724

(4) A statement of whether the crematory or reduction

facility is authorized to simultaneously cremate or reduce the	3726
decedent or body parts removed from the decedent or living	3727
person with one or more other decedents whose bodies were	3728
donated to science for purposes of medical education or research	3729
or with body parts removed from one or more other decedents or	3730
living persons;	3731
(5) The authorization for the crematory or reduction	3732
facility to cremate or reduce the decedent or body parts removed	3733
from the decedent or living person and to process or pulverize	3734
the cremated or reduced remains as is the practice at the	3735
particular crematory or reduction facility;	3736
(6) A statement of whether it is the crematory <u>or</u>	3737
<u>reduction</u> facility's practice to return all of the residue	3738
removed from the cremation or reduction chamber following the	3739
cremation or reduction or to separate and remove foreign matter	3740
from the residue before returning the cremated or reduced	3741
remains to the authorizing agent or the authorizing agent's	3742
designee;	3743
(7) The name of the person who is to receive the cremated_	3744
or reduced remains from the crematory or reduction facility;	3745
(8) The manner in which the final disposition of the	3746
cremated or reduced remains is to occur, if known. If the	3747
cremation or reduction authorization form does not specify the	3748
manner of the final disposition of the cremated remains, it	3749
shall indicate that the cremated -remains will be held by the	3750
crematory or reduction facility for thirty days after the	3751
cremation or reduction, unless, prior to the end of that period,	3752
they are picked up from the crematory <u>or reduction</u> facility by	3753
the person designated on the authorization form to receive them	3754
or by the authorizing agent, or are delivered or shipped by the	3755

crematory or reduction facility to one of those persons. The	3756
authorization form shall indicate that if no instructions for	3757
the final disposition of the cremated -remains are provided on	3758
the authorization form and that if no arrangements for final	3759
disposition have been made within the thirty-day period, the	3760
crematory or reduction facility may return the cremated remains	3761
to the authorizing agent. The authorization form shall further	3762
indicate that if no arrangements for the final disposition of	3763
the cremated -remains have been made within sixty days after the	3764
cremation or reduction and if the authorizing agent or person	3765
designated on the authorization form to receive the cremated	3766
remains has not picked them up or caused them to be picked up	3767
within that period, the crematory or reduction facility operator	3768
or the crematory or reduction facility may dispose of them in	3769
accordance with division (C)(1) or (2) of section 4717.27 of the	3770
Revised Code.	3771

- (9) The certification of the authorizing agent to the 3772 effect that all of the information and statements contained in 3773 the authorization form are accurate. 3774
- (B) An authorizing agent who signs a cremation or 3775

 reduction authorization form under this section is hereby deemed 3776
 to warrant the accuracy of the information and statements 3777
 contained in the authorization form, including the person's 3778
 authority to authorize the cremation or reduction. 3779
- (C) At any time after executing a cremation or reduction

 authorization form and prior to the beginning of the cremation 3781

 or reduction process, an authorizing agent who executed a 3782

 cremation an authorization form under this section may, in 3783

 writing, revoke the authorization, cancel the cremation or 3784

 reduction, and claim the decedent's body or the body parts for 3785

purposes of making alternative arrangements for the final	3786
disposition of the decedent's body or the body parts. The	3787
crematory or reduction facility shall cancel the cremation or	3788
<u>reduction</u> if the crematory <u>or reduction</u> facility receives such a	3789
revocation before beginning the cremation or reduction.	3790

(D) A cremation or reduction authorization form executed 3791 under this section does not constitute a contract for conducting 3792 the cremation or reduction of the decedent named in the 3793 authorization form or body parts removed from the decedent or 3794 living person named in the form or for the final disposition of 3795 the cremated or reduced remains of the decedent or body parts. 3796 The revocation of a cremation—an authorization form or 3797 modification of the arrangements for the final disposition of 3798 the eremated remains of the decedent or the body parts pursuant 3799 to division (C) of this section does not affect the validity or 3800 enforceability of any contract for the cremation or reduction of 3801 the decedent named in the authorization form, the cremation or 3802 reduction of body parts from the decedent or living person named 3803 in the authorization form, or the final disposition of the 3804 cremated remains of the decedent or body parts. 3805

Sec. 4717.26. (A) The crematory or reduction facility may 3806 schedule the time for the cremation or reduction of a dead human 3807 body to occur at the crematory or reduction facility's own 3808 convenience at any time after the conditions set forth in 3809 division (A) or (B) of section 4717.23 of the Revised Code, as 3810 applicable, have been met and the decedent or body parts have 3811 been delivered to the facility, unless, in the case of a dead 3812 human body, the crematory or reduction facility has received 3813 specific instructions to the contrary on the cremation or 3814 reduction authorization form authorizing the cremation or 3815 reduction of the decedent executed under section 4717.21, 3816

4717.24, or 4717.25 of the Revised Code. The crematory or	3817
<u>reduction</u> facility becomes responsible for a dead human body or	3818
body parts when the body or body parts have been delivered to or	3819
accepted by the facility or an employee or agent of the	3820
facility.	3821
(B) No crematory or reduction facility operator or	3822
crematory or reduction facility shall fail to do either of the	3823
following:	3824
(1) Upon receipt at the crematory or reduction facility of	3825
any dead human body that has not been embalmed, and subject to	3826
the prohibition set forth in division (C)(1) of this section,	3827
place the body in a holding or refrigerated facility at the	3828
crematory or reduction facility and keep the body in the holding	3829
or refrigerated facility until near the time the cremation or	3830
<u>reduction</u> process commences or until the body is held at the	3831
facility for eight hours or longer. If the body is held for	3832
eight hours or longer, place the body in a refrigerated facility	3833
at the crematory or reduction facility and keep the body in the	3834
refrigerated facility until near the time the cremation process	3835
commences;	3836
(2) Upon receipt of any dead human body that has been	3837
embalmed, place the body in a holding facility at the crematory_	3838
or reduction facility and keep the body in the holding facility	3839
until the cremation or reduction process commences.	3840
(C) No crematory or reduction facility operator or	3841
crematory or reduction facility shall do either of the	3842
following, unless the instructions contained in the cremation or	3843
reduction authorization form authorizing the cremation or	3844
reduction of the decedent executed under section 4717.21,	3845
4717.24, or 4717.25 of the Revised Code specifically provide	3846

otherwise:	3847
(1) Remove any dead human body from the casket or	3848
alternative container in which the body was delivered to or	3849
accepted by the crematory or reduction facility;	3850
(2) Fail to cremate or reduce the casket or alternative	3851
container in which the body was delivered or accepted, in its	3852
entirety with the body.	3853
(D) No crematory or reduction facility shall	3854
simultaneously cremate or reduce more than one decedent or body	3855
parts removed from more than one decedent or living person in	3856
the same cremation or reduction chamber unless the cremation or	3857
reduction authorization forms executed under section 4717.21,	3858
4717.24, or 4717.25 of the Revised Code authorizing the	3859
cremation or reduction of each of the decedents or body parts	3860
removed from each decedent or living person specifically	3861
authorize such a simultaneous cremation or reduction. This	3862
division does not prohibit the use of cremation or reduction	3863
equipment that contains more than one cremation or reduction	3864
chamber.	3865
(E) No crematory or reduction facility shall permit any	3866
persons other than employees of the crematory or reduction	3867
facility, the authorizing agent for the cremation or reduction	3868
of the decedent who is to be, is being, or was cremated or	3869
<pre>reduced, persons designated to be present at the cremation or</pre>	3870
<u>reduction</u> of the decedent on the cremation <u>or reduction</u>	3871
authorization form executed under section 4717.21 or 4717.24 of	3872
the Revised Code, and persons authorized by the individual who	3873
is actually in charge of the crematory or reduction facility, to	3874

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be present in the holding facility or cremation—room—or

reduction area while any dead human bodies or body parts are

being held there prior to cremation or reduction or are being 3877 cremated or reduced or while any cremated or reduced remains are 3878 being removed from the cremation or reduction chamber. 3879

- (F)(1) No crematory or reduction facility shall remove any 3880 dental gold, body parts, organs, or other items of value from a 3881 dead human body prior to the cremation or reduction or from the 3882 cremated or reduced remains after cremation or reduction unless 3883 the cremation or reduction authorization form authorizing the 3884 cremation or reduction of the decedent executed under section 3885 4717.21 or 4717.24 of the Revised Code specifically authorizes 3886 the removal thereof. 3887
- (2) No crematory or reduction facility that removes any

 dental gold, body parts, organs, or other items from a dead

 human body or assists in such removal shall charge a fee for

 doing so that exceeds the actual cost to the crematory or

 reduction facility for performing or assisting in the removal.

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- (G) Upon the completion of each cremation or reduction, 3893 the crematory or reduction facility shall remove from the 3894 cremation or reduction chamber all of the cremation or reduction 3895 residue that is practicably recoverable. If the cremation or 3896 reduction authorization form executed under section 4717.21, 3897 4717.24, or 4717.25 of the Revised Code specifies that the 3898 cremated or reduced remains are to be placed in an urn, the 3899 crematory or reduction facility shall place them in the type of 3900 urn specified on the authorization form. If the authorization 3901 form does not specify that the cremated-remains are to be placed 3902 in an urn, the crematory or reduction facility shall place them 3903 in a temporary container. If not all of the recovered cremated 3904 remains will fit in the urn selected or the temporary container, 3905 the crematory or reduction facility shall place the remainder in 3906

a separate temporary container, and the cremated remains placed	3907
in the separate temporary container shall be delivered,	3908
released, or disposed of along with those in the urn or other	3909
temporary container. Nothing in this section requires a	3910
crematory or reduction facility to recover any specified	3911
quantity or quality of cremated remains upon the completion of a	3912
cremation or reduction, but only requires a crematory or	3913
reduction facility to recover from the eremation—chamber all of	3914
the cremation residue that is practicably recoverable.	3915
(H) No crematory or reduction facility shall knowingly	3916
represent to an authorizing agent or a designee of an	3917
authorizing agent that an urn or temporary container contains	3918
the recovered cremated or reduced remains of a specific decedent	3919
or of body parts removed from a specific decedent or living	3920
person when it does not. This division does not prohibit the	3921
making of such a representation because of the presence in the	3922
recovered cremated remains of de minimus amounts of the cremated	3923
remains of another decedent or of body parts removed from	3924
another decedent or living person that were not practicably	3925
recoverable and that remained in the cremation or reduction	3926
chamber after the cremated remains from previous cremations or	3927
reductions were removed.	3928
(I) No crematory or reduction facility or funeral director	3929
shall ship or cause to be shipped any cremated or reduced	3930
remains by a class or method of mail, common carrier service, or	3931
delivery service that does not have an internal system for	3932
tracing the location of the cremated -remains during shipment and	3933
that does not require a signed receipt from the person accepting	3934
delivery of the cremated -remains.	3935

(J) No crematory or reduction facility shall fail to

establish and maintain a system for accurately identifying each	3937
dead human body in the facility's possession, and for	3938
identifying each decedent or living person from which body parts	3939
in the facility's possession were removed, throughout all phases	3940
of the holding and the cremation or reduction process.	3941
(K) No crematory or reduction facility shall knowingly use	3942
or allow the use of the same cremation <u>or reduction</u> chamber for	3943
the cremation or reduction of dead human bodies, or human body	3944
parts, and animals.	3945
Sec. 4717.27. (A) The authorizing agent who executed the	3946
cremation or reduction authorization form authorizing the	3947
cremation or reduction of a decedent under section 4717.24 of	3948
the Revised Code or the cremation or reduction of body parts	3949
under section 4717.25 of the Revised Code is ultimately	3950
responsible for the final disposition of the cremated or reduced	3951
remains of the decedent or body parts.	3952
(B) If the cremation or reduction authorization form does	3953
not contain instructions for the final disposition of the	3954
cremated or reduced remains of the decedent or body parts, if no	3955
arrangements for the disposition of the cremated -remains are	3956
made within thirty days after the completion of the $\operatorname{cremation}$ or	3957
<u>reduction</u> , and if the cremated -remains have not been picked up	3958
within that thirty-day period by the person designated to	3959
receive them on the authorization form or, in the absence of	3960
such a designated person, by the authorizing agent, the	3961
crematory or reduction facility or the funeral home holding the	3962
unclaimed cremated remains, at the end of that thirty-day	3963

period, may release or deliver them in person to, or cause their

delivery by a method described in division (I) of section

4717.26 of the Revised Code that is acceptable under that

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division to, the person designated to receive them on the

cremation—authorization form or, if no person has been so

designated, to the authorizing agent.

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- (C)(1) If the cremation or reduction authorization form 3970 does not contain instructions for the final disposition of the 3971 cremated or reduced remains of the decedent or body parts, if no 3972 arrangements for the final disposition of the cremated-remains 3973 are made within sixty days after the completion of the cremation 3974 or reduction, and if the cremated-remains have not been picked 3975 up by the person designated on the authorization form to receive 3976 them or, in the absence of such a designated person, by the 3977 authorizing agent, the crematory or reduction facility or the 3978 funeral home holding the unclaimed cremated remains may dispose 3979 of the cremated-remains in a grave, crypt, or niche, by 3980 scattering them in any dignified manner, including in a memorial 3981 garden, at sea, by air, or at any scattering grounds described 3982 in section 1721.21 of the Revised Code, or in any other lawful 3983 manner, at any time after the end of that sixty-day period. 3984
- (2) If the cremation or reduction authorization form 3985 specifies the manner of the final disposition of the cremated or 3986 reduced remains, or if within sixty days after the completion of 3987 the cremation or reduction the authorizing agent makes 3988 arrangements for the final disposition of the eremated remains, 3989 and if either the arrangements have not been carried out within 3990 that sixty-day period because of the inaction of a party other 3991 than the operator of the crematory or reduction facility or the 3992 funeral home holding the unclaimed cremated remains, or the 3993 authorizing agent fails to pick up the cremated remains within 3994 that sixty-day period, the crematory or reduction facility or 3995 the funeral home holding the unclaimed cremated remains may 3996 dispose of the cremated remains in a grave, crypt, or niche, by 3997

scattering them in any dignified manner, including in a memorial 3998 garden, at sea, by air, or at any scattering grounds described 3999 in section 1721.21 of the Revised Code, or in any other lawful 4000 manner, at any time after the end of that period. 4001

- (3) If cremated or reduced remains of a decedent who was 4002 eighteen years or older at the time of death are unclaimed under 4003 divisions (C)(1) and (2) of this section, the crematory 4004 facility, reduction facility, or the-funeral home holding the 4005 cremated remains shall, before disposing of the unclaimed 4006 cremated remains, notify the secretary of the United States 4007 department of veterans affairs of the name of, and other 4008 identifying information related to, the decedent. If, within 4009 sixty days of the notification, the secretary of the department 4010 of veterans affairs notifies the crematory facility, reduction 4011 facility, or funeral home that the decedent was a veteran who is 4012 eligible for burial in a national cemetery under the control of 4013 the national cemetery administration and that the secretary 4014 agrees to provide for the cost of the transportation and burial 4015 of the unclaimed cremated remains in a national cemetery, the 4016 crematory facility, reduction facility, or funeral home shall 4017 follow the directions of the secretary and arrange for the 4018 burial of the unclaimed remains in the national cemetery at the 4019 secretary's expense. If the secretary does not assume the right 4020 to direct the burial of the unclaimed remains within sixty days 4021 of the notification by the crematory facility, reduction 4022 facility, or funeral home, the crematory facility, reduction 4023 facility, or funeral home may carry out the disposition of the 4024 unclaimed remains under divisions (C)(1) and (2) of this 4025 section. 4026
- (4) When cremated or reduced remains are disposed of in 4027 accordance with division (C)(1) or (2) of this section, the 4028

authorizing agent who executed the cremation or reduction	4029
authorization form authorizing the cremation or reduction of the	4030
decedent or body parts under section 4717.24 or 4717.25 of the	4031
Revised Code is liable to the crematory facility, reduction	4032
facility, or the funeral home for the cost of the final	4033
disposition, which cost shall not exceed the reasonable cost for	4034
disposing of the cremated -remains in a common grave or crypt in	4035
the county where the cremated remains were buried or placed in a	4036
grave, crypt or niche, or scattered.	4037
(D)(1) Except as provided in division (D)(2) of this	4038
section, no person shall do either of the following:	4039
(a) Dispose of the cremated or reduced remains of a dead	4040
human body or body parts in such a manner or in such a location	4041
that the cremated -remains are commingled with those of another	4042
decedent or body parts removed from another decedent or living	4043
person;	4044
(b) Place the cremated or reduced remains of more than one	4045
decedent or of body parts removed from more than one decedent or	4046
living person in the same urn or temporary container.	4047
(2) Division (D)(1) of this section does not prohibit any	4048
of the following:	4049
(a) The scattering of cremated or reduced remains at sea	4050
or by air or in a dedicated area at a cemetery used exclusively	4051
for the scattering on the ground of the cremated remains of dead	4052
human bodies or body parts.	4053
(b) The commingling of the cremated or reduced remains of	4054
more than one decedent or of body parts removed from more than	4055
one decedent or living person or the placement in the same urn	4056
or temporary container of the cremated remains of more than one	4057

decedent or of body parts removed from more than one decedent or	4058
living person when each authorizing agent who executed the	4059
cremation or reduction authorization form authorizing the	4060
cremation or reduction of each of the decedents or body parts	4061
removed from each of the decedents or living persons under	4062
section 4717.21, 4717.24, or 4717.25 of the Revised Code	4063
authorized the commingling of the cremated -remains or the	4064
placement of the cremated remains in the same urn or temporary	4065
container on the authorization form.	4066

(c) The commingling, by the individual designated on the 4067 cremation or reduction authorization form authorizing the 4068 cremation or reduction of the decedent or body parts to receive 4069 the cremated or reduced remains, other than a funeral director 4070 or employee of a cemetery, or by the authorizing agent who 4071 executed the cremation-authorization form, after receipt of the 4072 cremated remains, of the cremated remains with those of another 4073 decedent or of body parts removed from another decedent or 4074 living person or the placing of them by any such person in the 4075 same urn or temporary container with those of another decedent 4076 or of body parts removed from another decedent or living person. 4077

Sec. 4717.28. (A) No crematory or reduction facility shall 4078 fail to ensure that a written receipt is provided to the person 4079 who delivers a dead human body or body parts to the facility for 4080 cremation or reduction. If the dead human body is other than one 4081 that was donated to science for purposes of medical education or 4082 research, the receipt shall be signed by both a representative 4083 of the crematory or reduction facility and the person who 4084 delivered the decedent to the crematory or reduction facility 4085 and shall indicate the name of the decedent; the date and time 4086 of delivery; the type of casket or alternative container in 4087 which the decedent was delivered to the facility; the name of 4088

the person who delivered the decedent to the facility; if	4089
applicable, the name of the funeral home or other establishment	4090
with whom the delivery person is affiliated; and the name of the	4091
person who received the decedent on behalf of the facility. If	4092
the dead human body was donated to science for purposes of	4093
medical education or research, the receipt shall consist of a	4094
copy of the cremation <u>or reduction</u> authorization form executed	4095
under section 4717.21, 4717.24, or 4717.25 of the Revised Code	4096
that authorizes the cremation or reduction of the decedent or	4097
body parts that has been signed by both a representative of the	4098
crematory or reduction facility and the person who delivered the	4099
decedent or body parts to the crematory <u>or reduction</u> facility	4100
and that indicates the date and time of the delivery. The	4101
operator may provide the copy of the receipt to the person who	4102
delivered the decedent or body parts to the facility either in	4103
person or by certified mail, return receipt requested.	4104

(B) No crematory or reduction facility shall fail to 4105 ensure at the time of releasing cremated or reduced remains that 4106 a written receipt signed by both a representative of the 4107 crematory or reduction facility and the person who received the 4108 eremated remains is provided to the person who received the 4109 cremated_remains. Unless the cremated_remains are those of a 4110 dead human body that was donated to science for purposes of 4111 medical education or research or are those of body parts, the 4112 receipt shall indicate the name of the decedent; the date and 4113 time of the release; the name of the person to whom the eremated 4114 remains were released; if applicable, the name of the funeral 4115 home, cemetery, or other entity to whom the cremated remains 4116 were released; and the name of the person who released the 4117 cremated-remains on behalf of the crematory or reduction 4118 facility. If the cremated-remains are those of a dead human body 4119

that was donated to science for purposes of medical education or	4120
research or are those of body parts, the receipt shall consist	4121
of a copy of the cremation or reduction authorization form	4122
executed under section 4717.21, 4717.24, or 4717.25 of the	4123
Revised Code that authorizes the cremation or reduction of the	4124
decedent or body parts that has been signed by both a	4125
representative of the crematory or reduction facility and the	4126
person who received the cremated remains and that indicates the	4127
date and time of the release. If the cremated remains were	4128
delivered to the authorizing agent or other individual	4129
designated on the cremation -authorization form by a method	4130
described in division (I) of section 4717.26 of the Revised Code	4131
that is acceptable under that division, the receipt required by	4132
this division shall accompany the cremated remains, and the	4133
signature of the authorizing agent or other designated	4134
individual on the delivery receipt meets the requirement of this	4135
division that the person receiving the cremated -remains sign the	4136
receipt provided by the crematory or reduction facility.	4137
(C) For each cremation or reduction carried out at a	4138
crematory or reduction facility, the crematory or reduction	4139
facility shall make and keep on file the following records and	4140
documents for the time period described in division (E) of this	4141
section:	4142
(1) A copy of each receipt issued upon acceptance by or	4143
delivery to the crematory or reduction facility of a dead human	4144
body under division (A) of this section;	4145
(2) A copy of each delivery receipt issued under division	4146
(B) of this section;	4147
(3) A record of each cremation or reduction conducted at	4148
the facility, containing at least the name of the decedent or,	4149

in the case of body parts, the name of the decedent or living	4150
person from whom the body parts were removed, the date and time	4151
of the cremation, or reduction, and the final disposition made	4152
of the cremated or reduced remains;	4153
(4) A separate record of the cremated or reduced remains	4154
of each decedent or the body parts removed from each decedent or	4155
living person that were disposed of in accordance with division	4156
(C)(1) or (2) of section 4717.27 of the Revised Code, containing	4157
at least the name of the decedent, the date and time of the	4158
cremation, or reduction, and the location, date, and manner of	4159
final disposition of the cremated remains.	4160
(D) All records required to be maintained under sections	4161
4717.21 to 4717.30 of the Revised Code are subject to inspection	4162
by the board of embalmers and funeral directors or an authorized	4163
representative of the board, upon reasonable notice, at any	4164
reasonable time.	4165
(E) The documents listed in divisions (C)(1) and (2) of	4166
this section shall be retained for the shorter of the time that	4167
the crematory or reduction facility remains engaged in the	4168
business of cremating or reducing dead human bodies or body	4169
parts or ten years following the date of the cremation. The	4170
documents listed in divisions (C)(3) and (4) of this section	4171
shall be retained during the time that the crematory or	4172
reduction facility remains engaged in the business of cremating_	4173
or reducing dead human bodies or body parts.	4174
Sec. 4717.29. (A) A person executing a cremation or	4175
reduction authorization form as the authorizing agent under	4176
section 4717.24 of the Revised Code shall use diligent efforts	4177
to determine whether a pacemaker, cardiac defibrillator, or any	4178
other mechanical or radioactive device or implant is present in	4179

the decedent's body that poses a hazard to the health or safety	4180
of the personnel of the crematory or reduction facility or to	4181
the cremation or reduction chamber during the cremation or	4182
reduction process and shall indicate the presence of the device	4183
or implant on the cremation authorization form. If the decedent	4184
is to be delivered to the crematory or reduction facility by a	4185
funeral director, the person executing the authorization form	4186
shall inform the funeral director of the presence of the device	4187
or implant.	4188
(B) If a funeral director delivers the decedent to a	4189
crematory or reduction facility, the funeral director shall take	4190
reasonable precautions to ensure necessary actions are taken to	4191
remove a device or implant from the decedent, or to render the	4192
device or implant nonhazardous prior to delivering the decedent	4193
to the crematory or reduction facility.	4194
Sec. 4717.30. (A) A crematory or reduction facility	4195
operator, crematory or reduction facility, funeral director, or	4196
funeral home is not liable in damages in a civil action for any	4197
of the following actions or omissions, unless the actions or	4198
omissions were made with malicious purpose, in bad faith, or in	4199
a wanton or reckless manner or unless any of the conditions set	4200
forth in divisions (B)(1) to (3) of this section apply:	4201
(1)(a) For having arranged or performed the cremation or	4202
reduction of the decedent, or having released or disposed of the	4203
cremated or reduced remains, in accordance with the instructions	4204
set forth in the cremation or reduction authorization form	4205
executed by the decedent on an antemortem basis under section	4206
executed by the decedent on an antemortem basis under section 4717.21 of the Revised Code;	4206 4207

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<u>reduction</u> of the decedent or body parts removed from the

decedent or living person or having released or disposed of the	4210
cremated or reduced remains in accordance with section 4717.27	4211
of the Revised Code or the instructions set forth in a cremation	4212
or reduction authorization form executed by the person	4213
authorized to serve as the authorizing agent for the cremation_	4214
or reduction of the decedent or for the cremation or reduction	4215
of body parts of the decedent or living person, named in the	4216
eremation—authorization form executed under section 4717.24 or	4217
4717.25 of the Revised Code.	4218
(2) For having arranged or performed the cremation or	4219
reduction of the decedent, or having released or disposed of the	4220
cremated or reduced remains, in accordance with section 4717.27	4221
of the Revised Code or the instructions set forth in the	4222
cremation or reduction authorization form executed by a	4223
designated agent under division (C) of section 4717.24 of the	4224
Revised Code.	4225
(B) The crematory or reduction facility operator,	4226
crematory or reduction facility, funeral director, or funeral	4227
home is not liable in damages in a civil action for refusing to	4228
accept a dead human body or body parts or to perform a cremation	4229
or reduction under any of the following circumstances, unless	4230
the refusal was made with malicious purpose, in bad faith, or in	4231
a wanton or reckless manner:	4232
(1) The crematory or reduction facility operator,	4233
crematory or reduction facility, funeral director, or funeral	4234
home has actual knowledge that there is a dispute regarding the	4235
cremation or reduction of the decedent or body parts, until such	4236
time as the crematory or reduction facility operator, crematory_	4237
or reduction facility, funeral director, or funeral home	4238
receives an order of the probate court having jurisdiction	4239

ordering the cremation or reduction of the decedent or body	4240
parts or until the crematory or reduction facility operator,	4241
crematory or reduction facility, funeral director, or funeral	4242
home receives from the parties to the dispute a copy of a	4243
written agreement resolving the dispute and authorizing the	4244
cremation or reduction to be performed.	4245
(2) The crematory or reduction facility operator,	4246
crematory or reduction facility, funeral director, or funeral	4247
home has a reasonable basis for questioning the accuracy of any	4248
of the information or statements contained in a cremation <u>or</u>	4249
reduction authorization form executed under section 4717.21,	4250
4717.24, or 4717.25 of the Revised Code, as applicable, that	4251
authorizes the cremation or reduction of the decedent or body	4252
parts.	4253
(3) The crematory or reduction facility operator,	4254
crematory or reduction facility, funeral director, or funeral	4255
home has any other lawful reason for refusing to accept the dead	4256
human body or body parts or to perform the cremation <u>or</u>	4257
reduction.	4258
(C) A crematory or reduction facility operator, crematory_	4259
or reduction facility, funeral director, or funeral home is not	4260
liable in damages in a civil action for refusing to release or	4261
dispose of the cremated <u>or reduced</u> remains of a decedent or body	4262
parts when the crematory or reduction facility operator,	4263
crematory or reduction facility, funeral director, or funeral	4264
home has actual knowledge that there is a dispute regarding the	4265
release or final disposition of the cremated remains in	4266
connection with any damages sustained, prior to the time the	4267
crematory or reduction facility operator, crematory or reduction	4268
facility, funeral home, or funeral director receives an order of	4269

the probate court having jurisdiction ordering the release or	4270
final disposition of the cremated remains, or prior to the time	4271
the crematory or reduction facility operator, crematory or	4272
reduction facility, funeral director, or funeral home receives	4273
from the parties to the dispute a copy of a written agreement	4274
resolving the dispute and authorizing the cremation or reduction	4275
to be performed.	4276
(D) A crematory or reduction facility operator, crematory_	4277
or reduction facility, funeral director, or funeral home is not	4278
liable in damages in a civil action in connection with the	4279
cremation or reduction of, or disposition of the cremated or	4280
reduced remains of, any dental gold, jewelry, or other items of	4281
value delivered to the crematory or reduction facility or	4282
funeral home with a dead human body or body parts, unless either	4283
or both of the following apply:	4284
(1) The cremation or reduction authorization form	4285
authorizing the cremation or reduction of the decedent or body	4286
parts executed under section 4717.21, 4717.24, or 4717.25 of the	4287
Revised Code, as applicable, contains specific instructions for	4288
the removal or recovery and disposition of any such dental gold,	4289
jewelry, or other items of value prior to the cremation or	4290
reduction, and the crematory or reduction facility operator,	4291
crematory or reduction facility, funeral director, or funeral	4292
home has failed to comply with the written instructions.	4293
(2) The actions or omissions of the crematory or reduction	4294
<pre>facility operator, crematory_or reduction facility, funeral</pre>	4295
director, or funeral home were made with malicious purpose, in	4296
bad faith, or in a wanton or reckless manner.	4297
(E)(1) This section does not create a new cause of action	4298

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against or substantive legal right against a crematory or

reduction facility operator, crematory or reduction facility,	4300
funeral director, or funeral home.	4301
(2) This section does not affect any immunities from civil	4302
liability or defenses established by another section of the	4303
Revised Code or available at common law to which a crematory or	4304
reduction facility operator, crematory or reduction facility,	4305
funeral director, or funeral home may be entitled under	4306
circumstances not covered by this section.	4307
Sec. 4717.36. (A) This section applies only to preneed	4308
funeral contracts that are funded by any means other than an	4309
insurance policy or policies, or an annuity or annuities.	4310
No money in a preneed funeral contract trust shall be	4311
distributed from the trust except as provided in this section.	4312
(B) A seller of a preneed funeral contract that stipulates	4313
a fixed or firm or guaranteed price for funeral services and	4314
funeral goods to be provided under a preneed funeral contract	4315
may charge an initial service fee not to exceed ten per cent of	4316
the total amount of all payments to be paid under the preneed	4317
funeral contract for such guaranteed price funeral services and	4318
funeral goods. If the amount to be paid by the purchaser is to	4319
be paid in installments, the seller may collect the initial	4320
service fee only after all of the installments have been paid.	4321
(C)(1) Except for the following, all payments made by the	4322
purchaser of a preneed funeral contract shall be made in the	4323
form of a check, cashier's check, money order, or debit or	4324
credit card, payable only to the trustee of the preneed funeral	4325
contract trust or to the trustee's designated depository:	4326
(a) The initial service fee permitted by division (B) of	4327
this section;	4328

(b) The fee collected under division $\frac{A}{A}$ $\frac{A}{A}$ $\frac{A}{A}$ of	4329
section 4717.07 of the Revised Code;	4330
(c) Any applicable sales tax.	4331
(2) If the purchaser makes payment in the form of a check	4332
made payable to the seller, the seller may, within five business	4333
days of receiving the check, sign over and forward the check to	4334
the trustee or the trustee's designated depository.	4335
(3) Within thirty days of the seller receiving any form of	4336
payment made payable to the trustee or the trustee's designee,	4337
the seller shall remit the payment to the trustee or the	4338
trustee's designee unless the purchaser rescinds the preneed	4339
funeral contract in accordance with division (A) of section	4340
4717.34 of the Revised Code. The funds deposited with the	4341
trustee shall remain intact and held in trust for the contract	4342
beneficiary.	4343
(D) The seller shall establish a preneed funeral contract	4344
trust at one of the following types of institutions and shall	4345
designate that institution as the trustee of the preneed funeral	4346
contract trust:	4347
(1) A trust company licensed under Chapter 1111. of the	4348
Revised Code;	4349
(2) A national bank, federal savings bank, or federal	4350
savings association that pledges securities in accordance with	4351
section 1111.04 of the Revised Code;	4352
(3) A credit union authorized to conduct business in this	4353
state pursuant to Chapter 1733. of the Revised Code.	4354
(E) Moneys deposited in a preneed funeral contract trust	4355
fund shall be held and invested in the manner in which trust	4356

funds	are	e pei	rmitted	to	be	held	and	invested	pursuant	to	Chapter	4357
1111.	of	the	Revised	d Co	ode							4358

(F) The seller shall establish a separate preneed funeral 4359 contract trust for the moneys paid under each preneed funeral 4360 contract, unless the purchaser or purchasers of a preneed 4361 funeral contract or contracts authorize the seller to place the 4362 moneys paid for that contract or those contracts in a combined 4363 4364 preneed funeral contract trust. The trustee of a combined preneed funeral contract trust shall keep exact records of the 4365 4366 corpus, income, expenses, and disbursements with regard to each purchaser and contract beneficiary for whom moneys are held in 4367 the trust. The terms of a preneed funeral contract trust are 4368 governed by this section and the payments from that trust are 4369 governed by Chapter 1111. of the Revised Code, except as 4370 otherwise provided in this section. 4371

A trustee of a preneed funeral contract trust may pay

taxes and expenses for a preneed funeral contract trust and may

charge a fee for managing a preneed funeral contract trust. The

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fee shall not exceed the amount regularly or usually charged for

similar services rendered by the institutions described in

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division (D) of this section when serving as a trustee.

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(G) If the purchaser of a preneed funeral contract that is 4378 revocable elects to cancel the contract, the purchaser shall 4379 provide a written notice to the seller of the contract and the 4380 trustee of the preneed funeral contract trust stating that the 4381 purchaser intends to cancel the contract. Fifteen days after the 4382 purchaser provides that notice to the seller and trustee, the 4383 purchaser may cancel the contract. Upon canceling a preneed 4384 funeral contract pursuant to this division, one of the following 4385 shall occur, as applicable: 4386

(1) If the preneed funeral contract does not stipulate a	4387
firm or fixed or guaranteed price for funeral goods and funeral	4388
services to be provided under the preneed funeral contract, the	4389
trustee shall give to the purchaser all of the assets of the	4390
trust that exist at the time of cancellation, less any fees	4391
charged, distributions paid, and expenses incurred by the	4392
trustee pursuant to division (F) of this section.	4393

(2) If the preneed funeral contract does stipulate a firm 4394 or fixed or quaranteed price for funeral goods and funeral 4395 4396 services to be provided under the contract, the purchaser may request and receive from the trustee all of the assets of the 4397 trust at the time of cancellation, less a cancellation fee that 4398 the original seller may collect from the trustee that is equal 4399 to or less than ten per cent of the value of the assets of the 4400 trust on the date the trust is cancelled, provided, however, 4401 that to the extent the original seller took an initial service 4402 fee as permitted by division (B) of this section, the aggregate 4403 amount of the cancellation fee and the initial service fee may 4404 not exceed ten per cent of the value of those assets. In 4405 addition to any cancellation fee, there may also be deducted any 4406 fees charged, distributions paid, and expenses incurred by the 4407 trustee pursuant to division (F) of this section. 4408

If more than one purchaser enters into the contract, all 4409 of those purchasers must request cancellation of the contract 4410 for it to be effective under this division, and the trustee 4411 shall refund to each purchaser only those funds that purchaser 4412 has paid under the contract and any income earned on those funds 4413 in an amount that is in direct proportion to the amount of funds 4414 that purchaser paid relative to the total amount of payments 4415 deposited in that trust, less any fees charged, distributions 4416 paid, and expenses incurred by the trustee pursuant to division 4417 (F) of this section, the amount of which are in direct 4418 proportion to the amount of funds that purchaser paid relative 4419 to the total amount of payments deposited in that trust. 4420

(H) The purchaser of a preneed funeral contract that is 4421 irrevocable may transfer the preneed funeral contract to a 4422 successor seller. A purchaser who elects to make such a transfer 4423 shall provide a written notice of the designation of a successor 4424 seller to the trustee and the original seller. Within fifteen 4425 days after receiving the written notice of the new designation 4426 4427 from the purchaser, the trustee shall list the successor seller as the seller of the preneed funeral contract and the original 4428 seller shall relinquish and transfer all rights under the 4429 preneed funeral contract to the successor seller. The trustee 4430 shall confirm the transfer by providing written notice of the 4431 transfer to the original seller, the successor seller, and the 4432 purchaser. If the preneed funeral contract stipulates a firm or 4433 fixed or guaranteed price for the funeral goods and funeral 4434 services to be provided under the preneed funeral contract, the 4435 4436 original seller may collect from the trustee a transfer fee from the trust that equals up to ten per cent of the value of the 4437 assets of the trust on the date the trust is transferred, 4438 provided, however, that to the extent the original seller took 4439 an initial service fee as permitted by division (B) of this 4440 section, the aggregate amount of the transfer fee and the 4441 initial service fee may not exceed ten per cent of the value of 4442 those assets. If the preneed funeral contract does not stipulate 4443 a firm or fixed or guaranteed price for funeral goods and 4444 funeral services to be provided under the preneed funeral 4445 contract, no transfer fee shall be collected by the original 4446 seller. 4447

(I) If a seller of a preneed funeral contract elects to

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transfer a preneed funeral contract trust from an institution	4449
listed in divisions (D)(1) to (3) of this section to a different	4450
institution, the trustee of the original trust shall notify the	4451
purchaser of the preneed funeral contract of that transfer in	4452
writing within thirty days after the transfer occurred and shall	4453
provide the purchaser with the name of and the contact	4454
information for the institution where the new trust is	4455
maintained. Upon receipt of the trust, the trustee of the	4456
transferred trust shall notify the purchaser of the receipt of	4457
the trusts in accordance with division (A) of section 4717.33 of	4458
the Revised Code.	4459

- (J) (1) If a seller receives a notice that the contract 4460 beneficiary has died and that funeral goods and funeral services 4461 have been provided by a provider other than the seller, the 4462 seller shall direct the trustee, within thirty days after 4463 receiving that notice, to pay to the provider that provided the 4464 funeral goods and services, if still unpaid, all funds held by 4465 the trustee, less any fees charged, distributions paid, and 4466 expenses incurred by the trustee pursuant to division (F) of 4467 this section. 4468
- (2) If the provider has already been paid for providing 4469 4470 the funeral goods and funeral services to the contract beneficiary, the seller shall direct the trustee to pay to the 4471 estate of the contract beneficiary or, if no estate has been 4472 opened, to any person with the right of disposition under 4473 section 2108.81 of the Revised Code all funds held by the 4474 trustee, less any fees charged, distributions paid, and expenses 4475 incurred by the trustee pursuant to division (F) of this 4476 section. The trustee shall make a reasonable attempt to pay the 4477 estate or person with the right of disposition within one 4478 hundred eighty days of receipt of notice that the contract 4479

beneficiary has died. If the trustee is unable to make payment 4480 within one hundred eighty days, the trustee shall report and 4481 remit the funds to the director of commerce pursuant to Chapter 4482 169. of the Revised Code.

- (3) In the event the preneed funeral contract stipulates a 4484 firm or fixed or quaranteed price for funeral goods and funeral 4485 services that were to be provided under the preneed funeral 4486 contract, the seller may collect from the trustee a cancellation 4487 fee not exceeding ten per cent of the value of the assets of the 4488 trust on the date the trust is transferred, provided, however, 4489 that to the extent the original seller took an initial service 4490 fee as permitted by division (B) of this section, the aggregate 4491 amount of the transfer fee and the initial service fee shall not 4492 exceed ten per cent of the value of those assets. If the preneed 4493 funeral trust does not stipulate a firm or fixed or guaranteed 4494 price for funeral goods and funeral services to be provided 4495 under the preneed funeral contract, no cancellation fees shall 4496 be collected by the original seller. 4497
- (K) A certified copy of the certificate of death or other 4498 4499 evidence of death satisfactory to the trustee shall be furnished to the trustee as evidence of death, and the trustee shall 4500 promptly pay the accumulated payments and income, if any, 4501 according to the preneed funeral contract. Such payment of the 4502 4503 accumulated payments and income pursuant to this section and, when applicable, the preneed funeral contract, relieves the 4504 trustee of any further liability on the accumulated payments and 4505 income. 4506
- If, after a preneed funeral contract has been performed 4507 and paid for by the proceeds of a preneed trust fund, there are 4508 excess funds that the purchaser previously assigned by a written 4509

contract to the seller to pay for preneed funeral services or	4510
funeral goods for other individuals, the trustee holding such	4511
excess funds shall pay those funds directly to the seller, and	4512
the seller shall deposit the funds into a trust or purchase	4513
insurance or annuity policies to fund additional preneed funeral	4514
contracts.	4515
Sec. 4717.41. (A) There is hereby created the preneed	4516
recovery fund, which shall be in the custody of the treasurer of	4517
state but shall not be part of the state treasury. All fees	4518
collected under division $\frac{A}{(14)}(A)(18)$ of section 4717.07 of	4519
the Revised Code shall be deposited into the fund. The fund	4520
shall be used to reimburse purchasers of preneed funeral	4521
contracts who have suffered financial loss as a result of the	4522
malfeasance, misfeasance, default, failure, or insolvency in	4523
connection with the sale of a preneed funeral contract by any	4524
licensee under this chapter, regardless of whether the sale of	4525
such contract occurred before or after the establishment of the	4526
fund. The fund, and all investment earnings thereon, shall only	4527
be used for the purposes set forth in this section and shall not	4528
be used for any other purposes. The fund shall be administered	4529
by the board of embalmers and funeral directors.	4530
(B) All fees collected under division (A) (14) (A) (18) of	4531
section 4717.07 of the Revised Code shall be deposited into the	4532
fund. Deposits to and disbursements from the fund account shall	4533
be subject to rules established by the board.	4534
(C) If at the end of any fiscal year for this state, the	4535
balance in the fund exceeds two million dollars, the fee	4536
required by division $\frac{A}{A}$ (14) (A) (18) of section 4717.07 of the	4537
Revised Code for the upcoming fiscal year shall be reduced by	4538
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fifty per cent. If the balance in the fund at the end of a

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fiscal year exceeds three million dollars, the payment of the	4540
fee required by division $\frac{(A)(14)(A)(18)}{(A)(18)}$ of section 4717.07 of	4541
the Revised Code shall be suspended for the upcoming fiscal	4542
year.	4543
(D) The board shall adopt rules governing management of	4544
the fund, the presentation and processing of applications for	4545
reimbursement, subrogation, or assignment of the rights of any	4546
reimbursed applicant.	4547
(E) The board may expend moneys in the fund for the	4548
following purposes:	4549
(1) To make reimbursements on approved applications;	4550
(2) To purchase insurance to cover losses as considered	4551
appropriate by the board and not inconsistent with the purposes	4552
of the fund;	4553
(3) To invest such portions of the fund as are not	4554
currently needed to reimburse losses and maintain adequate	4555
reserves, as are permitted to be made by fiduciaries under the	4556
laws of this state;	4557
(4) To pay the expenses of the board for administering the	4558
fund, including employment of local counsel to prosecute	4559
subrogation claims.	4560
(F) Reimbursements from the fund shall be made only to the	4561
extent to which those losses are not bonded or otherwise	4562
covered, protected, or reimbursed and only after the applicant	4563
has complied with all applicable rules of the board.	4564
(G) The board shall investigate all applications made and	4565
may reject or allow such claims in whole or in part to the	4566
extent that moneys are available in the fund. The board shall	4567

have complete discretion to determine the order and manner of	4568
payment of approved applications. All payments shall be a matter	4569
of privilege and not of right, and no person shall have any	4570
right in the fund as a third-party beneficiary or otherwise. No	4571
attorney may be compensated by the board for prosecuting an	4572
application for reimbursement.	4573
(H) If reimbursement is made to an applicant under this	4574
section, the board shall be subrogated in the reimbursement	4575
amount and may bring any action it considers advisable against	4576
any person. The board may enforce any claims it may have for	4577
restitution or otherwise and may employ and compensate	4578
consultants, agents, legal counsel, accountants, and other	4579
persons it considers appropriate.	4580
Sec. 4767.02. (A) Except as otherwise provided in division	4581
(D) of this section, no person, church, religious society,	4582
established fraternal organization, or political subdivision of	4583
the state shall own, operate, or maintain a cemetery unless the	4584
cemetery is registered pursuant to section 4767.03 of the	4585
Revised Code.	4586
(B) The superintendent of the division of real estate in	4587
the department of commerce shall perform all of the following	4588
duties:	4589
(1) Administer this chapter;	4590
(2) Issue orders necessary to implement this chapter;	4591
(3) Administer the cemetery grant program established	4592
under section 4767.10 of the Revised Code;	4593
(4) Prescribe the form and content of all applications to	4594
be used for registration and renewal of registration pursuant to	4595
section 4767.03 of the Revised Code;	4596

(5) Review applications for registration and issue	4597
registration certificates to cemeteries that meet the	4598
qualifications for registration pursuant to sections 4767.03 and	4599
4767.04 of the Revised Code;	4600
(6) Collect all fees related to the registration and	4601
renewal of registration certificates for cemeteries;	4602
(7) Maintain a written record of each cemetery registered	4603
with the division, which shall include such documentation as	4604
required in division (A) of section 4767.04 of the Revised Code.	4605
The record shall be available for inspection by the public and	4606
copies shall be made available pursuant to division (B) of	4607
section 149.43 of the Revised Code.	4608
(8) Revoke the registration of any cemetery owner or	4609
operator convicted of a violation of section 1721.21 or 1721.211	4610
of the Revised Code immediately upon receipt of notice of the	4611
conviction pursuant to section 119.06 of the Revised Code;	4612
(9) Hire all division personnel necessary to implement	4613
this chapter;	4614
(10) Refuse to issue a registration certificate to the	4615
purchaser of management rights, assets, or stock of a cemetery	4616
until the dispute resolution commission has received either of	4617
the following:	4618
(a) Financial statements audited by a certified public	4619
accountant showing to the commission's satisfaction that all	4620
current funds required to be deposited and maintained pursuant	4621
to sections 1721.21 and 1721.211 of the Revised Code have been	4622
deposited and maintained; or	4623
(b) A plan agreed to by the parties and approved by the	4624
commission in accordance with division (G) of section 4767.06 of	4625

the Revised Code.	4626
(11) Establish and maintain an investigation and audit	4627
section within the division of real estate in the department of	4628
commerce to conduct investigations pursuant to division (A) of	4629
section 4767.08 of the Revised Code and to audit the financial	4630
records of a cemetery to ensure compliance with sections 1721.21	4631
and 1721.211 of the Revised Code at least every five years, or	4632
more often as the section deems necessary. The investigators or	4633
auditors of the section may review and audit the business	4634
records of cemeteries during normal business hours.	4635
(C) Investigators, auditors, and other personnel of the	4636
division or commission shall maintain the confidentiality of	4637
information obtained from cemeteries, complainants, or other	4638
persons during an investigation or while conducting an	4639
inspection, audit, and other inquiry under division (B)(11) of	4640
this section, and of all other reports, documents, and work	4641
product that result from that information and that are prepared	4642
by the investigators, auditors, or other personnel of the	4643
division or commission. Such information and other reports,	4644
documents, and work product are not a public record for purposes	4645
of section 149.43 of the Revised Code.	4646
(D)(1) Sections 4767.02 to 4767.04 of the Revised Code	4647
do not apply to or affect a any of the following:	4648
(a) A family cemetery—or a ;	4649
(b) A cemetery in which there have been no interments	4650
during the previous twenty-five calendar years;	4651
(c) Private conservation land in which reduced remains, as	4652
defined in section 4717.01 of the Revised Code, have been placed	4653
or comingled with soil.	4654

(2) As used in this divisionsection, "family cemetery"	4655
means a cemetery containing the human remains of persons, at	4656
least three-fourths of whom have a common ancestor or who are	4657
the spouse or adopted child of that common ancestor.	4658
Sec. 4767.05. (A) There is hereby created the Ohio	4659
cemetery dispute resolution commission, which shall consist of	4660
nine members to be appointed by the governor with the advice and	4661
consent of the senate as follows:	4662
(1) One member shall be the management authority of a	4663
municipal, township, or union cemetery and shall be selected	4664
from a list of four names submitted to the governor. Two of the	4665
four names shall be submitted by the Ohio township association	4666
and two names shall be submitted by the Ohio municipal league.	4667
(2) Four members shall be individuals employed in a	4668
management position by a cemetery company or cemetery	4669
association selected from a list of names submitted to the	4670
governor by the Ohio cemetery association.	4671
(3) Two members shall be employed in a management position	4672
by a cemetery that is owned or operated by a religious,	4673
fraternal, or benevolent society and shall be selected from a	4674
list of four names submitted by the Ohio cemetery association.	4675
(4) Two members, at least one of whom shall be at least	4676
sixty-five years of age, shall be representatives of the public	4677
with no financial interest in the death care industry.	4678
Each member of the commission, except for the two members	4679
who represent the public, shall, at the time of appointment,	4680
have had a minimum of five consecutive years of experience in	4681
the active administration and management of a cemetery in this	4682
state.	4683

(B) Within ninety days after July 1, 1993, the governor	4684
shall make initial appointments to the commission. Of the	4685
initial appointments, two shall be for terms ending July 1,	4686
1994, two shall be for terms ending July 1, 1995, two shall be	4687
for terms ending July 1, 1996, and three shall be for terms	4688
ending July 1, 1997. Thereafter, terms of office shall be for	4689
four years, with each term ending on the same day of the same	4690
month as did the term that it succeeds. Each member shall hold	4691
office from the date of appointment until the end of the term	4692
for which the member was appointed. Vacancies shall be filled in	4693
the manner provided for original appointments, with each	4694
appointee, other than a representative of the public, being	4695
appointed from a list of two names submitted to the governor by	4696
the association or organization that was required to nominate	4697
candidates for initial appointment to the position that has	4698
become vacant. Any member appointed to fill a vacancy occurring	4699
prior to the expiration date of the term for which the member's	4700
predecessor was appointed shall hold office for the remainder of	4701
that term. A member shall continue in office subsequent to the	4702
expiration date of the member's term until the member's	4703
successor takes office or until a period of sixty days has	4704
elapsed, whichever occurs first. No person shall serve as a	4705
member of the commission for more than two consecutive terms,	4706
excluding any term served to fill an initial appointment to a	4707
term of less than four years or an unexpired term caused by a	4708
vacancy.	4709

(C) The commission annually shall elect from among its 4710 members a chairperson, vice-chairperson, and secretary, each of 4711 whom shall serve a term of one year in that office. The 4712 commission shall meet at least four times a year. Additional 4713 meetings may be called by the chairperson, or by the vice-4714

chairperson when the chairperson is disabled, or by a majority	4715
of the members of the commission. A majority of the members	4716
constitutes a quorum to transact and vote on business of the	4717
commission.	4718
The chairperson or vice-chairperson may:	4719
(1) Administer oaths;	4720
(2) Issue subpoenas;	4721
(3) Summon witnesses;	4722
(4) Compel the production of books, papers, records, and	4723
other forms of evidence;	4724
(5) Fix the time and place for hearing any matter related	4725
to compliance with sections 1721.19, 1721.20, 1721.21, 1721.211,	4726
4735.02, 4767.02, and 4767.09 of the Revised Code.	4727
The chairperson shall designate three members of the	4728
commission to serve on the crematory and reduction facility	4729
review board in accordance with section 4717.03 of the Revised	4730
Code for such time as the chairperson finds appropriate. Members	4731
designated to serve on the crematory and reduction facility	4732
review board shall perform all functions necessary to carry out	4733
the duties of the board as described in section 4717.03 of the	4734
Revised Code. Members who serve on the crematory and reduction	4735
facility review board shall receive no compensation for such	4736
service.	4737
(D) Before entering upon the duties of office, each member	4738
of the commission shall take the oath pursuant to section 3.22	4739
of the Revised Code. The governor may remove any member for	4740
misconduct, neglect of duty, incapacity, or malfeasance in	4741
accordance with section 3.04 of the Revised Code.	4742

(E) Members of the commission shall receive no	4743
compensation but shall be reimbursed for their actual and	4744
necessary expenses incurred in the performance of their duties	4745
as members of the commission.	4746
(E) The division of real estate in the department of	4747
(F) The division of real estate in the department of	
commerce shall provide the commission with meeting space, staff	4748
services, and other technical assistance required by the	4749
commission in carrying out its duties pursuant to sections	4750
4767.05 to 4767.08 of the Revised Code.	4751
Sec. 5120.45. The state shall bear the expense of the	4752
burial-or, cremation or reduction of an inmate who dies in a	4753
state correctional institution, if the body is not claimed for	4754
interment—orcremation_or_reduction at the expense of friends	4755
or relatives, or is not delivered for anatomical purposes or for	4756
the study of embalming in accordance with section 1713.34 of the	4757
Revised Code. When the expense is borne by the state, interment	4758
of the person or the person's cremated <u>or reduced</u> remains shall	4759
be in the institution cemetery or other place provided by the	4760
state. The managing officer of the institution shall provide at	4761
the grave of the person or, if the person's cremated remains are	4762
buried, at the grave of the person's cremated -remains, a metal,	4763
stone, or concrete marker on which shall be inscribed the name	4764
and age of the person and the date of death.	4765
Sec. 5121.11. The state shall bear the expense of the	4766
burial-or, cremation or reduction of an indigent resident who	4767
dies in a state institution operated by the department of	4768
developmental disabilities under section 5123.03 of the Revised	4769
Code or in a state correctional institution if the body is not	4770
claimed for interment—or, cremation or reduction at the expense	4771

of friends or relatives or is not delivered for anatomical

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purposes or for the study of embalming in accordance with	4773
section 1713.34 of the Revised Code. The managing officer of the	4774
institution shall provide at the grave of the person or, if the	4775
person's cremated or reduced remains are buried, at the grave of	4776
the person's cremated remains, a metal, stone, or concrete	4777
marker on which shall be inscribed the name and age of the	4778
person and the date of death.	4779

Sec. 5121.53. The state shall bear the expense of the 4780 burial—or—, cremation or reduction of an indigent patient who 4781 dies in a hospital if the body is not claimed for interment-or, 4782 cremation or reduction at the expense of friends or relatives, 4783 or is not delivered for anatomical purposes or for the study of 4784 embalming in accordance with section 1713.34 of the Revised 4785 Code. The managing officer of the hospital shall provide at the 4786 grave of the patient or, if the patient's cremated or reduced 4787 remains are buried, at the grave of the patient's cremated 4788 remains, a metal, stone, or concrete marker on which shall be 4789 inscribed the name and age of the patient and the date of death. 4790

Sec. 5901.25. The board of county commissioners shall 4791 4792 require the veterans service commission, upon application and with the approval of the family or friends of the deceased, to 4793 contract, at a fair and reasonable price, with the funeral 4794 director selected by the family or friends, and cause to be 4795 interredor, cremated or reduced in a decent and respectable 4796 manner the body of any veteran, or the parent, spouse, or 4797 surviving spouse of any such veteran, who dies without the means 4798 to defray the necessary funeral—or—, cremation or reduction 4799 expenses. Such a burial may be made in any cemetery or burial 4800 ground within the state, other than those used exclusively for 4801 the burial of paupers and criminals. 4802

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Sec. 5901.26. Pursuant to section 5901.25 of the Revised	4803
Code, the veterans service commission shall use the forms of	4804
contracts prescribed by sections 5901.25 to 5901.32 of the	4805
Revised Code, and abide by the regulations provided by such	4806
sections. The commission shall see that funeral directors	4807
furnish all items specified in the contract, that when the	4808
penefits of such sections are claimed the entire amount to be	4809
contributed by the county toward the cost of the burial—or_,_	4810
cremation or reduction shall not exceed the sum of one thousand	4811
dollars, and that any remaining costs are paid by the family or	4812
friends of the deceased.	4813

Sec. 5901.27. Before assuming the charge and expense of 4814 any burial or, cremation, or reduction, the veterans service 4815 commission, pursuant to section 5901.25 of the Revised Code, 4816 shall satisfy itself, beyond a reasonable doubt, by careful 4817 inquiry, that the family of the deceased is unable, for want of 4818 means, to defray the expenses of the burial—or—, cremation, or 4819 reduction, or that the family may be deprived of means actually 4820 necessary for its immediate support. Thereupon the commission 4821 shall cause the deceased to be buried—or—, cremated, or reduced 4822 and make a report thereof to the board of county commissioners. 4823 The report shall set forth that the commission found the family 4824 of the deceased person in indigent circumstances and unable to 4825 pay the expenses of burial—or—, cremation, or reduction. The 4826 report shall also set forth the name of the deceased, the rank 4827 and command to which the deceased belonged if a veteran, the 4828 date of death, the place of burial or disposition made of the 4829 person's cremated or reduced remains, the occupation while 4830 living, and an accurate itemized statement of the expenses 4831 incurred by reason of the burial -or-, cremation, or reduction. 4832

Sec. 5901.29. The funeral director employed to perform the

service described by section 5901.25 of the Revised Code shall	4834
use the blanks provided by this section, specifying what the	4835
funeral director is to furnish for the service. The contract	4836
shall be signed by the funeral director and a copy thereof left	4837
with the veterans service commission with which it is made. Such	4838
contract shall read as follows:	4839
"I, funeral director, residing at	4840
hereby agree to furnish the following items	4841
for the burial—or—, cremation, or reduction (circle one) of	4842
, who resided at, and died	4843
,, which shall consist of:	4844
(A) One casket, nicely covered with a good quality of	4845
black cloth, lined with a good quality of white satin or other	4846
material, and trimmed on the outside with handles of a fair	4847
quality in keeping with the casket;	4848
(B) One burial robe of a good quality of material;	4849
(C) One plain box appropriate for receiving the coffin or	4850
urn containing cremated or reduced remains inside the grave;	4851
(D) Payment for digging the grave, in the place designated	4852
by the friends of the deceased or as otherwise provided, and for	4853
filling the grave in a proper manner;	4854
(E) Furnishing a funeral car for conveying the remains to	4855
the place of burial or crematory, cremation, or reduction;	4856
(F) Preparing the body for burial when so requested;	4857
(G) Furnishing necessary transportation for the use of the	4858
family, friends, and pallbearers, which people shall be returned	4859
to their respective homes or to the place where the funeral	4860
services were held;	4861

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(H) Furnishing a decent, respectable funeral, for the sum	4862
of dollars."	4863
Sec. 5901.32. Upon securing the report and statement of	4864
expenses as provided by section 5901.27 of the Revised Code, the	4865
board of county commissioners shall transcribe in a book to be	4866
kept for that purpose, all the facts contained in the report	4867
concerning a deceased veteran, and shall certify the expenses	4868
thus incurred to the county auditor, who shall draw a warrant	4869
for those expenses upon the county treasurer, to be paid from	4870
the county fund to such persons as are designated by the board.	4871
Upon the death of any indigent veteran residing within the	4872
county at the time of death and the burial of the indigent	4873
veteran or the indigent veteran's cremated or reduced remains,	4874
the board shall make application to the proper authorities,	4875
under the United States government, for a suitable headstone, as	4876
provided by act of congress, and shall cause it to be placed at	4877
the grave of the deceased veteran or the deceased veteran's	4878
cremated -remains.	4879
Section 2. That existing sections 9.15, 313.12, 759.01,	4880
1713.36, 1721.06, 1721.18, 1721.21, 2108.15, 2108.70, 2108.72,	4881
2108.75, 2108.82, 2108.83, 2108.84, 2108.85, 2108.86, 2108.87,	4882
2111.13, 2743.51, 2925.01, 3705.01, 3705.18, 3705.19, 3705.20,	4883
4511.451, 4717.01, 4717.03, 4717.04, 4717.06, 4717.07, 4717.08,	4884
4717.11, 4717.13, 4717.14, 4717.15, 4717.20, 4717.21, 4717.22,	4885
4717.23, 4717.24, 4717.25, 4717.26, 4717.27, 4717.28, 4717.29,	4886
4717.30, 4717.36, 4717.41, 4767.02, 4767.05, 5120.45, 5121.11,	4887
5121.53, 5901.25, 5901.26, 5901.27, 5901.29, and 5901.32 of the	4888
Revised Code are hereby repealed.	4889
Section 3. The General Assembly, applying the principle	4890
stated in division (B) of section 1.52 of the Revised Code that	4891

amendments are to be harmonized if reasonably capable of	4892
simultaneous operation, finds that the following sections,	4893
presented in this act as composites of the sections as amended	4894
by the acts indicated, are the resulting versions of the	4895
sections in effect prior to the effective date of the sections	4896
as presented in this act:	4897
	4000
Section 313.12 of the Revised Code as amended by both H.B.	4898
497 and S.B. 196 of the 135th General Assembly.	4899
Section 2108.82 of the Revised Code as amended by both	4900
S.B. 202 and S.B. 224 of the 134th General Assembly.	4901