

As Introduced

**136th General Assembly
Regular Session
2025-2026**

S. B. No. 323

Senator Blessing

To amend sections 9.15, 313.12, 759.01, 1713.36,	1
1721.06, 1721.18, 1721.21, 2108.15, 2108.70,	2
2108.72, 2108.75, 2108.82, 2108.83, 2108.84,	3
2108.85, 2108.86, 2108.87, 2111.13, 2743.51,	4
2925.01, 3705.01, 3705.18, 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 provide for the natural organic	13
reduction of remains.	14

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

Section 1. That sections 9.15, 313.12, 759.01, 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
, cremated, or reduced at the expense of the township or 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
or, if the person's cremated or reduced remains are buried, at 56
the grave of the person's ~~cremated~~ 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

Sec. 313.12. (A) (1) When any person dies in circumstances 70
as described in division (A) (2) of this section, the physician, 71
certified nurse-midwife, clinical nurse specialist, or certified 72
nurse practitioner called in attendance and any of the following 73
who obtains knowledge thereof arising from the person's duties, 74
shall immediately notify the office of the coroner of the known 75
facts concerning the time, place, manner, and circumstances of 76
the death, and any other information that is required pursuant 77
to sections 313.01 to 313.22 of the Revised Code: 78

(a) A health care worker caring for the person; 79

(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 <u>or reduction</u> , 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 , <u>crematories, or reduction facilities</u> for burial	104
or , <u>incineration, or reduction</u> of the dead and regulate public	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
association. 136

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
reduced remains. 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, reduction, 179
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
of any burial lot, burial right, entombment right, or 203
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

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 338
the Revised Code shall be superior to the rights of all others 339

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

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

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

_____ 486
487
488
489

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

- <u>Reduction facility operator;</u>	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, <u>reduction</u> , 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	524
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

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 (OPTIONAL): 538

The undersigned hereby accepts this appointment as 539
representative or successor representative, as applicable, for 540
the right of disposition 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 duress, fraud, or undue influence. I 559
further attest that I am not the declarant's representative or 560
successor representative, 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 _____, before me, the undersigned notary 582

public, personally appeared _____, known to me or 583
satisfactorily proven to be the person whose name is subscribed 584
as the declarant, and who has acknowledged that he or she 585
executed this written declaration under section 2108.70 of the 586
Revised Code for the purposes expressed 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 under or subject to duress, 589
fraud, or undue influence. 590

Signature of notary public 591

_____ 592

My commission expires on: 593

_____ 594

(C) Completion of a federal Record 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 13a of DD Form 93, 598
entitled "Person Authorized to Direct Disposition," has been 599
properly completed by the member of the military who has 600
subsequently died while under active 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 successor representative, or from 604
having the right of disposition for a deceased person pursuant 605
to section 2108.81 of the Revised Code, 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~~ crematory, 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, redispotion, 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

(6) The conduct of the persons involved in the proceedings 672
related to the circumstances concerning the deceased person, the 673
deceased person's estate, and other family members; 674

(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

(b) A change to the financial condition of the cemetery 682
operator or organization containing the deceased person's bodily 683
remains; 684

(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
operator, cemetery organization, or other person reasonably 714
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

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

Sec. 2108.86. (A) A funeral home, funeral director, 749
crematory operator, reduction facility operator, cemetery 750
operator, cemetery organization, or other person asked to assist 751
with a declarant's funeral, burial, cremation, reduction, or 752
other manner of final disposition has the right to rely on the 753
content of a written declaration and the instructions of the 754

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

(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

(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

(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

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 or 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

(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
that caused serious physical harm to a person and that 1010

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 1040

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 1068
guardian's bond pursuant to section 2109.04 of the Revised Code 1069

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 1099

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

(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

(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, reduction, 1176
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

(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
final decision, order, or judgment concerning that original 1215

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 substance analog," "dispense," "distribute," "hypodermic," "manufacturer," "official written order," "person," "pharmacist," "pharmacy," "sale," "schedule I," "schedule II," "schedule III," "schedule IV," "schedule V," and "wholesaler" have the same meanings as in section 3719.01 of the Revised Code.	1273 1274 1275 1276 1277 1278 1279
(B) "Drug of abuse" and "person with a drug dependency" have the same meanings as in section 3719.011 of the Revised Code.	1280 1281 1282
(C) "Drug," "dangerous drug," "licensed health professional authorized to prescribe drugs," and "prescription" have the same meanings as in section 4729.01 of the Revised Code.	1283 1284 1285 1286
(D) "Bulk amount" of a controlled substance means any of the following:	1287 1288
(1) For any compound, mixture, preparation, or substance included in schedule I, schedule II, or schedule III, with the exception of any controlled substance analog, marihuana, cocaine, L.S.D., heroin, any fentanyl-related compound, and hashish and except as provided in division (D) (2), (5), or (6) of this section, whichever of the following is applicable:	1289 1290 1291 1292 1293 1294
(a) An amount equal to or exceeding ten grams or twenty-five unit doses of a compound, mixture, preparation, or substance that is or contains any amount of a schedule I opiate or opium derivative;	1295 1296 1297 1298
(b) An amount equal to or exceeding ten grams of a compound, mixture, preparation, or substance that is or contains	1299 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 1316
range specified in a standard pharmaceutical reference manual of 1317
a compound, mixture, preparation, or substance that is or 1318
contains any amount of a schedule II stimulant that is in a 1319
final dosage form manufactured by a person authorized by the 1320
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 1321
U.S.C.A. 301, as amended, and the federal drug abuse control 1322
laws, as defined in section 3719.01 of the Revised Code, that is 1323
or contains any amount of a schedule II depressant substance or 1324
a schedule II hallucinogenic substance; 1325

(g) An amount equal to or exceeding three grams of a 1326
compound, mixture, preparation, or substance that is or contains 1327
any amount of a schedule II stimulant, or any of its salts or 1328
isomers, that is not in a final dosage form manufactured by a 1329

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
the instruction, extracurricular activities, or training 1482
provided by a school is conducted, whether or not any 1483
instruction, extracurricular activities, or training provided by 1484
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 1491
constituted and organized committee of the Ohio state bar 1492
association or of one or more local bar associations of the 1493
state of Ohio that complies with the criteria set forth in Rule 1494
V, section 6 of the Rules for the Government of the Bar of Ohio. 1495

(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. 1501

(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 Code as a manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, wholesale distributor of dangerous drugs, or terminal distributor of dangerous drugs; 1560
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(16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code; 1565
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(17) A person who has been issued a license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery under Chapter 4731. of the Revised Code or has been issued a certificate to practice a limited branch of medicine under that chapter; 1567
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(18) A person licensed as a psychologist, independent school psychologist, or school psychologist under Chapter 4732. of the Revised Code; 1572
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(19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code; 1575
1576
1577

(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code; 1578
1579

(21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code; 1580
1581

(22) A person registered as a registered environmental health specialist under Chapter 3776. of the Revised Code; 1582
1583

(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code; 1584
1585

(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code; 1586
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 permit to practice respiratory therapy under Chapter 4761. of the Revised Code;

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

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

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

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

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

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

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

(3) A salt, compound, derivative, or preparation of a substance identified in division (X)(1) or (2) of this section that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine.

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

(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 1671

section 2929.01 of the Revised Code. 1672

(EE) "Minor drug possession offense" means either of the 1673
following: 1674

(1) A violation of section 2925.11 of the Revised Code as 1675
it existed prior to July 1, 1996; 1676

(2) A violation of section 2925.11 of the Revised Code as 1677
it exists on and after July 1, 1996, that is a misdemeanor or a 1678
felony of the fifth degree. 1679

(FF) "Mandatory prison term" has the same meaning as in 1680
section 2929.01 of the Revised Code. 1681

(GG) "Adulterate" means to cause a drug to be adulterated 1682
as described in section 3715.63 of the Revised Code. 1683

(HH) "Public premises" means any hotel, restaurant, 1684
tavern, store, arena, hall, or other place of public 1685
accommodation, business, amusement, or resort. 1686

(II) "Methamphetamine" means methamphetamine, any salt, 1687
isomer, or salt of an isomer of methamphetamine, or any 1688
compound, mixture, preparation, or substance containing 1689
methamphetamine or any salt, isomer, or salt of an isomer of 1690
methamphetamine. 1691

(JJ) "Deception" has the same meaning as in section 1692
2913.01 of the Revised Code. 1693

(KK) "Fentanyl-related compound" means any of the 1694
following: 1695

(1) Fentanyl; 1696

(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta- 1697
phenyl)ethyl-4- piperidyl]propionanilide; 1-(1-methyl-2- 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
piperidinyl] -N-phenylpropanamide);	1703
(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-	1704
hydroxy-2- phenethyl)-3-methyl-4-piperidinyl]-N-	1705
phenylpropanamide);	1706
(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-	1707
piperidyl]-N- phenylpropanamide);	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
phenethyl)-4- piperidinyl]propanamide;	1712
(9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-	1713
piperidinyl]- propanamide;	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

(OO) "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

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. 1810

(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
of a dead body by burial or entombment. 1854

(L) "Cremation" means the reduction to ashes of a dead 1855
body. 1856

(M) "Donation" means gift of a dead body to a research 1857
institution or medical school. 1858

(N) "System of vital statistics" means the registration, 1859
collection, preservation, amendment, and certification of vital 1860
records, the collection of other reports required by this 1861
chapter, and activities related thereto. 1862

(O) "Vital records" means certificates or reports of 1863
birth, death, fetal death, marriage, divorce, dissolution of 1864
marriage, annulment, and data related thereto and other 1865
documents maintained as required by statute. 1866

(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 ~~he~~the 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
the following: 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 funeral 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
reductions 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
copy of the statement. 1963

A fetal death certificate for the product of human 1964
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
certificates. 1983

(2) The personal or statistical information on the fetal 1984

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
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. 1994

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
avoid colliding with any other vehicle or pedestrian. 2013

(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 2071

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 bone 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
natural organic reduction process. 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

(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
chapter. 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, ~~ex~~-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, ~~ex~~-crematory operator, or 2208
reduction facility operator, or any embalming facility, funeral 2209
home, ~~ex~~-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, ~~ex~~-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.

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

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
reduction facilities, or cremation or natural organic reduction; 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
chapter or any rules adopted under it. The board may compel 2317
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. 2369

(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
board, upon any hearing conducted under this chapter. The 2390
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 examination, and the supervision required for each examination; 2428
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
crematory facilities; 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

~~(12)~~ (13) Procedures for the issuance of duplicate 2500
licenses; 2501

~~(13)~~ (14) Requirements for criminal records checks of 2502
applicants under section 4776.03 of the Revised Code; 2503

~~(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, or reduction 2509
facility operator, and the standards of service and practice to 2510
be followed in embalming, funeral directing, ~~and cremation,~~ and 2511
natural organic reduction, ~~and~~ 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 ~~(A) (14)~~ (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, 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

safety of the premises. 2544

(2) If the funeral home, embalming facility, ~~or~~ 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 2574

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 2601
embalming facility only to a licensed embalmer who is actually 2602
in charge of and ultimately responsible for the embalming 2603

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. 2607

(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
reduction facility, cemetery building, or other building in 2624
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
crematory facility is located. 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

~~(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

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 person who is licensed to operate a reduction 2840
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 ~~division (A), (B), (C), or (D)~~ 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 2892
the funeral home issued by the board under this chapter; 2893

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

~~(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 facility 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

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 ~~cremated~~ remains 3006
in possession of the facility. 3007

(F) Within thirty days prior to the closing of a facility 3008
that is going out of business and that is in possession of 3009

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
~~cremated~~ remains. Such notice shall include the following: 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 3067

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
The executive director of the board shall prepare written 3125

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
facility 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 3180
assistance or advice is necessary in the receivership or 3181
liquidation and distribution of the assets of the funeral home, 3182
and, for that purpose, may retain officers or employees of the 3183
funeral home as needed. All expenses of the receivership or 3184
liquidation shall be paid from the assets of the funeral home 3185

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
chapter who has pleaded guilty to, has been found by a judge or 3189
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
aggravated robbery, or aggravated burglary, or who has pleaded 3195
guilty 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 guilty 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 3213
or revoked under or by the operation of this section shall 3214
knowingly practice embalming, funeral directing, ~~or~~ cremation, 3215
or reduction, or operate a funeral home, embalming facility, ~~or~~ 3216

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 3306
the Revised Code: 3307

(A) "Alternative container" means a receptacle, other than 3308

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

(F) "Temporary container" means a receptacle for cremated_ 3340
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 3344
~~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
cremated or reduced remains by executing an antemortem ~~cremation~~ 3352
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 ~~cremated~~- 3357
remains by executing an antemortem ~~cremation~~-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 ~~cremation~~-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
~~cremation~~ authorization form authorizing another crematory or 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 ~~cremation~~ 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 ~~cremation~~ an 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 or 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 or 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 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 or 3418
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 ~~cremation~~ authorization form executed 3422
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 3425
the person's cremated or reduced remains. Despite the existence 3426
of such an antemortem ~~cremation~~ 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 ~~cremation~~-authorization form executed under division 3435
(A) of this section, or the cancellation of the cremation or 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. 3456

(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
occurred: 3477

(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
period; 3487

(2) The crematory or reduction facility has received a 3488
burial or burial-transit permit that authorizes the cremation or 3489
reduction of the decedent; 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
reduction 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 or reduce 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 ~~cremation~~ 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 3575

the particular crematory or reduction 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
reduction facility; 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, ~~unless~~, 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 3634

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

(D) An authorizing agent who signs a cremation or 3665

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
or reduced remains of the decedent. The revocation of a- 3699
~~cremation~~ 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 3725

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 or 3737
reduction 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 or reduced 3744
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 or reduction 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 3780
authorization form and prior to the beginning of the cremation_ 3781
or reduction process, an authorizing agent who executed a ~~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
reduction if the crematory or reduction 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 ~~cremated~~ 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
reduction facility becomes responsible for a dead human body or
body parts when the body or body parts have been delivered to or
accepted by the facility or an employee or agent of the
facility.

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

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

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

(C) No crematory_or reduction facility operator or
crematory_or reduction facility shall do either of the
following, unless the instructions contained in the cremation_or
reduction authorization form authorizing the cremation_or
reduction of the decedent executed under section 4717.21,
4717.24, or 4717.25 of the Revised Code specifically provide

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
reduced, persons designated to be present at the cremation or 3870
reduction of the decedent on the cremation or reduction 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
be present in the holding facility or cremation ~~room~~ or 3875
reduction area while any dead human bodies or body parts are 3876

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 3888
dental gold, body parts, organs, or other items from a dead 3889
human body or assists in such removal shall charge a fee for 3890
doing so that exceeds the actual cost to the crematory or 3891
reduction facility for performing or assisting in the removal. 3892

(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 ~~cremation~~ 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 3936

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 or reduction 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 cremation or 3957
reduction, 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 3964
delivery by a method described in division (I) of section 3965
4717.26 of the Revised Code that is acceptable under that 3966

division to, the person designated to receive them on the 3967
~~cremation~~ authorization form or, if no person has been so 3968
designated, to the authorizing agent. 3969

(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 ~~cremated~~ 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 or reduction 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 or reduction 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
~~cremated~~ 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 ~~cremated~~ 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~~7~~ 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~~7~~ 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
4717.21 of the Revised Code; 4207

(b) For having arranged or performed the cremation or 4208
reduction of the decedent or body parts removed from the 4209

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
~~cremation~~ 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 or 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 or 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 or reduced 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
facility operator, crematory or reduction facility, funeral 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
against or substantive legal right against a crematory or 4299

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 ~~(A) (14)~~ (A) (18) 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 permitted to be held and invested pursuant to Chapter 4357
1111. of the Revised Code. 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
preneed funeral contract trust. The trustee of a combined 4364
preneed funeral contract trust shall keep exact records of the 4365
corpus, income, expenses, and disbursements with regard to each 4366
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 4372
taxes and expenses for a preneed funeral contract trust and may 4373
charge a fee for managing a preneed funeral contract trust. The 4374
fee shall not exceed the amount regularly or usually charged for 4375
similar services rendered by the institutions described in 4376
division (D) of this section when serving as a trustee. 4377

(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 guaranteed price for funeral goods and funeral 4395
services to be provided under the contract, the purchaser may 4396
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
from the purchaser, the trustee shall list the successor seller 4427
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
original seller may collect from the trustee a transfer fee from 4436
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 4448

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
the funeral goods and funeral services to the contract 4470
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. 4483

(3) In the event the preneed funeral contract stipulates a 4484
firm or fixed or guaranteed 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
evidence of death satisfactory to the trustee shall be furnished 4499
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
accumulated payments and income pursuant to this section and, 4503
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 ~~(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 ~~(A) (14)~~ (A) (18) of section 4717.07 of the 4537
Revised Code for the upcoming fiscal year shall be reduced by 4538
fifty per cent. If the balance in the fund at the end of a 4539

fiscal year exceeds three million dollars, the payment of the 4540
fee required by division ~~(A) (14)~~ (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)~~ (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 ~~division~~section, "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 shall make initial appointments to the commission. Of the initial appointments, two shall be for terms ending July 1, 1994, two shall be for terms ending July 1, 1995, two shall be for terms ending July 1, 1996, and three shall be for terms ending July 1, 1997. Thereafter, terms of office shall be for four years, with each term ending on the same day of the same month as did the term that it succeeds. Each member shall hold office from the date of appointment until the end of the term for which the member was appointed. Vacancies shall be filled in the manner provided for original appointments, with each appointee, other than a representative of the public, being appointed from a list of two names submitted to the governor by the association or organization that was required to nominate candidates for initial appointment to the position that has become vacant. Any member appointed to fill a vacancy occurring prior to the expiration date of the term for which the member's predecessor was appointed shall hold office for the remainder of that term. A member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office or until a period of sixty days has elapsed, whichever occurs first. No person shall serve as a member of the commission for more than two consecutive terms, excluding any term served to fill an initial appointment to a term of less than four years or an unexpired term caused by a vacancy.

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

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

(F) The division of real estate in the department of 4747
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 ~~or~~, cremation 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 or reduced 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 4772

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
require the veterans service commission, upon application and 4792
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
interred ~~or~~, 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

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
benefits 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 4833

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

(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

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