

INTRODUCTION

I am Mike Schoedinger with Schoedinger Funeral Homes which owns and operates 15 funeral homes in Ohio. and I am appearing today on behalf of the Ohio Funeral Directors Association (OFDA), which represents approximately 1,000 funeral homes and 2,500 funeral professionals throughout Ohio. OFDA opposes SB 246 and its provisions allowing out-of-state applicants to sidestep Ohio's funeral licensing requirements.

AVOIDING LICENSING REQUIREMENTS

- **Ohio law requires a bachelor's degree to be licensed as a funeral director and/or embalmer.**
- **In addition to the minimum requirements of bachelor's degree, Ohio also requires an applicant for an embalmer's license to complete a mortuary science program from an accredited mortuary school, pass the National Board Exam, and complete one year internship with an Ohio funeral home.**
- **Funeral licensing laws vary widely throughout the United States. In eight states, including the border state of Kentucky, an individual may be licensed as a funeral director with no more than a high school education. Therefore, SB 246 would provide a foolproof method for an individual with no post-secondary education to sidestep Ohio's comprehensive licensing requirements by simply serving their apprenticeship and obtaining one year of experience in Kentucky and then qualifying for full licensure as an Ohio funeral director. If SB 246 passes in its current form, this will become the simple workaround for those applicants who want to avoid Ohio's educational and training requirements.**

PROTECTING OHIO'S FUNERAL CONSUMERS AND THE PUBLIC

- **123,353 Ohioans died in 2019 and the median funeral cost in that year was \$7,640. This equates to \$942 million in funeral expenditures by Ohio consumers last year.**
- **According to the Ohio Board of Embalmers and Funeral Directors, approximately 30,000 funerals are prepaid by Ohio consumers each year. This equates to approximately \$230 million in prepaid funds annually which must be placed in trust or used to purchase insurance to protect preneed consumers.**
- **In addition to complex preneed funeral laws and regulations, Ohio funeral directors and embalmers must understand and comply with the FTC Funeral Rule, OSHA's Bloodborne Pathogens, Hazard Communications, and Formaldehyde Exposure standards, EPA regulations for crematories, Ohio funeral and cremation laws, Veteran's Administration regulations, Ohio Vital Statistics regulations, Ohio right of disposition statute, and numerous**

other laws and regulations. Understanding how to comply with these laws and regulations requires education and training.

LOSS OF WHITE COLLAR EXEMPTION

- Because of Ohio’s four-year post-secondary education requirement, the U.S. Department of Labor (DOL) has recognized that funeral directors and embalmers in Ohio qualify for the White Collar Exemption under the federal Wage and Hour laws. This allows funeral licensees in Ohio to be paid a salary instead of an hourly wage as required by federal Wage and Hour laws.
- The availability of the White Collar Exemption to Ohio’s 1,000 funeral homes relieves them from significant governmental regulation and administrative headaches when compensating employees. This exemption is extremely valuable to funeral homes because their workload varies greatly from week-to-week depending upon demand.
- **If SB 246 is passed, the White Collar Exemption provided for Ohio funeral licensees will be in jeopardy and open to challenges in the courts and by the Department of Labor.**

THE FUNERAL PROFESSION STRONGLY SUPPORTS OHIO’S LICENSING REQUIREMENTS.

- ORC Section 4717.10 already provides for reciprocal licenses to be granted to out-of-state applicants who meet Ohio’s licensing requirements. **Licensing standards should be the same for out-of-state applicants as they are for Ohio residents.**
- According to the wage compensation data reported by the U.S. Bureau of Labor Statistics, the average annual compensation for funeral directors in the United States in 2019 was \$58,200. For the State of Ohio, the average annual compensation paid to funeral service licensees was \$58,930. **Ohio funeral homes are paying equivalent compensation to its employees as the rest of the country.**
- **OFDA and funeral professionals throughout Ohio strongly support Ohio’s funeral licensing laws and oppose any measures that would significantly water them down.**
- **OFDA supports amending S.B. 246 to require that anyone with an out of state license or government certification be required to have 2 years of experience in the state where they are currently licensed. This will at least discourage people from trying to “game the system”.**