

As Introduced

131st General Assembly

Regular Session

2015-2016

S. B. No. 107

Senator Tavares

Cosponsors: Senators Yuko, Seitz, Williams

A BILL

To amend section 9.15 and to enact section 5101.75 1
of the Revised Code to require that, under 2
certain circumstances, the Department of Job and 3
Family Services pay funeral, cremation, 4
cemetery, and burial expenses of deceased 5
recipients of public assistance. 6

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

Section 1. That section 9.15 be amended and section 7
5101.75 of the Revised Code be enacted to read as follows: 8

Sec. 9.15. When the body of a dead person is found in a 9
township or municipal corporation, and such person was not an 10
inmate of a correctional, benevolent, or charitable institution 11
of this state, and the body is not claimed by any person for 12
private interment or cremation at the person's own expense, ~~or~~ 13
delivered for the purpose of medical or surgical study or 14
dissection in accordance with section 1713.34 of the Revised 15
Code, or the person was not eligible for burial assistance under 16
section 5101.75 of the Revised Code, it shall be disposed of as 17
follows: 18

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

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

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

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

A political subdivision is not relieved of its duty to bury or cremate a person at its expense under this section when the body is claimed by an indigent person. As used in this section, "indigent person" means a person whose income does not exceed one hundred fifty per cent of the federal poverty line, as revised annually by the United States department of health and human services in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42

U.S.C. 9902, as amended, for a family size equal to the size of the person's family.

Sec. 5101.75. (A) This section applies to funeral, cremation, cemetery, and burial expenses for any of the following deceased individuals:

(1) The deceased individual was a recipient of supplemental security income for the aged, blind, and disabled under 42 U.S.C. 1381 et seq., as amended, or would have been eligible for this aid except that the deceased individual was a resident of a county home.

(2) The deceased individual was a recipient in December 1973 under a former program for the aged, disabled, or blind that was codified under former Chapter 5105., 5106., or 5151. of the Revised Code.

(3) The deceased individual resided in any unincorporated area and was a recipient of aid under the Ohio works first program under Chapter 5107. of the Revised Code or the disability financial assistance program under Chapter 5115. of the Revised Code.

(B) A person who desires to receive payment for the funeral, cremation, cemetery, and burial expenses of a deceased individual under this section may apply to a county department of job and family services for financial assistance. The application shall include all of the following:

(1) An itemized statement of the total funeral, cremation, cemetery, and burial charges, as invoiced by a funeral director;

(2) An accounting of any funds the deceased individual had available at the time of death for funeral, cremation, cemetery, and burial charges;

(3) A quotation of any insurance the deceased individual had at the time of death, the proceeds of which can be applied to defray funeral, cremation, cemetery, and burial expenses; and 78
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(4) An itemization of the value of any grave space or the amount of any monetary gifts or grants provided under this section. 81
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(C) Any person or governmental entity, other than the state department of job and family services, may provide grave space and monetary gifts or grants for the funeral, cremation, cemetery, and burial expenses of an individual to whom this section applies. 84
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(D) The county department shall approve a financial assistance payment, to the person whose application for the assistance is acceptable to the department, for the amount of the total funeral, cremation, cemetery, and burial charges that exceed the funds the deceased individual had available at the time of death for funeral, cremation, cemetery, and burial expenses; the value of insurance the deceased individual had at the time of death, the proceeds of which can be used to defray funeral, cremation, cemetery, and burial expenses; and the value of grave space and the amount of monetary gifts and grants received under this section. The financial assistance payment shall not exceed seven hundred fifty dollars. If, however, the deceased individual had not reached eleven years of age, had resided in an unincorporated area, and was the recipient of aid under the Ohio works first program or the disability financial assistance program, the financial assistance payment shall not exceed five hundred dollars. 89
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Section 2. That existing section 9.15 of the Revised Code is hereby repealed. 106
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