

As Passed by the Senate

134th General Assembly

**Regular Session
2021-2022**

Sub. S. B. No. 224

Senator Cirino

**Cosponsors: Senators Lang, Schaffer, Blessing, Hackett, Peterson, Rulli,
Thomas, Yuko**

A BILL

To amend sections 169.02, 2108.75, 2108.82, 1
3705.20, 4513.17, 4717.04, 4717.05, 4717.06, 2
4717.07, 4717.10, 4717.13, 4717.14, 4717.24, 3
4717.28, 4717.30, 4717.35, and 4717.36 and to 4
enact section 4717.311 of the Revised Code to 5
make changes to the laws that impact funeral 6
homes, funeral professionals, funeral hearses, 7
funeral escort vehicles, and preneed funeral 8
contracts. 9

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

Section 1. That sections 169.02, 2108.75, 2108.82, 10
3705.20, 4513.17, 4717.04, 4717.05, 4717.06, 4717.07, 4717.10, 11
4717.13, 4717.14, 4717.24, 4717.28, 4717.30, 4717.35, and 12
4717.36 be amended and section 4717.311 of the Revised Code be 13
enacted to read as follows: 14

Sec. 169.02. Subject to division (B) of section 169.01 of 15
the Revised Code, the following constitute unclaimed funds: 16

(A) Except as provided in division (R) of this section, 17

any demand, savings, or matured time deposit account, or matured certificate of deposit, together with any interest or dividend on it, less any lawful claims, that is held or owed by a holder which is a financial organization, unclaimed for a period of five years;

(B) Any funds paid toward the purchase of withdrawable shares or other interest in a financial organization, and any interest or dividends on them, less any lawful claims, that is held or owed by a holder which is a financial organization, unclaimed for a period of five years;

(C) Except as provided in division (A) of section 3903.45 of the Revised Code, moneys held or owed by a holder, including a fraternal association, providing life insurance, including annuity or endowment coverage, unclaimed for three years after becoming payable as established from the records of such holder under any life or endowment insurance policy or annuity contract that has matured or terminated. An insurance policy, the proceeds of which are payable on the death of the insured, not matured by proof of death of the insured is deemed matured and the proceeds payable if such policy was in force when the insured attained the limiting age under the mortality table on which the reserve is based.

Moneys otherwise payable according to the records of such holder are deemed payable although the policy or contract has not been surrendered as required.

(D) Any deposit made to secure payment or any sum paid in advance for utility services of a public utility and any amount refundable from rates or charges collected by a public utility for utility services held or owed by a holder, less any lawful claims, that has remained unclaimed for one year after the

termination of the services for which the deposit or advance 48
payment was made or one year from the date the refund was 49
payable, whichever is earlier; 50

(E) Except as provided in division (R) of this section, 51
any certificates, securities as defined in section 1707.01 of 52
the Revised Code, nonwithdrawable shares, other instruments 53
evidencing ownership, or rights to them or funds paid toward the 54
purchase of them, or any dividend, capital credit, profit, 55
distribution, interest, or payment on principal or other sum, 56
held or owed by a holder, including funds deposited with a 57
fiscal agent or fiduciary for payment of them, and instruments 58
representing an ownership interest, unclaimed for five years. 59
Any underlying share or other intangible instrument representing 60
an ownership interest in a business association, in which the 61
issuer has recorded on its books the issuance of the share but 62
has been unable to deliver the certificate to the shareholder, 63
constitutes unclaimed funds if such underlying share is 64
unclaimed for five years. In addition, an underlying share 65
constitutes unclaimed funds if a dividend, distribution, or 66
other sum payable as a result of the underlying share has 67
remained unclaimed by the owner for five years. 68

This division shall not prejudice the rights of fiscal 69
agents or fiduciaries for payment to return the items described 70
in this division to their principals, according to the terms of 71
an agency or fiduciary agreement, but such a return shall 72
constitute the principal as the holder of the items and shall 73
not interrupt the period for computing the time for which the 74
items have remained unclaimed. 75

In the case of any such funds accruing and held or owed by 76
a corporation under division (E) of section 1701.24 of the 77

Revised Code, such corporation shall comply with this chapter, 78
subject to the limitation contained in section 1701.34 of the 79
Revised Code. The period of time for which such funds have gone 80
unclaimed specified in section 1701.34 of the Revised Code shall 81
be computed, with respect to dividends or distributions, 82
commencing as of the dates when such dividends or distributions 83
would have been payable to the shareholder had such shareholder 84
surrendered the certificates for cancellation and exchange by 85
the date specified in the order relating to them. 86

Capital credits of a cooperative which after January 1, 87
1972, have been allocated to members and which by agreement are 88
expressly required to be paid if claimed after death of the 89
owner are deemed payable, for the purpose of this chapter, 90
fifteen years after either the termination of service by the 91
cooperative to the owner or upon the nonactivity as provided in 92
division (B) of section 169.01 of the Revised Code, whichever 93
occurs later, provided that this provision does not apply if the 94
payment is not mandatory. 95

(F) Any sum payable on certified checks or other written 96
instruments certified or issued and representing funds held or 97
owed by a holder, less any lawful claims, that are unclaimed for 98
five years from the date payable or from the date of issuance if 99
payable on demand; except that the unclaimed period for money 100
orders that are not third party bank checks is seven years, and 101
the unclaimed period for traveler's checks is fifteen years, 102
from the date payable or from the date of issuance if payable on 103
demand. 104

As used in this division, "written instruments" include, 105
but are not limited to, certified checks, cashier's checks, 106
bills of exchange, letters of credit, drafts, money orders, and 107

traveler's checks.	108
If there is no address of record for the owner or other	109
person entitled to the funds, such address is presumed to be the	110
address where the instrument was certified or issued.	111
(G) Except as provided in division (R) of this section,	112
all moneys, rights to moneys, or other intangible property,	113
arising out of the business of engaging in the purchase or sale	114
of securities, or otherwise dealing in intangibles, less any	115
lawful claims, that are held or owed by a holder and are	116
unclaimed for five years from the date of transaction.	117
(H) Except as provided in division (A) of section 3903.45	118
of the Revised Code, all moneys, rights to moneys, and other	119
intangible property distributable in the course of dissolution	120
or liquidation of a holder that are unclaimed for one year after	121
the date set by the holder for distribution;	122
(I) All moneys, rights to moneys, or other intangible	123
property removed from a safe-deposit box or other safekeeping	124
repository located in this state or removed from a safe-deposit	125
box or other safekeeping repository of a holder, on which the	126
lease or rental period has expired, or any amount arising from	127
the sale of such property, less any lawful claims, that are	128
unclaimed for three years from the date on which the lease or	129
rental period expired;	130
(J) Subject to division (M) (2) of this section, all	131
moneys, rights to moneys, or other intangible property, and any	132
income or increment on them, held or owed by a holder which is a	133
fiduciary for the benefit of another, or a fiduciary or	134
custodian of a qualified retirement plan or individual	135
retirement arrangement under section 401 or 408 of the Internal	136

Revenue Code, unclaimed for three years after the final date for distribution;	137 138
(K) All moneys, rights to moneys, or other intangible property held or owed in this state or held for or owed to an owner whose last known address is within this state, by the United States government or any state, as those terms are described in division (E) of section 169.01 of the Revised Code, unclaimed by the owner for three years, excluding any property in the control of any court in a proceeding in which a final adjudication has not been made;	139 140 141 142 143 144 145 146
(L) Amounts payable pursuant to the terms of any policy of insurance, other than life insurance, or any refund available under such a policy, held or owed by any holder, unclaimed for three years from the date payable or distributable;	147 148 149 150
(M) (1) Subject to division (M) (2) of this section, any funds constituting rents or lease payments due, any deposit made to secure payment of rents or leases, or any sum paid in advance for rents, leases, possible damage to property, unused services, performance requirements, or any other purpose, held or owed by a holder unclaimed for one year;	151 152 153 154 155 156
(2) Any escrow funds, security deposits, or other moneys that are received by a licensed broker in a fiduciary capacity and that, pursuant to division (A) (26) of section 4735.18 of the Revised Code, are required to be deposited into and maintained in a special or trust, noninterest-bearing bank account separate and distinct from any personal or other account of the licensed broker, held or owed by the licensed broker unclaimed for two years.	157 158 159 160 161 162 163 164
(N) Any sum greater than fifty dollars payable as wages,	165

any sum payable as salaries or commissions, any sum payable for 166
services rendered, funds owed or held as royalties, oil and 167
mineral proceeds, funds held for or owed to suppliers, and 168
moneys owed under pension and profit-sharing plans, held or owed 169
by any holder unclaimed for one year from date payable or 170
distributable, and all other credits held or owed, or to be 171
refunded to a retail customer, by any holder unclaimed for three 172
years from date payable or distributable; 173

(O) Amounts held in respect of or represented by lay-aways 174
sold after January 1, 1972, less any lawful claims, when such 175
lay-aways are unclaimed for three years after the sale of them; 176

(P) All moneys, rights to moneys, and other intangible 177
property not otherwise constituted as unclaimed funds by this 178
section, including any income or increment on them, less any 179
lawful claims, which are held or owed by any holder, other than 180
a holder which holds a permit issued pursuant to Chapter 3769. 181
of the Revised Code, and which have remained unclaimed for three 182
years after becoming payable or distributable; 183

(Q) All moneys that arise out of a sale held pursuant to 184
section 5322.03 of the Revised Code, that are held by a holder 185
for delivery on demand to the appropriate person pursuant to 186
division (I) of that section, and that are unclaimed for two 187
years after the date of the sale. 188

(R) (1) Any funds that are subject to an agreement between 189
the holder and owner providing for automatic reinvestment and 190
that constitute dividends, distributions, or other sums held or 191
owed by a holder in connection with a security as defined in 192
section 1707.01 of the Revised Code, an ownership interest in an 193
investment company registered under the "Investment Company Act 194
of 1940," 54 Stat. 789, 15 U.S.C. 80a-1, as amended, or a 195

certificate of deposit, unclaimed for a period of five years. 196

(2) The five-year period under division (R)(1) of this 197
section commences from the date a second shareholder 198
notification or communication mailing to the owner of the funds 199
is returned to the holder as undeliverable by the United States 200
postal service or other carrier. The notification or 201
communication mailing by the holder shall be no less frequent 202
than quarterly. 203

All moneys in a personal allowance account, as defined by 204
rules adopted by the medicaid director, up to and including the 205
maximum resource limitation, of a medicaid recipient who has 206
died after receiving care in a long-term care facility, and for 207
whom there is no identifiable heir or sponsor, are not subject 208
to this chapter. 209

(S)(1) Funds held or owed by a holder pursuant to a 210
preneed funeral contract, as defined in section 4717.01 of the 211
Revised Code, unclaimed upon the one hundred fifth birthday of 212
the contract beneficiary, unless the holder or the seller or 213
successor seller demonstrates to the director of commerce that 214
the beneficiary is still alive; 215

(2) Funds held or owed by a holder pursuant to a preneed 216
funeral contract, upon either of the following: 217

(a) The holder's failure to confirm that the beneficiary 218
is still alive within thirty days of the beneficiary's ninety- 219
fifth birthday pursuant to division (B)(1) of section 4717.311 220
of the Revised Code; 221

(b) The holder's receipt of the notification described in 222
division (B)(2) of section 4717.311 of the Revised Code. 223

(3) Funds held or owed by a holder which is a trustee of a 224

preneed funeral contract trust that the trustee was unable to 225
pay as required by division (J) (2) of section 4717.36 of the 226
Revised Code upon the expiration of the one hundred eighty-day- 227
period specified in that division. 228

Sec. 2108.75. (A) A person shall be disqualified from 229
serving as a representative or successor representative, or from 230
having the right of disposition for a deceased adult pursuant to 231
section 2108.81 of the Revised Code, if any of the following 232
occurs: 233

(1) The person dies. 234

(2) A probate court declares or determines that the person 235
is incompetent. 236

(3) The person resigns or declines to exercise the right 237
as described in section 2108.88 of the Revised Code. 238

(4) The person ~~refuses~~ fails to exercise the right within 239
two days forty-eight hours after notification of the declarant's 240
or deceased adult's death or, if there is no notification, 241
within seventy-two hours of the declarant's or deceased adult's 242
death. 243

(5) The person cannot be located with reasonable effort. 244

(6) The person meets the criteria described in section 245
2108.76 or 2108.77 of the Revised Code. 246

(7) The person refuses to assume the liability for the 247
costs of disposition. 248

(B) No owner, employee, or agent of a funeral home, 249
cemetery, or crematory providing funeral, burial, or cremation 250
services for a declarant shall serve as a representative or 251
successor representative for the declarant unless the owner, 252

employee, or agent is related to the declarant by blood, 253
marriage, or adoption. 254

(C) Subject to divisions (C) (2) and ~~(D) (2)~~ (D) of section 255
2108.70 of the Revised Code, if a person is disqualified from 256
serving as the declarant's representative or successor 257
representative, or from having the right of disposition for a 258
deceased adult pursuant to section 2108.81 of the Revised Code, 259
as described in division (A) of this section, the right is 260
automatically reassigned to, and vests in, the next person who 261
has the right pursuant to the declarant's written declaration or 262
pursuant to the order of priority in section 2108.81 of the 263
Revised Code. 264

If a right of disposition for a deceased adult is assigned 265
to a funeral director under division (B) (9) of section 2108.81 266
of the Revised Code, the funeral director is not liable for the 267
cost of disposition. 268

Sec. 2108.82. (A) Notwithstanding section 2108.81 of the 269
Revised Code and in accordance with division (B) of this 270
section, the probate court for the county in which the declarant 271
or deceased person resided at the time of death may, on its own 272
motion or the motion of another person, assign to any person the 273
right of disposition for a declarant or deceased person. 274

(B) In making a determination for purposes of division (A) 275
of this section and division (C) of section 2108.79 of the 276
Revised Code, the court shall consider the following: 277

(1) Whether evidence presented to, or in the possession of 278
the court, demonstrates that the person who is the subject of 279
the motion and the declarant or deceased person had a close 280
personal relationship; 281

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

~~(3) The willingness of the person who is the subject of the motion to assume the responsibility to pay for the declarant's or deceased person's funeral, burial, cremation, or final disposition and the desires of that person;~~

~~(4) The convenience and needs of other families and friends wishing to pay their final respects to the declarant or deceased person;~~

~~(5) (4) The express written desires of the declarant or deceased person.~~

~~(C) Except to the extent considered under division (B) (3) of this section, the following persons do The personal representative of either the declarant or the deceased person does not have a greater claim to the right of disposition than such persons otherwise have pursuant to law:~~

~~(1) A person who is willing to assume the responsibility to pay for the declarant's or deceased person's funeral, burial, cremation, or final disposition;~~

~~(2) The personal representative of the declarant or deceased person.~~

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

On application of the funeral director or either parent, 310
the fetal death of the product of human conception prior to 311
twenty weeks of gestation shall be registered on a fetal death 312
certificate, except that the fetal death certificate shall not 313
list the cause of death. 314

The funeral director or the parent shall include with the 315
application a copy of the statement required by division (B)(1) 316
of section 3727.16 or division (B)(1) of section 4731.82 of the 317
Revised Code. If the father submits the application, he shall 318
also include with it a signed and notarized document from the 319
mother attesting that she voluntarily provided the father with a 320
copy of the statement. 321

A fetal death certificate for the product of human 322
conception prior to twenty weeks gestation is not proof of a 323
live birth for purposes of federal, state, and local taxes. 324

(B) The product of human conception of at least twenty 325
weeks of gestation that suffers a fetal death occurring in Ohio 326
shall not be interred, deposited in a vault or tomb, cremated, 327
or otherwise disposed of by a funeral director or other person 328
until a fetal death certificate or provisional death certificate 329
has been filed with and a burial permit is issued by the local 330
registrar of vital statistics of the registration district in 331
which the fetal death occurs, or the body is found. 332

A burial permit for the product of human conception that 333
suffers a fetal death prior to twenty weeks of gestation shall 334
be issued by the local registrar of vital statistics of the 335
registration district in which the fetal death occurs if the 336
funeral director or either parent files a fetal death 337
certificate with that registrar. 338

(C) (1) The department of health and the local registrar 339
shall keep a separate record and index record of fetal death 340
certificates. 341

(2) The personal or statistical information on the fetal 342
death certificate shall be obtained by the funeral director or 343
other person in charge of interment or cremation from the best 344
qualified persons or sources available. 345

(D) When a burial permit is issued under division (B) of 346
this section for the product of human conception of at least 347
twenty weeks of gestation that suffers a fetal death, the local 348
registrar shall inform the parent or parents listed on the fetal 349
death certificate or provisional death certificate of the option 350
of applying for a certificate that is issued under division (B) 351
(3) of section 3705.23 of the Revised Code. 352

Sec. 4513.17. (A) Whenever a motor vehicle equipped with 353
headlights also is equipped with any auxiliary lights or 354
spotlight or any other light on the front thereof projecting a 355
beam of an intensity greater than three hundred candle power, 356
not more than a total of five of any such lights on the front of 357
a vehicle shall be lighted at any one time when the vehicle is 358
upon a highway. 359

(B) Any lighted light or illuminating device upon a motor 360
vehicle, other than headlights, spotlights, signal lights, or 361
auxiliary driving lights, that projects a beam of light of an 362
intensity greater than three hundred candle power, shall be so 363
directed that no part of the beam will strike the level of the 364
roadway on which the vehicle stands at a distance of more than 365
seventy-five feet from the vehicle. 366

(C) (1) Flashing lights are prohibited on motor vehicles, 367

except as a means for indicating a right or a left turn, or in 368
the presence of a vehicular traffic hazard requiring unusual 369
care in approaching, or overtaking or passing. ~~This~~ 370

(2) The prohibition in division (C) (1) of this section 371
does not apply to ~~emergency~~ any of the following: 372

(a) Emergency vehicles, road service vehicles servicing or 373
towing a disabled vehicle, stationary waste collection vehicles 374
actively collecting garbage, refuse, trash, or recyclable 375
materials on the roadside, rural mail delivery vehicles, 376
vehicles as provided in section 4513.182 of the Revised Code, 377
highway maintenance vehicles, ~~funeral hearses, funeral escort-~~ 378
~~vehicles,~~ and similar equipment operated by the department or 379
local authorities, ~~which shall be provided such vehicles are~~ 380
equipped with and display, when used on a street or highway for 381
the special purpose necessitating such lights, a flashing, 382
oscillating, or rotating amber light, ~~but shall not display a~~ 383
~~flashing, oscillating, or rotating light of any other color, nor~~ 384
~~to vehicles;~~ 385

(b) Vehicles or machinery permitted by section 4513.11 of 386
the Revised Code to have a flashing red light. 387

~~(2) When used on a street or highway, farm;~~ 388

(c) Farm machinery and vehicles escorting farm machinery 389
~~may be, provided such machinery and vehicles are~~ equipped with 390
and display, when used on a street or highway, a flashing, 391
oscillating, or rotating amber light, ~~and the prohibition~~ 392
~~contained in division (C) (1) of this section does not apply to~~ 393
~~such machinery or vehicles.~~ Farm machinery also may display the 394
lights described in section 4513.11 of the Revised Code. 395

(d) A funeral hearse or funeral escort vehicle, provided 396

that the funeral hearse or funeral escort vehicle is equipped 397
with and displays, when used on a street or highway for the 398
special purpose necessitating such lights, a flashing, 399
oscillating, or rotating purple or amber light. 400

(D) (1) Except a person operating a public safety vehicle, 401
as defined in division (E) of section 4511.01 of the Revised 402
Code, or a school bus, no person shall operate, move, or park 403
upon, or permit to stand within the right-of-way of any public 404
street or highway any vehicle or equipment that is equipped with 405
and displaying a flashing red or a flashing combination red and 406
white light, or an oscillating or rotating red light, or a 407
combination red and white oscillating or rotating light, ~~and~~ 408
~~except.~~ 409

(2) Except a public law enforcement officer, or other 410
person sworn to enforce the criminal and traffic laws of the 411
state, operating a public safety vehicle when on duty, no person 412
shall operate, move, or park upon, or permit to stand within the 413
right-of-way of any street or highway any vehicle or equipment 414
that is equipped with, or upon which is mounted, and displaying 415
a flashing blue or a flashing combination blue and white light, 416
or an oscillating or rotating blue light, or a combination blue 417
and white oscillating or rotating light. 418

(E) This section does not prohibit the use of warning 419
lights required by law or the simultaneous flashing of turn 420
signals on disabled vehicles or on vehicles being operated in 421
unfavorable atmospheric conditions in order to enhance their 422
visibility. This section also does not prohibit the simultaneous 423
flashing of turn signals or warning lights either on farm 424
machinery or vehicles escorting farm machinery, when used on a 425
street or highway. 426

(F) Whoever violates this section is guilty of a minor 427
misdemeanor. 428

Sec. 4717.04. (A) The board of embalmers and funeral 429
directors shall adopt rules in accordance with Chapter 119. of 430
the Revised Code for the government, transaction of the 431
business, and the management of the affairs of the board of 432
embalmers and funeral directors and the crematory review board, 433
and for the administration and enforcement of this chapter. 434
These rules shall include all of the following: 435

(1) The nature, scope, content, and form of the 436
application that must be completed and license examination that 437
must be passed in order to receive an embalmer's license or a 438
funeral director's license under section 4717.05 of the Revised 439
Code. The rules shall ensure both of the following: 440

(a) That the embalmer's license examination tests the 441
applicant's knowledge through at least a comprehensive section 442
and an Ohio laws section; 443

(b) That the funeral director's license examination tests 444
the applicant's knowledge through at least a comprehensive 445
section, an Ohio laws section, and a sanitation section. 446

(2) The minimum license examination score necessary to be 447
licensed under section 4717.05 of the Revised Code as an 448
embalmer or as a funeral director; 449

(3) Procedures for determining the dates of the embalmer's 450
and funeral director's license examinations, which shall be 451
administered at least once each year, the time and place of each 452
examination, and the supervision required for each examination; 453

(4) Procedures for determining whether the board shall 454
accept an applicant's compliance with the licensure, 455

registration, or certification requirements of another state as	456
grounds for granting the applicant a license under this chapter;	457
(5) A determination of whether completion of a nationally	458
recognized embalmer's or funeral director's examination	459
sufficiently meets the license requirements for the	460
comprehensive section of either the embalmer's or the funeral	461
director's license examination administered under this chapter;	462
(6) Continuing education requirements for licensed	463
embalmers and funeral directors;	464
(7) Requirements for the licensing and operation of	465
funeral homes;	466
(8) Requirements for the licensing and operation of	467
embalming facilities;	468
(9) A schedule that lists, and specifies a forfeiture	469
commensurate with, each of the following types of conduct which,	470
for the purposes of division (A) (9) of this section and section	471
4717.15 of the Revised Code, are violations of this chapter:	472
(a) Obtaining a license under this chapter by fraud or	473
misrepresentation either in the application or in passing the	474
required examination for the license;	475
(b) Purposely violating any provision of sections 4717.01	476
to 4717.15 of the Revised Code or a rule adopted under any of	477
those sections; division (A) or (B) of section 4717.23; division	478
(B) (1) or (2), (C) (1) or (2), (D), (E), or (F) (1) or (2), or	479
divisions (H) to (K) of section 4717.26; division (D) (1) of	480
section 4717.27; or divisions (A) to (C) of section 4717.28 of	481
the Revised Code;	482
(c) Committing unprofessional conduct;	483

(d) Knowingly permitting an unlicensed person, other than 484
a person serving an apprenticeship, to engage in the profession 485
or business of embalming or funeral directing under the 486
licensee's supervision; 487

(e) Refusing to promptly submit the custody of a dead 488
human body or cremated remains upon the express order of the 489
person legally entitled to the body; 490

(f) Transferring a license to operate a funeral home, 491
embalming facility, or crematory facility from one owner or 492
operator to another, or from one location to another, without 493
notifying the board and following the requirements of section 494
4717.11 of the Revised Code; 495

(g) Misleading the public using false or deceptive 496
advertising; 497

(h) Failing to forward to the board on or before its due 498
date the annual report of preneed funeral sales required by 499
division (J) of section 4717.31 of the Revised Code. If the 500
annual report is sent to the board by United States mail, it 501
shall be postmarked on or before the due date for the submission 502
of the annual report in order to be timely filed with the board. 503
Mail that is not postmarked shall be considered filed on the 504
date it is received by the board. 505

Each instance of the commission of any of the types of 506
conduct described in division (A) (9) of this section is a 507
separate violation. The rules adopted under division (A) (9) of 508
this section shall establish the amount of the forfeiture for a 509
violation of each of those divisions. The forfeiture for a first 510
violation shall not exceed five thousand dollars, and the 511
forfeiture for a second or subsequent violation shall not exceed 512

ten thousand dollars. The amount of the forfeiture may differ 513
among the types of violations according to what the board 514
considers the seriousness of each violation. 515

(10) Requirements for the licensing and operation of 516
crematory facilities; 517

(11) Procedures for the board to take possession of and to 518
arrange the lawful disposition of unclaimed cremated remains 519
that were held or stored at a funeral home or crematory that has 520
been closed; 521

(12) Procedures for the issuance of duplicate licenses; 522

(13) Requirements for criminal records checks of 523
applicants under section 4776.03 of the Revised Code; 524

(14) The amount and content of corrective action courses 525
required by the board under section 4717.14 of the Revised Code. 526

(B) The board may adopt rules governing the educational 527
standards for licensure as an embalmer or funeral director, or 528
obtaining a permit to be a crematory operator, and the standards 529
of service and practice to be followed in embalming, funeral 530
directing, and cremation, and in the operation of funeral homes, 531
embalming facilities, and crematory facilities in this state. 532

(C) Nothing in this chapter authorizes the board of 533
embalmers and funeral directors to regulate cemeteries, except 534
that the board shall license and regulate funeral homes, 535
embalming facilities, and crematory facilities located at 536
cemeteries in accordance with this chapter. 537

Sec. 4717.05. (A) Any person who desires to be licensed as 538
an embalmer shall apply to the board of embalmers and funeral 539
directors on a form provided by the board. The applicant shall 540

include with the application an initial license fee as set forth 541
in section 4717.07 of the Revised Code and evidence, verified by 542
oath and satisfactory to the board, that the applicant meets all 543
of the following requirements: 544

(1) The applicant is at least eighteen years of age. 545

(2) The applicant holds at least a bachelor's degree from 546
a college or university authorized to confer degrees by the 547
department of higher education or the comparable legal agency of 548
another state in which the college or university is located and 549
submits an official transcript from that college or university 550
with the application. 551

(3) The applicant has satisfactorily completed at least 552
twelve months of instruction in a prescribed course in mortuary 553
science as approved by the board and has presented to the board 554
a certificate showing successful completion of the course. The 555
course of mortuary science college training may be completed 556
either before or after the completion of the educational 557
standard set forth in division (A) (2) of this section. 558

(4) The applicant has been certified by the board prior to 559
beginning an embalmer apprenticeship. 560

(5) The applicant has satisfactorily completed at least 561
one year of apprenticeship under an embalmer licensed in this 562
state and has participated in embalming at least twenty-five 563
dead human bodies. 564

(6) The applicant, upon meeting the educational standards 565
provided for in divisions (A) (2) and (3) of this section and 566
completing the apprenticeship required in division (A) (5) of 567
this section, has completed the examination for an embalmer's 568
license required by the board. 569

(B) Upon receiving satisfactory evidence verified by oath 570
that the applicant meets all the requirements of division (A) of 571
this section, the board shall issue the applicant an embalmer's 572
license. 573

(C) Any person who desires to be licensed as a funeral 574
director shall apply to the board on a form prescribed by the 575
board. The application shall include an initial license fee as 576
set forth in section 4717.07 of the Revised Code and evidence, 577
verified by oath and satisfactory to the board, that the 578
applicant meets all of the following requirements: 579

(1) Except as otherwise provided in division (D) of this 580
section, the applicant has satisfactorily met all the 581
requirements for an embalmer's license as described in divisions 582
(A) (1) to (3) of this section. 583

(2) The applicant has been certified by the board prior to 584
beginning a funeral director apprenticeship. 585

(3) The applicant, following mortuary science college 586
training described in division (A) (3) of this section, has 587
satisfactorily completed a one-year apprenticeship under a 588
licensed funeral director in this state and has participated in 589
directing at least twenty-five funerals. 590

(4) The applicant has satisfactorily completed the 591
examination for a funeral director's license as required by the 592
board. 593

(D) In lieu of mortuary science college training required 594
for a funeral director's license under division (C) (1) of this 595
section, the applicant may substitute a satisfactorily completed 596
two-year apprenticeship under a licensed funeral director in 597
this state assisting that person in directing at least fifty 598

funerals. 599

(E) Upon receiving satisfactory evidence that the 600
applicant meets all the requirements of division (C) of this 601
section, the board shall issue to the applicant a funeral 602
director's license. 603

(F) A funeral director or embalmer may request the funeral 604
director's or embalmer's license be placed on inactive status by 605
submitting to the board a form prescribed by the board and such 606
other information as the board may request. A funeral director 607
or embalmer may not place the funeral director's or embalmer's 608
license on inactive status unless the funeral director or 609
embalmer is in good standing with the board and is in compliance 610
with applicable continuing education requirements. A funeral 611
director or embalmer who is granted inactive status is 612
prohibited from participating in any activity for which a 613
funeral director's or embalmer's license is required in this 614
state. A funeral director or embalmer who has been granted 615
inactive status is exempt from the continuing education 616
requirements under section 4717.09 of the Revised Code during 617
the period of the inactive status. 618

(G) A funeral director or embalmer who has been granted 619
inactive status may not return to active status for at least two 620
years following the date that the inactive status was granted. 621
Following a period of at least two years of inactive status, the 622
funeral director or embalmer may apply to return to active 623
status upon completion of all of the following conditions: 624

(1) The funeral director or embalmer files with the board 625
a form prescribed by the board seeking active status and 626
provides any other information as the board may request; 627

(2) The funeral director or embalmer takes and passes the Ohio laws examination for each license being activated;

(3) The funeral director or embalmer pays a ~~reactivation fee~~ to the board in the ~~amount of one hundred forty dollars for each license being reactivated~~ the reactivation fee described in division (A) (1) of section 4717.07 of the Revised Code.

Sec. 4717.06. (A) (1) A licensed funeral director who desires to obtain a license to operate a funeral home, a licensed embalmer who desires to obtain a license to operate an embalming facility, or a holder of a crematory operator permit who desires to obtain a license to operate a crematory facility shall apply to the board of embalmers and funeral directors on a form prescribed by the board. The application shall include the initial license application fee set forth in section 4717.07 of the Revised Code and proof satisfactory to the board that the funeral home, embalming facility, or crematory facility is in compliance with rules adopted by the board under section 4717.04 of the Revised Code, rules adopted by the board of building standards under Chapter 3781. of the Revised Code, and all other federal, state, and local requirements relating to the safety of the premises.

(2) If the funeral home, embalming facility, or crematory facility to which the license application pertains is owned by a corporation or limited liability company, the application shall include the name and address of the corporation's or limited liability company's statutory agent appointed under section 1701.07 of the Revised Code, former section 1705.06 of the Revised Code as that section existed prior to February 11, 2022, or section 1706.09 of the Revised Code or, in the case of a foreign corporation, the corporation's designated agent

appointed under section 1703.041 of the Revised Code. If the 658
funeral home, embalming facility, or crematory facility to which 659
the application pertains is owned by a partnership, the 660
application shall include the name and address of each of the 661
partners. If, at any time after the submission of a license 662
application or issuance of a license, the statutory or 663
designated agent of a corporation or limited liability company 664
owning a funeral home, embalming facility, or crematory facility 665
or the address of the statutory or designated agent changes or, 666
in the case of a partnership, any of the partners of the funeral 667
home, embalming facility, or crematory facility or the address 668
of any of the partners changes, the applicant for or holder of 669
the license to operate the funeral home, embalming facility, or 670
crematory facility shall submit written notice to the board, 671
within thirty days after the change, informing the board of the 672
change and of any name or address of a statutory or designated 673
agent or partner that has changed from that contained in the 674
application for the license or the most recent notice submitted 675
under division (A) (2) of this section. 676

(B) (1) The board of embalmers and funeral directors shall 677
issue a license to operate a funeral home only to a licensed 678
funeral director who is named in the application as the funeral 679
director actually in charge and ultimately responsible for the 680
funeral home. The board shall issue the license only for the 681
address at which the funeral home is physically located and 682
operated. The funeral home license and licenses of the embalmers 683
and funeral directors employed by the funeral home shall be 684
displayed in a conspicuous place within the funeral home. ~~The~~ 685
~~name of the funeral director to whom the funeral home license~~ 686
~~has been issued shall be conspicuously displayed immediately on~~ 687
~~the outside or the inside of the primary entrance to the funeral~~ 688

~~home that is used by the public.~~ 689

(2) The funeral home shall have on the premises one of the 690
following: 691

(a) If embalming will take place at the funeral home, an 692
embalming room that is adequately equipped and maintained. The 693
embalming room shall be kept in a clean and sanitary manner and 694
used only for the embalming, preparation, or holding of dead 695
human bodies. The embalming room shall contain only the 696
articles, facilities, and instruments necessary for those 697
purposes. 698

(b) If embalming will not take place at the funeral home, 699
a holding room that is adequately equipped and maintained. The 700
holding room shall be kept in a clean and sanitary manner and 701
used only for the preparation, other than embalming, and holding 702
of dead human bodies. The holding room shall contain only the 703
articles and facilities necessary for those purposes. 704

(3) Each funeral home shall be directly supervised by a 705
funeral director licensed under this chapter, who may supervise 706
more than one funeral home. 707

(C) (1) The board shall issue a license to operate an 708
embalming facility only to a licensed embalmer who is actually 709
in charge of and ultimately responsible for the embalming 710
facility. The board shall issue the license only for the address 711
at which the embalming facility is physically located and 712
operated. The license shall be displayed in a conspicuous place 713
within the facility. ~~The name of the embalmer to whom the~~ 714
~~embalming facility license has been issued shall be~~ 715
~~conspicuously displayed on the outside or inside of the primary~~ 716
~~entrance to the embalming facility.~~ 717

(2) The embalming facility shall be adequately equipped 718
and maintained in a sanitary manner. The embalming room at such 719
a facility shall contain only the articles, facilities, and 720
instruments necessary for its stated purpose. The embalming room 721
shall be kept in a clean and sanitary condition and used only 722
for the care and preparation of dead human bodies. 723

(D) (1) The board shall issue a license to operate a 724
crematory facility only to a crematory operator who is actually 725
in charge and ultimately responsible for the crematory facility. 726
The board shall issue the license only for the address at which 727
the crematory facility is physically located and operated. The 728
license shall be displayed in a conspicuous place within the 729
crematory facility. ~~The name of the crematory operator to whom~~ 730
~~the crematory facility license has been issued shall be~~ 731
~~conspicuously displayed on the outside or inside of the primary~~ 732
~~entrance to the crematory facility.~~ 733

(2) The crematory facility shall be adequately equipped 734
and maintained in a clean and sanitary manner. The crematory 735
facility may be located in a funeral home, embalming facility, 736
cemetery building, or other building in which the crematory 737
facility may lawfully operate. If a crematory facility engages 738
in the cremation of animals, the crematory facility shall 739
cremate animals in a cremation chamber that also is not used to 740
cremate dead human bodies or human body parts and shall not 741
cremate animals in a cremation chamber used for the cremation of 742
dead human bodies and human body parts. Cremation chambers that 743
are used for the cremation of dead human bodies or human body 744
parts and cremation chambers used for the cremation of animals 745
may be located in the same area. Cremation chambers used for the 746
cremation of animals shall have conspicuously displayed on the 747
unit a notice that the unit is to be used for animals only. 748

(3) A license to operate a crematory facility shall be 749
issued to the person actually in charge of the crematory 750
facility. This section does not require the individual who is 751
actually in charge of the crematory facility to be an embalmer 752
or funeral director licensed under this chapter. 753

(4) Nothing in this section or rules adopted under section 754
4717.04 of the Revised Code precludes the establishment and 755
operation of a crematory facility on or adjacent to the property 756
on which a cemetery, funeral home, or embalming facility is 757
located. 758

Sec. 4717.07. (A) The board of embalmers and funeral 759
directors shall charge and collect the following fees: 760

(1) For applying for an initial or biennial renewal of an 761
embalmer's or funeral director's license, or a reactivation of a 762
license as described in division (G) of section 4717.05 of the 763
Revised Code, two hundred dollars; 764

(2) For applying for an embalmer or funeral director 765
certificate of apprenticeship, thirty-five dollars; 766

(3) For the application to take the examination for a 767
license to practice as an embalmer or funeral director, or to 768
retake a section of the examination, thirty-five dollars; 769

(4) For applying for an initial license to operate a 770
funeral home, four hundred dollars and biennial renewal of a 771
license to operate a funeral home, four hundred dollars; 772

(5) For the reinstatement of a lapsed embalmer's or 773
funeral director's license, the renewal fee prescribed in 774
division (A)(1) of this section plus fifty dollars for each 775
month or portion of a month the license is lapsed, but not more 776
than one thousand dollars; 777

(6) For the reinstatement of a lapsed license to operate a funeral home, the renewal fee prescribed in division (A) (4) of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement, but not more than one thousand dollars;	778 779 780 781 782
(7) For applying for a license to operate an embalming facility, four hundred dollars and biennial renewal of a license to operate an embalming facility, four hundred dollars;	783 784 785
(8) For the reinstatement of a lapsed license to operate an embalming facility, the renewal fee prescribed in division (A) (7) of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement, but not more than one thousand dollars;	786 787 788 789 790
(9) For applying for a license to operate a crematory facility, four hundred dollars and biennial renewal of a license to operate a crematory facility, four hundred dollars;	791 792 793
(10) For the reinstatement of a lapsed license to operate a crematory facility, the renewal fee prescribed in division (A) (9) of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement, but not more than five hundred dollars;	794 795 796 797 798
(11) For applying for the initial or biennial renewal of a crematory operator permit, one hundred fifty dollars;	799 800
(12) For the reinstatement of a lapsed crematory operator permit, the renewal fee prescribed in division (A) (11) of this section plus fifty dollars for each month or portion of a month the permit is lapsed, but not more than five hundred dollars;	801 802 803 804
(13) For the issuance of a duplicate of a license issued under this chapter, ten dollars;	805 806

(14) For each preneed funeral contract sold in the state 807
other than those funded by the assignment of an existing 808
insurance policy, ten dollars. 809

(B) In addition to the fees set forth in division (A) of 810
this section, an applicant shall pay the examination fee 811
assessed by any examining agency the board uses for any section 812
of an examination required under this chapter. 813

(C) Subject to the approval of the controlling board, the 814
board of embalmers and funeral directors may establish fees in 815
excess of the amounts set forth in this section, provided that 816
these fees do not exceed the amounts set forth in this section 817
by more than fifty per cent. 818

Sec. 4717.10. (A) The board of embalmers and funeral 819
directors may recognize ~~licenses~~ a license issued to ~~embalmers~~ 820
~~and an embalmer or a funeral directors director by other states,~~ 821
~~and upon another state. Upon presentation of such~~ 822
license and evidence satisfactory to the board showing 823
such embalmer or funeral director meets all requirements of this 824
division and is in good standing in that other state, may the 825
board shall issue to the holder an embalmer's or funeral 826
director's license under this chapter. The board shall charge 827
the same fee as prescribed in section 4717.07 of the Revised 828
Code to issue or renew such an embalmer's or funeral director's 829
license. Such licenses shall be renewed biennially as provided 830
in section 4717.08 of the Revised Code. The board shall not 831
issue a license to any person under this division ~~(A) of this~~ 832
~~section~~ unless the applicant proves that the applicant, in the 833
state in which the applicant is licensed, has complied with 834
requirements substantially equal to those established in section 835
4717.05 of the Revised Code. 836

(B) The board of embalmers and funeral directors may issue 837
courtesy card permits. A courtesy card permit holder shall be 838
authorized to undertake both the following acts in this state: 839

(1) Prepare and complete those sections of a death 840
certificate and other permits needed for disposition of deceased 841
human remains in this state and sign and file such death 842
certificates and permits; 843

(2) Supervise and conduct funeral ceremonies, interments, 844
and entombments in this state. 845

(C) The board of embalmers and funeral directors ~~may shall~~ 846
determine under what conditions a courtesy card permit ~~may shall~~ 847
be issued to funeral directors in bordering states after taking 848
into account whether and under what conditions and fees such 849
border states issue similar courtesy card permits to funeral 850
directors licensed in this state. A courtesy card permit holder 851
shall comply with all applicable laws and rules of this state 852
while engaged in any acts of funeral directing in this state. 853
The board may revoke or suspend a courtesy card permit or 854
subject a courtesy card permit holder to discipline in 855
accordance with the laws, rules, and procedures applicable to 856
funeral directors under this chapter. Applicants for courtesy 857
card permits shall apply on forms prescribed by the board, pay a 858
biennial fee set by the board for initial applications and 859
renewals, and adhere to such other requirements imposed by the 860
board on courtesy card permit holders. 861

(D) No courtesy card permit holder shall be authorized to 862
undertake any of the following activities in this state: 863

(1) Arranging funerals or disposition services with 864
members of the public in this state; 865

(2) Be employed by or under contract to a funeral home licensed in this state to perform funeral services in this state;	866 867 868
(3) Advertise funeral or disposition services in this state;	869 870
(4) Enter into or execute funeral or disposition contracts in this state;	871 872
(5) Prepare or embalm deceased human remains in this state;	873 874
(6) Arrange for or carry out the disinterment of human remains in this state.	875 876
(E) As used in this section, "courtesy card permit" means a special permit that may be issued to a funeral director licensed in a state that borders this state and who does not hold a funeral director's license under this chapter.	877 878 879 880
Sec. 4717.13. (A) No person shall do any of the following:	881
(1) Engage in the business or profession of funeral directing unless the person is licensed as a funeral director under this chapter, is certified as an apprentice funeral director in accordance with rules adopted under section 4717.04 of the Revised Code and under the supervision of a funeral director licensed under this chapter, or is a student in a college of mortuary sciences approved by the board of embalmers and funeral directors and is under the direct supervision of a funeral director licensed by the board;	882 883 884 885 886 887 888 889 890
(2) Engage in embalming unless the person is licensed as an embalmer under this chapter, is certified as an apprentice embalmer in accordance with rules adopted under section 4717.04	891 892 893

of the Revised Code and is under the supervision of an embalmer 894
licensed under this chapter, or is a student in a college of 895
mortuary science approved by the board and is under the direct 896
supervision of an embalmer licensed by the board; 897

(3) Advertise or otherwise offer to provide or convey the 898
impression that the person provides funeral directing services 899
unless the person is licensed as a funeral director under this 900
chapter and is employed by or under contract to a licensed 901
funeral home and performs funeral directing services for that 902
funeral home in a manner consistent with the advertisement, 903
offering, or conveyance; 904

(4) Advertise or otherwise offer to provide or convey the 905
impression that the person provides embalming services unless 906
the person is licensed as an embalmer under this chapter and is 907
employed by or under contract to a licensed funeral home or a 908
licensed embalming facility and performs embalming services for 909
the funeral home or embalming facility in a manner consistent 910
with the advertisement, offering, or conveyance; 911

(5) Operate a funeral home without a license to operate 912
the funeral home issued by the board under this chapter; 913

(6) Practice the business or profession of funeral 914
directing from any place except from a funeral home that a 915
person is licensed to operate under this chapter; 916

(7) Practice embalming from any place except from a 917
funeral home or embalming facility that a person is licensed to 918
operate under this chapter; 919

(8) Operate a crematory or perform cremation without a 920
license to operate the crematory issued under this chapter; 921

(9) Cremate animals in a cremation chamber in which dead 922

human bodies or body parts are cremated or cremate dead human 923
bodies or human body parts in a cremation chamber in which 924
animals are cremated; 925

(10) Hold a dead human body, before final disposition, for 926
more than forty-eight hours after the time of death unless the 927
dead human body is embalmed or placed into refrigeration and 928
maintained at a constant temperature of less than forty degrees; 929

(11) Knowingly refuse to promptly submit the custody of a 930
dead human body or cremated remains upon the oral or written 931
order of the person legally entitled to the body or cremated 932
remains; 933

(12) Except as ordered by the coroner or the person 934
holding the right of disposition under section 2108.70 or 935
2108.81 of the Revised Code, knowingly fail to carry out the 936
final disposition of a dead human body within thirty days after 937
taking custody of the body; 938

(13) Engage in cremation as defined in section 4717.01 of 939
the Revised Code unless the person holds a crematory operator 940
permit under this chapter; 941

(14) Engage in the business or profession of funeral 942
directing, engage in embalming, or operate a crematory or 943
perform cremation with a lapsed license as defined under section 944
4717.01 of the Revised Code. 945

(B) No funeral director or other person in charge of the 946
final disposition of a dead human body shall fail to do one of 947
the following prior to the interment of the body: 948

(1) Affix to the ankle or wrist of the deceased a tag 949
encased in a durable and long-lasting material that contains the 950
name, date of birth, date of death, and social security number 951

of the deceased;	952
(2) Place in the casket a capsule containing a tag bearing the information described in division (B)(1) of this section;	953 954
(3) If the body was cremated, place in the vessel <u>containing the cremated remains</u> a tag bearing the information described in division (B)(1) of this section <u>in any vessel</u> containing either of the following:	955 956 957 958
(a) <u>All the cremated remains;</u>	959
(b) <u>More than ten cubic inches of the cremated remains.</u>	960
(C) No person who holds a funeral home license for a funeral home that is closed, or that is owned by a funeral business in which changes in the ownership of the funeral business result in a majority of the ownership of the funeral business being held by one or more persons who solely or in combination with others did not own a majority of the funeral business immediately prior to the change in ownership, shall fail to submit to the board within thirty days after the closing or such change of ownership of the funeral business owning the funeral home, a clearly enumerated account of all of the following from which the licensee, at the time of the closing or change of ownership of the funeral business and in connection with the funeral home, was to receive payment for providing the funeral services, funeral goods, or any combination of those in connection with the funeral or final disposition of a dead human body:	961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976
(1) Preneed funeral contracts governed by sections 4717.31 to 4717.38 of the Revised Code;	977 978
(2) Life insurance policies or annuities the benefits of which are payable to the provider of funeral or burial goods or	979 980

services;	981
(3) Accounts at banks or savings banks insured by the	982
federal deposit insurance corporation, savings and loan	983
associations insured by the federal savings and loan insurance	984
corporation or the Ohio deposit guarantee fund, or credit unions	985
insured by the national credit union administration or a credit	986
union share guaranty corporation organized under Chapter 1761.	987
of the Revised Code that are payable upon the death of the	988
person for whose benefit deposits into the accounts were made.	989
(D) (1) No person who holds a funeral home license for a	990
funeral home that is closed shall negligently fail to send	991
written notice to the purchaser of every preneed funeral	992
contract to which the funeral business is a party via first	993
class United States mail. Such notice shall be addressed to the	994
purchaser's last known address and shall explain that the	995
funeral business is being closed and the name of any funeral	996
business that has been designated to assume the obligations of	997
the preneed contract.	998
(2) Within thirty days of the closing of a funeral home,	999
no person who held the funeral home license for the closed	1000
funeral home shall negligently fail to transfer all preneed	1001
contracts to the funeral home or funeral homes that have been	1002
designated to assume the obligation of the preneed contracts. If	1003
the person who holds a funeral home license for a funeral home	1004
that is closed fails to designate a successor funeral home or	1005
funeral homes to assume the obligations of the preneed funeral	1006
contracts, the board shall make such designations and order the	1007
transfer of the preneed funeral contracts to the designated	1008
funeral home or funeral homes.	1009
<u>(E) No person who holds a license under this chapter for a</u>	1010

facility that is going out of business and that is in possession 1011
of unclaimed cremated remains shall fail to submit to the board, 1012
within thirty days prior to the closing, a copy of the written 1013
notice required in division (F) of this section and a clearly 1014
enumerated account of all unclaimed cremated remains in 1015
possession of the facility. 1016

(F) Within thirty days prior to the closing of a facility 1017
that is going out of business and that is in possession of 1018
unclaimed cremated remains, the person who is actually in charge 1019
of and ultimately responsible for the facility shall send 1020
written notice via first-class mail to the last known address of 1021
the authorizing agent who executed the cremation authorization 1022
form or the person designated on the cremation authorization 1023
form to receive the cremated remains. Such notice shall include 1024
the following: 1025

(1) A statement that the funeral business is going out of 1026
business and will close; 1027

(2) The expected date of closure; 1028

(3) The manner in which the unclaimed cremated remains 1029
will be disposed and, if applicable, the location from which the 1030
cremated remains can be retrieved. 1031

(G) If the person who is actually in charge of and 1032
ultimately responsible for the facility is unable to comply with 1033
divisions (F) (1) to (3) of this section and cannot locate the 1034
last known address of the authorizing agent who executed the 1035
cremation authorization form or the person designated on the 1036
cremation authorization form to receive the cremated remains, 1037
the person who is actually in charge of and ultimately 1038
responsible for the facility may seek a declaratory judgment to 1039

dispose of the unclaimed cremated remains from the probate court 1040
in the county in which the facility is located. 1041

(H) Within thirty days prior to the closing of a facility 1042
that is going out of business, no person who held the license 1043
for the facility shall negligently fail to dispose of all 1044
unclaimed cremated remains as designated in the written notice 1045
or, if unclaimed in excess of sixty days, in a manner consistent 1046
with section 4717.27 of the Revised Code. 1047

Sec. 4717.14. (A) The board of embalmers and funeral 1048
directors may, except as provided in division (G) of this 1049
section, refuse to grant or renew, or may suspend or revoke, any 1050
license or permit issued under this chapter or may require the 1051
holder of a license or permit to take corrective action courses 1052
for any of the following reasons: 1053

(1) The holder of a license or permit obtained the license 1054
or permit by fraud or misrepresentation either in the 1055
application or in passing the examination. 1056

(2) The licensee or permit holder has been convicted of or 1057
has pleaded guilty to a felony or of any crime involving moral 1058
turpitude. 1059

(3) The applicant, licensee, or permit holder has 1060
recklessly violated any provision of sections 4717.01 to 4717.15 1061
or a rule adopted under any of those sections; division (A) or 1062
(B) of section 4717.23; division (B) (1) or (2), (C) (1) or (2), 1063
(D), (E), or (F) (1) or (2), or divisions (H) to (K) of section 1064
4717.26; division (D) (1) of section 4717.27; or divisions (A) to 1065
(C) of section 4717.28 of the Revised Code; or any provisions of 1066
sections 4717.31 to 4717.38 of the Revised Code; any rule or 1067
order of the department of health or a board of health of a 1068

health district governing the disposition of dead human bodies; 1069
or any other rule or order applicable to the applicant or 1070
licensee. 1071

(4) The licensee or permit holder has committed immoral or 1072
unprofessional conduct. 1073

(5) The applicant or licensee knowingly permitted an 1074
unlicensed person, other than a person serving an 1075
apprenticeship, to engage in the profession or business of 1076
embalming or funeral directing under the applicant's or 1077
licensee's supervision. 1078

(6) The applicant, licensee, or permit holder has been 1079
habitually intoxicated, or is addicted to the use of morphine, 1080
cocaine, or other habit-forming or illegal drugs. 1081

(7) The applicant, licensee, or permit holder has refused 1082
to promptly submit the custody of a dead human body or cremated 1083
remains upon the express order of the person legally entitled to 1084
the body or cremated remains. 1085

(8) The licensee or permit holder loaned the licensee's 1086
own license or the permit holder's own permit, or the applicant, 1087
licensee, or permit holder borrowed or used the license or 1088
permit of another person, or knowingly aided or abetted the 1089
granting of an improper license or permit. 1090

(9) The applicant, licensee, or permit holder misled the 1091
public by using false or deceptive advertising. As used in this 1092
division, "false and deceptive advertising" includes, but is not 1093
limited to, any of the following: 1094

(a) Using the names of persons who are not licensed to 1095
practice funeral directing in a way that leads the public to 1096
believe that such persons are engaging in funeral directing; 1097

(b) Using any name for the funeral home other than the 1098
name under which the funeral home is licensed; 1099

(c) Using in the funeral home's name the surname of an 1100
individual who is not directly, actively, or presently 1101
associated with the funeral home, unless such surname has been 1102
previously and continuously used by the funeral home. 1103

(10) The licensee or permit holder provided services to a 1104
person knowing that those services were sold to that person by 1105
another person who lacked a license or permit under this chapter 1106
to perform the services. 1107

(B) (1) The board of embalmers and funeral directors shall 1108
refuse to grant or renew, or shall suspend or revoke a license 1109
or permit only in accordance with Chapter 119. of the Revised 1110
Code. 1111

(2) The board shall send to the crematory review board 1112
written notice that it proposes to refuse to issue or renew, or 1113
proposes to suspend or revoke, a license to operate a crematory 1114
facility. If, after the conclusion of the adjudicatory hearing 1115
on the matter conducted under division (F) of section 4717.03 of 1116
the Revised Code, the board of embalmers and funeral directors 1117
finds that any of the circumstances described in divisions (A) 1118
(1) to (9) of this section apply to the person named in its 1119
proposed action, the board may issue a final order under 1120
division (F) of section 4717.03 of the Revised Code refusing to 1121
issue or renew, or suspending or revoking, the person's license 1122
to operate a crematory facility. 1123

(C) If the board of embalmers and funeral directors 1124
determines that there is clear and convincing evidence that any 1125
of the circumstances described in divisions (A) (1) to (9) of 1126

this section apply to the holder of a license or permit issued 1127
under this chapter and that the licensee's or permit holder's 1128
continued practice presents a danger of immediate and serious 1129
harm to the public, the board may suspend the licensee's license 1130
or permit holder's permit without a prior adjudicatory hearing. 1131
The executive director of the board shall prepare written 1132
allegations for consideration by the board. 1133

The board, after reviewing the written allegations, may 1134
suspend a license or permit without a prior hearing. 1135

Notwithstanding section 121.22 of the Revised Code, the 1136
board may suspend a license or permit under this division by 1137
utilizing a telephone conference call to review the allegations 1138
and to take a vote. 1139

The board shall issue a written order of suspension by a 1140
delivery system or in person in accordance with section 119.07 1141
of the Revised Code. Such an order is not subject to suspension 1142
by the court during the pendency of any appeal filed under 1143
section 119.12 of the Revised Code. If the licensee or permit 1144
holder requests an adjudicatory hearing by the board, the date 1145
set for the hearing shall be within fifteen days, but not 1146
earlier than seven days, after the licensee or permit holder has 1147
requested a hearing, unless the board and the licensee or permit 1148
holder agree to a different time for holding the hearing. 1149

Upon issuing a written order of suspension to the holder 1150
of a license to operate a crematory facility, the board of 1151
embalmers and funeral directors shall send written notice of the 1152
issuance of the order to the crematory review board. The 1153
crematory review board shall hold an adjudicatory hearing on the 1154
order under division (F) of section 4717.03 of the Revised Code 1155
within fifteen days, but not earlier than seven days, after the 1156

issuance of the order, unless the crematory review board and the 1157
licensee agree to a different time for holding the adjudicatory 1158
hearing. 1159

Any summary suspension imposed under this division shall 1160
remain in effect, unless reversed on appeal, until a final 1161
adjudicatory order issued by the board of embalmers and funeral 1162
directors pursuant to this division and Chapter 119. of the 1163
Revised Code, or division (F) of section 4717.03 of the Revised 1164
Code, as applicable, becomes effective. The board of embalmers 1165
and funeral directors shall issue its final adjudicatory order 1166
within sixty days after the completion of its hearing or, in the 1167
case of the summary suspension of a license to operate a 1168
crematory facility, within sixty days after completion of the 1169
adjudicatory hearing by the crematory review board. A failure to 1170
issue the order within that time results in the dissolution of 1171
the summary suspension order, but does not invalidate any 1172
subsequent final adjudicatory order. 1173

(D) If the board of embalmers and funeral directors 1174
suspends or revokes a funeral director's license or a license to 1175
operate a funeral home for any reason identified in division (A) 1176
of this section, the board may file a complaint with the court 1177
of common pleas in the county where the violation occurred 1178
requesting appointment of a receiver and the sequestration of 1179
the assets of the funeral home that held the suspended or 1180
revoked license or the licensed funeral home that employs the 1181
funeral director that held the suspended or revoked license. If 1182
the court of common pleas is satisfied with the application for 1183
a receivership, the court may appoint a receiver. 1184

The board or a receiver may employ and procure whatever 1185
assistance or advice is necessary in the receivership or 1186

liquidation and distribution of the assets of the funeral home, 1187
and, for that purpose, may retain officers or employees of the 1188
funeral home as needed. All expenses of the receivership or 1189
liquidation shall be paid from the assets of the funeral home 1190
and shall be a lien on those assets, and that lien shall be a 1191
priority to any other lien. 1192

(E) Any holder of a license or permit issued under this 1193
chapter who has pleaded guilty to, has been found by a judge or 1194
jury to be guilty of, or has had a judicial finding of 1195
eligibility for treatment in lieu of conviction entered against 1196
the individual in this state for aggravated murder, murder, 1197
voluntary manslaughter, felonious assault, kidnapping, rape, 1198
sexual battery, gross sexual imposition, aggravated arson, 1199
aggravated robbery, or aggravated burglary, or who has pleaded 1200
guilty to, has been found by a judge or jury to be guilty of, or 1201
has had a judicial finding of eligibility for treatment in lieu 1202
of conviction entered against the individual in another 1203
jurisdiction for any substantially equivalent criminal offense, 1204
is hereby suspended from practice under this chapter by 1205
operation of law, and any license or permit issued to the 1206
individual under this chapter is hereby suspended by operation 1207
of law as of the date of the guilty plea, verdict or finding of 1208
guilt, or judicial finding of eligibility for treatment in lieu 1209
of conviction, regardless of whether the proceedings are brought 1210
in this state or another jurisdiction. The board shall notify 1211
the suspended individual of the suspension of the individual's 1212
license or permit by the operation of this division by a 1213
delivery system or in person in accordance with section 119.07 1214
of the Revised Code. If an individual whose license or permit is 1215
suspended under this division fails to make a timely request for 1216
an adjudicatory hearing, the board shall enter a final order 1217

revoking the license. 1218

(F) No person whose license or permit has been suspended 1219
or revoked under or by the operation of this section shall 1220
knowingly practice embalming, funeral directing, or cremation, 1221
or operate a funeral home, embalming facility, or crematory 1222
facility until the board has reinstated the person's license or 1223
permit. 1224

(G) The board shall not refuse to issue a license or 1225
permit to an applicant because of a conviction of or plea of 1226
guilty to a criminal offense unless the refusal is in accordance 1227
with section 9.79 of the Revised Code. 1228

Sec. 4717.24. (A) A cremation authorization form 1229
authorizing the cremation of a dead human body, other than one 1230
that was donated to science for purposes of medical education or 1231
research, shall include at least all of the following 1232
information and statements: 1233

(1) A statement that the decedent has been identified in 1234
accordance with division (B) of this section; 1235

(2) The name of the funeral director or other individual 1236
who obtained the burial or burial-transit permit authorizing the 1237
cremation of the decedent; 1238

(3) The name of the authorizing agent and the relationship 1239
of the authorizing agent to the decedent; 1240

(4) A statement that the authorizing agent in fact has the 1241
right to authorize cremation of the decedent and that the 1242
authorizing agent does not have actual knowledge of the 1243
existence of any living person who has a superior priority right 1244
to act as the authorizing agent under section 4717.22 of the 1245
Revised Code. If the person executing the cremation 1246

authorization form knows of another living person who has such a 1247
superior priority right, the authorization form shall include a 1248
statement indicating that the person executing the authorization 1249
form has made reasonable efforts to contact the person having 1250
the superior priority right and has been unable to do so and 1251
that the person executing the authorization form has no reason 1252
to believe that the person having the superior priority right 1253
would object to the cremation of the decedent. 1254

(5) A statement of whether the authorizing agent has 1255
actual knowledge of the presence in the decedent of a pacemaker, 1256
defibrillator, or any other mechanical or radioactive device or 1257
implant that poses a hazard to the health or safety of personnel 1258
performing the cremation; 1259

(6) A statement indicating the crematory facility is to 1260
cremate the casket or alternative container in which the 1261
decedent was delivered to or accepted by the crematory facility; 1262

(7) A statement of whether the crematory facility is 1263
authorized to simultaneously cremate the decedent in the same 1264
cremation chamber with one or more other decedents who were 1265
related to the decedent named in the cremation authorization 1266
form by consanguinity or affinity or who, at any time during the 1267
one-year period preceding the decedent's death, lived with the 1268
decedent in a common law marital relationship or otherwise 1269
cohabited with the decedent. A cremation authorization form 1270
executed under this section shall not authorize the simultaneous 1271
cremation of a decedent in the same cremation chamber with one 1272
or more other decedents except under the circumstances described 1273
in the immediately preceding sentence. 1274

(8) The names of any persons designated by the authorizing 1275
agent to be present in the holding facility or cremation room 1276

prior to or during the cremation of the decedent or during the removal of the cremated remains from the cremation chamber; 1277
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(9) The authorization for the crematory facility to cremate the decedent and to process or pulverize the cremated remains as is the practice at the particular crematory facility; 1279
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(10) A statement of whether it is the crematory facility's practice to return all of the residue removed from the cremation chamber following the cremation or to separate and remove foreign matter from the residue before returning the cremated remains to the authorizing agent or the person designated on the authorization form to receive the cremated remains pursuant to division (A) (11) of this section; 1282
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(11) The name of the person who is to receive the cremated remains of the decedent from the crematory facility; 1289
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(12) The manner in which the final disposition of the cremated remains of the decedent is to occur, if known. If the cremation authorization form does not specify the manner of the final disposition of the cremated remains, it shall indicate that the cremated remains will be held by the crematory facility for thirty days after the cremation, unless, prior to the end of that period, they are picked up from the crematory facility by the person designated on the cremation authorization form to receive them, the authorizing agent, or, if applicable, the funeral director who obtained the burial or burial-transit permit for the decedent, or are delivered or shipped by the crematory facility to one of those persons. The authorization form shall indicate that if no instructions for the final disposition are provided on the authorization form and that if no arrangements for final disposition have been made within the thirty-day period, the crematory facility may return the 1291
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cremated remains to the authorizing agent. The authorization 1307
form shall further indicate that if no arrangements for the 1308
final disposition of the cremated remains have been made within 1309
sixty days after the completion of the cremation and if the 1310
authorizing agent has not picked them up or caused them to be 1311
picked up within that period, the crematory operator or 1312
crematory facility may dispose of them in accordance with 1313
division (C) of section 4717.27 of the Revised Code. 1314

(13) A listing of the items of value to be delivered to 1315
the crematory facility along with the dead human body, if any, 1316
and instructions regarding how those items are to be handled; 1317

(14) A statement of whether the authorizing agent has made 1318
arrangements for any type of viewing of the decedent or for a 1319
service with the decedent present prior to the cremation and, if 1320
so, the date, time, and place of the service; 1321

(15) A statement of whether the crematory facility may 1322
proceed with the cremation at any time after the conditions set 1323
forth in division (A) of section 4717.23 of the Revised Code 1324
have been met and the decedent has been received at the 1325
facility; 1326

(16) The certification of the authorizing agent to the 1327
effect that all of the information and statements contained in 1328
the authorization form are accurate; 1329

(17) The signature of the authorizing agent and the 1330
signature of at least one witness who observed the authorizing 1331
agent execute the cremation authorization form. 1332

(B) In making the identification of the decedent required 1333
by division (A) (1) of this section, the funeral home arranging 1334
the cremation shall require the authorizing agent or the agent's 1335

appointed representative to visually identify the decedent's 1336
remains or a photograph or other visual image of the remains. If 1337
identification is by photograph or other visual image, the 1338
authorizing agent or representative shall sign the photograph or 1339
other visual image. If visual identification is not feasible, 1340
other positive identification of the decedent may be used 1341
including, but not limited to, reliance upon an identification 1342
made through the coroner's office or identification of 1343
photographs or other visual images of scars, tattoos, or 1344
physical deformities taken from the decedent's remains. 1345

(C) An authorizing agent who is not available to execute a 1346
cremation authorization form in person may designate another 1347
individual to serve as the authorizing agent by providing to the 1348
crematory facility where the cremation is to occur a written 1349
designation, ~~acknowledged before a notary public or other person~~ 1350
~~authorized to administer oaths, signed by the authorizing agent~~ 1351
and by a witness who observed the authorizing agent execute the 1352
designation, authorizing that other individual to serve as the 1353
authorizing agent. Any such written designation shall contain 1354
the name of the decedent, the name and address of the 1355
authorizing agent, the relationship of the authorizing agent to 1356
the decedent, and the name and address of the individual who is 1357
being designated to serve as the authorizing agent. Upon 1358
receiving such a written designation, the operator shall permit 1359
the individual named in the written designation to serve as the 1360
authorizing agent and to execute the cremation authorization 1361
form authorizing the cremation of the decedent named in the 1362
written designation. 1363

(D) An authorizing agent who signs a cremation 1364
authorization form under this section is hereby deemed to 1365
warrant the accuracy of the information and statements contained 1366

in such authorization form, including the identification of the 1367
decedent and the agent's authority to authorize the cremation. A 1368
funeral home and its employees are not responsible for verifying 1369
the accuracy of any information or statements the authorizing 1370
agent made on the authorization form, unless the funeral home or 1371
its employees have actual knowledge to the contrary regarding 1372
any such information or statement. When delivering the 1373
decedent's remains to a crematory facility or in carrying out 1374
the disposition in its own facility, the funeral home is 1375
responsible for having the decedent identified pursuant to 1376
division (B) of this section and carrying out the obligations 1377
imposed on the funeral home by division (B) of section 4717.29 1378
of the Revised Code. 1379

(E) At any time after executing a cremation authorization 1380
form and prior to the beginning of the cremation process, the 1381
authorizing agent who executed the cremation authorization form 1382
under division (A) or (C) of this section may, in writing, 1383
modify the arrangements for the final disposition of the 1384
cremated remains of the decedent set forth in the authorization 1385
form or may, in writing, revoke the authorization, cancel the 1386
cremation, and claim the decedent's body for purposes of making 1387
alternative arrangements for the final disposition of the 1388
decedent's body. The crematory facility shall cancel the 1389
cremation if the crematory facility receives such a revocation 1390
before beginning the cremation. 1391

(F) A cremation authorization form executed under this 1392
section does not constitute a contract for conducting the 1393
cremation of the decedent named in the authorization form or for 1394
the final disposition of the cremated remains of the decedent. 1395
The revocation of a cremation authorization form or modification 1396
of the arrangements for the final disposition of the cremated 1397

remains of the decedent pursuant to division (E) of this section 1398
does not affect the validity or enforceability of any contract 1399
for the cremation of the decedent named in the authorization 1400
form or for the final disposition of the cremated remains of the 1401
decedent. 1402

Sec. 4717.28. (A) No crematory facility shall fail to 1403
ensure that a written receipt is provided to the person who 1404
delivers a dead human body or body parts to the facility for 1405
cremation. If the dead human body is other than one that was 1406
donated to science for purposes of medical education or 1407
research, the receipt shall be signed by both a representative 1408
of the crematory facility and the person who delivered the 1409
decedent to the crematory facility and shall indicate the name 1410
of the decedent; the date and time of delivery; the type of 1411
casket or alternative container in which the decedent was 1412
delivered to the facility; the name of the person who delivered 1413
the decedent to the facility; if applicable, the name of the 1414
funeral home or other establishment with whom the delivery 1415
person is affiliated; and the name of the person who received 1416
the decedent on behalf of the facility. If the dead human body 1417
was donated to science for purposes of medical education or 1418
research, the receipt shall consist of a copy of the cremation 1419
authorization form executed under section 4717.21, 4717.24, or 1420
4717.25 of the Revised Code that authorizes the cremation of the 1421
decedent or body parts that has been signed by both a 1422
representative of the crematory facility and the person who 1423
delivered the decedent or body parts to the crematory facility 1424
and that indicates the date and time of the delivery. The 1425
operator may provide the copy of the receipt to the person who 1426
delivered the decedent or body parts to the facility either in 1427
person or by certified mail, return receipt requested. 1428

(B) No crematory facility shall fail to ensure at the time 1429
of releasing cremated remains that a written receipt signed by 1430
both a representative of the crematory facility and the person 1431
who received the cremated remains is provided to the person who 1432
received the cremated remains. Unless the cremated remains are 1433
those of a dead human body that was donated to science for 1434
purposes of medical education or research or are those of body 1435
parts, the receipt shall indicate the name of the decedent; the 1436
date and time of the release; the name of the person to whom the 1437
cremated remains were released; if applicable, the name of the 1438
funeral home, cemetery, or other entity to whom the cremated 1439
remains were released; and the name of the person who released 1440
the cremated remains on behalf of the crematory facility. If the 1441
cremated remains are those of a dead human body that was donated 1442
to science for purposes of medical education or research or are 1443
those of body parts, the receipt shall consist of a copy of the 1444
cremation authorization form executed under section 4717.21, 1445
4717.24, or 4717.25 of the Revised Code that authorizes the 1446
cremation of the decedent or body parts that has been signed by 1447
both a representative of the crematory facility and the person 1448
who received the cremated remains and that indicates the date 1449
and time of the release. If the cremated remains were delivered 1450
to the authorizing agent or other individual designated on the 1451
cremation authorization form by a method described in division 1452
(I) of section 4717.26 of the Revised Code that is acceptable 1453
under that division, the receipt required by this division shall 1454
accompany the cremated remains, and the signature of the 1455
authorizing agent or other designated individual on the delivery 1456
receipt meets the requirement of this division that the person 1457
receiving the cremated remains sign the receipt provided by the 1458
crematory facility. 1459

(C) ~~No~~ For each cremation carried out at a crematory 1460
~~facility shall fail to make or keep on file during the time~~ 1461
~~that,~~ the crematory facility remains engaged in the business of 1462
~~cremating dead human bodies or body parts, all of~~ shall make and 1463
keep on file the following records and documents for the time 1464
period described in division (E) of this section: 1465

(1) A copy of each receipt issued upon acceptance by or 1466
delivery to the crematory facility of a dead human body under 1467
division (A) of this section; 1468

(2) A copy of each delivery receipt issued under division 1469
(B) of this section; 1470

(3) A record of each cremation conducted at the facility, 1471
containing at least the name of the decedent or, in the case of 1472
body parts, the name of the decedent or living person from whom 1473
the body parts were removed, the date and time of the cremation, 1474
and the final disposition made of the cremated remains; 1475

~~(3) A copy of each delivery receipt issued under division~~ 1476
~~(B) of this section;~~ 1477

(4) A separate record of the cremated remains of each 1478
decedent or the body parts removed from each decedent or living 1479
person that were disposed of in accordance with division (C) (1) 1480
or (2) of section 4717.27 of the Revised Code, containing at 1481
least the name of the decedent, the date and time of the 1482
cremation, and the location, date, and manner of final 1483
disposition of the cremated remains. 1484

(D) All records required to be maintained under sections 1485
4717.21 to 4717.30 of the Revised Code are subject to inspection 1486
by the board of embalmers and funeral directors or an authorized 1487
representative of the board, upon reasonable notice, at any 1488

reasonable time. 1489

(E) The documents listed in divisions (C) (1) and (2) of 1490
this section shall be retained for the shorter of the time that 1491
the crematory facility remains engaged in the business of 1492
cremating dead human bodies or body parts or ten years following 1493
the date of the cremation. The documents listed in divisions (C) 1494
(3) and (4) of this section shall be retained during the time 1495
that the crematory facility remains engaged in the business of 1496
cremating dead human bodies or body parts. 1497

Sec. 4717.30. (A) A crematory operator, crematory 1498
facility, funeral director, or funeral home is not liable in 1499
damages in a civil action for any of the following actions or 1500
omissions, unless the actions or omissions were made with 1501
malicious purpose, in bad faith, or in a wanton or reckless 1502
manner or unless any of the conditions set forth in divisions 1503
(B) (1) to (3) of this section apply: 1504

(1) (a) For having arranged or performed the cremation of 1505
the decedent, or having released or disposed of the cremated 1506
remains, in accordance with the instructions set forth in the 1507
cremation authorization form executed by the decedent on an 1508
antemortem basis under section 4717.21 of the Revised Code; 1509

(b) For having arranged or performed the cremation of the 1510
decedent or body parts removed from the decedent or living 1511
person or having released or disposed of the cremated remains in 1512
accordance with section 4717.27 of the Revised Code or the 1513
instructions set forth in a cremation authorization form 1514
executed by the person authorized to serve as the authorizing 1515
agent for the cremation of the decedent or for the cremation of 1516
body parts of the decedent or living person, named in the 1517
cremation authorization form executed under section 4717.24 or 1518

4717.25 of the Revised Code. 1519

(2) For having arranged or performed the cremation of the 1520
decedent, or having released or disposed of the cremated 1521
remains, in accordance with section 4717.27 of the Revised Code 1522
or the instructions set forth in the cremation authorization 1523
form executed by a designated agent under division (C) of 1524
section 4717.24 of the Revised Code. 1525

(B) The crematory operator, crematory facility, funeral 1526
director, or funeral home is not liable in damages in a civil 1527
action for refusing to accept a dead human body or body parts or 1528
to perform a cremation under any of the following circumstances, 1529
unless the refusal was made with malicious purpose, in bad 1530
faith, or in a wanton or reckless manner: 1531

(1) The crematory operator, crematory facility, funeral 1532
director, or funeral home has actual knowledge that there is a 1533
dispute regarding the cremation of the decedent or body parts, 1534
until such time as the crematory operator, crematory facility, 1535
funeral director, or funeral home receives an order of the 1536
probate court having jurisdiction ordering the cremation of the 1537
decedent or body parts or until the crematory operator, 1538
crematory facility, funeral director, or funeral home receives 1539
from the parties to the dispute a copy of a written agreement 1540
resolving the dispute and authorizing the cremation to be 1541
performed. 1542

(2) The crematory operator, crematory facility, funeral 1543
director, or funeral home has a reasonable basis for questioning 1544
the accuracy of any of the information or statements contained 1545
in a cremation authorization form executed under section 1546
4717.21, 4717.24, or 4717.25 of the Revised Code, as applicable, 1547
that authorizes the cremation of the decedent or body parts. 1548

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

(C) A crematory operator, crematory facility, funeral director, or funeral home is not liable in damages in a civil action for refusing to release or dispose of the cremated remains of a decedent or body parts when the crematory operator, crematory facility, funeral director, or funeral home has actual knowledge that there is a dispute regarding the release or final disposition of the cremated remains in connection with any damages sustained, prior to the time the crematory operator, crematory facility, funeral home, or funeral director receives an order of the probate court having jurisdiction ordering the release or final disposition of the cremated remains, or prior to the time the crematory operator, crematory facility, funeral director, or funeral home receives from the parties to the dispute a copy of a written agreement resolving the dispute and authorizing the cremation to be performed.

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

(1) The cremation authorization form authorizing the cremation of the decedent or body parts executed under section 4717.21, 4717.24, or 4717.25 of the Revised Code, as applicable, contains specific instructions for the removal or recovery and

disposition of any such dental gold, jewelry, or other items of value prior to the cremation, and the crematory operator, crematory facility, funeral director, or funeral home has failed to comply with the written instructions.

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

(E) (1) This section does not create a new cause of action against or substantive legal right against a crematory operator, crematory facility, funeral director, or funeral home.

(2) This section does not affect any immunities from civil liability or defenses established by another section of the Revised Code or available at common law to which a crematory operator, crematory facility, funeral director, or funeral home may be entitled under circumstances not covered by this section.

Sec. 4717.311. (A) The holder of funds for a preneed funeral contract shall, at least thirty days prior to the beneficiary's ninety-fifth birthday, contact the seller or successor seller to inform the seller or successor seller of the beneficiary's upcoming ninety-fifth birthday.

(B) The holder and the seller or successor seller shall agree to one of the following:

(1) That the holder shall make a reasonable attempt to confirm that the beneficiary is still alive. If the holder cannot confirm that the beneficiary is still alive within thirty days following the beneficiary's ninety-fifth birthday, the holder shall report and remit the funds to the director of commerce pursuant to Chapter 169. of the Revised Code.

(2) That the seller or successor seller shall make a 1608
reasonable attempt to confirm that the beneficiary is still 1609
alive. If the seller or successor seller cannot confirm that the 1610
beneficiary is still alive within thirty days following the 1611
beneficiary's ninety-fifth birthday, the seller or successor 1612
seller shall notify the holder within one business day. Upon 1613
receiving the notification, the holder shall report and remit 1614
the funds to the director of commerce pursuant to Chapter 169. 1615
of the Revised Code. 1616

Sec. 4717.35. If a preneed funeral contract contains a 1617
provision stating that the preneed funeral contract will be 1618
funded by the purchase of an insurance policy, the insurance 1619
agent who sold the policy that will fund that preneed funeral 1620
contract shall require that any payment made by the purchaser be 1621
made in the form of a check, cashier's check, money order, or 1622
debit or credit card, payable only to the insurance company. The 1623
insurance agent shall remit the application for insurance and 1624
the premium paid to the insurance company designated in the 1625
preneed funeral contract within the time period specified in 1626
division (B)(15) of section 3905.14 of the Revised Code, unless 1627
the purchaser rescinds the preneed funeral contract in 1628
accordance with division (A) of section 4717.34 of the Revised 1629
Code. If the purchaser made payment in the form of a check made 1630
payable to the seller, the seller may, within five business days 1631
of receiving the check, sign over and forward the check to the 1632
insurance company designated in the preneed funeral contract. 1633

If the purchaser of a preneed funeral contract that is 1634
revocable and that is funded by an insurance policy or annuity 1635
elects to cancel the preneed funeral contract, the purchaser 1636
shall provide a written notice to the seller and the insurance 1637
company designated in the contract stating that the purchaser 1638

intends to cancel that contract. Fifteen days after the 1639
purchaser provides the notice to the seller of the contract and 1640
the insurance company, the purchaser may cancel the preneed 1641
funeral contract and change the beneficiary of the insurance 1642
policy or annuity or reassign the benefits under the policy or 1643
annuity. 1644

The purchaser of a preneed funeral contract that is 1645
irrevocable and that is funded by an insurance policy or annuity 1646
may transfer the preneed funeral contract to a successor seller 1647
by notifying the original seller of the designation of a 1648
successor seller. Within fifteen days after receiving the 1649
written notice of the designation of the successor seller from 1650
the purchaser, the original seller shall assign the seller's 1651
rights to the proceeds of the policy to the successor seller. 1652
The insurance company shall confirm the change of assignment by 1653
providing written notice to the policyholder. 1654

If, after a preneed funeral contract has been performed 1655
and paid for by the proceeds of an insurance policy or annuity, 1656
there are excess funds that the purchaser previously assigned by 1657
a written contract to the seller to pay for preneed funeral 1658
services or funeral goods for other individuals, the insurance 1659
company or annuity company holding such excess funds shall pay 1660
those funds directly to the seller, and the seller shall deposit 1661
the funds into a trust or purchase insurance or annuity policies 1662
to fund additional preneed funeral contracts. 1663

Sec. 4717.36. (A) This section applies only to preneed 1664
funeral contracts that are funded by any means other than an 1665
insurance policy or policies, or an annuity or annuities. 1666

No money in a preneed funeral contract trust shall be 1667
distributed from the trust except as provided in this section. 1668

(B) A seller of a preneed funeral contract that stipulates a fixed or firm or guaranteed price for funeral services and funeral goods to be provided under a preneed funeral contract may charge an initial service fee not to exceed ten per cent of the total amount of all payments to be paid under the preneed funeral contract for such guaranteed price funeral services and funeral goods. If the amount to be paid by the purchaser is to be paid in installments, the seller may collect the initial service fee only after all of the installments have been paid.

~~(C) All (1) Except for the following, all payments made by the purchaser of a preneed funeral contract, except for the initial service fee permitted by division (B) of this section and any applicable sales tax, shall be made in the form of a check, cashier's check, money order, or debit or credit card, payable only to the trustee of the preneed funeral contract trust or to the trustee's designated depository:~~

(a) The initial service fee permitted by division (B) of this section;

(b) The fee collected under division (A) (14) of section 4717.07 of the Revised Code;

(c) Any applicable sales tax.

(2) If the purchaser makes payment in the form of a check made payable to the seller, the seller may, within five business days of receiving the check, sign over and forward the check to the trustee or the trustee's designated depository.

(3) Within thirty days of the seller receiving any form of payment made payable to the trustee or the trustee's designee, the seller shall remit the payment to the trustee or the trustee's designee unless the purchaser rescinds the preneed

funeral contract in accordance with division (A) of section 1698
4717.34 of the Revised Code. The funds deposited with the 1699
trustee shall remain intact and held in trust for the contract 1700
beneficiary. 1701

(D) The seller shall establish a preneed funeral contract 1702
trust at one of the following types of institutions and shall 1703
designate that institution as the trustee of the preneed funeral 1704
contract trust: 1705

(1) A trust company licensed under Chapter 1111. of the 1706
Revised Code; 1707

(2) A national bank, federal savings bank, or federal 1708
savings association that pledges securities in accordance with 1709
section 1111.04 of the Revised Code; 1710

(3) A credit union authorized to conduct business in this 1711
state pursuant to Chapter 1733. of the Revised Code. 1712

(E) Moneys deposited in a preneed funeral contract trust 1713
fund shall be held and invested in the manner in which trust 1714
funds are permitted to be held and invested pursuant to Chapter 1715
1111. of the Revised Code. 1716

(F) The seller shall establish a separate preneed funeral 1717
contract trust for the moneys paid under each preneed funeral 1718
contract, unless the purchaser or purchasers of a preneed 1719
funeral contract or contracts authorize the seller to place the 1720
moneys paid for that contract or those contracts in a combined 1721
preneed funeral contract trust. The trustee of a combined 1722
preneed funeral contract trust shall keep exact records of the 1723
corpus, income, expenses, and disbursements with regard to each 1724
purchaser and contract beneficiary for whom moneys are held in 1725
the trust. The terms of a preneed funeral contract trust are 1726

governed by this section and the payments from that trust are 1727
governed by Chapter 1111. of the Revised Code, except as 1728
otherwise provided in this section. 1729

A trustee of a preneed funeral contract trust may pay 1730
taxes and expenses for a preneed funeral contract trust and may 1731
charge a fee for managing a preneed funeral contract trust. The 1732
fee shall not exceed the amount regularly or usually charged for 1733
similar services rendered by the institutions described in 1734
division (D) of this section when serving as a trustee. 1735

(G) If the purchaser of a preneed funeral contract that is 1736
revocable elects to cancel the contract, the purchaser shall 1737
provide a written notice to the seller of the contract and the 1738
trustee of the preneed funeral contract trust stating that the 1739
purchaser intends to cancel the contract. Fifteen days after the 1740
purchaser provides that notice to the seller and trustee, the 1741
purchaser may cancel the contract. Upon canceling a preneed 1742
funeral contract pursuant to this division, one of the following 1743
shall occur, as applicable: 1744

(1) If the preneed funeral contract does not stipulate a 1745
firm or fixed or guaranteed price for funeral goods and funeral 1746
services to be provided under the preneed funeral contract, the 1747
trustee shall give to the purchaser all of the assets of the 1748
trust that exist at the time of cancellation, less any fees 1749
charged, distributions paid, and expenses incurred by the 1750
trustee pursuant to division (F) of this section. 1751

(2) If the preneed funeral contract does stipulate a firm 1752
or fixed or guaranteed price for funeral goods and funeral 1753
services to be provided under the contract, the purchaser may 1754
request and receive from the trustee all of the assets of the 1755
trust at the time of cancellation, less a cancellation fee that 1756

the original seller may collect from the trustee that is equal 1757
to or less than ten per cent of the value of the assets of the 1758
trust on the date the trust is cancelled, provided, however, 1759
that to the extent the original seller took an initial service 1760
fee as permitted by division (B) of this section, the aggregate 1761
amount of the cancellation fee and the initial service fee may 1762
not exceed ten per cent of the value of those assets. In 1763
addition to any cancellation fee, there may also be deducted any 1764
fees charged, distributions paid, and expenses incurred by the 1765
trustee pursuant to division (F) of this section. 1766

If more than one purchaser enters into the contract, all 1767
of those purchasers must request cancellation of the contract 1768
for it to be effective under this division, and the trustee 1769
shall refund to each purchaser only those funds that purchaser 1770
has paid under the contract and any income earned on those funds 1771
in an amount that is in direct proportion to the amount of funds 1772
that purchaser paid relative to the total amount of payments 1773
deposited in that trust, less any fees charged, distributions 1774
paid, and expenses incurred by the trustee pursuant to division 1775
(F) of this section, the amount of which are in direct 1776
proportion to the amount of funds that purchaser paid relative 1777
to the total amount of payments deposited in that trust. 1778

(H) The purchaser of a preneed funeral contract that is 1779
irrevocable may transfer the preneed funeral contract to a 1780
successor seller. A purchaser who elects to make such a transfer 1781
shall provide a written notice of the designation of a successor 1782
seller to the trustee and the original seller. Within fifteen 1783
days after receiving the written notice of the new designation 1784
from the purchaser, the trustee shall list the successor seller 1785
as the seller of the preneed funeral contract and the original 1786
seller shall relinquish and transfer all rights under the 1787

preneed funeral contract to the successor seller. The trustee 1788
shall confirm the transfer by providing written notice of the 1789
transfer to the original seller, the successor seller, and the 1790
purchaser. If the preneed funeral contract stipulates a firm or 1791
fixed or guaranteed price for the funeral goods and funeral 1792
services to be provided under the preneed funeral contract, the 1793
original seller may collect from the trustee a transfer fee from 1794
the trust that equals up to ten per cent of the value of the 1795
assets of the trust on the date the trust is transferred, 1796
provided, however, that to the extent the original seller took 1797
an initial service fee as permitted by division (B) of this 1798
section, the aggregate amount of the transfer fee and the 1799
initial service fee may not exceed ten per cent of the value of 1800
those assets. If the preneed funeral contract does not stipulate 1801
a firm or fixed or guaranteed price for funeral goods and 1802
funeral services to be provided under the preneed funeral 1803
contract, no transfer fee shall be collected by the original 1804
seller. 1805

(I) If a seller of a preneed funeral contract elects to 1806
transfer a preneed funeral contract trust from an institution 1807
listed in divisions (D) (1) to (3) of this section to a different 1808
institution, the trustee of the original trust shall notify the 1809
purchaser of the preneed funeral contract of that transfer in 1810
writing within thirty days after the transfer occurred and shall 1811
provide the purchaser with the name of and the contact 1812
information for the institution where the new trust is 1813
maintained. Upon receipt of the trust, the trustee of the 1814
transferred trust shall notify the purchaser of the receipt of 1815
the trusts in accordance with division (A) of section 4717.33 of 1816
the Revised Code. 1817

(J) (1) If a seller receives a notice that the contract 1818

beneficiary has died and that funeral goods and funeral services 1819
have been provided by a provider other than the seller, ~~except~~ 1820
~~as otherwise specified in this section,~~ the seller shall direct 1821
the trustee, within thirty days after receiving that notice, to 1822
pay to the provider that provided the funeral goods and 1823
services, if still unpaid, ~~or the estate of the contract~~ 1824
~~beneficiary~~ all funds held by the trustee, less any fees 1825
charged, distributions paid, and expenses incurred by the 1826
trustee pursuant to division (F) of this section. 1827

(2) If the provider has already been paid for providing 1828
the funeral goods and funeral services to the contract 1829
beneficiary, the seller shall direct the trustee to pay to the 1830
estate of the contract beneficiary or, if no estate has been 1831
opened, to any person with the right of disposition under 1832
section 2108.81 of the Revised Code all funds held by the 1833
trustee, less any fees charged, distributions paid, and expenses 1834
incurred by the trustee pursuant to division (F) of this 1835
section. The trustee shall make a reasonable attempt to pay the 1836
estate or person with the right of disposition within one 1837
hundred eighty days of receipt of notice that the contract 1838
beneficiary has died. If the trustee is unable to make payment 1839
within one hundred eighty days, the trustee shall report and 1840
remit the funds to the director of commerce pursuant to Chapter 1841
169. of the Revised Code. 1842

(3) In the event the preneed funeral contract stipulates a 1843
firm or fixed or guaranteed price for funeral goods and funeral 1844
services that were to be provided under the preneed funeral 1845
contract, the seller may collect from the trustee a cancellation 1846
fee not exceeding ten per cent of the value of the assets of the 1847
trust on the date the trust is transferred, provided, however, 1848
that to the extent the original seller took an initial service 1849

fee as permitted by division (B) of this section, the aggregate 1850
amount of the transfer fee and the initial service fee shall not 1851
exceed ten per cent of the value of those assets. If the preneed 1852
funeral trust does not stipulate a firm or fixed or guaranteed 1853
price for funeral goods and funeral services to be provided 1854
under the preneed funeral contract, no cancellation fees shall 1855
be collected by the original seller. 1856

(K) A certified copy of the certificate of death or other 1857
evidence of death satisfactory to the trustee shall be furnished 1858
to the trustee as evidence of death, and the trustee shall 1859
promptly pay the accumulated payments and income, if any, 1860
according to the preneed funeral contract. Such payment of the 1861
accumulated payments and income pursuant to this section and, 1862
when applicable, the preneed funeral contract, relieves the 1863
trustee of any further liability on the accumulated payments and 1864
income. 1865

If, after a preneed funeral contract has been performed 1866
and paid for by the proceeds of a preneed trust fund, there are 1867
excess funds that the purchaser previously assigned by a written 1868
contract to the seller to pay for preneed funeral services or 1869
funeral goods for other individuals, the trustee holding such 1870
excess funds shall pay those funds directly to the seller, and 1871
the seller shall deposit the funds into a trust or purchase 1872
insurance or annuity policies to fund additional preneed funeral 1873
contracts. 1874

Section 2. That existing sections 169.02, 2108.75, 1875
2108.82, 3705.20, 4513.17, 4717.04, 4717.05, 4717.06, 4717.07, 1876
4717.10, 4717.13, 4717.14, 4717.24, 4717.28, 4717.30, 4717.35, 1877
and 4717.36 of the Revised Code are hereby repealed. 1878

Section 3. The General Assembly intends to review and 1879

consider changes to the statutory provisions governing preneed 1880
funeral contracts and preneed cemetery merchandise and services 1881
contracts in order to clarify the trusting requirements for 1882
caskets purchased on a preneed basis. To further this intent, 1883
the State Board of Embalmers and Funeral Directors shall study 1884
such trusting requirements as they exist in other states and 1885
submit a report of its findings to the General Assembly not 1886
later than three months after the effective date of this 1887
section. 1888