

**As Reported by the Senate General Government Budget Committee**

**134th General Assembly**

**Regular Session**

**2021-2022**

**Sub. S. B. No. 224**

**Senator Cirino**

**Cosponsors: Senators Lang, Schaffer**

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**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 18

certificate of deposit, together with any interest or dividend 19  
on it, less any lawful claims, that is held or owed by a holder 20  
which is a financial organization, unclaimed for a period of 21  
five years; 22

(B) Any funds paid toward the purchase of withdrawable 23  
shares or other interest in a financial organization, and any 24  
interest or dividends on them, less any lawful claims, that is 25  
held or owed by a holder which is a financial organization, 26  
unclaimed for a period of five years; 27

(C) Except as provided in division (A) of section 3903.45 28  
of the Revised Code, moneys held or owed by a holder, including 29  
a fraternal association, providing life insurance, including 30  
annuity or endowment coverage, unclaimed for three years after 31  
becoming payable as established from the records of such holder 32  
under any life or endowment insurance policy or annuity contract 33  
that has matured or terminated. An insurance policy, the 34  
proceeds of which are payable on the death of the insured, not 35  
matured by proof of death of the insured is deemed matured and 36  
the proceeds payable if such policy was in force when the 37  
insured attained the limiting age under the mortality table on 38  
which the reserve is based. 39

Moneys otherwise payable according to the records of such 40  
holder are deemed payable although the policy or contract has 41  
not been surrendered as required. 42

(D) Any deposit made to secure payment or any sum paid in 43  
advance for utility services of a public utility and any amount 44  
refundable from rates or charges collected by a public utility 45  
for utility services held or owed by a holder, less any lawful 46  
claims, that has remained unclaimed for one year after the 47  
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 Revised Code. The period of time for which such funds have gone unclaimed specified in section 1701.34 of the Revised Code shall be computed, with respect to dividends or distributions, commencing as of the dates when such dividends or distributions would have been payable to the shareholder had such shareholder surrendered the certificates for cancellation and exchange by the date specified in the order relating to them.

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

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

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

If there is no address of record for the owner or other person entitled to the funds, such address is presumed to be the address where the instrument was certified or issued.

(G) Except as provided in division (R) of this section, all moneys, rights to moneys, or other intangible property, arising out of the business of engaging in the purchase or sale of securities, or otherwise dealing in intangibles, less any lawful claims, that are held or owed by a holder and are unclaimed for five years from the date of transaction.

(H) Except as provided in division (A) of section 3903.45 of the Revised Code, all moneys, rights to moneys, and other intangible property distributable in the course of dissolution or liquidation of a holder that are unclaimed for one year after the date set by the holder for distribution;

(I) All moneys, rights to moneys, or other intangible property removed from a safe-deposit box or other safekeeping repository located in this state or removed from a safe-deposit box or other safekeeping repository of a holder, on which the lease or rental period has expired, or any amount arising from the sale of such property, less any lawful claims, that are unclaimed for three years from the date on which the lease or rental period expired;

(J) Subject to division (M) (2) of this section, all moneys, rights to moneys, or other intangible property, and any income or increment on them, held or owed by a holder which is a fiduciary for the benefit of another, or a fiduciary or custodian of a qualified retirement plan or individual retirement arrangement under section 401 or 408 of the Internal Revenue Code, unclaimed for three years after the final date for distribution;

(K) All moneys, rights to moneys, or other intangible 139  
property held or owed in this state or held for or owed to an 140  
owner whose last known address is within this state, by the 141  
United States government or any state, as those terms are 142  
described in division (E) of section 169.01 of the Revised Code, 143  
unclaimed by the owner for three years, excluding any property 144  
in the control of any court in a proceeding in which a final 145  
adjudication has not been made; 146

(L) Amounts payable pursuant to the terms of any policy of 147  
insurance, other than life insurance, or any refund available 148  
under such a policy, held or owed by any holder, unclaimed for 149  
three years from the date payable or distributable; 150

(M) (1) Subject to division (M) (2) of this section, any 151  
funds constituting rents or lease payments due, any deposit made 152  
to secure payment of rents or leases, or any sum paid in advance 153  
for rents, leases, possible damage to property, unused services, 154  
performance requirements, or any other purpose, held or owed by 155  
a holder unclaimed for one year; 156

(2) Any escrow funds, security deposits, or other moneys 157  
that are received by a licensed broker in a fiduciary capacity 158  
and that, pursuant to division (A) (26) of section 4735.18 of the 159  
Revised Code, are required to be deposited into and maintained 160  
in a special or trust, noninterest-bearing bank account separate 161  
and distinct from any personal or other account of the licensed 162  
broker, held or owed by the licensed broker unclaimed for two 163  
years. 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 282  
the person who is the subject of the motion may have for the 283

declarant's or deceased person's funeral, burial, cremation, or 284  
final disposition, including the degree to which such plans 285  
allow maximum participation by all persons who wish to pay their 286  
final respects to the deceased person; 287

~~(3) The willingness of the person who is the subject of 288  
the motion to assume the responsibility to pay for the 289  
declarant's or deceased person's funeral, burial, cremation, or 290  
final disposition and the desires of that person; 291~~

~~(4) The convenience and needs of other families and 292  
friends wishing to pay their final respects to the declarant or 293  
deceased person; 294~~

~~(5) (4) The express written desires of the declarant or 295  
deceased person. 296~~

~~(C) Except to the extent considered under division (B) (3) 297  
of this section, the following persons do The personal 298  
representative of either the declarant or the deceased person 299  
does not have a greater claim to the right of disposition than 300  
such persons otherwise have pursuant to law; 301~~

~~(1) A person who is willing to assume the responsibility 302  
to pay for the declarant's or deceased person's funeral, burial, 303  
cremation, or final disposition; 304~~

~~(2) The personal representative of the declarant or 305  
deceased person. 306~~

**Sec. 3705.20.** (A) The fetal death of the product of human 307  
conception of at least twenty weeks of gestation shall be 308  
registered on a fetal death certificate. 309

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 certificate, except that the fetal death certificate shall not list the cause of death. 312  
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The funeral director or the parent shall include with the application a copy of the statement required by division (B) (1) of section 3727.16 or division (B) (1) of section 4731.82 of the Revised Code. If the father submits the application, he shall also include with it a signed and notarized document from the mother attesting that she voluntarily provided the father with a copy of the statement. 315  
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A fetal death certificate for the product of human conception prior to twenty weeks gestation is not proof of a live birth for purposes of federal, state, and local taxes. 322  
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(B) The product of human conception of at least twenty weeks of gestation that suffers a fetal death occurring in Ohio shall not be interred, deposited in a vault or tomb, cremated, or otherwise disposed of by a funeral director or other person until a fetal death certificate or provisional death certificate has been filed with and a burial permit is issued by the local registrar of vital statistics of the registration district in which the fetal death occurs, or the body is found. 325  
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A burial permit for the product of human conception that suffers a fetal death prior to twenty weeks of gestation shall be issued by the local registrar of vital statistics of the registration district in which the fetal death occurs if the funeral director or either parent files a fetal death certificate with that registrar. 333  
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(C) (1) The department of health and the local registrar shall keep a separate record and index record of fetal death 339  
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certificates. 341

(2) The personal or statistical information on the fetal death certificate shall be obtained by the funeral director or other person in charge of interment or cremation from the best qualified persons or sources available. 342  
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(D) When a burial permit is issued under division (B) of this section for the product of human conception of at least twenty weeks of gestation that suffers a fetal death, the local registrar shall inform the parent or parents listed on the fetal death certificate or provisional death certificate of the option of applying for a certificate that is issued under division (B) (3) of section 3705.23 of the Revised Code. 346  
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**Sec. 4513.17.** (A) Whenever a motor vehicle equipped with headlights also is equipped with any auxiliary lights or spotlight or any other light on the front thereof projecting a beam of an intensity greater than three hundred candle power, not more than a total of five of any such lights on the front of a vehicle shall be lighted at any one time when the vehicle is upon a highway. 353  
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(B) Any lighted light or illuminating device upon a motor vehicle, other than headlights, spotlights, signal lights, or auxiliary driving lights, that projects a beam of light of an intensity greater than three hundred candle power, shall be so directed that no part of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five feet from the vehicle. 360  
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(C) (1) Flashing lights are prohibited on motor vehicles, except as a means for indicating a right or a left turn, or in the presence of a vehicular traffic hazard requiring unusual 367  
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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 recognized embalmer's or funeral director's examination sufficiently meets the license requirements for the comprehensive section of either the embalmer's or the funeral director's license examination administered under this chapter;	458 459 460 461 462
(6) Continuing education requirements for licensed embalmers and funeral directors;	463 464
(7) Requirements for the licensing and operation of funeral homes;	465 466
(8) Requirements for the licensing and operation of embalming facilities;	467 468
(9) A schedule that lists, and specifies a forfeiture commensurate with, each of the following types of conduct which, for the purposes of division (A) (9) of this section and section 4717.15 of the Revised Code, are violations of this chapter:	469 470 471 472
(a) Obtaining a license under this chapter by fraud or misrepresentation either in the application or in passing the required examination for the license;	473 474 475
(b) Purposely violating any provision of sections 4717.01 to 4717.15 of the Revised Code or a rule adopted under any of those sections; division (A) or (B) of section 4717.23; division (B) (1) or (2), (C) (1) or (2), (D), (E), or (F) (1) or (2), or divisions (H) to (K) of section 4717.26; division (D) (1) of section 4717.27; or divisions (A) to (C) of section 4717.28 of the Revised Code;	476 477 478 479 480 481 482
(c) Committing unprofessional conduct;	483
(d) Knowingly permitting an unlicensed person, other than a person serving an apprenticeship, to engage in the profession	484 485

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 <u>and following the requirements of section</u>	494
<u>4717.11 of the Revised Code;</u>	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 crematory facilities;	516 517
(11) Procedures for the board to take possession of and to arrange the lawful disposition of unclaimed cremated remains that were held or stored at a funeral home or crematory that has been closed;	518 519 520 521
(12) Procedures for the issuance of duplicate licenses;	522
(13) Requirements for criminal records checks of applicants under section 4776.03 of the Revised Code;	523 524
(14) The amount and content of corrective action courses required by the board under section 4717.14 of the Revised Code.	525 526
(B) The board may adopt rules governing the educational standards for licensure as an embalmer or funeral director, or obtaining a permit to be a crematory operator, and the standards of service and practice to be followed in embalming, funeral directing, and cremation, and in the operation of funeral homes, embalming facilities, and crematory facilities in this state.	527 528 529 530 531 532
(C) Nothing in this chapter authorizes the board of embalmers and funeral directors to regulate cemeteries, except that the board shall license and regulate funeral homes, embalming facilities, and crematory facilities located at cemeteries in accordance with this chapter.	533 534 535 536 537
<b>Sec. 4717.05.</b> (A) Any person who desires to be licensed as an embalmer shall apply to the board of embalmers and funeral directors on a form provided by the board. The applicant shall include with the application an initial license fee as set forth in section 4717.07 of the Revised Code and evidence, verified by	538 539 540 541 542

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 license. 572  
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(C) Any person who desires to be licensed as a funeral director shall apply to the board on a form prescribed by the board. The application shall include an initial license fee as set forth in section 4717.07 of the Revised Code and evidence, verified by oath and satisfactory to the board, that the applicant meets all of the following requirements: 574  
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(1) Except as otherwise provided in division (D) of this section, the applicant has satisfactorily met all the requirements for an embalmer's license as described in divisions (A) (1) to (3) of this section. 580  
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(2) The applicant has been certified by the board prior to beginning a funeral director apprenticeship. 584  
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(3) The applicant, following mortuary science college training described in division (A) (3) of this section, has satisfactorily completed a one-year apprenticeship under a licensed funeral director in this state and has participated in directing at least twenty-five funerals. 586  
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(4) The applicant has satisfactorily completed the examination for a funeral director's license as required by the board. 591  
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(D) In lieu of mortuary science college training required for a funeral director's license under division (C) (1) of this section, the applicant may substitute a satisfactorily completed two-year apprenticeship under a licensed funeral director in this state assisting that person in directing at least fifty funerals. 594  
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(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 628  
Ohio laws examination for each license being activated; 629

(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 funeral home, embalming facility, or crematory facility to which the application pertains is owned by a partnership, the

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 778  
funeral home, the renewal fee prescribed in division (A)(4) of 779

this section plus fifty dollars for each month or portion of a	780
month the license is lapsed until reinstatement, but not more	781
than one thousand dollars;	782
(7) For applying for a license to operate an embalming	783
facility, four hundred dollars and biennial renewal of a license	784
to operate an embalming facility, four hundred dollars;	785
(8) For the reinstatement of a lapsed license to operate	786
an embalming facility, the renewal fee prescribed in division	787
(A) (7) of this section plus fifty dollars for each month or	788
portion of a month the license is lapsed until reinstatement,	789
but not more than one thousand dollars;	790
(9) For applying for a license to operate a crematory	791
facility, four hundred dollars and biennial renewal of a license	792
to operate a crematory facility, four hundred dollars;	793
(10) For the reinstatement of a lapsed license to operate	794
a crematory facility, the renewal fee prescribed in division (A)	795
(9) of this section plus fifty dollars for each month or portion	796
of a month the license is lapsed until reinstatement, but not	797
more than five hundred dollars;	798
(11) For applying for the initial or biennial renewal of a	799
crematory operator permit, one hundred fifty dollars;	800
(12) For the reinstatement of a lapsed crematory operator	801
permit, the renewal fee prescribed in division (A) (11) of this	802
section plus fifty dollars for each month or portion of a month	803
the permit is lapsed, but not more than five hundred dollars;	804
(13) For the issuance of a duplicate of a license issued	805
under this chapter, ten dollars;	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  
~~licenses~~ 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 866

licensed in this state to perform funeral services in this state;	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
<b>Sec. 4717.13.</b> (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 of the Revised Code and is under the supervision of an embalmer	891 892 893 894

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 <del>in the vessel</del> <del>containing the cremated remains</del> a tag bearing the information described in division (B) (1) of this section <u>in any vessel containing either of the following:</u>	955 956 957 958
<u>(a) All the cremated remains;</u>	959
<u>(b) 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 services;	979 980 981

(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

(E) No person who holds a license under this chapter for a 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  
1278

(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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1281

(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. 1549  
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(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. 1553  
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(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: 1568  
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(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 1575  
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disposition of any such dental gold, jewelry, or other items of 1579  
value prior to the cremation, and the crematory operator, 1580  
crematory facility, funeral director, or funeral home has failed 1581  
to comply with the written instructions. 1582

(2) The actions or omissions of the crematory operator, 1583  
crematory facility, funeral director, or funeral home were made 1584  
with malicious purpose, in bad faith, or in a wanton or reckless 1585  
manner. 1586

(E)(1) This section does not create a new cause of action 1587  
against or substantive legal right against a crematory operator, 1588  
crematory facility, funeral director, or funeral home. 1589

(2) This section does not affect any immunities from civil 1590  
liability or defenses established by another section of the 1591  
Revised Code or available at common law to which a crematory 1592  
operator, crematory facility, funeral director, or funeral home 1593  
may be entitled under circumstances not covered by this section. 1594

Sec. 4717.311. (A) The holder of funds for a preneed 1595  
funeral contract shall, at least thirty days prior to the 1596  
beneficiary's ninety-fifth birthday, contact the seller or 1597  
successor seller to inform the seller or successor seller of the 1598  
beneficiary's upcoming ninety-fifth birthday. 1599

(B) The holder and the seller or successor seller shall 1600  
agree to one of the following: 1601

(1) That the holder shall make a reasonable attempt to 1602  
confirm that the beneficiary is still alive. If the holder 1603  
cannot confirm that the beneficiary is still alive within thirty 1604  
days following the beneficiary's ninety-fifth birthday, the 1605  
holder shall report and remit the funds to the director of 1606  
commerce pursuant to Chapter 169. of the Revised Code. 1607

(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