

**As Introduced**

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**H. B. No. 231**

**Representative Bacon**

**Cosponsors: Representatives Murray, Ruhl, Evans, Grossman,  
Mecklenborg, Harwood, Skindell, Bulp, Lehner, Derickson, Blessing, Brown,  
Stebelton, Ujvagi, Yuko, Hagan**

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**A B I L L**

To amend sections 2108.75 and 2108.81 of the Revised Code to give the right of disposal to the United States Secretary of Veterans Affairs regarding abandoned or unclaimed remains of persons who are entitled to be buried in a national cemetery.

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

**Section 1.** That sections 2108.75 and 2108.81 of the Revised Code be amended to read as follows:

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

(1) The person dies.

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

(3) The person resigns or declines to exercise the right as

described in section 2108.88 of the Revised Code. 17

(4) The person refuses to exercise the right within two days 18  
after notification of the declarant's death. 19

(5) The person cannot be located with reasonable effort. 20

(6) The person meets the criteria described in section 21 21  
2108.76 or 2108.77 of the Revised Code. 22

(B) No owner, employee, or agent of a funeral home, cemetery, 23  
or crematory providing funeral, burial, or cremation services for 24  
a declarant shall serve as a representative or successor 25  
representative for the declarant unless the owner, employee, or 26  
agent is related to the declarant by blood, marriage, or adoption. 27

(C) Subject to divisions (C)(2) and (D)(2) of section 2108.70 28  
of the Revised Code, if a person is disqualified from serving as 29  
the declarant's representative or successor representative, or 30  
from having the right of disposition for a deceased adult pursuant 31  
to section 2108.81 of the Revised Code, as described in division 32  
(A) of this section, the right is automatically reassigned to, and 33  
vests in, the next person who has the right pursuant to the 34  
declarant's written declaration or pursuant to the order of 35  
priority in section 2108.81 of the Revised Code. 36

**Sec. 2108.81.** (A) If either of the following is true, 37  
division (B) of this section shall apply: 38

(1) An adult has not executed a written declaration pursuant 39  
to sections 2108.70 to 2108.73 of the Revised Code that remains in 40  
force at the time of the adult's death. 41

(2) Each person to whom the right of disposition has been 42  
assigned or reassigned pursuant to a written declaration is 43  
disqualified from exercising the right as described in section 44  
2108.75 of the Revised Code. 45

(B) Subject to ~~division~~ divisions (A) and (C) of this section 46

and sections 2108.75 and 2108.79 of the Revised Code, the right of disposition is assigned to the following persons, if mentally competent adults who can be located with reasonable effort, in the order of priority stated:

(1) The deceased person's surviving spouse;

(2) The sole surviving child of the deceased person or, if there is more than one surviving child, all of the surviving children, collectively;

(3) The deceased person's surviving parent or parents;

(4) The deceased person's surviving sibling, whether of the whole or of the half blood or, if there is more than one sibling of the whole or of the half blood, all of the surviving siblings, collectively;

(5) The deceased person's surviving grandparent or grandparents;

(6) The deceased person's surviving grandchild, or if there is more than one surviving grandchild, all of the surviving grandchildren collectively;

(7) The lineal descendants of the deceased person's grandparents, as described in division (I) of section 2105.06 of the Revised Code;

(8) The person who was the deceased person's guardian at the time of the deceased person's death, if a guardian had been appointed;

(9) Any other person willing to assume the right of disposition, including the personal representative of the deceased person's estate or the licensed funeral director with custody of the deceased person's body, after attesting in writing that a good faith effort has been made to locate the persons in divisions (B)(1) to (8) of this section.

(10) If the deceased person was an indigent person or other person the final disposition of whose body is the financial and statutory responsibility of the state or a political subdivision of this state, the public officer or employee responsible for arranging the final disposition of the remains of the deceased person.

(C) Prior to proceeding to a person described in division (B)(9) of this section, the person having custody of a deceased person's body or remains shall notify the United States department of veterans affairs that the person has custody of the body or remains of a person and the name of and other identifying information relating to that person. The person shall give the secretary of veterans affairs sixty days within which to examine the records of the person, and the body or remains of the deceased person, to determine whether the deceased person was a veteran entitled to be buried in a national cemetery. The person shall permit, upon request, the United States secretary of veterans affairs to examine any records the person has in relation to the deceased person, and to examine the body or remains. If the secretary determines that the deceased person is entitled to be buried in a national cemetery, upon notifying the person with custody of the body or remains, the secretary is assigned the right of disposition, and that right shall take priority over any right assigned pursuant to division (B)(9) of this section. The secretary may request the person with custody of the body or remains to release custody of the body or remains to the secretary. If the secretary makes such a request, the person with custody of the body or remains shall release the body or remains to the secretary.

**Section 2.** That existing sections 2108.75 and 2108.81 of the Revised Code are hereby repealed.