

**As Reported by the House Veterans Affairs Committee**

**128th General Assembly**

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**Sub. S. B. No. 147**

**Senator Hughes**

**Cosponsors: Senators Faber, Fedor, Goodman, Grendell, Miller, R., Wilson, Carey, Wagoner, Stewart, Buehrer, Cates, Gibbs, Jones, Miller, D., Morano, Patton, Schaffer, Schiavoni, Smith, Turner, Harris, Strahorn**

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**A BILL**

To amend section 4717.27 of the Revised Code to give 1  
the right of disposal to the United States 2  
Secretary of Veterans Affairs regarding unclaimed 3  
cremated remains of persons who are entitled to be 4  
buried in a national cemetery. 5

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

**Section 1.** That section 4717.27 of the Revised Code be 6  
amended to read as follows: 7

**Sec. 4717.27.** (A) The authorizing agent who executed the 8  
cremation authorization form authorizing the cremation of a 9  
decedent under section 4717.24 of the Revised Code or the 10  
cremation of body parts under section 4717.25 of the Revised Code 11  
is ultimately responsible for the final disposition of the 12  
cremated remains of the decedent or body parts. 13

(B) If the cremation authorization form does not contain 14  
instructions for the final disposition of the cremated remains of 15  
the decedent or body parts, if no arrangements for the disposition 16  
of the cremated remains are made within thirty days after the 17

completion of the cremation, and if the cremated remains have not 18  
been picked up within that thirty-day period by the person 19  
designated to receive them on the authorization form or, in the 20  
absence of such a designated person, by the authorizing agent, the 21  
operator of the crematory facility or the funeral home holding the 22  
unclaimed cremated remains, at the end of that thirty-day period, 23  
may release or deliver them in person to, or cause their delivery 24  
by a method described in division (I) of section 4717.26 of the 25  
Revised Code that is acceptable under that division to, the person 26  
designated to receive them on the cremation authorization form or, 27  
if no person has been so designated, to the authorizing agent. 28

(C)(1) If the cremation authorization form does not contain 29  
instructions for the final disposition of the cremated remains of 30  
the decedent or body parts, if no arrangements for the final 31  
disposition of the cremated remains are made within sixty days 32  
after the completion of the cremation, and if the cremated remains 33  
have not been picked up by the person designated on the 34  
authorization form to receive them or, in the absence of such a 35  
designated person, by the authorizing agent, the operator of the 36  
crematory facility or the funeral home holding the unclaimed 37  
cremated remains may dispose of the cremated remains in a grave, 38  
crypt, or niche at any time after the end of that sixty-day 39  
period. 40

(2) If the cremation authorization form specifies the manner 41  
of the final disposition of the cremated remains, or if within 42  
sixty days after the completion of the cremation the authorizing 43  
agent makes arrangements for the final disposition of the cremated 44  
remains, and if either the arrangements have not been carried out 45  
within that sixty-day period because of the inaction of a party 46  
other than the operator of the crematory facility or the funeral 47  
home holding the unclaimed cremated remains, or the authorizing 48  
agent fails to pick up the cremated remains within that sixty-day 49

period, the operator of the crematory facility or the funeral home 50  
holding the unclaimed cremated remains may dispose of the cremated 51  
remains in a grave, crypt, or niche at any time after the end of 52  
that period. 53

(3) If cremated remains of a decedent who was eighteen years 54  
or older at the time of death are unclaimed under divisions (C)(1) 55  
and (2) of this section, the operator of the crematory facility or 56  
the funeral home holding the cremated remains shall, before 57  
disposing of the unclaimed cremated remains, notify the secretary 58  
of the United States department of veterans affairs of the name 59  
of, and other identifying information related to, the decedent. 60  
If, within sixty days of the notification, the secretary of the 61  
department of veterans affairs notifies the crematory facility or 62  
funeral home that the decedent was a veteran who is eligible for 63  
burial in a national cemetery under the control of the national 64  
cemetery administration and that the secretary agrees to provide 65  
for the cost of the transportation and burial of the unclaimed 66  
cremated remains in a national cemetery, the crematory facility or 67  
funeral home shall follow the directions of the secretary and 68  
arrange for the burial of the unclaimed remains in the national 69  
cemetery at the secretary's expense. If the secretary does not 70  
assume the right to direct the burial of the unclaimed remains 71  
within sixty days of the notification by the crematory facility or 72  
funeral home, the crematory facility or funeral home may carry out 73  
the disposition of the unclaimed remains under divisions (C)(1) 74  
and (2) of this section. 75

(4) When cremated remains are disposed of in accordance with 76  
division (C)(1) or (2) of this section, the authorizing agent who 77  
executed the cremation authorization form authorizing the 78  
cremation of the decedent or body parts under section 4717.24 or 79  
4717.25 of the Revised Code is liable to the operator of the 80  
crematory facility or the funeral home for the cost of the final 81

disposition, which cost shall not exceed the reasonable cost for 82  
disposing of the cremated remains in a common grave or crypt in 83  
the county where the cremated remains were buried or placed in a 84  
crypt or niche. 85

(D)(1) Except as provided in division (D)(2) of this section, 86  
no person shall do either of the following: 87

(a) Dispose of the cremated remains of a dead human body or 88  
body parts in such a manner or in such a location that the 89  
cremated remains are commingled with those of another decedent or 90  
body parts removed from another decedent or living person; 91

(b) Place the cremated remains of more than one decedent or 92  
of body parts removed from more than one decedent or living person 93  
in the same urn or temporary container. 94

(2) Division (D)(1) of this section does not prohibit any of 95  
the following: 96

(a) The scattering of cremated remains at sea or by air or in 97  
a dedicated area at a cemetery used exclusively for the scattering 98  
on the ground of the cremated remains of dead human bodies or body 99  
parts. 100

(b) The commingling of the cremated remains of more than one 101  
decedent or of body parts removed from more than one decedent or 102  
living person or the placement in the same urn or temporary 103  
container of the cremated remains of more than one decedent or of 104  
body parts removed from more than one decedent or living person 105  
when each authorizing agent who executed the cremation 106  
authorization form authorizing the cremation of each of the 107  
decedents or body parts removed from each of the decedents or 108  
living persons under section 4717.21, 4717.24, or 4717.25 of the 109  
Revised Code authorized the commingling of the cremated remains or 110  
the placement of the cremated remains in the same urn or temporary 111  
container on the authorization form. 112

(c) The commingling, by the individual designated on the 113  
cremation authorization form authorizing the cremation of the 114  
decedent or body parts to receive the cremated remains, other than 115  
a funeral director or employee of a cemetery, or by the 116  
authorizing agent who executed the cremation authorization form, 117  
after receipt of the cremated remains, of the cremated remains 118  
with those of another decedent or of body parts removed from 119  
another decedent or living person or the placing of them by any 120  
such person in the same urn or temporary container with those of 121  
another decedent or of body parts removed from another decedent or 122  
living person. 123

**Section 2.** That existing section 4717.27 of the Revised Code 124  
is hereby repealed. 125