

As Introduced

**129th General Assembly
Regular Session
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H. B. No. 481

Representative Hackett

**Cosponsors: Representatives Beck, Grossman, Boose, Wachtmann, Henne,
Slaby**

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A B I L L

To amend sections 9.15, 313.12, 759.01, 1713.36, 1
1721.06, 1721.18, 1721.21, 2108.15, 2108.70, 2
2108.72, 2108.75, 2108.82, 2108.83, 2108.84, 3
2108.85, 2108.86, 2108.87, 2111.13, 2743.51, 4
2925.01, 3705.01, 3705.17, 3705.18, 3705.19, 5
3705.20, 3707.19, 4511.451, 4717.01, 4717.04, 6
4717.05, 4717.06, 4717.07, 4717.08, 4717.10, 7
4717.11, 4717.12, 4717.13, 4717.14, 4717.20, 8
4717.21, 4717.22, 4717.23, 4717.24, 4717.25, 9
4717.26, 4717.27, 4717.28, 4717.30, 5120.45, 10
5121.11, 5121.53, 5901.24, 5901.25, 5901.26, 11
5901.27, 5901.29, and 5901.32 of the Revised Code 12
to authorize the Board of Embalmers and Funeral 13
Directors to license and regulate alkaline 14
hydrolysis facilities and issue courtesy licenses 15
to allow funeral directors in bordering states to 16
conduct limited funeral-related activities in 17
Ohio; to permit embalmers and funeral directors to 18
place their licenses on inactive status; to 19
clarify that, upon the sale of the funeral home, 20
the home may remain operating based upon a 21
submission of a new license application to the 22

Board; to permit out-of-state funeral directors 23
without a license to work with licensed funeral 24
directors during a declared disaster or emergency; 25
and to eliminate the requirement that funeral 26
homes be the guarantor of the identity of 27
decedents and instead require funeral homes to 28
complete only visual identification of remains. 29

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

Section 1. That sections 9.15, 313.12, 759.01, 1713.36, 30
1721.06, 1721.18, 1721.21, 2108.15, 2108.70, 2108.72, 2108.75, 31
2108.82, 2108.83, 2108.84, 2108.85, 2108.86, 2108.87, 2111.13, 32
2743.51, 2925.01, 3705.01, 3705.17, 3705.18, 3705.19, 3705.20, 33
3707.19, 4511.451, 4717.01, 4717.04, 4717.05, 4717.06, 4717.07, 34
4717.08, 4717.10, 4717.11, 4717.12, 4717.13, 4717.14, 4717.20, 35
4717.21, 4717.22, 4717.23, 4717.24, 4717.25, 4717.26, 4717.27, 36
4717.28, 4717.30, 5120.45, 5121.11, 5121.53, 5901.24, 5901.25, 37
5901.26, 5901.27, 5901.29, and 5901.32 of the Revised Code be 38
amended to read as follows: 39

Sec. 9.15. When the body of a dead person is found in a 40
township or municipal corporation, and such person was not an 41
inmate of a correctional, benevolent, or charitable institution of 42
this state, and the body is not claimed by any person for private 43
interment or cremation at the person's own expense, or delivered 44
for the purpose of medical or surgical study or dissection in 45
accordance with section 1713.34 of the Revised Code, it shall be 46
disposed of as follows: 47

(A) If the person was a legal resident of the county, the 48
proper officers of the township or municipal corporation in which 49
the person's body was found shall cause it to be buried, 50
hydrolyzed, or cremated at the expense of the township or 51

municipal corporation in which the person had a legal residence at 52
the time of death. 53

(B) If the person had a legal residence in any other county 54
of the state at the time of death, the superintendent of the 55
county home of the county in which such body was found shall cause 56
it to be buried, hydrolyzed, or cremated at the expense of the 57
township or municipal corporation in which the person had a legal 58
residence at the time of death. 59

(C) If the person was an inmate of a correctional institution 60
of the county or a patient or resident of a benevolent institution 61
of the county, the person had no legal residence in the state, or 62
the person's legal residence is unknown, the superintendent shall 63
cause the person to be buried, hydrolyzed, or cremated at the 64
expense of the county. 65

Such officials shall provide, at the grave of the person or, 66
if the person's cremated or hydrolyzed remains are buried, at the 67
grave of the person's ~~cremated~~ remains, a stone or concrete marker 68
on which the person's name and age, if known, and date of death 69
shall be inscribed. 70

A political subdivision is not relieved of its duty to bury, 71
hydrolyze, or cremate a person at its expense under this section 72
when the body is claimed by an indigent person. 73

Sec. 313.12. (A) When any person dies as a result of criminal 74
or other violent means, by casualty, by suicide, or in any 75
suspicious or unusual manner, when any person, including a child 76
under two years of age, dies suddenly when in apparent good 77
health, or when any mentally retarded person or developmentally 78
disabled person dies regardless of the circumstances, the 79
physician called in attendance, or any member of an ambulance 80
service, emergency squad, or law enforcement agency who obtains 81
knowledge thereof arising from the person's duties, shall 82

immediately notify the office of the coroner of the known facts 83
concerning the time, place, manner, and circumstances of the 84
death, and any other information that is required pursuant to 85
sections 313.01 to 313.22 of the Revised Code. In such cases, if a 86
request is made for cremation or hydrolysis, the funeral director 87
called in attendance shall immediately notify the coroner. 88

(B) As used in this section, "mentally retarded person" and 89
"developmentally disabled person" have the same meanings as in 90
section 5123.01 of the Revised Code. 91

Sec. 759.01. Any municipal corporation may provide public 92
cemeteries and crematories for burial or incineration of the dead 93
and regulate public and private cemeteries and ~~crematories~~ 94
crematory or hydrolysis facility. Any cemetery established by a 95
municipal corporation shall register with the division of real 96
estate in the department of commerce pursuant to section 4767.03 97
of the Revised Code. Any cemetery of that nature is subject to 98
Chapter 4767. and to sections 517.23 to 517.25 and 1721.211 of the 99
Revised Code in addition to being subject to this chapter. 100

Sec. 1713.36. After the bodies referred to in section 1713.34 101
of the Revised Code have been subjected to medical or surgical 102
examination or dissection or for the study of embalming, the 103
remains thereof shall be interred, or shall be cremated or 104
hydrolyzed and the ~~ashes~~ remains interred, in some suitable place 105
at the expense of the parties in whose keeping the corpse was 106
placed. 107

Sec. 1721.06. After paying for its land, a cemetery company 108
or association shall apply all its receipts and income, whether 109
from sale of lots, from donations, or otherwise, exclusively to 110
laying out, preserving, protecting, and embellishing the cemetery 111
and avenues within it or leading to it, to the erection of 112

buildings necessary or appropriate for cemetery purposes, and to 113
paying the necessary expenses of the cemetery company or 114
association. No debts shall be incurred by the cemetery company or 115
association except for purchasing, laying out, inclosing, and 116
embellishing the ground, buildings necessary or appropriate for 117
cemetery purposes, and avenues, for which purposes it may contract 118
debts to be paid out of future receipts. For purposes of this 119
section, buildings appropriate for cemetery purposes include, but 120
are not limited to, buildings for crematory or hydrolysis 121
facilities, funeral homes, and other buildings intended to produce 122
income for the cemetery company or association. 123

No part of the funds of a cemetery company or association, or 124
of the proceeds of land sold by it, shall ever be divided among 125
its stockholders or lot owners, and all its funds shall be used 126
exclusively for the purposes of the company or association as 127
specified in this section, or invested in a fund the income of 128
which shall be so used and appropriated. 129

Sec. 1721.18. Any company or association incorporated for the 130
erection and maintenance of a crematory or hydrolysis facility may 131
exercise all the rights and powers conferred by sections 1721.01 132
to 1721.18, inclusive, of the Revised Code, subject to the 133
conditions provided in such sections. No building shall be erected 134
for such a purpose within two hundred yards of a dwelling house 135
unless the owner of the dwelling house gives ~~his~~ the owner's 136
consent. No person, company, association, or firm shall establish 137
a morgue on a street upon which there are dwelling houses unless 138
the owners or occupants of all dwelling houses within two hundred 139
yards of the proposed morgue give their written consent thereto. 140
This section does not apply to a crematory or hydrolysis facility 141
built, or a morgue established, ~~as of~~ on or before April 3, 1900. 142

Sec. 1721.21. (A) As used in this section: 143

(1) "Person" means any corporation, company, partnership,	144
individual, or other entity owning or operating a cemetery for the	145
disposition of human remains.	146
(2) "Cemetery" means any one or a combination of more than	147
one of the following:	148
(a) A burial ground for earth interments;	149
(b) A mausoleum for crypt entombments;	150
(c) A columbarium for the deposit of cremated <u>or hydrolyzed</u>	151
remains;	152
(d) A scattering ground for the spreading of cremated <u>or</u>	153
<u>hydrolyzed</u> remains.	154
(3) "Interment" means the disposition of human remains by	155
earth burial, entombment, or inurnment.	156
(4) "Burial right" means the right of earth interment.	157
(5) "Entombment right" means the right of entombment in a	158
mausoleum.	159
(6) "Columbarium right" means the right of inurnment in a	160
columbarium for cremated <u>or hydrolyzed</u> remains.	161
(B) No person shall operate or continue to operate any	162
cemetery in this state unless an endowment care trust is	163
established and maintained as required by this section.	164
(C) Any person desiring to operate any cemetery that is	165
organized or developed after July 1, 1970, before offering to sell	166
or selling any burial lot, burial right, entombment right, or	167
columbarium right in that cemetery, shall first establish an	168
endowment care trust, segregated from other assets, and place in	169
that fund a minimum of fifty thousand dollars in cash or in bonds	170
of the United States, this state, or any county or municipal	171
corporation of this state.	172

Whenever any person described in this division has placed 173
another fifty thousand dollars in the endowment care trust out of 174
gross sales proceeds, in addition to the deposit required by this 175
division, that person, after submitting proof of this fact to the 176
trustees of the endowment care trust, may be paid a distribution 177
in the sum of fifty thousand dollars from the endowment care 178
trust. 179

(D) Any person desiring to operate or to continue to operate 180
any cemetery after July 1, 1970, shall place into the endowment 181
care trust as required by this section not less than ten per cent 182
of the gross sales proceeds received from the sale of any burial 183
lot, burial right, entombment right, or columbarium right. This 184
percentage shall be placed in the endowment care trust no later 185
than thirty days following the month in which the entire gross 186
sales are received. 187

(E) The trustees of the endowment care trust shall consist of 188
at least three individuals who have been residents of the county 189
in which the cemetery is located for at least one year, or a trust 190
company licensed under Chapter 1111. of the Revised Code or a 191
national bank or federal savings association that has securities 192
pledged in accordance with section 1111.04 of the Revised Code. If 193
the trustees are not a financial institution or trust company, the 194
trustees shall be bonded by a corporate surety or fidelity bond in 195
an aggregate amount of not less than one hundred per cent of the 196
funds held by the trustees. The trustees or their agent shall, on 197
a continuous basis, keep exact records as to the amount of funds 198
under any joint account or trust instrument being held for the 199
individual beneficiaries showing the amount paid, the amount 200
deposited and invested, and accruals and income. 201

The funds of the endowment care trust shall be held and 202
invested in the manner in which trust funds are permitted to be 203
held and invested pursuant to sections 2109.37 and 2109.371 of the 204

Revised Code.	205
(F) Any person offering to sell or selling any burial lot, burial right, entombment right, or columbarium right shall give to the purchaser of the lot or right, at the time of sale, a written agreement that identifies and unconditionally guarantees to the purchaser the specific location of the lot or the specific location to which the right applies.	206 207 208 209 210 211
(G) No person shall open or close any grave, crypt, or niche for the interment of human remains in a cemetery without the permission of the cemetery association or other entity having control and management of the cemetery.	212 213 214 215
(H) Except as provided in division (G) of this section, this section does not apply to a family cemetery as defined in section 4767.02 of the Revised Code, to any cemetery that is owned and operated entirely and exclusively by churches, religious societies, established fraternal organizations, municipal corporations, or other political subdivisions of the state, or to a national cemetery.	216 217 218 219 220 221 222
(I) The dividend and interest income from the endowment care trust shall be used only for the cost and expenses incurred to establish, manage, and administer the trust and for the maintenance, supervision, improvement, and preservation of the grounds, lots, buildings, equipment, statuary, and other real and personal property of the cemetery.	223 224 225 226 227 228
(J)(1) Annual reports of all the assets and investments of the endowment care trust shall be prepared and maintained, and shall be available for inspection at reasonable times by any owner of interment rights in the cemetery.	229 230 231 232
(2) Every cemetery required to establish and maintain an endowment care trust shall file an affidavit annually with the division of real estate of the department of commerce, in a form	233 234 235

prescribed by the division, certifying under oath each of the 236
following: 237

(a) That the cemetery has deposited, at the time specified in 238
division (D) of this section, the amounts required by that 239
division in the cemetery's endowment care trust; 240

(b) That only dividend and interest income have been paid 241
from the endowment care trust, and the cemetery used the amounts 242
withdrawn only for the purposes specified in division (I) of this 243
section; 244

(c) That all principal and capital gains have remained in the 245
endowment care trust; 246

(d) That the endowment care trust has not been used to 247
collateralize or guarantee loans and has not otherwise been 248
subjected to any consensual lien; 249

(e) That the endowment care trust is invested in compliance 250
with the investing standards set forth in sections 2109.37 and 251
2109.371 of the Revised Code. 252

Sec. 2108.15. Subject to division (I) of section 2108.11 and 253
sections 2108.26 to 2108.272 of the Revised Code, the rights of 254
the person to which a part passes under section 2108.11 of the 255
Revised Code shall be superior to the rights of all others with 256
respect to the part. The person may accept or reject an anatomical 257
gift in whole or in part. 258

Subject to the terms of the document of gift and sections 259
2108.01 to 2108.29 of the Revised Code, a person that accepts an 260
anatomical gift of an entire body may allow embalming, burial, 261
hydrolysis, or cremation, and use of remains in a funeral service. 262
If the gift is of a part, the person to whom the part passes under 263
section 2108.11 of the Revised Code, upon the death of the donor 264
and before embalming, burial, hydrolysis, or cremation, shall 265

cause the part to be removed without unnecessary mutilation. After 266
removal of the part, custody of the remainder of the decedent's 267
body passes to the persons to whom the right of disposition for 268
the body has been assigned pursuant to section 2108.70 of the 269
Revised Code or who have the right of disposition for the body as 270
described in section 2108.81 of the Revised Code. 271

Sec. 2108.70. (A) As used in this section and sections 272
2108.71 to 2108.90 of the Revised Code: 273

(1) "Adult" means an individual who is eighteen years of age 274
or older. 275

(2) "Declarant" means an adult who has executed a written 276
declaration described in division (B) of this section. 277

(3) "Representative" means an adult or a group of adults, 278
collectively, to whom a declarant has assigned the right of 279
disposition. 280

(4) "Right of disposition" means one or more of the rights 281
described in division (B) of this section that a declarant chooses 282
to assign to a representative in a written declaration executed 283
under that division or all of the rights described in division (B) 284
of this section that are assigned to a person pursuant to section 285
2108.81 of the Revised Code. 286

(5) "Successor representative" means an adult or group of 287
adults, collectively, to whom the right of disposition for a 288
declarant has been reassigned because the declarant's 289
representative is disqualified from exercising the right under 290
section 2108.75 of the Revised Code. Each successor representative 291
shall be considered in the order the representative is designated 292
by the declarant. 293

(B) An adult who is of sound mind may execute at any time a 294
written declaration assigning to a representative one or more of 295

the following rights:	296
(1) The right to direct the disposition, after death, of the declarant's body or any part of the declarant's body that becomes separated from the body before death. This right includes the right to determine the location, manner, and conditions of the disposition of the declarant's bodily remains.	297 298 299 300 301
(2) The right to make arrangements and purchase goods and services for the declarant's funeral. This right includes the right to determine the location, manner, and condition of the declarant's funeral.	302 303 304 305
(3) The right to make arrangements and purchase goods and services for the declarant's burial, cremation, <u>hydrolysis</u> , or other manner of final disposition. This right includes the right to determine the location, manner, and condition of the declarant's burial, cremation, <u>hydrolysis</u> , or other manner of final disposition.	306 307 308 309 310 311
(C)(1) Subject to division (C)(2) of this section, a declarant may designate a successor representative.	312 313
(2) If a representative is a group of persons and not all of the persons in the group meet at least one criterion to be disqualified from serving as the representative, as described in section 2108.75 of the Revised Code, the persons in the group who are not disqualified shall remain the representative who has the right of disposition.	314 315 316 317 318 319
(D) The assignment or reassignment of a right of disposition to a representative and a successor representative supercedes <u>supersedes</u> an assignment of a right of disposition under section 2108.81 of the Revised Code.	320 321 322 323
Sec. 2108.72. (A) The written declaration described in section 2108.70 of the Revised Code shall include all of the	324 325

following:	326
(1) The declarant's legal name and present address;	327
(2) A statement that the declarant, an adult being of sound mind, willfully and voluntarily appoints a representative to have the declarant's right of disposition for the declarant's body upon the declarant's death;	328 329 330 331
(3) A statement that all decisions made by the declarant's representative with respect to the right of disposition are binding;	332 333 334
(4) The name, last known address, and last known telephone number of the representative or, if the representative is a group of persons, the name, last known address, and last known telephone number of each person in the group;	335 336 337 338
(5) If the declarant chooses to have a successor representative, a statement that if any person or group of persons named as the declarant's representative is disqualified from serving in such position as described in section 2108.75 of the Revised Code, the declarant appoints a successor representative;	339 340 341 342 343
(6) If applicable, the name, last known address, and last known telephone number of the successor representative or, if the successor representative is a group of persons, the name, last known address, and last known telephone number of each person in the group;	344 345 346 347 348
(7) A space where the declarant may indicate the declarant's preferences regarding how the right of disposition should be exercised, including any religious observances the declarant wishes the person with the right of disposition to consider;	349 350 351 352
(8) A space where the declarant may indicate one or more sources of funds that may be used to pay for goods and services associated with the exercise of the right of disposition;	353 354 355

(9) A statement that the declarant's written declaration becomes effective on the declarant's death;	356 357
(10) A statement that the declarant revokes any written declaration that the declarant executed, in accordance with section 2108.70 of the Revised Code, prior to the execution of the present written declaration;	358 359 360 361
(11) A space where the declarant can sign and date the written declaration;	362 363
(12) A space where a notary public or two witnesses can sign and date the written declaration as described in section 2108.73 of the Revised Code.	364 365 366
(B) A written declaration may take the following form:	367
APPOINTMENT OF REPRESENTATIVE FOR DISPOSITION OF BODILY REMAINS, FUNERAL ARRANGEMENTS, AND BURIAL, <u>HYDROLYSIS</u> , OR CREMATION GOODS AND SERVICES:	368 369 370
I, (legal name and present address of declarant), an adult being of sound mind, willfully and voluntarily appoint my representative, named below, to have the right of disposition, as defined in section 2108.70 of the Revised Code, for my body upon my death. All decisions made by my representative with respect to the right of disposition shall be binding.	371 372 373 374 375 376 377
REPRESENTATIVE:	378
(If the representative is a group of persons, indicate the name, last known address, and telephone number of each person in the group.)	379 380 381
Name(s):	382
Address(es):	383
Telephone Number(s):	384
SUCCESSOR REPRESENTATIVE:	385

If my representative is disqualified from serving as my 386
representative as described in section 2108.75 of the Revised 387
Code, then I hereby appoint the following person or group of 388
persons to serve as my successor representative. 389

(If the successor representative is a group of persons, 390
indicate the name, last known address, and telephone number of 391
each person in the group.) 392

Name(s): 393
Address(es): 394
Telephone Number(s): 395

PREFERENCES REGARDING HOW THE RIGHT OF DISPOSITION SHOULD BE 396
EXERCISED, INCLUDING ANY RELIGIOUS OBSERVANCES THE DECLARANT 397
WISHES A REPRESENTATIVE OR A SUCCESSOR REPRESENTATIVE TO CONSIDER: 398
..... 399
..... 400
..... 401
..... 402

ONE OR MORE SOURCES OF FUNDS THAT COULD BE USED TO PAY FOR 403
GOODS AND SERVICES ASSOCIATED WITH AN EXERCISE OF THE RIGHT OF 404
DISPOSITION: 405
..... 406
..... 407
..... 408
..... 409

DURATION: 410

The appointment of my representative and, if applicable, 411
successor representative, becomes effective upon my death. 412

PRIOR APPOINTMENTS REVOKED: 413

I hereby revoke any written declaration that I executed in 414
accordance with section 2108.70 of the Ohio Revised Code prior to 415
the date of execution of this written declaration indicated below. 416

AUTHORIZATION TO ACT:	417
I hereby agree that any of the following that receives a copy	418
of this written declaration may act under it:	419
- Cemetery organization;	420
- <u>Hydrolysis facility operator;</u>	421
- Crematory operator;	422
- Business operating a columbarium;	423
- Funeral director;	424
- Embalmer;	425
- Funeral home;	426
- Any other person asked to assist with my funeral, burial,	427
<u>hydrolysis</u> , cremation, or other manner of final disposition.	428
MODIFICATION AND REVOCATION - WHEN EFFECTIVE:	429
Any modification or revocation of this written declaration is	430
not effective as to any party until that party receives actual	431
notice of the modification or revocation.	432
LIABILITY:	433
No person who acts in accordance with a properly executed	434
copy of this written declaration shall be liable for damages of	435
any kind associated with the person's reliance on this	436
declaration.	437
Signed this day of	438
.....	439
(Signature of declarant)	440
ACKNOWLEDGMENT OF ASSUMPTION OF OBLIGATIONS AND COSTS:	441
By signing below, the representative, or successor	442
representative, if applicable, acknowledges that he or she, as	443
representative or successor representative, assumes the right of	444

disposition as defined in section 2108.70 of the Revised Code, and 445
understands that he or she is liable for the reasonable costs of 446
exercising the right, including any goods and services that are 447
purchased. 448

ACCEPTANCE (OPTIONAL): 449

The undersigned hereby accepts this appointment as 450
representative or successor representative, as applicable, for the 451
right of disposition as defined in section 2108.70 of the Revised 452
Code. 453

Signed this day of 454

..... 455

Signature of representative (if 456
representative is a group of
persons, each person in the group
shall sign)

Signed this day of 457

..... 458

Signature of successor 459
representative (if successor
representative is a group of
persons, each person in the group
shall sign)

WITNESSES: 460

I attest that the declarant signed or acknowledged this 461
assignment of the right of disposition under section 2108.70 of 462
the Revised Code in my presence and that the declarant is at least 463
eighteen years of age and appears to be of sound mind and not 464
under or subject to duress, fraud, or undue influence. I further 465
attest that I am not the declarant's representative or successor 466
representative, I am at least eighteen years of age, and I am not 467
related to the declarant by blood, marriage, or adoption. 468

First witness:	469
Name (printed):	470
..... Residing at:	471
Signature:	472
.....	473
Date:	474
.....	475
Second witness:	476
Name (printed):	477
..... Residing at:	478
Signature:	479
.....	480
Date:	481
.....	482
OR	483
NOTARY ACKNOWLEDGMENT:	484
State of Ohio	485
County of SS.	486
On, before me, the undersigned notary public,	487
personally appeared, known to me or	488
satisfactorily proven to be the person whose name is subscribed as	489
the declarant, and who has acknowledged that he or she executed	490
this written declaration under section 2108.70 of the Revised Code	491
for the purposes expressed in that section. I attest that the	492
declarant is at least eighteen years of age and appears to be of	493
sound mind and not under or subject to duress, fraud, or undue	494
influence.	495
Signature of notary public	496
.....	497
My commission expires on:	498
.....	499

(C) Completion of a federal Record of Emergency Data form, DD 500
Form 93, or its successor form, by a member of the military, is 501
sufficient to constitute a written declaration under section 502
2108.70 of the Revised Code if section 13a of DD Form 93, entitled 503
"Person Authorized to Direct Disposition," has been properly 504
completed by the member of the military who has subsequently died 505
while under active duty orders as described in 10 U.S.C. 1481. 506

Sec. 2108.75. (A) A person shall be disqualified from serving 507
as a representative or successor representative, or from having 508
the right of disposition for a deceased adult pursuant to section 509
2108.81 of the Revised Code, if any of the following occurs: 510

(1) The person dies. 511
512

(2) A probate court declares or determines that the person is 513
incompetent. 514

(3) The person resigns or declines to exercise the right as 515
described in section 2108.88 of the Revised Code. 516

(4) The person refuses to exercise the right within two days 517
after notification of the declarant's death. 518

(5) The person cannot be located with reasonable effort. 519

(6) The person meets the criteria described in section 520
2108.76 or 2108.77 of the Revised Code. 521

(B) No owner, employee, or agent of a funeral home, cemetery, 522
or crematory or hydrolysis facility providing funeral, burial, ~~or~~ 523
cremation, or hydrolysis services for a declarant shall serve as a 524
representative or successor representative for the declarant 525
unless the owner, employee, or agent is related to the declarant 526
by blood, marriage, or adoption. 527

(C) Subject to divisions (C)(2) and (D)(2) of section 2108.70 528
of the Revised Code, if a person is disqualified from serving as 529

the declarant's representative or successor representative, or 530
from having the right of disposition for a deceased adult pursuant 531
to section 2108.81 of the Revised Code, as described in division 532
(A) of this section, the right is automatically reassigned to, and 533
vests in, the next person who has the right pursuant to the 534
declarant's written declaration or pursuant to the order of 535
priority in section 2108.81 of the Revised Code. 536

Sec. 2108.82. (A) Notwithstanding section 2108.81 of the 537
Revised Code and in accordance with division (B) of this section, 538
the probate court for the county in which the declarant or 539
deceased person resided at the time of death may, on its own 540
motion or the motion of another person, assign to any person the 541
right of disposition for a declarant or deceased person. 542

(B) In making a determination for purposes of division (A) of 543
this section and division (C) of section 2108.79 of the Revised 544
Code, the court shall consider the following: 545

(1) Whether evidence presented to, or in the possession of 546
the court, demonstrates that the person who is the subject of the 547
motion and the declarant or deceased person had a close personal 548
relationship; 549

(2) The reasonableness and practicality of any plans that the 550
person who is the subject of the motion may have for the 551
declarant's or deceased person's funeral, burial, cremation, 552
hydrolysis, or final disposition, including the degree to which 553
such plans allow maximum participation by all persons who wish to 554
pay their final respects to the deceased person; 555

(3) The willingness of the person who is the subject of the 556
motion to assume the responsibility to pay for the declarant's or 557
deceased person's funeral, burial, cremation, hydrolysis, or final 558
disposition and the desires of that person; 559

(4) The convenience and needs of other families and friends 560
wishing to pay their final respects to the declarant or deceased 561
person; 562

(5) The express written desires of the declarant or deceased 563
person. 564

(C) Except to the extent considered under division (B)(3) of 565
this section, the following persons do not have a greater claim to 566
the right of disposition than such persons otherwise have pursuant 567
to law: 568

(1) A person who is willing to assume the responsibility to 569
pay for the declarant's or deceased person's funeral, burial, 570
cremation, hydrolysis, or final disposition; 571

(2) The personal representative of the declarant or deceased 572
person. 573

Sec. 2108.83. In the event of a dispute regarding the right 574
of disposition, a funeral home, funeral director, crematory or 575
hydrolysis facility operator, cemetery operator, cemetery 576
organization, or other person asked to assist with a declarant's 577
or deceased person's funeral, burial, cremation, hydrolysis, or 578
other manner of final disposition shall not be liable for damages 579
of any kind for refusing to accept the remains, refusing to inter, 580
cremate, hydrolyze, or otherwise dispose of the remains, or 581
refusing to complete funeral or other arrangements pertaining to 582
final disposition until such funeral home, funeral director, 583
crematory or hydrolysis facility operator, cemetery operator, 584
cemetery organization, or other person receives a court order or a 585
written document that is executed by a person that the funeral 586
home, funeral director, crematory or hydrolysis facility operator, 587
cemetery operator, cemetery organization, or other person 588
reasonably believes has the right of disposition and that clearly 589
expresses how the right of disposition is to be exercised. 590

Sec. 2108.84. If a funeral home, funeral director, crematory 591
or hydrolysis facility operator, or other person asked to assist 592
with a declarant's or deceased person's funeral, burial, 593
cremation, hydrolysis, or other manner of final disposition is in 594
possession of a declarant's or deceased person's remains while a 595
dispute described in section 2108.83 of the Revised Code is 596
pending, the funeral home, funeral director, crematory or 597
hydrolysis facility operator, or other person may embalm or 598
refrigerate and shelter the remains to preserve them and may add 599
the cost of embalming, refrigeration, and sheltering to the final 600
disposition costs to be charged. 601

Sec. 2108.85. (A) If a funeral home, funeral director, 602
crematory or hydrolysis facility operator, cemetery operator, 603
cemetery organization, or other person asked to assist with a 604
declarant's or deceased person's funeral, burial, cremation, 605
hydrolysis, or other manner of final disposition brings a legal 606
action for purposes of section 2108.83 or 2108.84 of the Revised 607
Code, the funeral home, funeral director, crematory or hydrolysis 608
facility operator, cemetery operator, cemetery organization, or 609
other person may add to the costs the person charges for the goods 610
and services the person provided the legal fees, if reasonable, 611
and the court costs that the person incurred. 612

(B) The right created by division (A) of this section shall 613
neither be construed to require, nor impose a duty on, a funeral 614
home, funeral director, crematory or hydrolysis facility operator, 615
cemetery operator, cemetery organization, or other person asked to 616
assist with a declarant's or deceased person's funeral, burial, 617
cremation, hydrolysis, or other manner of final disposition, to 618
bring a legal action and such person shall not be held criminally 619
or civilly liable for not bringing an action. 620

Sec. 2108.86. (A) A funeral home, funeral director, crematory 621
or hydrolysis facility operator, cemetery operator, cemetery 622
organization, or other person asked to assist with a declarant's 623
funeral, burial, cremation, hydrolysis, or other manner of final 624
disposition has the right to rely on the content of a written 625
declaration and the instructions of the person or group of persons 626
whom the funeral home, funeral director, crematory or hydrolysis 627
facility operator, cemetery operator, cemetery organization, or 628
other person reasonably believes has the right of disposition. 629

630

(B) If the circumstances described in division (A) of section 631
2108.81 of the Revised Code apply, a funeral home, funeral 632
director, crematory or hydrolysis facility operator, cemetery 633
operator, cemetery organization, or other person asked to assist 634
with a deceased person's funeral, burial, cremation, hydrolysis, 635
or other manner of final disposition has the right to rely on the 636
instructions of the person or group of persons the funeral home, 637
funeral director, crematory or hydrolysis facility operator, 638
cemetery operator, cemetery organization, or other person 639
reasonably believes has the right of disposition pursuant to 640
section 2108.81 of the Revised Code. 641

(C) No funeral home, funeral director, crematory or 642
hydrolysis facility operator, cemetery operator, cemetery 643
organization, or other person asked to assist with a deceased 644
person's funeral, burial, cremation, hydrolysis, or other manner 645
of final disposition, who relies, pursuant to divisions (A) and 646
(B) of this section, in good faith on the contents of a written 647
declaration or the instructions of the person or group of persons 648
the funeral home, funeral director, crematory or hydrolysis 649
facility operator, cemetery operator, cemetery organization, or 650
other person reasonably believes has the right of disposition, 651
shall be subject to criminal or civil liability or subject to 652

disciplinary action for taking an action or not taking an action 653
in reliance on such contents or instructions and for otherwise 654
complying with sections 2108.70 to 2108.90 of the Revised Code. 655

Sec. 2108.87. (A) A funeral home, funeral director, crematory 656
or hydrolysis facility operator, cemetery operator, cemetery 657
organization, or other person asked to assist with a deceased 658
person's funeral, burial, cremation, hydrolysis, or other manner 659
of final disposition may independently investigate the existence 660
of, or locate or contact, the following persons: 661

(1) A representative or successor representative named in a 662
written declaration; 663

(2) A person listed in section 2108.81 of the Revised Code. 664

(B) In no circumstances shall a funeral home, funeral 665
director, crematory or hydrolysis facility operator, cemetery 666
operator, cemetery organization, or other person asked to assist 667
with a deceased person's funeral, burial, cremation, hydrolysis, 668
or other manner of final disposition have a duty to independently 669
investigate the existence of, or locate or contact, the persons 670
described in division (A) of this section. 671

Sec. 2111.13. (A) When a guardian is appointed to have the 672
custody and maintenance of a ward, and to have charge of the 673
education of the ward if the ward is a minor, the guardian's 674
duties are as follows: 675

(1) To protect and control the person of the ward; 676

(2) To provide suitable maintenance for the ward when 677
necessary, which shall be paid out of the estate of such ward upon 678
the order of the guardian of the person; 679

(3) To provide such maintenance and education for such ward 680
as the amount of the ward's estate justifies when the ward is a 681

minor and has no father or mother, or has a father or mother who 682
fails to maintain or educate the ward, which shall be paid out of 683
such ward's estate upon the order of the guardian of the person; 684

(4) To obey all the orders and judgments of the probate court 685
touching the guardianship. 686

(B) Except as provided in section 2111.131 of the Revised 687
Code, no part of the ward's estate shall be used for the support, 688
maintenance, or education of such ward unless ordered and approved 689
by the court. 690

(C) A guardian of the person may authorize or approve the 691
provision to the ward of medical, health, or other professional 692
care, counsel, treatment, or services unless the ward or an 693
interested party files objections with the probate court, or the 694
court, by rule or order, provides otherwise. 695

(D) Unless a person with the right of disposition for a ward 696
under section 2108.70 or 2108.81 of the Revised Code has made a 697
decision regarding whether or not consent to an autopsy or 698
post-mortem examination on the body of the deceased ward under 699
section 2108.50 of the Revised Code shall be given, a guardian of 700
the person of a ward who has died may consent to the autopsy or 701
post-mortem examination. 702

(E) If a deceased ward did not have a guardian of the estate, 703
the estate is not required to be administered by a probate court, 704
and a person with the right of disposition for a ward, as 705
described in section 2108.70 or 2108.81 of the Revised Code, has 706
not made a decision regarding the disposition of the ward's body 707
or remains, the guardian of the person of the ward may authorize 708
the burial ~~or~~, cremation, or hydrolysis of the ward. 709

(F) A guardian who gives consent or authorization as 710
described in divisions (D) and (E) of this section shall notify 711
the probate court as soon as possible after giving the consent or 712

authorization. 713

Sec. 2743.51. As used in sections 2743.51 to 2743.72 of the 714
Revised Code: 715

(A) "Claimant" means both of the following categories of 716
persons: 717

(1) Any of the following persons who claim an award of 718
reparations under sections 2743.51 to 2743.72 of the Revised Code: 719

(a) A victim who was one of the following at the time of the 720
criminally injurious conduct: 721

(i) A resident of the United States; 722

(ii) A resident of a foreign country the laws of which permit 723
residents of this state to recover compensation as victims of 724
offenses committed in that country. 725

(b) A dependent of a deceased victim who is described in 726
division (A)(1)(a) of this section; 727

(c) A third person, other than a collateral source, who 728
legally assumes or voluntarily pays the obligations of a victim, 729
or of a dependent of a victim, who is described in division 730
(A)(1)(a) of this section, which obligations are incurred as a 731
result of the criminally injurious conduct that is the subject of 732
the claim and may include, but are not limited to, medical or 733
burial expenses; 734

(d) A person who is authorized to act on behalf of any person 735
who is described in division (A)(1)(a), (b), or (c) of this 736
section; 737

(e) The estate of a deceased victim who is described in 738
division (A)(1)(a) of this section. 739

(2) Any of the following persons who claim an award of 740
reparations under sections 2743.51 to 2743.72 of the Revised Code: 741

(a) A victim who had a permanent place of residence within this state at the time of the criminally injurious conduct and who, at the time of the criminally injurious conduct, complied with any one of the following:	742 743 744 745
(i) Had a permanent place of employment in this state;	746
(ii) Was a member of the regular armed forces of the United States or of the United States coast guard or was a full-time member of the Ohio organized militia or of the United States army reserve, naval reserve, or air force reserve;	747 748 749 750
(iii) Was retired and receiving social security or any other retirement income;	751 752
(iv) Was sixty years of age or older;	753
(v) Was temporarily in another state for the purpose of receiving medical treatment;	754 755
(vi) Was temporarily in another state for the purpose of performing employment-related duties required by an employer located within this state as an express condition of employment or employee benefits;	756 757 758 759
(vii) Was temporarily in another state for the purpose of receiving occupational, vocational, or other job-related training or instruction required by an employer located within this state as an express condition of employment or employee benefits;	760 761 762 763
(viii) Was a full-time student at an academic institution, college, or university located in another state;	764 765
(ix) Had not departed the geographical boundaries of this state for a period exceeding thirty days or with the intention of becoming a citizen of another state or establishing a permanent place of residence in another state.	766 767 768 769
(b) A dependent of a deceased victim who is described in division (A)(2)(a) of this section;	770 771

(c) A third person, other than a collateral source, who 772
legally assumes or voluntarily pays the obligations of a victim, 773
or of a dependent of a victim, who is described in division 774
(A)(2)(a) of this section, which obligations are incurred as a 775
result of the criminally injurious conduct that is the subject of 776
the claim and may include, but are not limited to, medical or 777
burial expenses; 778

(d) A person who is authorized to act on behalf of any person 779
who is described in division (A)(2)(a), (b), or (c) of this 780
section; 781

(e) The estate of a deceased victim who is described in 782
division (A)(2)(a) of this section. 783

(B) "Collateral source" means a source of benefits or 784
advantages for economic loss otherwise reparable that the victim 785
or claimant has received, or that is readily available to the 786
victim or claimant, from any of the following sources: 787

(1) The offender; 788

(2) The government of the United States or any of its 789
agencies, a state or any of its political subdivisions, or an 790
instrumentality of two or more states, unless the law providing 791
for the benefits or advantages makes them excess or secondary to 792
benefits under sections 2743.51 to 2743.72 of the Revised Code; 793

(3) Social security, medicare, and medicaid; 794

(4) State-required, temporary, nonoccupational disability 795
insurance; 796

(5) Workers' compensation; 797

(6) Wage continuation programs of any employer; 798

(7) Proceeds of a contract of insurance payable to the victim 799
for loss that the victim sustained because of the criminally 800
injurious conduct; 801

(8) A contract providing prepaid hospital and other health care services, or benefits for disability;

(9) That portion of the proceeds of all contracts of insurance payable to the claimant on account of the death of the victim that exceeds fifty thousand dollars;

(10) Any compensation recovered or recoverable under the laws of another state, district, territory, or foreign country because the victim was the victim of an offense committed in that state, district, territory, or country.

"Collateral source" does not include any money, or the monetary value of any property, that is subject to sections 2969.01 to 2969.06 of the Revised Code or that is received as a benefit from the Ohio public safety officers death benefit fund created by section 742.62 of the Revised Code.

(C) "Criminally injurious conduct" means one of the following:

(1) For the purposes of any person described in division (A)(1) of this section, any conduct that occurs or is attempted in this state; poses a substantial threat of personal injury or death; and is punishable by fine, imprisonment, or death, or would be so punishable but for the fact that the person engaging in the conduct lacked capacity to commit the crime under the laws of this state. Criminally injurious conduct does not include conduct arising out of the ownership, maintenance, or use of a motor vehicle, except when any of the following applies:

(a) The person engaging in the conduct intended to cause personal injury or death;

(b) The person engaging in the conduct was using the vehicle to flee immediately after committing a felony or an act that would constitute a felony but for the fact that the person engaging in the conduct lacked the capacity to commit the felony under the

laws of this state;	833
(c) The person engaging in the conduct was using the vehicle in a manner that constitutes an OVI violation;	834 835
(d) The conduct occurred on or after July 25, 1990, and the person engaging in the conduct was using the vehicle in a manner that constitutes a violation of section 2903.08 of the Revised Code;	836 837 838 839
(e) The person engaging in the conduct acted in a manner that caused serious physical harm to a person and that constituted a violation of section 4549.02 or 4549.021 of the Revised Code.	840 841 842
(2) For the purposes of any person described in division (A)(2) of this section, any conduct that occurs or is attempted in another state, district, territory, or foreign country; poses a substantial threat of personal injury or death; and is punishable by fine, imprisonment, or death, or would be so punishable but for the fact that the person engaging in the conduct lacked capacity to commit the crime under the laws of the state, district, territory, or foreign country in which the conduct occurred or was attempted. Criminally injurious conduct does not include conduct arising out of the ownership, maintenance, or use of a motor vehicle, except when any of the following applies:	843 844 845 846 847 848 849 850 851 852 853
(a) The person engaging in the conduct intended to cause personal injury or death;	854 855
(b) The person engaging in the conduct was using the vehicle to flee immediately after committing a felony or an act that would constitute a felony but for the fact that the person engaging in the conduct lacked the capacity to commit the felony under the laws of the state, district, territory, or foreign country in which the conduct occurred or was attempted;	856 857 858 859 860 861
(c) The person engaging in the conduct was using the vehicle in a manner that constitutes an OVI violation;	862 863

(d) The conduct occurred on or after July 25, 1990, the 864
person engaging in the conduct was using the vehicle in a manner 865
that constitutes a violation of any law of the state, district, 866
territory, or foreign country in which the conduct occurred, and 867
that law is substantially similar to a violation of section 868
2903.08 of the Revised Code; 869

(e) The person engaging in the conduct acted in a manner that 870
caused serious physical harm to a person and that constituted a 871
violation of any law of the state, district, territory, or foreign 872
country in which the conduct occurred, and that law is 873
substantially similar to section 4549.02 or 4549.021 of the 874
Revised Code. 875

(3) For the purposes of any person described in division 876
(A)(1) or (2) of this section, terrorism that occurs within or 877
outside the territorial jurisdiction of the United States. 878

(D) "Dependent" means an individual wholly or partially 879
dependent upon the victim for care and support, and includes a 880
child of the victim born after the victim's death. 881

(E) "Economic loss" means economic detriment consisting only 882
of allowable expense, work loss, funeral expense, unemployment 883
benefits loss, replacement services loss, cost of crime scene 884
cleanup, and cost of evidence replacement. If criminally injurious 885
conduct causes death, economic loss includes a dependent's 886
economic loss and a dependent's replacement services loss. 887
Noneconomic detriment is not economic loss; however, economic loss 888
may be caused by pain and suffering or physical impairment. 889

(F)(1) "Allowable expense" means reasonable charges incurred 890
for reasonably needed products, services, and accommodations, 891
including those for medical care, rehabilitation, rehabilitative 892
occupational training, and other remedial treatment and care and 893
including replacement costs for hearing aids; dentures, retainers, 894

and other dental appliances; canes, walkers, and other mobility 895
tools; and eyeglasses and other corrective lenses. It does not 896
include that portion of a charge for a room in a hospital, clinic, 897
convalescent home, nursing home, or any other institution engaged 898
in providing nursing care and related services in excess of a 899
reasonable and customary charge for semiprivate accommodations, 900
unless accommodations other than semiprivate accommodations are 901
medically required. 902

(2) An immediate family member of a victim of criminally 903
injurious conduct that consists of a homicide, a sexual assault, 904
domestic violence, or a severe and permanent incapacitating injury 905
resulting in paraplegia or a similar life-altering condition, who 906
requires psychiatric care or counseling as a result of the 907
criminally injurious conduct, may be reimbursed for that care or 908
counseling as an allowable expense through the victim's 909
application. The cumulative allowable expense for care or 910
counseling of that nature shall not exceed two thousand five 911
hundred dollars for each immediate family member of a victim of 912
that type and seven thousand five hundred dollars in the aggregate 913
for all immediate family members of a victim of that type. 914

(3) A family member of a victim who died as a proximate 915
result of criminally injurious conduct may be reimbursed as an 916
allowable expense through the victim's application for wages lost 917
and travel expenses incurred in order to attend criminal justice 918
proceedings arising from the criminally injurious conduct. The 919
cumulative allowable expense for wages lost and travel expenses 920
incurred by a family member to attend criminal justice proceedings 921
shall not exceed five hundred dollars for each family member of 922
the victim and two thousand dollars in the aggregate for all 923
family members of the victim. 924

(4)(a) "Allowable expense" includes reasonable expenses and 925
fees necessary to obtain a guardian's bond pursuant to section 926

2109.04 of the Revised Code when the bond is required to pay an award to a fiduciary on behalf of a minor or other incompetent.

(b) "Allowable expense" includes attorney's fees not exceeding one thousand dollars, at a rate not exceeding one hundred dollars per hour, incurred to successfully obtain a restraining order, custody order, or other order to physically separate a victim from an offender. Attorney's fees for the services described in this division may include an amount for reasonable travel time incurred to attend court hearings, not exceeding three hours' round-trip for each court hearing, assessed at a rate not exceeding thirty dollars per hour.

(G) "Work loss" means loss of income from work that the injured person would have performed if the person had not been injured and expenses reasonably incurred by the person to obtain services in lieu of those the person would have performed for income, reduced by any income from substitute work actually performed by the person, or by income the person would have earned in available appropriate substitute work that the person was capable of performing but unreasonably failed to undertake.

(H) "Replacement services loss" means expenses reasonably incurred in obtaining ordinary and necessary services in lieu of those the injured person would have performed, not for income, but for the benefit of the person's self or family, if the person had not been injured.

(I) "Dependent's economic loss" means loss after a victim's death of contributions of things of economic value to the victim's dependents, not including services they would have received from the victim if the victim had not suffered the fatal injury, less expenses of the dependents avoided by reason of the victim's death. If a minor child of a victim is adopted after the victim's death, the minor child continues after the adoption to incur a dependent's economic loss as a result of the victim's death. If

the surviving spouse of a victim remarries, the surviving spouse 959
continues after the remarriage to incur a dependent's economic 960
loss as a result of the victim's death. 961

(J) "Dependent's replacement services loss" means loss 962
reasonably incurred by dependents after a victim's death in 963
obtaining ordinary and necessary services in lieu of those the 964
victim would have performed for their benefit if the victim had 965
not suffered the fatal injury, less expenses of the dependents 966
avoided by reason of the victim's death and not subtracted in 967
calculating the dependent's economic loss. If a minor child of a 968
victim is adopted after the victim's death, the minor child 969
continues after the adoption to incur a dependent's replacement 970
services loss as a result of the victim's death. If the surviving 971
spouse of a victim remarries, the surviving spouse continues after 972
the remarriage to incur a dependent's replacement services loss as 973
a result of the victim's death. 974

(K) "Noneconomic detriment" means pain, suffering, 975
inconvenience, physical impairment, or other nonpecuniary damage. 976

(L) "Victim" means a person who suffers personal injury or 977
death as a result of any of the following: 978

(1) Criminally injurious conduct; 979

(2) The good faith effort of any person to prevent criminally 980
injurious conduct; 981

(3) The good faith effort of any person to apprehend a person 982
suspected of engaging in criminally injurious conduct. 983

(M) "Contributory misconduct" means any conduct of the 984
claimant or of the victim through whom the claimant claims an 985
award of reparations that is unlawful or intentionally tortious 986
and that, without regard to the conduct's proximity in time or 987
space to the criminally injurious conduct, has a causal 988
relationship to the criminally injurious conduct that is the basis 989

of the claim. 990

(N)(1) "Funeral expense" means any reasonable charges that 991
are not in excess of seven thousand five hundred dollars per 992
funeral and that are incurred for expenses directly related to a 993
victim's funeral, cremation, hydrolysis, or burial and any wages 994
lost or travel expenses incurred by a family member of a victim in 995
order to attend the victim's funeral, cremation, hydrolysis, or 996
burial. 997

(2) An award for funeral expenses shall be applied first to 998
expenses directly related to the victim's funeral, cremation, 999
hydrolysis, or burial. An award for wages lost or travel expenses 1000
incurred by a family member of the victim shall not exceed five 1001
hundred dollars for each family member and shall not exceed in the 1002
aggregate the difference between seven thousand five hundred 1003
dollars and expenses that are reimbursed by the program and that 1004
are directly related to the victim's funeral, cremation, 1005
hydrolysis, or burial. 1006

(O) "Unemployment benefits loss" means a loss of unemployment 1007
benefits pursuant to Chapter 4141. of the Revised Code when the 1008
loss arises solely from the inability of a victim to meet the able 1009
to work, available for suitable work, or the actively seeking 1010
suitable work requirements of division (A)(4)(a) of section 1011
4141.29 of the Revised Code. 1012

(P) "OVI violation" means any of the following: 1013

(1) A violation of section 4511.19 of the Revised Code, of 1014
any municipal ordinance prohibiting the operation of a vehicle 1015
while under the influence of alcohol, a drug of abuse, or a 1016
combination of them, or of any municipal ordinance prohibiting the 1017
operation of a vehicle with a prohibited concentration of alcohol, 1018
a controlled substance, or a metabolite of a controlled substance 1019
in the whole blood, blood serum or plasma, breath, or urine; 1020

(2) A violation of division (A)(1) of section 2903.06 of the Revised Code; 1021
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(3) A violation of division (A)(2), (3), or (4) of section 2903.06 of the Revised Code or of a municipal ordinance substantially similar to any of those divisions, if the offender was under the influence of alcohol, a drug of abuse, or a combination of them, at the time of the commission of the offense; 1023
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(4) For purposes of any person described in division (A)(2) of this section, a violation of any law of the state, district, territory, or foreign country in which the criminally injurious conduct occurred, if that law is substantially similar to a violation described in division (P)(1) or (2) of this section or if that law is substantially similar to a violation described in division (P)(3) of this section and the offender was under the influence of alcohol, a drug of abuse, or a combination of them, at the time of the commission of the offense. 1028
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(Q) "Pendency of the claim" for an original reparations application or supplemental reparations application means the period of time from the date the criminally injurious conduct upon which the application is based occurred until the date a final decision, order, or judgment concerning that original reparations application or supplemental reparations application is issued. 1037
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(R) "Terrorism" means any activity to which all of the following apply: 1043
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(1) The activity involves a violent act or an act that is dangerous to human life. 1045
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(2) The act described in division (R)(1) of this section is committed within the territorial jurisdiction of the United States and is a violation of the criminal laws of the United States, this state, or any other state or the act described in division (R)(1) of this section is committed outside the territorial jurisdiction 1047
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of the United States and would be a violation of the criminal laws 1052
of the United States, this state, or any other state if committed 1053
within the territorial jurisdiction of the United States. 1054

(3) The activity appears to be intended to do any of the 1055
following: 1056

(a) Intimidate or coerce a civilian population; 1057

(b) Influence the policy of any government by intimidation or 1058
coercion; 1059

(c) Affect the conduct of any government by assassination or 1060
kidnapping. 1061

(4) The activity occurs primarily outside the territorial 1062
jurisdiction of the United States or transcends the national 1063
boundaries of the United States in terms of the means by which the 1064
activity is accomplished, the person or persons that the activity 1065
appears intended to intimidate or coerce, or the area or locale in 1066
which the perpetrator or perpetrators of the activity operate or 1067
seek asylum. 1068

(S) "Transcends the national boundaries of the United States" 1069
means occurring outside the territorial jurisdiction of the United 1070
States in addition to occurring within the territorial 1071
jurisdiction of the United States. 1072

(T) "Cost of crime scene cleanup" means any of the following: 1073

(1) The replacement cost for items of clothing removed from a 1074
victim in order to make an assessment of possible physical harm or 1075
to treat physical harm; 1076

(2) Reasonable and necessary costs of cleaning the scene and 1077
repairing, for the purpose of personal security, property damaged 1078
at the scene where the criminally injurious conduct occurred, not 1079
to exceed seven hundred fifty dollars in the aggregate per claim. 1080

(U) "Cost of evidence replacement" means costs for 1081

replacement of property confiscated for evidentiary purposes 1082
related to the criminally injurious conduct, not to exceed seven 1083
hundred fifty dollars in the aggregate per claim. 1084

(V) "Provider" means any person who provides a victim or 1085
claimant with a product, service, or accommodations that are an 1086
allowable expense or a funeral expense. 1087

(W) "Immediate family member" means an individual who resided 1088
in the same permanent household as a victim at the time of the 1089
criminally injurious conduct and who is related to the victim by 1090
affinity or consanguinity. 1091

(X) "Family member" means an individual who is related to a 1092
victim by affinity or consanguinity. 1093

Sec. 2925.01. As used in this chapter: 1094

(A) "Administer," "controlled substance," "dispense," 1095
"distribute," "hypodermic," "manufacturer," "official written 1096
order," "person," "pharmacist," "pharmacy," "sale," "schedule I," 1097
"schedule II," "schedule III," "schedule IV," "schedule V," and 1098
"wholesaler" have the same meanings as in section 3719.01 of the 1099
Revised Code. 1100

(B) "Drug dependent person" and "drug of abuse" have the same 1101
meanings as in section 3719.011 of the Revised Code. 1102

(C) "Drug," "dangerous drug," "licensed health professional 1103
authorized to prescribe drugs," and "prescription" have the same 1104
meanings as in section 4729.01 of the Revised Code. 1105

(D) "Bulk amount" of a controlled substance means any of the 1106
following: 1107

(1) For any compound, mixture, preparation, or substance 1108
included in schedule I, schedule II, or schedule III, with the 1109
exception of marihuana, cocaine, L.S.D., heroin, and hashish and 1110
except as provided in division (D)(2) or (5) of this section, 1111

whichever of the following is applicable: 1112

(a) An amount equal to or exceeding ten grams or twenty-five 1113
unit doses of a compound, mixture, preparation, or substance that 1114
is or contains any amount of a schedule I opiate or opium 1115
derivative; 1116

(b) An amount equal to or exceeding ten grams of a compound, 1117
mixture, preparation, or substance that is or contains any amount 1118
of raw or gum opium; 1119

(c) An amount equal to or exceeding thirty grams or ten unit 1120
doses of a compound, mixture, preparation, or substance that is or 1121
contains any amount of a schedule I hallucinogen other than 1122
tetrahydrocannabinol or lysergic acid amide, or a schedule I 1123
stimulant or depressant; 1124

(d) An amount equal to or exceeding twenty grams or five 1125
times the maximum daily dose in the usual dose range specified in 1126
a standard pharmaceutical reference manual of a compound, mixture, 1127
preparation, or substance that is or contains any amount of a 1128
schedule II opiate or opium derivative; 1129

(e) An amount equal to or exceeding five grams or ten unit 1130
doses of a compound, mixture, preparation, or substance that is or 1131
contains any amount of phencyclidine; 1132

(f) An amount equal to or exceeding one hundred twenty grams 1133
or thirty times the maximum daily dose in the usual dose range 1134
specified in a standard pharmaceutical reference manual of a 1135
compound, mixture, preparation, or substance that is or contains 1136
any amount of a schedule II stimulant that is in a final dosage 1137
form manufactured by a person authorized by the "Federal Food, 1138
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as 1139
amended, and the federal drug abuse control laws, as defined in 1140
section 3719.01 of the Revised Code, that is or contains any 1141
amount of a schedule II depressant substance or a schedule II 1142

hallucinogenic substance; 1143

(g) An amount equal to or exceeding three grams of a 1144
compound, mixture, preparation, or substance that is or contains 1145
any amount of a schedule II stimulant, or any of its salts or 1146
isomers, that is not in a final dosage form manufactured by a 1147
person authorized by the Federal Food, Drug, and Cosmetic Act and 1148
the federal drug abuse control laws. 1149

(2) An amount equal to or exceeding one hundred twenty grams 1150
or thirty times the maximum daily dose in the usual dose range 1151
specified in a standard pharmaceutical reference manual of a 1152
compound, mixture, preparation, or substance that is or contains 1153
any amount of a schedule III or IV substance other than an 1154
anabolic steroid or a schedule III opiate or opium derivative; 1155

(3) An amount equal to or exceeding twenty grams or five 1156
times the maximum daily dose in the usual dose range specified in 1157
a standard pharmaceutical reference manual of a compound, mixture, 1158
preparation, or substance that is or contains any amount of a 1159
schedule III opiate or opium derivative; 1160

(4) An amount equal to or exceeding two hundred fifty 1161
milliliters or two hundred fifty grams of a compound, mixture, 1162
preparation, or substance that is or contains any amount of a 1163
schedule V substance; 1164

(5) An amount equal to or exceeding two hundred solid dosage 1165
units, sixteen grams, or sixteen milliliters of a compound, 1166
mixture, preparation, or substance that is or contains any amount 1167
of a schedule III anabolic steroid. 1168

(E) "Unit dose" means an amount or unit of a compound, 1169
mixture, or preparation containing a controlled substance that is 1170
separately identifiable and in a form that indicates that it is 1171
the amount or unit by which the controlled substance is separately 1172
administered to or taken by an individual. 1173

(F) "Cultivate" includes planting, watering, fertilizing, or tilling.	1174 1175
(G) "Drug abuse offense" means any of the following:	1176
(1) A violation of division (A) of section 2913.02 that constitutes theft of drugs, or a violation of section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, or 2925.37 of the Revised Code;	1177 1178 1179 1180 1181
(2) A violation of an existing or former law of this or any other state or of the United States that is substantially equivalent to any section listed in division (G)(1) of this section;	1182 1183 1184 1185
(3) An offense under an existing or former law of this or any other state, or of the United States, of which planting, cultivating, harvesting, processing, making, manufacturing, producing, shipping, transporting, delivering, acquiring, possessing, storing, distributing, dispensing, selling, inducing another to use, administering to another, using, or otherwise dealing with a controlled substance is an element;	1186 1187 1188 1189 1190 1191 1192
(4) A conspiracy to commit, attempt to commit, or complicity in committing or attempting to commit any offense under division (G)(1), (2), or (3) of this section.	1193 1194 1195
(H) "Felony drug abuse offense" means any drug abuse offense that would constitute a felony under the laws of this state, any other state, or the United States.	1196 1197 1198
(I) "Harmful intoxicant" does not include beer or intoxicating liquor but means any of the following:	1199 1200
(1) Any compound, mixture, preparation, or substance the gas, fumes, or vapor of which when inhaled can induce intoxication, excitement, giddiness, irrational behavior, depression,	1201 1202 1203

stupefaction, paralysis, unconsciousness, asphyxiation, or other	1204
harmful physiological effects, and includes, but is not limited	1205
to, any of the following:	1206
(a) Any volatile organic solvent, plastic cement, model	1207
cement, fingernail polish remover, lacquer thinner, cleaning	1208
fluid, gasoline, or other preparation containing a volatile	1209
organic solvent;	1210
(b) Any aerosol propellant;	1211
(c) Any fluorocarbon refrigerant;	1212
(d) Any anesthetic gas.	1213
(2) Gamma Butyrolactone;	1214
(3) 1,4 Butanediol.	1215
(J) "Manufacture" means to plant, cultivate, harvest,	1216
process, make, prepare, or otherwise engage in any part of the	1217
production of a drug, by propagation, extraction, chemical	1218
synthesis, or compounding, or any combination of the same, and	1219
includes packaging, repackaging, labeling, and other activities	1220
incident to production.	1221
(K) "Possess" or "possession" means having control over a	1222
thing or substance, but may not be inferred solely from mere	1223
access to the thing or substance through ownership or occupation	1224
of the premises upon which the thing or substance is found.	1225
(L) "Sample drug" means a drug or pharmaceutical preparation	1226
that would be hazardous to health or safety if used without the	1227
supervision of a licensed health professional authorized to	1228
prescribe drugs, or a drug of abuse, and that, at one time, had	1229
been placed in a container plainly marked as a sample by a	1230
manufacturer.	1231
(M) "Standard pharmaceutical reference manual" means the	1232
current edition, with cumulative changes if any, of any of the	1233

following reference works:	1234
(1) "The National Formulary";	1235
(2) "The United States Pharmacopeia," prepared by authority of the United States Pharmacopeial Convention, Inc.;	1236 1237
(3) Other standard references that are approved by the state board of pharmacy.	1238 1239
(N) "Juvenile" means a person under eighteen years of age.	1240
(O) "Counterfeit controlled substance" means any of the following:	1241 1242
(1) Any drug that bears, or whose container or label bears, a trademark, trade name, or other identifying mark used without authorization of the owner of rights to that trademark, trade name, or identifying mark;	1243 1244 1245 1246
(2) Any unmarked or unlabeled substance that is represented to be a controlled substance manufactured, processed, packed, or distributed by a person other than the person that manufactured, processed, packed, or distributed it;	1247 1248 1249 1250
(3) Any substance that is represented to be a controlled substance but is not a controlled substance or is a different controlled substance;	1251 1252 1253
(4) Any substance other than a controlled substance that a reasonable person would believe to be a controlled substance because of its similarity in shape, size, and color, or its markings, labeling, packaging, distribution, or the price for which it is sold or offered for sale.	1254 1255 1256 1257 1258
(P) An offense is "committed in the vicinity of a school" if the offender commits the offense on school premises, in a school building, or within one thousand feet of the boundaries of any school premises, regardless of whether the offender knows the offense is being committed on school premises, in a school	1259 1260 1261 1262 1263

building, or within one thousand feet of the boundaries of any 1264
school premises. 1265

(Q) "School" means any school operated by a board of 1266
education, any community school established under Chapter 3314. of 1267
the Revised Code, or any nonpublic school for which the state 1268
board of education prescribes minimum standards under section 1269
3301.07 of the Revised Code, whether or not any instruction, 1270
extracurricular activities, or training provided by the school is 1271
being conducted at the time a criminal offense is committed. 1272

(R) "School premises" means either of the following: 1273

(1) The parcel of real property on which any school is 1274
situated, whether or not any instruction, extracurricular 1275
activities, or training provided by the school is being conducted 1276
on the premises at the time a criminal offense is committed; 1277

(2) Any other parcel of real property that is owned or leased 1278
by a board of education of a school, the governing authority of a 1279
community school established under Chapter 3314. of the Revised 1280
Code, or the governing body of a nonpublic school for which the 1281
state board of education prescribes minimum standards under 1282
section 3301.07 of the Revised Code and on which some of the 1283
instruction, extracurricular activities, or training of the school 1284
is conducted, whether or not any instruction, extracurricular 1285
activities, or training provided by the school is being conducted 1286
on the parcel of real property at the time a criminal offense is 1287
committed. 1288

(S) "School building" means any building in which any of the 1289
instruction, extracurricular activities, or training provided by a 1290
school is conducted, whether or not any instruction, 1291
extracurricular activities, or training provided by the school is 1292
being conducted in the school building at the time a criminal 1293
offense is committed. 1294

(T) "Disciplinary counsel" means the disciplinary counsel 1295
appointed by the board of commissioners on grievances and 1296
discipline of the supreme court under the Rules for the Government 1297
of the Bar of Ohio. 1298

(U) "Certified grievance committee" means a duly constituted 1299
and organized committee of the Ohio state bar association or of 1300
one or more local bar associations of the state of Ohio that 1301
complies with the criteria set forth in Rule V, section 6 of the 1302
Rules for the Government of the Bar of Ohio. 1303

(V) "Professional license" means any license, permit, 1304
certificate, registration, qualification, admission, temporary 1305
license, temporary permit, temporary certificate, or temporary 1306
registration that is described in divisions (W)(1) to (36) of this 1307
section and that qualifies a person as a professionally licensed 1308
person. 1309

(W) "Professionally licensed person" means any of the 1310
following: 1311

(1) A person who has obtained a license as a manufacturer of 1312
controlled substances or a wholesaler of controlled substances 1313
under Chapter 3719. of the Revised Code; 1314

(2) A person who has received a certificate or temporary 1315
certificate as a certified public accountant or who has registered 1316
as a public accountant under Chapter 4701. of the Revised Code and 1317
who holds an Ohio permit issued under that chapter; 1318

(3) A person who holds a certificate of qualification to 1319
practice architecture issued or renewed and registered under 1320
Chapter 4703. of the Revised Code; 1321

(4) A person who is registered as a landscape architect under 1322
Chapter 4703. of the Revised Code or who holds a permit as a 1323
landscape architect issued under that chapter; 1324

(5) A person licensed under Chapter 4707. of the Revised Code;	1325 1326
(6) A person who has been issued a certificate of registration as a registered barber under Chapter 4709. of the Revised Code;	1327 1328 1329
(7) A person licensed and regulated to engage in the business of a debt pooling company by a legislative authority, under authority of Chapter 4710. of the Revised Code;	1330 1331 1332
(8) A person who has been issued a cosmetologist's license, hair designer's license, manicurist's license, esthetician's license, natural hair stylist's license, managing cosmetologist's license, managing hair designer's license, managing manicurist's license, managing esthetician's license, managing natural hair stylist's license, cosmetology instructor's license, hair design instructor's license, manicurist instructor's license, esthetics instructor's license, natural hair style instructor's license, independent contractor's license, or tanning facility permit under Chapter 4713. of the Revised Code;	1333 1334 1335 1336 1337 1338 1339 1340 1341 1342
(9) A person who has been issued a license to practice dentistry, a general anesthesia permit, a conscious intravenous sedation permit, a limited resident's license, a limited teaching license, a dental hygienist's license, or a dental hygienist's teacher's certificate under Chapter 4715. of the Revised Code;	1343 1344 1345 1346 1347
(10) A person who has been issued an embalmer's license, a funeral director's license, a funeral home license, or a crematory <u>or hydrolysis facility</u> license, or who has been registered for an embalmer's or funeral director's apprenticeship under Chapter 4717. of the Revised Code;	1348 1349 1350 1351 1352
(11) A person who has been licensed as a registered nurse or practical nurse, or who has been issued a certificate for the practice of nurse-midwifery under Chapter 4723. of the Revised	1353 1354 1355

Code;	1356
(12) A person who has been licensed to practice optometry or to engage in optical dispensing under Chapter 4725. of the Revised Code;	1357 1358 1359
(13) A person licensed to act as a pawnbroker under Chapter 4727. of the Revised Code;	1360 1361
(14) A person licensed to act as a precious metals dealer under Chapter 4728. of the Revised Code;	1362 1363
(15) A person licensed as a pharmacist, a pharmacy intern, a wholesale distributor of dangerous drugs, or a terminal distributor of dangerous drugs under Chapter 4729. of the Revised Code;	1364 1365 1366 1367
(16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code;	1368 1369
(17) A person who has been issued a certificate to practice medicine and surgery, osteopathic medicine and surgery, a limited branch of medicine, or podiatry under Chapter 4731. of the Revised Code;	1370 1371 1372 1373
(18) A person licensed as a psychologist or school psychologist under Chapter 4732. of the Revised Code;	1374 1375
(19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code;	1376 1377
(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;	1378 1379
(21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code;	1380 1381
(22) A person registered as a registered sanitarian under Chapter 4736. of the Revised Code;	1382 1383
(23) A person licensed to operate or maintain a junkyard	1384

under Chapter 4737. of the Revised Code;	1385
(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;	1386 1387
(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;	1388 1389
(26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Chapter 4741. of the Revised Code;	1390 1391 1392 1393
(27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Chapter 4747. of the Revised Code;	1394 1395 1396
(28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code;	1397 1398 1399
(29) A person licensed and registered to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	1400 1401 1402
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	1403 1404 1405
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	1406 1407
(32) A person who is licensed as a professional clinical counselor or professional counselor, licensed as a social worker or independent social worker, or registered as a social work assistant under Chapter 4757. of the Revised Code;	1408 1409 1410 1411
(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;	1412 1413
(34) A person who has been issued a license or limited permit	1414

to practice respiratory therapy under Chapter 4761. of the Revised Code; 1415
1416

(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code; 1417
1418

(36) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules. 1419
1420
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(X) "Cocaine" means any of the following: 1422

(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine; 1423
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(2) Coca leaves or a salt, compound, derivative, or preparation of coca leaves, including ecgonine, a salt, isomer, or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine; 1425
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(3) A salt, compound, derivative, or preparation of a substance identified in division (X)(1) or (2) of this section that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine. 1429
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(Y) "L.S.D." means lysergic acid diethylamide. 1435

(Z) "Hashish" means the resin or a preparation of the resin contained in marihuana, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form. 1436
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(AA) "Marihuana" has the same meaning as in section 3719.01 of the Revised Code, except that it does not include hashish. 1439
1440

(BB) An offense is "committed in the vicinity of a juvenile" if the offender commits the offense within one hundred feet of a juvenile or within the view of a juvenile, regardless of whether the offender knows the age of the juvenile, whether the offender 1441
1442
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1444

knows the offense is being committed within one hundred feet of or 1445
within view of the juvenile, or whether the juvenile actually 1446
views the commission of the offense. 1447

(CC) "Presumption for a prison term" or "presumption that a 1448
prison term shall be imposed" means a presumption, as described in 1449
division (D) of section 2929.13 of the Revised Code, that a prison 1450
term is a necessary sanction for a felony in order to comply with 1451
the purposes and principles of sentencing under section 2929.11 of 1452
the Revised Code. 1453

(DD) "Major drug offender" has the same meaning as in section 1454
2929.01 of the Revised Code. 1455

(EE) "Minor drug possession offense" means either of the 1456
following: 1457

(1) A violation of section 2925.11 of the Revised Code as it 1458
existed prior to July 1, 1996; 1459

(2) A violation of section 2925.11 of the Revised Code as it 1460
exists on and after July 1, 1996, that is a misdemeanor or a 1461
felony of the fifth degree. 1462

(FF) "Mandatory prison term" has the same meaning as in 1463
section 2929.01 of the Revised Code. 1464

(GG) "Adulterate" means to cause a drug to be adulterated as 1465
described in section 3715.63 of the Revised Code. 1466

(HH) "Public premises" means any hotel, restaurant, tavern, 1467
store, arena, hall, or other place of public accommodation, 1468
business, amusement, or resort. 1469

(II) "Methamphetamine" means methamphetamine, any salt, 1470
isomer, or salt of an isomer of methamphetamine, or any compound, 1471
mixture, preparation, or substance containing methamphetamine or 1472
any salt, isomer, or salt of an isomer of methamphetamine. 1473

(JJ) "Lawful prescription" means a prescription that is 1474

issued for a legitimate medical purpose by a licensed health professional authorized to prescribe drugs, that is not altered or forged, and that was not obtained by means of deception or by the commission of any theft offense.

(KK) "Deception" and "theft offense" have the same meanings as in section 2913.01 of the Revised Code.

Sec. 3705.01. As used in this chapter:

(A) "Live birth" means the complete expulsion or extraction from its mother of a product of human conception that after such expulsion or extraction breathes or shows any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached.

(B)(1) "Fetal death" means death prior to the complete expulsion or extraction from its mother of a product of human conception, irrespective of the duration of pregnancy, which after such expulsion or extraction does not breathe or show any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles.

(2) "Stillborn" means that an infant suffered a fetal death of at least twenty weeks of gestation.

(C) "Dead body" means a human body or part of a human body from the condition of which it reasonably may be concluded that death recently occurred.

(D) "Physician" means a person licensed pursuant to Chapter 4731. of the Revised Code to practice medicine or surgery or osteopathic medicine and surgery.

(E) "Attending physician" means the physician in charge of the patient's care for the illness or condition that resulted in death.

(F) "Institution" means any establishment, public or private, 1505
that provides medical, surgical, or diagnostic care or treatment, 1506
or domiciliary care, to two or more unrelated individuals, or to 1507
persons committed by law. 1508

(G) "Funeral director" has the meaning given in section 1509
4717.01 of the Revised Code. 1510

(H) "State registrar" means the head of the office of vital 1511
statistics in the department of health. 1512

(I) "Medical certification" means completion of the medical 1513
certification portion of the certificate of death or fetal death 1514
as to the cause of death or fetal death. 1515

(J) "Final disposition" means the interment, cremation, 1516
hydrolysis, removal from the state, donation, or other authorized 1517
disposition of a dead body or a fetal death. 1518

(K) "Interment" means the final disposition of the remains of 1519
a dead body by burial or entombment. 1520

(L) "Cremation" means the reduction to ashes of a dead body. 1521

(M) "Donation" means gift of a dead body to a research 1522
institution or medical school. 1523

(N) "System of vital statistics" means the registration, 1524
collection, preservation, amendment, and certification of vital 1525
records, the collection of other reports required by this chapter, 1526
and activities related thereto. 1527

(O) "Vital records" means certificates or reports of birth, 1528
death, fetal death, marriage, divorce, dissolution of marriage, 1529
annulment, and data related thereto and other documents maintained 1530
as required by statute. 1531

(P) "File" means the presentation of vital records for 1532
registration by the office of vital statistics. 1533

(Q) "Registration" means the acceptance by the office of 1534

vital statistics and the incorporation of vital records into its official records.

(R) "Birth record" means a birth certificate that has been registered with the office of vital statistics; or, if registered prior to March 16, 1989, with the division of vital statistics; or, if registered prior to the establishment of the division of vital statistics, with the department of health or a local registrar.

(S) "Certification of birth" means a document issued by the director of health or state registrar or a local registrar under division (B) of section 3705.23 of the Revised Code.

(T) "Hydrolysis" has the same meaning as in section 4717.01 of the Revised Code.

Sec. 3705.17. The body of a person whose death occurs in this state shall not be interred, deposited in a vault or tomb, cremated, hydrolyzed, or otherwise disposed of by a funeral director until a burial permit is issued by a local registrar or sub-registrar of vital statistics. No such permit shall be issued by a local registrar or sub-registrar until a satisfactory death, fetal death, or provisional death certificate is filed with the local registrar or sub-registrar. When the medical certification as to the cause of death cannot be provided by the attending physician or coroner prior to burial, for sufficient cause, as determined by rule of the director of health, the funeral director may file a provisional death certificate with the local registrar or sub-registrar for the purpose of securing a burial or burial-transit permit. When the funeral director files a provisional death certificate to secure a burial or burial-transit permit, the funeral director shall file a satisfactory and complete death certificate within five days after the date of death. The director of health, by rule, may provide additional

time for filing a satisfactory death certificate. A burial permit 1566
authorizing cremation or hydrolysis shall not be issued upon the 1567
filing of a provisional certificate of death. 1568

When a funeral director or other person obtains a burial 1569
permit from a local registrar or sub-registrar, the registrar or 1570
sub-registrar shall charge a fee of three dollars for the issuance 1571
of the burial permit. Two dollars and fifty cents of each fee 1572
collected for a burial permit shall be paid into the state 1573
treasury to the credit of the division of real estate in the 1574
department of commerce to be used by the division in discharging 1575
its duties prescribed in Chapter 4767. of the Revised Code and the 1576
Ohio cemetery dispute resolution commission created by section 1577
4767.05 of the Revised Code. A local registrar or sub-registrar 1578
shall transmit payments of that portion of the amount of each fee 1579
collected under this section to the treasurer of state on a 1580
quarterly basis or more frequently, if possible. The director of 1581
health, by rule, shall provide for the issuance of a burial permit 1582
without the payment of the fee required by this section if the 1583
total cost of the burial will be paid by an agency or 1584
instrumentality of the United States, the state or a state agency, 1585
or a political subdivision of the state. 1586

The director of commerce may by rule adopted in accordance 1587
with Chapter 119. of the Revised Code reduce the total amount of 1588
the fee required by this section and that portion of the amount of 1589
the fee required to be paid to the credit of the division of real 1590
estate for the use of the division and the Ohio cemetery dispute 1591
resolution commission, if the director determines that the total 1592
amount of funds the fee is generating at the amount required by 1593
this section exceeds the amount of funds the division of real 1594
estate and the commission need to carry out their powers and 1595
duties prescribed in Chapter 4767. of the Revised Code. 1596

No person in charge of any premises in which interments ~~or~~ 1597

cremations, or hydrolyses are made shall inter ~~or~~, cremate, or 1598
hydrolyze or otherwise dispose of a body, unless it is accompanied 1599
by a burial permit. Each person in charge of a cemetery, crematory 1600
facility, hydrolysis facility, or other place of disposal shall 1601
indorse upon a burial permit the date of interment, cremation, 1602
hydrolysis, or other disposal and shall retain such permits for a 1603
period of at least five years. The person in charge shall keep an 1604
accurate record of all interments, cremations, hydrolyses, or 1605
other disposal of dead bodies, made in the premises under the 1606
person's charge, stating the name of the deceased person, place of 1607
death, date of burial, cremation, hydrolysis, or other disposal, 1608
and name and address of the funeral director. Such record shall at 1609
all times be open to public inspection. 1610

Sec. 3705.18. When a death occurs outside the state and the 1611
body is transported into this state for burial or other 1612
disposition, the body must be accompanied by an authorization for 1613
final disposition issued in accordance with the laws and health 1614
regulations of the place where death occurred. The authorization 1615
that accompanied the body shall be accepted as authorization for 1616
burial, cremation, hydrolysis, or other disposal in Ohio. The 1617
person in charge of place of burial shall endorse and forward the 1618
authorization for final disposition that accompanied the body to 1619
the local registrar of vital statistics of the registration 1620
district in which burial was made. 1621

Sec. 3705.19. (A) If the deceased served in the armed forces 1622
of the United States, the death certificate shall include a 1623
statement of the branch of service in which ~~he~~ the deceased 1624
served, the date of entry into service, the date and type of 1625
discharge from such service, and information to show the name and 1626
location of the place where the deceased was buried ~~or~~, cremated, 1627
or hydrolyzed, date of burial ~~or~~, cremation, or hydrolysis, and 1628

the location, lot, and grave number of the deceased's burial. 1629

(B) Whenever the remains of a deceased person are transported 1630
into this state for burial or other disposition, the funeral 1631
director having responsibility for disposition of the remains 1632
shall ascertain from the best qualified persons or sources 1633
available whether or not the deceased was a member of the armed 1634
forces of the United States. If the funeral director finds the 1635
deceased was a member, ~~he~~ the funeral director shall also obtain 1636
from such persons or sources and shall transcribe on a form 1637
prescribed by the director of health, the deceased's branch of 1638
service, date of entry into service, date and type of separation 1639
or discharge from service, date of birth, state of birth, date of 1640
death, date of burial, the name and location of the cemetery, and 1641
the lot and grave number where the deceased is buried. The funeral 1642
director shall sign the completed form and submit it to the local 1643
registrar of vital statistics. If the funeral director is unable 1644
to ascertain whether or not the deceased was a member of the armed 1645
forces of the United States or ascertains that the deceased was 1646
not a member, ~~he~~ the funeral director shall enter such information 1647
on the form. 1648

If no funeral director is responsible for the disposition of 1649
the remains of the deceased, the person in charge of the 1650
disposition, except a sexton or other person who is customarily in 1651
charge only of the premises where burials ~~or~~, cremations, or 1652
hydrolyses take place, shall perform the duties required by this 1653
division. 1654

(C) At intervals not to exceed three months, the department 1655
of health shall forward to the adjutant general a summary of 1656
information concerning deceased members and former members of the 1657
armed forces of the United States, including those who died 1658
outside this state, but whose remains were buried or received for 1659
other final disposition in this state. The summary shall state the 1660

name, date of birth, state of birth, date of death, date of entry 1661
into service, date and type of separation or discharge from 1662
service, branch of service, date of burial, place of burial, and 1663
location of grave. At the same time the department forwards this 1664
summary to the adjutant general, it shall forward to each county 1665
recorder that portion of the summary that relates to burials made, 1666
and grave locations situated, within the county. After the summary 1667
is sent to the adjutant general, the forms specified in division 1668
(B) of this section may be disposed of. 1669

Sec. 3705.20. (A) The fetal death of the product of human 1670
conception of at least twenty weeks of gestation shall be 1671
registered on a fetal death certificate. 1672

On application of either parent, the fetal death of the 1673
product of human conception prior to twenty weeks of gestation 1674
shall be registered on a fetal death certificate, except that the 1675
fetal death certificate shall not list the cause of death. 1676

The parent shall include with the application a copy of the 1677
statement required by division (B)(1) of section 3727.16 or 1678
division (B)(1) of section 4731.82 of the Revised Code. If the 1679
father submits the application, he shall also include with it a 1680
signed and notarized document from the mother attesting that she 1681
voluntarily provided the father with a copy of the statement. 1682

A fetal death certificate for the product of human conception 1683
prior to twenty weeks gestation is not proof of a live birth for 1684
purposes of federal, state, and local taxes. 1685

(B) The product of human conception that suffers a fetal 1686
death of at least twenty weeks of gestation occurring in Ohio 1687
shall not be interred, deposited in a vault or tomb, cremated, 1688
hydrolyzed, or otherwise disposed of by a funeral director or 1689
other person until a fetal death certificate or provisional death 1690
certificate has been filed with and a burial permit is issued by 1691

the local registrar of vital statistics of the registration 1692
district in which the fetal death occurs, or the body is found. 1693

A burial permit for the product of human conception that 1694
suffers a fetal death prior to twenty weeks of gestation shall be 1695
issued by the local registrar of vital statistics of the 1696
registration district in which the fetal death occurs if either 1697
parent files a fetal death certificate with that registrar. 1698

(C)(1) The department of health and the local registrar shall 1699
keep a separate record and index record of fetal death 1700
certificates. 1701

(2) The personal or statistical information on the fetal 1702
death certificate shall be obtained by the funeral director or 1703
other person in charge of interment ~~or~~, cremation, or hydrolysis 1704
from the best qualified persons or sources available. 1705

Sec. 3707.19. The body of a person who has died of a 1706
communicable disease declared by the department of health to 1707
require immediate disposal for the protection of others shall be 1708
buried ~~or~~, cremated, or hydrolyzed within twenty-four hours after 1709
death. No public or church funeral shall be held in connection 1710
with the burial of such person, and the body shall not be taken 1711
into any church, chapel, or other public place. Only adult members 1712
of the immediate family of the deceased and such other persons as 1713
are actually necessary may be present at the burial ~~or~~, cremation, 1714
or hydrolysis. 1715

Sec. 4511.451. (A) As used in this section, "funeral 1716
procession" means two or more vehicles accompanying the cremated 1717
or hydrolyzed remains or the body of a deceased person in the 1718
daytime when each of the vehicles has its headlights lighted and 1719
is displaying a purple and white or an orange and white pennant 1720
attached to each vehicle in such a manner as to be clearly visible 1721

to traffic approaching from any direction. 1722

(B) Excepting public safety vehicles proceeding in accordance 1723
with section 4511.45 of the Revised Code or when directed 1724
otherwise by a police officer, pedestrians and the operators of 1725
all vehicles, street cars, and trackless trolleys shall yield the 1726
right of way to each vehicle that is a part of a funeral 1727
procession. Whenever the lead vehicle in a funeral procession 1728
lawfully enters an intersection, the remainder of the vehicles in 1729
the procession may continue to follow the lead vehicle through the 1730
intersection notwithstanding any traffic control devices or right 1731
of way provisions of the Revised Code, provided that the operator 1732
of each vehicle exercises due care to avoid colliding with any 1733
other vehicle or pedestrian. 1734

(C) No person shall operate any vehicle as a part of a 1735
funeral procession without having the headlights of the vehicle 1736
lighted and without displaying a purple and white or an orange and 1737
white pennant in such a manner as to be clearly visible to traffic 1738
approaching from any direction. 1739

(D) Except as otherwise provided in this division, whoever 1740
violates this section is guilty of a minor misdemeanor. If, within 1741
one year of the offense, the offender previously has been 1742
convicted of or pleaded guilty to one predicate motor vehicle or 1743
traffic offense, whoever violates this section is guilty of a 1744
misdemeanor of the fourth degree. If, within one year of the 1745
offense, the offender previously has been convicted of two or more 1746
predicate motor vehicle or traffic offenses, whoever violates this 1747
section is guilty of a misdemeanor of the third degree. 1748

Sec. 4717.01. As used in this chapter: 1749

(A) "Embalming" means the preservation and disinfection, or 1750
attempted preservation and disinfection, of the dead human body by 1751

application of chemicals externally, internally, or both. 1752

(B) "Funeral business" means a sole proprietorship, 1753
partnership, corporation, limited liability company, or other 1754
business entity that is engaged in funeral directing for profit or 1755
for free from one or more funeral homes licensed under this 1756
chapter. 1757

(C) "Funeral directing" means the business or profession of 1758
directing or supervising funerals for profit, the arrangement or 1759
sale of funeral services, the filling out or execution of a 1760
funeral service contract, the business or profession of preparing 1761
dead human bodies for burial by means other than embalming, the 1762
disposition of dead human bodies, the provision or maintenance of 1763
a place for the preparation, the care, or disposition of dead 1764
human bodies, the use in connection with a business of the term 1765
"funeral director," "undertaker," "mortician," or any other term 1766
from which can be implied the business of funeral directing, or 1767
the holding out to the public that one is a funeral director or a 1768
disposer of dead human bodies. 1769

(D) "Funeral home" means a fixed place for the care, 1770
preparation for burial, or disposition of dead human bodies or the 1771
conducting of funerals. Each business location is a funeral home, 1772
regardless of common ownership or management. 1773

(E) "Embalmer" means a person who engages, in whole or in 1774
part, in embalming and who is licensed under this chapter. 1775

(F) "Funeral director" means a person who engages, in whole 1776
or in part, in funeral directing and who is licensed under this 1777
chapter. 1778

(G) "Final disposition" has the same meaning as in division 1779
(J) of section 3705.01 of the Revised Code. 1780

(H) "Supervision" means the operation of all phases of the 1781
business of funeral directing or embalming under the specific 1782

direction of a licensed funeral director or licensed embalmer. 1783

(I) "Direct supervision" means the physical presence of a 1784
licensed funeral director or licensed embalmer while the specific 1785
functions of the funeral or embalming are being carried out. 1786

(J) "Embalming facility" means a fixed location, separate 1787
from the funeral home, that is licensed under this chapter whose 1788
only function is the embalming and preparation of dead human 1789
bodies. 1790

(K) "Crematory facility" means the physical location at which 1791
a cremation chamber is located and the cremation process takes 1792
place. "Crematory facility" does not include an infectious waste 1793
incineration facility for which a license is held under division 1794
(B) of section 3734.05 of the Revised Code, or a solid waste 1795
incineration facility for which a license is held under division 1796
(A) of that section that includes a notation pursuant to division 1797
(B)(3) of that section authorizing the facility to also treat 1798
infectious wastes, in connection with the incineration of body 1799
parts other than dead human bodies that were donated to science 1800
for purposes of medical education or research. 1801

(L) "Crematory" means the building or portion of a building 1802
that houses the holding facility and the cremation chamber. 1803

(M) "Cremation" means the technical process of using heat and 1804
flame to reduce human or animal remains to bone fragments or ashes 1805
or any combination thereof. "Cremation" includes processing and 1806
may include the pulverization of bone fragments. 1807

(N) "Cremation chamber" means the enclosed space within which 1808
cremation takes place. 1809

(O) "Cremated remains" means all human or animal remains 1810
recovered after the completion of the cremation process, which may 1811
include the residue of any foreign matter such as casket material, 1812
dental work, or eyeglasses that were cremated with the human or 1813

animal remains. 1814

(P) "Lapsed license" means a license issued under this 1815
chapter that has become invalid because of the failure of the 1816
licensee to renew the license within the time limits prescribed 1817
under this chapter. 1818

(Q) "Operator of a crematory facility" means the sole 1819
proprietorship, partnership, corporation, limited liability 1820
company, or other business entity responsible for the overall 1821
operation of a crematory facility. 1822

(R) "Processing" means the reduction of identifiable bone 1823
fragments to unidentifiable bone fragments through manual or 1824
mechanical means after the completion of the cremation or 1825
hydrolysis process. 1826

(S) "Pulverization" means the reduction of identifiable bone 1827
fragments to granulated particles by manual or mechanical means 1828
after the completion of the cremation or hydrolysis process. 1829

(T) "Preneed funeral contract" means a written agreement, 1830
contract, or series of contracts to sell or otherwise provide any 1831
funeral services, funeral goods, or any combination thereof to be 1832
used in connection with the funeral or final disposition of a dead 1833
human body, where payment for the goods or services is made either 1834
outright or on an installment basis, prior to the death of the 1835
person purchasing the goods or services or for whom the goods or 1836
services are purchased. "Preneed funeral contract" does not 1837
include any preneed cemetery merchandise and services contract or 1838
any agreement, contract, or series of contracts pertaining to the 1839
sale of any burial lot, burial or interment right, entombment 1840
right, or columbarium right with respect to which an endowment 1841
care fund is established or is exempt from establishment pursuant 1842
to section 1721.21 of the Revised Code. 1843

For the purposes of division (T) of this section, "funeral 1844

goods" includes caskets. 1845

(U) "Purchaser" means the individual who has purchased and 1846
financed a preneed funeral contract, and who may or may not be the 1847
contract beneficiary. 1848

(V) "Contract beneficiary" means the individual for whom 1849
funeral goods and funeral services are provided pursuant to a 1850
preneed funeral contract. 1851

(W) "Seller" means any person that enters into a preneed 1852
funeral contract with a purchaser for the provision of funeral 1853
goods, funeral services, or both. 1854

(X) "Hydrolysis" means the technical process of using heat, 1855
water, potassium hydroxide or an alternate alkaline solution, and 1856
pressure, agitation, or both, to dissolve human tissue within a 1857
hydrolysis container and reduce human remains to bone fragments. 1858
"Hydrolysis" includes the processing and may include the 1859
pulverization of bone fragments. 1860

(Y) "Hydrolysis facility" means the physical location at 1861
which a hydrolysis chamber is located and the hydrolysis process 1862
takes place. 1863

(Z) "Hydrolysis chamber" means the enclosed container within 1864
which hydrolysis takes place. 1865

(AA) "Hydrolyzed remains" means all human or animal remains 1866
recovered after the completion of the hydrolysis process, which 1867
may include the residue of any foreign matter that was hydrolyzed 1868
with such remains. 1869

(BB) "Operator of a hydrolysis facility" means the sole 1870
proprietorship, partnership, corporation, limited liability 1871
company, or other business entity responsible for the overall 1872
operation of a hydrolysis facility. 1873

Sec. 4717.04. (A) The board of embalmers and funeral 1874

directors shall adopt rules in accordance with Chapter 119. of the 1875
Revised Code for the government, transaction of the business, and 1876
the management of the affairs of the board of embalmers and 1877
funeral directors and the crematory review board, and for the 1878
administration and enforcement of this chapter. These rules shall 1879
include all of the following: 1880

(1) The nature, scope, content, and form of the application 1881
that must be completed and license examination that must be passed 1882
in order to receive an embalmer's license or a funeral director's 1883
license under section 4717.05 of the Revised Code. The rules shall 1884
ensure both of the following: 1885

(a) That the embalmer's license examination tests the 1886
applicant's knowledge through at least a comprehensive section and 1887
an Ohio laws section; 1888

(b) That the funeral director's license examination tests the 1889
applicant's knowledge through at least a comprehensive section, an 1890
Ohio laws section, and a sanitation section. 1891

(2) The minimum license examination score necessary to be 1892
licensed under section 4717.05 of the Revised Code as an embalmer 1893
or as a funeral director; 1894

(3) Procedures for determining the dates of the embalmer's 1895
and funeral director's license examinations, which shall be 1896
administered at least once each year, the time and place of each 1897
examination, and the supervision required for each examination; 1898

(4) Procedures for determining whether the board shall accept 1899
an applicant's compliance with the licensure, registration, or 1900
certification requirements of another state as grounds for 1901
granting the applicant a license under this chapter; 1902

(5) A determination of whether completion of a nationally 1903
recognized embalmer's or funeral director's examination 1904
sufficiently meets the license requirements for the comprehensive 1905

section of either the embalmer's or the funeral director's license examination administered under this chapter;	1906 1907
(6) Continuing education requirements for licensed embalmers and funeral directors;	1908 1909
(7) Requirements for the licensing and operation of funeral homes;	1910 1911
(8) Requirements for the licensing and operation of embalming facilities;	1912 1913
(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:	1914 1915 1916 1917
(a) Obtaining a license under this chapter by fraud or misrepresentation either in the application or in passing the required examination for the license;	1918 1919 1920
(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;	1921 1922 1923 1924 1925 1926
(c) Committing unprofessional conduct;	1927
(d) Knowingly permitting an unlicensed person, other than a person serving an apprenticeship, to engage in the profession or business of embalming or funeral directing under the licensee's supervision;	1928 1929 1930 1931
(e) Refusing to promptly submit the custody of a dead human body upon the express order of the person legally entitled to the body;	1932 1933 1934
(f) Transferring a license to operate a funeral home,	1935

embalming facility, or crematory facility, <u>or hydrolysis facility</u>	1936
from one owner or operator to another, or from one location to	1937
another, without notifying the board;	1938
(g) Misleading the public using false or deceptive	1939
advertising.	1940
Each instance of the commission of any of the types of	1941
conduct described in divisions (A)(9)(a), (b), (c), (d), (e), (f),	1942
and (g) of this section is a separate violation. The rules adopted	1943
under division (A)(9) of this section shall establish the amount	1944
of the forfeiture for a violation of each of those divisions. The	1945
forfeiture for a first violation shall not exceed five thousand	1946
dollars, and the forfeiture for a second or subsequent violation	1947
shall not exceed ten thousand dollars. The amount of the	1948
forfeiture may differ among the types of violations according to	1949
what the board considers the seriousness of each violation.	1950
(10) Requirements for the licensing and operation of	1951
crematory facilities;	1952
(11) <u>Requirements for the licensing and operation of</u>	1953
<u>hydrolysis facilities;</u>	1954
<u>(12)</u> Procedures for the issuance of duplicate licenses;	1955
(12) <u>(13)</u> Requirements for criminal records checks of	1956
applicants under section 4776.03 of the Revised Code.	1957
(B) The board may adopt rules governing the educational	1958
standards for licensure as an embalmer or funeral director and the	1959
standards of service and practice to be followed in embalming and	1960
funeral directing and in the operation of funeral homes, embalming	1961
facilities, and crematory facilities, <u>and hydrolysis facilities</u> in	1962
this state.	1963
(C) Nothing in this chapter authorizes the board of embalmers	1964
and funeral directors to regulate cemeteries, except that the	1965

board shall license and regulate ~~crematories~~ crematory facilities 1966
and hydrolysis facilities located at cemeteries in accordance with 1967
this chapter. 1968

Sec. 4717.05. (A) Any person who desires to be licensed as an 1969
embalmer shall apply to the board of embalmers and funeral 1970
directors on a form provided by the board. The applicant shall 1971
include with the application an initial license fee as set forth 1972
in section 4717.07 of the Revised Code and evidence, verified by 1973
oath and satisfactory to the board, that the applicant meets all 1974
of the following requirements: 1975

(1) The applicant is at least eighteen years of age and of 1976
good moral character. 1977

(2) If the applicant has pleaded guilty to, has been found by 1978
a judge or jury to be guilty of, or has had a judicial finding of 1979
eligibility for treatment in lieu of conviction entered against 1980
the applicant in this state for aggravated murder, murder, 1981
voluntary manslaughter, felonious assault, kidnapping, rape, 1982
sexual battery, gross sexual imposition, aggravated arson, 1983
aggravated robbery, or aggravated burglary, or has pleaded guilty 1984
to, has been found by a judge or jury to be guilty of, or has had 1985
a judicial finding of eligibility for treatment in lieu of 1986
conviction entered against the applicant in another jurisdiction 1987
for a substantially equivalent offense, at least five years has 1988
elapsed since the applicant was released from incarceration, a 1989
community control sanction, a post-release control sanction, 1990
parole, or treatment in connection with the offense. 1991

(3) The applicant holds at least a bachelor's degree from a 1992
college or university authorized to confer degrees by the Ohio 1993
board of regents or the comparable legal agency of another state 1994
in which the college or university is located and submits an 1995
official transcript from that college or university with the 1996

application. 1997

(4) The applicant has satisfactorily completed at least 1998
twelve months of instruction in a prescribed course in mortuary 1999
science as approved by the board and has presented to the board a 2000
certificate showing successful completion of the course. The 2001
course of mortuary science college training may be completed 2002
either before or after the completion of the educational standard 2003
set forth in division (A)(3) of this section. 2004

(5) The applicant has registered with the board prior to 2005
beginning an embalmer apprenticeship. 2006

(6) The applicant has satisfactorily completed at least one 2007
year of apprenticeship under an embalmer licensed in this state 2008
and has assisted that person in embalming at least twenty-five 2009
dead human bodies. 2010

(7) The applicant, upon meeting the educational standards 2011
provided for in divisions (A)(3) and (4) of this section and 2012
completing the apprenticeship required in division (A)(6) of this 2013
section, has completed the examination for an embalmer's license 2014
required by the board. 2015

(B) Upon receiving satisfactory evidence verified by oath 2016
that the applicant meets all the requirements of division (A) of 2017
this section, the board shall issue the applicant an embalmer's 2018
license. 2019

(C) Any person who desires to be licensed as a funeral 2020
director shall apply to the board on a form provided by the board. 2021
The application shall include an initial license fee as set forth 2022
in section 4717.07 of the Revised Code and evidence, verified by 2023
oath and satisfactory to the board, that the applicant meets all 2024
of the following requirements: 2025

(1) Except as otherwise provided in division (D) of this 2026
section, the applicant has satisfactorily met all the requirements 2027

for an embalmer's license as described in divisions (A)(1) to (4) 2028
of this section. 2029

(2) The applicant has registered with the board prior to 2030
beginning a funeral director apprenticeship. 2031

(3) The applicant, following mortuary science college 2032
training described in division (A)(4) of this section, has 2033
satisfactorily completed a one-year apprenticeship under a 2034
licensed funeral director in this state and has assisted that 2035
person in directing at least twenty-five funerals. 2036

(4) The applicant has satisfactorily completed the 2037
examination for a funeral director's license as required by the 2038
board. 2039

(D) In lieu of mortuary science college training required for 2040
a funeral director's license under division (C)(1) of this 2041
section, the applicant may substitute a satisfactorily completed 2042
two-year apprenticeship under a licensed funeral director in this 2043
state assisting that person in directing at least fifty funerals. 2044

(E) Upon receiving satisfactory evidence that the applicant 2045
meets all the requirements of division (C) of this section, the 2046
board shall issue to the applicant a funeral director's license. 2047

(F) A funeral director or embalmer may request the funeral 2048
director's or embalmer's license be placed on inactive status by 2049
submitting to the board a form prescribed by the board and such 2050
other information as the board may request. A funeral director or 2051
embalmer may not place the funeral director's or embalmer's 2052
license on inactive status unless the funeral director or embalmer 2053
is in good standing with the board and is in compliance with 2054
applicable continuing education requirements. A funeral director 2055
or embalmer who is granted inactive status is prohibited from 2056
participating in any activity for which a funeral director's or 2057
embalmer's license is required in this state. A funeral director 2058

or embalmer who has been granted inactive status is exempt from 2059
the continuing education requirements under section 4717.09 of the 2060
Revised Code during the period of the inactive status. 2061

(G) A funeral director or embalmer who has been granted 2062
inactive status may not return to active status for at least two 2063
years following the date that the inactive status was granted. 2064
Following a period of at least two years of inactive status, the 2065
funeral director or embalmer may apply to return to active status 2066
upon completion of all of the following conditions: 2067

(1) The funeral director or embalmer files with the board a 2068
form prescribed by the board seeking active status and provides 2069
any other information as the board may request; 2070

(2) The funeral director or embalmer takes and passes the 2071
Ohio laws examination for each license being activated; 2072

(3) The funeral director or embalmer pays a reactivation fee 2073
to the board in the amount of one hundred forty dollars for each 2074
license being reactivated. 2075

(H) As used in this section: 2076

(1) "Community control sanction" has the same meaning as in 2077
section 2929.01 of the Revised Code. 2078

(2) "Post-release control sanction" has the same meaning as 2079
in section 2967.01 of the Revised Code. 2080

Sec. 4717.06. (A)(1) Any person who desires to obtain a 2081
license to operate a funeral home, embalming facility, ~~or~~ 2082
crematory facility, or hydrolysis facility shall apply to the 2083
board of embalmers and funeral directors on a form provided by the 2084
board. The application shall include the initial license fee set 2085
forth in section 4717.07 of the Revised Code and proof 2086
satisfactory to the board that the funeral home, embalming 2087
facility, ~~or~~ crematory facility, or hydrolysis facility is in 2088

compliance with rules adopted by the board under section 4717.04 2089
of the Revised Code, rules adopted by the board of building 2090
standards under Chapter 3781. of the Revised Code, and all other 2091
federal, state, and local requirements relating to the safety of 2092
the premises. 2093

(2) If the funeral home, embalming facility, ~~or~~ crematory 2094
facility, or hydrolysis facility to which the license application 2095
pertains is owned by a corporation or limited liability company, 2096
the application shall include the name and address of the 2097
corporation's or limited liability company's statutory agent 2098
appointed under section 1701.07 or 1705.06 of the Revised Code or, 2099
in the case of a foreign corporation, the corporation's designated 2100
agent appointed under section 1703.041 of the Revised Code. If the 2101
funeral home, embalming facility, ~~or~~ crematory facility, or 2102
hydrolysis facility to which the application pertains is owned by 2103
a partnership, the application shall include the name and address 2104
of each of the partners. If, at any time after the submission of a 2105
license application or issuance of a license, the statutory or 2106
designated agent of a corporation or limited liability company 2107
owning a funeral home, embalming facility, ~~or~~ crematory facility, or 2108
hydrolysis facility or the address of the statutory or 2109
designated agent changes or, in the case of a partnership, any of 2110
the partners of the funeral home, embalming facility, ~~or~~ crematory 2111
facility, or hydrolysis facility or the address of any of the 2112
partners changes, the applicant for or holder of the license to 2113
operate the funeral home, embalming facility, ~~or~~ crematory 2114
facility, or hydrolysis facility shall submit written notice to 2115
the board, within thirty days after the change, informing the 2116
board of the change and of any name or address of a statutory or 2117
designated agent or partner that has changed from that contained 2118
in the application for the license or the most recent notice 2119
submitted under division (A)(2) of this section. 2120

(B)(1) The board shall issue a license to operate a funeral home only for the address at which the funeral home is operated. The funeral home license and licenses of the embalmers and funeral directors employed by the funeral home shall be displayed in a conspicuous place within the funeral home.

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

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

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

(3) Except as provided in division (B) of section 4717.11 of the Revised Code, a funeral home shall be established and operated only under the name of a holder of a funeral director's license issued by the board who is actually in charge of and ultimately responsible for the funeral home, and a funeral home license shall not include directional or geographical references in the name of the funeral home. The holder of the funeral home license shall be a funeral director licensed under this chapter who is actually in charge of and ultimately responsible for the funeral home. Nothing in division (B)(3) of this section prohibits the holder of a funeral home license from including directional or geographical references in promotional or advertising materials identifying the location of the funeral home.

(4) Each funeral home shall be directly supervised by a 2153
funeral director licensed under this chapter, who shall supervise 2154
only one funeral home. 2155

(C)(1) The board shall issue a license to operate an 2156
embalming facility only for the address at which the embalming 2157
facility is operated. The license shall be displayed in a 2158
conspicuous place within the facility. 2159

(2) The embalming facility shall be adequately equipped and 2160
maintained in a sanitary manner. The embalming room at such a 2161
facility shall contain only the articles, facilities, and 2162
instruments necessary for its stated purpose. The embalming room 2163
shall be kept in a clean and sanitary condition and used only for 2164
the care and preparation of dead human bodies. 2165

(3) An embalming facility license shall be issued only to an 2166
embalmer licensed under division (B) of section 4717.05 of the 2167
Revised Code, who is actually in charge of the facility. 2168

(D)(1) The board shall issue a license to operate a crematory 2169
facility only for the address at which the crematory facility is 2170
located and operated. The license shall be displayed in a 2171
conspicuous place within the crematory facility. 2172

(2) The crematory facility shall be adequately equipped and 2173
maintained in a clean and sanitary manner. ~~The crematory shall~~ 2174
~~contain only the articles, facilities, and instruments necessary~~ 2175
~~for carrying out the business of the crematory. The crematory~~ 2176
~~shall contain a separate area for the performance of cremation and~~ 2177
~~pulverization of dead human bodies, human body parts, and animals.~~ 2178
The crematory facility may be located in a funeral home, embalming 2179
facility, cemetery building, hydrolysis facility, or other 2180
building in which the crematory facility may lawfully operate. If 2181
a crematory facility engages in the cremation of animals, the 2182
crematory facility shall cremate animals in a cremation chamber 2183

that also is not used to cremate dead human bodies or human body parts and shall not cremate animals in a cremation chamber used for the cremation of dead human bodies and human body parts. Cremation chambers that are used for the cremation of dead human bodies or human body parts and cremation chambers used for the cremation of animals may be located in the same area.

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

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

(E)(1) The board shall issue a license to operate a hydrolysis facility only for the address at which the hydrolysis facility is located and operated. The license shall be displayed in a conspicuous place within the hydrolysis facility.

(2) The hydrolysis facility shall be adequately equipped and maintained in a clean and sanitary manner. The hydrolysis facility may be located in a funeral home, embalming facility, cemetery building, crematory facility, or other building in which the hydrolysis facility may lawfully operate. If the hydrolysis facility engages in the hydrolysis of animals, the hydrolysis facility shall hydrolyze animals in a hydrolysis chamber that is not also used to hydrolyze dead human bodies or human body parts and shall not hydrolyze animals in a hydrolysis chamber used for the hydrolysis of dead human bodies and human body parts. Hydrolysis chambers that are used for the hydrolysis for dead human bodies or human body parts and the hydrolysis chambers used

for the hydrolysis of animals may be located in the same area. 2216

(3) A license to operate a licensed hydrolysis facility shall 2217
be issued to the person actually in charge of the hydrolysis 2218
facility. This section does not require the person in charge of 2219
the hydrolysis facility to be an embalmer or funeral director 2220
licensed under this chapter. 2221

(4) Nothing in this chapter or rules adopted under section 2222
4717.04 of the Revised Code precludes the establishment and 2223
operation of a hydrolysis facility on or adjacent to the property 2224
on which a cemetery, funeral home, embalming facility, or 2225
crematory facility is located. 2226

Sec. 4717.07. (A) The board of embalmers and funeral 2227
directors shall charge and collect the following fees: 2228

(1) For the initial issuance or biennial renewal of an 2229
embalmer's or funeral director's license, one hundred forty 2230
dollars; 2231

(2) For the issuance of an embalmer or funeral director 2232
registration, twenty-five dollars; 2233

(3) For filing an embalmer or funeral director certificate of 2234
apprenticeship, ten dollars; 2235

(4) For the application to take the examination for a license 2236
to practice as an embalmer or funeral director, or to retake a 2237
section of the examination, thirty-five dollars; 2238

(5) For the initial issuance of a license to operate a 2239
funeral home, two hundred fifty dollars and biennial renewal of a 2240
license to operate a funeral home, two hundred fifty dollars; 2241

(6) For the reinstatement of a lapsed embalmer's or funeral 2242
director's license, the renewal fee prescribed in division (A)(1) 2243
of this section plus fifty dollars for each month or portion of a 2244
month the license is lapsed until reinstatement; 2245

(7) For the reinstatement of a lapsed license to operate a funeral home, the renewal fee prescribed in division (A)(5) of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement;	2246 2247 2248 2249
(8) For the initial issuance of a license to operate an embalming facility, two hundred dollars and biennial renewal of a license to operate an embalming facility, two hundred dollars;	2250 2251 2252
(9) For the reinstatement of a lapsed license to operate an embalming facility, the renewal fee prescribed in division (A)(8) of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement;	2253 2254 2255 2256
(10) For the initial issuance of a license to operate a crematory facility, two hundred dollars and biennial renewal of a license to operate a crematory facility, two hundred dollars;	2257 2258 2259
(11) For the reinstatement of a lapsed license to operate a crematory facility, the renewal fee prescribed in division (A)(10) of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement;	2260 2261 2262 2263
(12) <u>For the initial issuance for a license to operate a hydrolysis facility, two hundred dollars and biennial renewal of a license to operate a hydrolysis facility, two hundred dollars;</u>	2264 2265 2266
(13) <u>For the reinstatement of a lapsed license to operate a hydrolysis facility, the renewal fee prescribed in division (A)(12) of this section plus fifty dollars for each month or portion of a month the license has lapsed until reinstatement;</u>	2267 2268 2269 2270
(14) For the issuance of a duplicate of a license issued under this chapter, four dollars.	2271 2272
(B) In addition to the fees set forth in division (A) of this section, an applicant shall pay the examination fee assessed by any examining agency the board uses for any section of an	2273 2274 2275

examination required under this chapter. 2276

(C) Subject to the approval of the controlling board, the 2277
board of embalmers and funeral directors may establish fees in 2278
excess of the amounts set forth in this section, provided that 2279
these fees do not exceed the amounts set forth in this section by 2280
more than fifty per cent. 2281

Sec. 4717.08. (A) Every license issued under this chapter 2282
expires on the last day of December of each even-numbered year and 2283
shall be renewed on or before that date according to the standard 2284
license renewal procedure set forth in Chapter 4745. of the 2285
Revised Code. Licenses not renewed by the last day of December of 2286
each even-numbered year are lapsed. 2287

(B) A holder of a lapsed license to operate a funeral home, 2288
license to operate an embalming facility, ~~or~~ license to operate a 2289
crematory facility, or license to operate a hydrolysis facility 2290
may reinstate the license with the board by paying the lapsed 2291
license fee established under section 4717.07 of the Revised Code. 2292

(C) A holder of a lapsed embalmer's or funeral director's 2293
license may reinstate the license with the board by paying the 2294
lapsed license fee established under section 4717.07 of the 2295
Revised Code, except that if the license is lapsed for more than 2296
one hundred eighty days after its expiration date, the holder also 2297
shall take and pass the Ohio laws examination for each license as 2298
a condition for reinstatement. 2299

Sec. 4717.10. (A) The board of embalmers and funeral 2300
directors may recognize licenses issued to embalmers and funeral 2301
directors by other states, and upon presentation of such licenses, 2302
may issue to the holder an embalmer's or funeral director's 2303
license under this chapter. The board shall charge the same fee as 2304
prescribed in section 4717.07 of the Revised Code to issue or 2305

renew such an embalmer's or funeral director's license. Such 2306
licenses shall be renewed annually as provided in section 4717.08 2307
of the Revised Code. The board shall not issue a license to any 2308
person under this section unless the applicant proves that the 2309
applicant, in the state in which the applicant is licensed, has 2310
complied with requirements substantially equal to those 2311
established in section 4717.05 of the Revised Code. 2312

(B) The board of embalmers and funeral directors may issue 2313
courtesy cards. A courtesy cardholder shall be authorized to 2314
undertake both the following acts in this state: 2315

(1) Prepare and complete those sections of a death 2316
certificate and other permits needed for disposition of deceased 2317
human remains in this state and sign and file such death 2318
certificates and permits; 2319

(2) Supervise and conduct funeral ceremonies and interments 2320
in this state. 2321

(C) The board of embalmers and funeral directors may 2322
determine under what conditions a courtesy card may be issued to 2323
funeral directors in bordering states after taking into account 2324
whether and under what conditions and fees such border states 2325
issue similar courtesy cards to funeral directors licensed in this 2326
state. Applicants for courtesy cards shall apply on forms 2327
prescribed by the board, pay an annual fee set by the board for 2328
initial applications and renewals, and adhere to such other 2329
requirements imposed by the board on courtesy cardholders. 2330

(D) No courtesy cardholder shall be authorized to undertake 2331
any of the following activities in this state: 2332

(1) Arranging funerals or disposition services with members 2333
of the public in this state; 2334

(2) Be employed by or under contract to a funeral home 2335
licensed in this state to perform funeral services in this state; 2336

<u>(3) Advertise funeral or disposition services in this state;</u>	2337
<u>(4) Enter into or execute funeral or disposition contracts in this state;</u>	2338
	2339
<u>(5) Prepare or embalm deceased human remains in this state;</u>	2340
<u>(6) Arrange for or carry out the disinterment of human remains in this state.</u>	2341
	2342
<u>(E) As used in this section, "courtesy card" 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.</u>	2343
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	2346
Sec. 4717.11. (A) A person who is licensed to operate a funeral home shall obtain a new license upon any change in location of the funeral home or any change in ownership of the funeral business that owns the funeral home that results 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. The person licensed to operate the funeral home shall surrender the current license to the board within thirty days after any such change occurs. If a funeral home is sold, the new owner <u>funeral director who will be actually in charge and ultimately responsible for the funeral home</u> shall apply for a license within thirty days after the date of the closing of the purchase of the funeral home. <u>Upon the filing of an application for a funeral home license by a licensed funeral director, the funeral home may continue to operate until the board denies the funeral home's application.</u>	2347
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(B) When the funeral director who is licensed to operate a funeral home dies or otherwise ceases to operate the home <u>because of death, resignation, employment termination, sale of the funeral</u>	2364
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home, or any other reason, the funeral home may continue to 2367
operate under that person's name, provided that the name of the 2368
new person licensed to operate the funeral home is added to the 2369
license within twenty-four months after the previous license 2370
holder dies or otherwise ceases to operate the funeral home. The 2371
new licensee shall meet the requirements of section 4717.06 of the 2372
Revised Code. 2373

(C) A person who is licensed to operate an embalming facility 2374
shall obtain a new license upon any change in location of the 2375
embalming facility or any change in ownership of the business 2376
entity that owns the embalming facility that results in a majority 2377
of the ownership of the business entity being held by one or more 2378
persons who solely or in combination with others did not own a 2379
majority of the business entity immediately prior to the change in 2380
ownership. The person licensed to operate the facility shall 2381
surrender the current license to the board within thirty days 2382
after any such change occurs. 2383

(D) A person who is licensed to operate a crematory facility 2384
shall obtain a new license upon any change in location of the 2385
crematory facility or any change in ownership of the business 2386
entity operating the facility that results in a majority of the 2387
ownership of the business entity being held by one or more persons 2388
who solely or in combination with others did not own a majority of 2389
the business entity immediately prior to the change in ownership. 2390
The person licensed to operate the crematory facility shall 2391
surrender the current license to the board within thirty days 2392
after any such change occurs. 2393

(E) A person who is licensed to operate a hydrolysis facility 2394
shall obtain a new license upon any change in the location of the 2395
hydrolysis facility or any change in the ownership of the business 2396
entity operating the facility that results in a majority of the 2397
ownership of the business entity being held by one or more persons 2398

who solely or in combination with others did not own a majority of 2399
the business entity immediately before the change in ownership. 2400
The person licensed to operate the hydrolysis facility shall 2401
surrender the current license to the board within thirty days 2402
after any such change occurs. 2403

Sec. 4717.12. (A) The following persons are exempt from the 2404
provisions of this chapter: 2405

(1) An officer or employee of the department of health or any 2406
board of health, who, in compliance with rules or orders of the 2407
department of health or board of health, is preparing the body of 2408
a person whose death was caused by a virulent communicable 2409
disease; 2410

(2) An officer, employee, or licensed physician of a medical 2411
college, when any of these are acting on behalf of a medical 2412
college; 2413

(3) Any person carrying out sections 1713.34 to 1713.39 of 2414
the Revised Code, prescribing the conditions under which the 2415
bodies of indigent persons are held subject for anatomical study; 2416

(4) Any person licensed in another state as a funeral 2417
director or embalmer who is assisting a funeral director or 2418
embalmer licensed under this chapter during a disaster or an 2419
emergency in the state that has been declared by this state or a 2420
political subdivision. 2421

(B) This chapter does not prevent or interfere with any of 2422
the following: 2423

(1) The ceremonies, customs, religious rights, or religion of 2424
any people, denomination, or sect; 2425

(2) Any religious denomination or sect, or any body composed 2426
of members of a denomination; 2427

(3) Any church or synagogue committee in preparing dead human 2428

bodies for burial; 2429

(4) The conducting of funerals and the burial of dead human 2430
bodies in accordance with the ceremonies or rights described in 2431
division (B) of this section without the use, employment, or 2432
supervision of a licensed embalmer or funeral director, except 2433
when the body is that of a person whose death was caused by a 2434
virulent communicable disease, in which case the rules of the 2435
department of health or board of health having territorial 2436
jurisdiction shall apply. 2437

Sec. 4717.13. (A) No person shall do any of the following: 2438

(1) Engage in the business or profession of funeral directing 2439
unless the person is licensed as a funeral director under this 2440
chapter, is certified as an apprentice funeral director in 2441
accordance with rules adopted under section 4717.04 of the Revised 2442
Code and is assisting a funeral director licensed under this 2443
chapter, or is a student in a college of mortuary sciences 2444
approved by the board and is under the direct supervision of a 2445
funeral director licensed by the board; 2446

(2) Engage in embalming unless the person is licensed as an 2447
embalmer under this chapter, is certified as an apprentice 2448
embalmer in accordance with rules adopted under section 4717.04 of 2449
the Revised Code and is assisting an embalmer licensed under this 2450
chapter, or is a student in a college of mortuary science approved 2451
by the board and is under the direct supervision of an embalmer 2452
licensed by the board; 2453

(3) Advertise or otherwise offer to provide or convey the 2454
impression that the person provides funeral directing services 2455
unless the person is licensed as a funeral director under this 2456
chapter and is employed by or under contract to a licensed funeral 2457
home and performs funeral directing services for that funeral home 2458
in a manner consistent with the advertisement, offering, or 2459

conveyance;	2460
(4) Advertise or otherwise offer to provide or convey the impression that the person provides embalming services unless the person is licensed as an embalmer under this chapter and is employed by or under contract to a licensed funeral home or a licensed embalming facility and performs embalming services for the funeral home or embalming facility in a manner consistent with the advertisement, offering, or conveyance;	2461 2462 2463 2464 2465 2466 2467
(5) Operate a funeral home without a license to operate the funeral home issued by the board under this chapter;	2468 2469
(6) Practice the business or profession of funeral directing from any place except from a funeral home that a person is licensed to operate under this chapter;	2470 2471 2472
(7) Practice embalming from any place except from a funeral home or embalming facility that a person is licensed to operate under this chapter;	2473 2474 2475
(8) Operate a crematory <u>facility</u> or perform cremation without a license to operate the crematory <u>facility</u> issued under this chapter;	2476 2477 2478
(9) Cremate animals in a cremation chamber in which dead human bodies or body parts are cremated or cremate dead human bodies or human body parts in a cremation chamber in which animals are cremated;	2479 2480 2481 2482
<u>(10) Operate a hydrolysis facility or perform hydrolysis without a license to operate the hydrolysis facility issued under this chapter;</u>	2483 2484 2485
<u>(11) Hydrolyze animals in a hydrolysis chamber in which dead human bodies or human body parts are hydrolyzed or hydrolyze dead human bodies or human body parts in a hydrolysis chamber in which animals are hydrolyzed.</u>	2486 2487 2488 2489

(B) No funeral director or other person in charge of the 2490
final disposition of a dead human body shall fail to do one of the 2491
following prior to the interment of the body: 2492

(1) Affix to the ankle or wrist of the deceased a tag encased 2493
in a durable and long-lasting material that contains the name, 2494
date of birth, date of death, and social security number of the 2495
deceased; 2496

(2) Place in the casket a capsule containing a tag bearing 2497
the information described in division (B)(1) of this section; 2498

(3) If the body was cremated or hydrolyzed, place in the 2499
vessel containing the cremated or hydrolyzed remains a tag bearing 2500
the information described in division (B)(1) of this section. 2501

(C) No person who holds a funeral home license for a funeral 2502
home that is closed, or that is owned by a funeral business in 2503
which changes in the ownership of the funeral business result in a 2504
majority of the ownership of the funeral business being held by 2505
one or more persons who solely or in combination with others did 2506
not own a majority of the funeral business immediately prior to 2507
the change in ownership, shall fail to submit to the board within 2508
thirty days after the closing or such a change in ownership of the 2509
funeral business owning the funeral home, a clearly enumerated 2510
account of all of the following from which the licensee, at the 2511
time of the closing or change in ownership of the funeral business 2512
and in connection with the funeral home, was to receive payment 2513
for providing funeral services, funeral goods, or any combination 2514
of those in connection with the funeral or final disposition of a 2515
dead human body: 2516

(1) Preneed funeral contracts governed by sections 4717.31 to 2517
4717.38 of the Revised Code; 2518

(2) Life insurance policies or annuities the benefits of 2519
which are payable to the provider of funeral or burial goods or 2520

services;	2521
(3) Accounts at banks or savings banks insured by the federal deposit insurance corporation, savings and loan associations insured by the federal savings and loan insurance corporation or the Ohio deposit guarantee fund, or credit unions insured by the national credit union administration or a credit union share guaranty corporation organized under Chapter 1761. of the Revised Code that are payable upon the death of the person for whose benefit deposits into the accounts were made.	2522 2523 2524 2525 2526 2527 2528 2529
Sec. 4717.14. (A) The board of embalmers and funeral directors may refuse to grant or renew, or may suspend or revoke, any license issued under this chapter for any of the following reasons:	2530 2531 2532 2533
(1) The license was obtained by fraud or misrepresentation either in the application or in passing the examination.	2534 2535
(2) The applicant or licensee has been convicted of or has pleaded guilty to a felony or of any crime involving moral turpitude.	2536 2537 2538
(3) The applicant or licensee has purposely violated any provision of sections 4717.01 to 4717.15 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; any rule or order of the department of health or a board of health of a health district governing the disposition of dead human bodies; or any other rule or order applicable to the applicant or licensee.	2539 2540 2541 2542 2543 2544 2545 2546 2547 2548
(4) The applicant or licensee has committed immoral or unprofessional conduct.	2549 2550

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

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

(7) The applicant or licensee has refused to promptly submit the custody of a dead human body upon the express order of the person legally entitled to the body.

(8) The licensee loaned the licensee's own license, or the applicant or licensee borrowed or used the license of another person, or knowingly aided or abetted the granting of an improper license.

(9) The applicant or licensee transferred a license to operate a funeral home, embalming facility, ~~or crematory facility,~~ or hydrolysis facility from one owner or operator to another, or from one location to another, without notifying the board.

(10) The applicant or licensee ~~mislead~~ misled the public by using false or deceptive advertising.

(B)(1) The board of embalmers and funeral directors shall refuse to grant or renew, or shall suspend or revoke, an embalmer's, funeral director's, funeral home, or embalming facility license only in accordance with Chapter 119. of the Revised Code.

(2) The board shall send to the crematory review board written notice that it proposes to refuse to issue or renew, or proposes to suspend or revoke, a license to operate a crematory facility or hydrolysis facility. If, after the conclusion of the adjudicatory hearing on the matter conducted under division (E) of section 4717.03 of the Revised Code, the board of embalmers and

funeral directors finds that any of the circumstances described in 2582
divisions (A)(1) to (10) of this section apply to the person named 2583
in its proposed action, the board may issue a final order under 2584
division (E) of section 4717.03 of the Revised Code refusing to 2585
issue or renew, or suspending or revoking, the person's license to 2586
operate a crematory facility or hydrolysis facility. 2587

(C) If the board of embalmers and funeral directors 2588
determines that there is clear and convincing evidence that any of 2589
the circumstances described in divisions (A)(1) to (10) of this 2590
section apply to the holder of a license issued under this chapter 2591
and that the licensee's continued practice presents a danger of 2592
immediate and serious harm to the public, the board may suspend 2593
the licensee's license without a prior adjudicatory hearing. The 2594
executive director of the board shall prepare written allegations 2595
for consideration by the board. 2596

The board, after reviewing the written allegations, may 2597
suspend a license without a prior hearing. 2598

The board shall issue a written order of suspension by 2599
certified mail or in person in accordance with section 119.07 of 2600
the Revised Code. Such an order is not subject to suspension by 2601
the court during the pendency of any appeal filed under section 2602
119.12 of the Revised Code. If the holder of an embalmer's, 2603
funeral director's, funeral home, or embalming facility license 2604
requests an adjudicatory hearing by the board, the date set for 2605
the hearing shall be within fifteen days, but not earlier than 2606
seven days, after the licensee has requested a hearing, unless the 2607
board and the licensee agree to a different time for holding the 2608
hearing. 2609

Upon issuing a written order of suspension to the holder of a 2610
license to operate a crematory facility or hydrolysis facility, 2611
the board of embalmers and funeral directors shall send written 2612
notice of the issuance of the order to the crematory review board. 2613

The crematory review board shall hold an adjudicatory hearing on 2614
the order under division (E) of section 4717.03 of the Revised 2615
Code within fifteen days, but not earlier than seven days, after 2616
the issuance of the order, unless the crematory review board and 2617
the licensee agree to a different time for holding the 2618
adjudicatory hearing. 2619

Any summary suspension imposed under this division shall 2620
remain in effect, unless reversed on appeal, until a final 2621
adjudicatory order issued by the board of embalmers and funeral 2622
directors pursuant to this division and Chapter 119. of the 2623
Revised Code, or division (E) of section 4717.03 of the Revised 2624
Code, as applicable, becomes effective. The board of embalmers and 2625
funeral directors shall issue its final adjudicatory order within 2626
sixty days after the completion of its hearing or, in the case of 2627
the summary suspension of a license to operate a crematory 2628
facility or hydrolysis facility, within sixty days after 2629
completion of the adjudicatory hearing by the crematory review 2630
board. A failure to issue the order within that time results in 2631
the dissolution of the summary suspension order, but does not 2632
invalidate any subsequent final adjudicatory order. 2633

(D) If the board of embalmers and funeral directors suspends 2634
or revokes a license held by a funeral director or a funeral home 2635
for any reason identified in division (A) of this section, the 2636
board may file a complaint with the court of common pleas in the 2637
county where the violation occurred requesting appointment of a 2638
receiver and the sequestration of the assets of the funeral home 2639
that held the suspended or revoked license or the licensed funeral 2640
home that employs the funeral director that held the suspended or 2641
revoked license. If the court of common pleas is satisfied with 2642
the application for a receivership, the court may appoint a 2643
receiver. 2644

The board or a receiver may employ and procure whatever 2645

assistance or advice is necessary in the receivership or 2646
liquidation and distribution of the assets of the funeral home, 2647
and, for that purpose, may retain officers or employees of the 2648
funeral home as needed. All expenses of the receivership or 2649
liquidation shall be paid from the assets of the funeral home and 2650
shall be a lien on those assets, and that lien shall be a priority 2651
to any other lien. 2652

(E) Any holder of a license issued under this chapter who has 2653
pleaded guilty to, has been found by a judge or jury to be guilty 2654
of, or has had a judicial finding of eligibility for treatment in 2655
lieu of conviction entered against the individual in this state 2656
for aggravated murder, murder, voluntary manslaughter, felonious 2657
assault, kidnapping, rape, sexual battery, gross sexual 2658
imposition, aggravated arson, aggravated robbery, or aggravated 2659
burglary, or who has pleaded guilty to, has been found by a judge 2660
or jury to be guilty of, or has had a judicial finding of 2661
eligibility for treatment in lieu of conviction entered against 2662
the individual in another jurisdiction for any substantially 2663
equivalent criminal offense, is hereby suspended from practice 2664
under this chapter by operation of law, and any license issued to 2665
the individual under this chapter is hereby suspended by operation 2666
of law as of the date of the guilty plea, verdict or finding of 2667
guilt, or judicial finding of eligibility for treatment in lieu of 2668
conviction, regardless of whether the proceedings are brought in 2669
this state or another jurisdiction. The board shall notify the 2670
suspended individual of the suspension of the individual's license 2671
by the operation of this division by certified mail or in person 2672
in accordance with section 119.07 of the Revised Code. If an 2673
individual whose license is suspended under this division fails to 2674
make a timely request for an adjudicatory hearing, the board shall 2675
enter a final order revoking the license. 2676

(F) No person whose license has been suspended or revoked 2677

under or by the operation of this section shall practice embalming 2678
or funeral directing or operate a funeral home, embalming 2679
facility, ~~or~~ crematory facility, or hydrolysis facility until the 2680
board has reinstated the person's license. 2681

Sec. 4717.20. As used in sections 4717.20 to 4717.30 of the 2682
Revised Code: 2683

(A) "Alternative container" means a receptacle, other than a 2684
casket, in which a dead human body or body parts are transported 2685
to a crematory facility and placed in the cremation chamber for 2686
cremation, and that meets all of the following requirements: 2687

(1) Is composed of readily combustible materials that are 2688
suitable for cremation; 2689

(2) May be closed in order to provide a complete covering for 2690
the dead human body or body parts; 2691

(3) Is resistant to leakage or spillage; 2692

(4) Is sufficiently rigid to be handled readily; 2693

(5) Provides protection for the health and safety of 2694
crematory personnel. 2695

(B) "Authorizing agent" means the person or persons 2696
identified in section 4717.21 or 4717.22 of the Revised Code who 2697
are entitled to order the cremation or hydrolysis of a decedent or 2698
body parts and to order the final disposition of the cremated or 2699
hydrolyzed remains of a decedent or body parts. 2700

(C) "Body parts" means limbs or other portions of the anatomy 2701
that are removed from a living person for medical purposes during 2702
biopsy, treatment, or surgery. "Body parts" also includes dead 2703
human bodies that have been donated to science for purposes of 2704
medical education or research and any parts of such a dead human 2705
body that were removed for those purposes. 2706

(D) "Burial or burial-transit permit" means a burial permit 2707
or burial-transit permit issued under section 3705.17 of the 2708
Revised Code or the laws of another state that are substantially 2709
similar to that section. 2710

(E) "Casket" means a rigid container that is designed for the 2711
encasement of a dead human body and that is constructed of wood, 2712
metal, or another rigid material, is ornamented and lined with 2713
fabric, and may or may not be combustible. 2714

(F) "Temporary container" means a receptacle for cremated or 2715
hydrolyzed remains composed of cardboard, plastic, metal, or 2716
another material that can be closed in a manner that prevents the 2717
leakage or spillage of ~~the cremated~~ such remains and the entrance 2718
of foreign material, and that is of sufficient size to hold ~~the~~ 2719
~~cremated~~ such remains until they are placed in an urn or 2720
scattered. 2721

(G) "Urn" means a receptacle designed to encase cremated or 2722
hydrolyzed remains permanently. 2723

Sec. 4717.21. (A) Any person, on an antemortem basis, may 2724
serve as the person's own authorizing agent, authorize the 2725
person's own cremation or hydrolysis, and specify the arrangements 2726
for the final disposition of the person's own cremated or 2727
hydrolyzed remains by executing an antemortem ~~cremation~~ 2728
authorization form. A guardian, custodian, or other personal 2729
representative who is authorized by law or contract to do so on 2730
behalf of a person, on an antemortem basis, may authorize the 2731
cremation or hydrolysis of the person and specify the arrangements 2732
for the final disposition of the person's cremated or hydrolyzed 2733
remains by executing an antemortem ~~cremation~~ authorization form on 2734
the person's behalf. Any such antemortem ~~cremation~~ authorization 2735
form also shall be signed by one witness. The original copy of the 2736
executed authorization form shall be sent to the operator of the 2737

crematory or hydrolysis facility being authorized to conduct the 2738
cremation or hydrolysis, and a copy shall be retained by the 2739
person who executed the authorization form. The person who 2740
executed an antemortem ~~cremation~~ authorization form may revoke the 2741
authorization at any time by providing written notice of the 2742
revocation to the operator of the crematory or hydrolysis facility 2743
named in the authorization form. The person who executed the 2744
authorization form may transfer the authorization to another 2745
crematory or hydrolysis facility by providing written notice to 2746
the operator of ~~the crematory~~ such facility named in the original 2747
authorization of the revocation of the authorization and, in 2748
accordance with this division, executing a new antemortem 2749
~~cremation~~ authorization form authorizing the operator of another 2750
~~crematory~~ facility to conduct the cremation or hydrolysis. 2751

(B)(1) Each antemortem ~~cremation~~ authorization form shall 2752
specify the final disposition that is to be made of the cremated 2753
or hydrolyzed remains. 2754

(2) Every antemortem ~~cremation~~ authorization form entered 2755
into on or after the effective date of this amendment shall 2756
specify the final disposition that is to be made of the remains 2757
and shall include a provision in substantially the following form: 2758

NOTICE: Upon the death of the person who is the subject of 2759
this antemortem ~~cremation~~ authorization, the person holding the 2760
right of disposition under section 2108.70 or 2108.81 of the 2761
Revised Code may cancel the cremation or hydrolysis arrangements, 2762
modify the arrangements for the final disposition of the cremated 2763
or hydrolyzed remains, or make alternative arrangements for the 2764
final disposition of the decedent's body. However, the person 2765
executing this antemortem ~~cremation~~ authorization is encouraged to 2766
state his or her preferences as to the manner of final disposition 2767
in a declaration of the right of disposition pursuant to section 2768
2108.72 of the Revised Code, including that the arrangements set 2769

forth in this form shall be followed. 2770

(C)(1) Except as provided in division (C)(2) of this section, 2771
when the operator of a crematory or hydrolysis facility is in 2772
possession of ~~a cremation~~ an authorization form that has been 2773
executed on an antemortem basis in accordance with this section, 2774
the other conditions set forth in division (A) of section 4717.23 2775
of the Revised Code have been met, the ~~crematory~~ facility has 2776
possession of the decedent to which the antemortem authorization 2777
pertains, and the ~~crematory~~ facility has received payment for the 2778
cremation or hydrolysis of the decedent and the final disposition 2779
of the cremated or hydrolyzed remains of the decedent or is 2780
otherwise assured of payment for those services, the ~~crematory~~ 2781
facility shall cremate or hydrolyze the decedent as directed and 2782
dispose of the ~~cremated~~ remains in accordance with the 2783
instructions contained in the antemortem ~~cremation~~ authorization 2784
form. 2785

(2) A person with the right of disposition for a decedent 2786
under section 2108.70 or 2108.81 of the Revised Code who is not 2787
disqualified under section 2108.75 of the Revised Code may cancel 2788
the arrangements for the decedent's cremation or hydrolysis, 2789
modify the arrangements for the final disposition of the 2790
decedent's cremated or hydrolyzed remains, or make alternative 2791
arrangements for the final disposition of the decedent's body. If 2792
a person with the right takes any such action, the operator shall 2793
disregard the instructions contained in the ~~cremation~~ antemortem 2794
authorization form and follow the instructions of the person with 2795
the right. 2796

(D) An antemortem ~~cremation~~ authorization form executed under 2797
division (A) of this section does not constitute a contract for 2798
conducting the cremation or hydrolysis of the person named in the 2799
authorization form or for the final disposition of the person's 2800
cremated or hydrolyzed remains. Despite the existence of such an 2801

antemortem ~~cremation~~ authorization, a person ~~identified under~~ 2802
~~division (A) of section 4717.22 of the Revised Code as being~~ 2803
~~entitled to act as the authorizing agent with the right of~~ 2804
~~disposition for the cremation of the a decedent named in the~~ 2805
~~antemortem authorization, in the descending order of priority in~~ 2806
~~which they are listed, under section 2108.70 or 2108.81 of the~~ 2807
~~Revised Code may modify, in writing, the arrangements for the~~ 2808
final disposition of the cremated or hydrolyzed remains of the 2809
decedent set forth in the authorization form or may cancel the 2810
cremation or hydrolysis and claim the decedent's body for purposes 2811
of making alternative arrangements for the final disposition of 2812
the decedent's body. The revocation of an antemortem ~~cremation~~ 2813
authorization form executed under division (A) of this section, or 2814
the cancellation of the cremation or hydrolysis of the person 2815
named in the antemortem authorization or modification of the 2816
arrangements for the final disposition of the person's cremated or 2817
hydrolyzed remains as authorized by this division, does not affect 2818
the validity or enforceability of any contract entered into for 2819
the cremation or hydrolysis of the person named in the antemortem 2820
authorization or for the final disposition of the person's 2821
cremated or hydrolyzed remains. 2822

(E) Nothing in this section applies to any antemortem 2823
~~cremation~~ authorization form executed prior to the effective date 2824
of this section. Any cemetery, funeral home, crematory facility, 2825
hydrolysis facility or other party may specify, with the written 2826
approval of the person who executed the antemortem authorization, 2827
that such an antemortem authorization is subject to sections 2828
4717.21 to 4717.30 of the Revised Code. 2829

Sec. 4717.22. (A) The person who has the right of disposition 2830
under section 2108.70 or 2108.81 of the Revised Code may serve as 2831
an authorizing agent for the cremation or hydrolysis of a dead 2832
human body, including, without limitation, a dead human body that 2833

was donated to science for purposes of medical education or 2834
research. 2835

(B) If body parts were removed from a living person, the 2836
person from whom the body parts were removed or the person who has 2837
the right of disposition under section 2108.70 or 2108.81 of the 2838
Revised Code may serve as the authorizing agent for the cremation 2839
or hydrolysis of the body parts. 2840

(C) If body parts were removed from a decedent whose body was 2841
donated to science for purposes of medical education or research, 2842
the person who has the right of disposition under section 2108.70 2843
or 2108.81 of the Revised Code may serve as the authorizing agent 2844
for the cremation or hydrolysis of the body parts. In the absence 2845
of any action by the person with the right of disposition with 2846
respect to the cremation or hydrolysis of such body parts, the 2847
medical education or research facility to which the decedent's 2848
body was donated may serve as the authorizing agent for the 2849
cremation or hydrolysis of such parts. 2850

Sec. 4717.23. (A) No operator of a crematory or hydrolysis 2851
facility shall cremate or hydrolyze, or allow the cremation or 2852
hydrolysis at ~~a crematory~~ the facility the operator is licensed to 2853
operate under this chapter, of a dead human body, other than one 2854
that was donated to science for purposes of medical education or 2855
research, until all of the following have occurred: 2856

(1) A period of at least twenty-four hours has elapsed since 2857
the decedent's death as indicated on a complete, nonprovisional 2858
death certificate filed under section 3705.16 of the Revised Code 2859
or under the laws of another state that are substantially 2860
equivalent to that section, unless, if the decedent died from a 2861
virulent communicable disease, the department of health or board 2862
of health having territorial jurisdiction where the death of the 2863
decedent occurred requires by rule or order the cremation or 2864

hydrolysis to occur prior to the end of that period; 2865

(2) The operator has received a burial or burial-transit 2866
permit that authorizes the cremation or hydrolysis of the 2867
decedent; 2868

(3) The operator has received a completed ~~cremation~~ 2869
authorization form executed pursuant to section 4717.21 or 4717.24 2870
of the Revised Code, as applicable, that authorizes the cremation 2871
or hydrolysis of the decedent. A blank ~~cremation~~ authorization 2872
form shall be provided by the operator and shall comply with 2873
section 4717.24 of the Revised Code and, if applicable, section 2874
4717.21 of the Revised Code. 2875

(4) The operator has received any other documentation 2876
required by this state or a political subdivision of this state. 2877

(B) No operator of a crematory or hydrolysis facility shall 2878
cremate or hydrolyze, or allow the cremation or hydrolysis of, any 2879
body parts, including, without limitation, dead human bodies that 2880
were donated to science for purposes of medical research or 2881
education, at a ~~crematory~~ the facility the operator is licensed to 2882
operate in this state until both of the following have occurred: 2883

(1) The operator has received a completed ~~cremation~~ 2884
authorization form executed pursuant to section 4717.25 of the 2885
Revised Code or, if the decedent has executed an antemortem 2886
~~cremation~~ authorization form in accordance with section 4717.21 of 2887
the Revised Code and has donated the decedent's body to science 2888
for purposes of medical education or research, such an antemortem 2889
~~cremation~~ authorization form; 2890

(2) The operator has received any other documentation 2891
required by this state or a political subdivision of this state. 2892

Sec. 4717.24. (A) A cremation or hydrolysis authorization 2893
form authorizing the cremation or hydrolysis of a dead human body, 2894

other than one that was donated to science for purposes of medical 2895
education or research, shall include at least all of the following 2896
information and statements: 2897

(1) ~~The identity of~~ A statement that the decedent has been 2898
identified in accordance with division (B) of this section; 2899

(2) The name of the funeral director or other individual who 2900
obtained the burial or burial-transit permit authorizing the 2901
cremation or hydrolysis of the decedent; 2902

(3) The name of the authorizing agent and the relationship of 2903
the authorizing agent to the decedent; 2904

(4) A statement that the authorizing agent in fact has the 2905
right to authorize cremation or hydrolysis of the decedent and 2906
that the authorizing agent does not have actual knowledge of the 2907
existence of any living person who has a superior priority right 2908
to act as the authorizing agent under section 4717.22 of the 2909
Revised Code. If the person executing the ~~cremation~~ authorization 2910
form knows of another living person who has such a superior 2911
priority right, the authorization form shall include a statement 2912
indicating that the person executing the authorization form has 2913
made reasonable efforts to contact the person having the superior 2914
priority right and has been unable to do so and that the person 2915
executing the authorization form has no reason to believe that the 2916
person having the superior priority right would object to the 2917
cremation or hydrolysis of the decedent. 2918

(5) ~~A~~ In the case of a cremation authorization form, a 2919
statement of whether the authorizing agent has actual knowledge of 2920
the presence in the decedent of a pacemaker, defibrillator, or any 2921
other mechanical or radioactive device or implant that poses a 2922
hazard to the health or safety of personnel performing the 2923
cremation; 2924

(6) ~~A~~ In the case of a cremation authorization form, a 2925

statement indicating the crematory facility is to cremate the 2926
casket or alternative container in which the decedent was 2927
delivered to or accepted by the crematory facility; 2928

(7) ~~A~~ In the case of a cremation authorization form, a 2929
statement of whether the crematory facility is authorized to 2930
simultaneously cremate the decedent in the same cremation chamber 2931
with one or more other decedents who were related to the decedent 2932
named in the cremation authorization form by consanguinity or 2933
affinity or who, at any time during the one-year period preceding 2934
the decedent's death, lived with the decedent in a common law 2935
marital relationship or otherwise cohabited with the decedent. A 2936
cremation authorization form executed under this section shall not 2937
authorize the simultaneous cremation of a decedent in the same 2938
cremation chamber with one or more other decedents except under 2939
the circumstances described in the immediately preceding sentence. 2940

(8) The names of any persons designated by the authorizing 2941
agent to be present in the holding facility or cremation ~~room~~ or 2942
hydrolysis area prior to or during the cremation or hydrolysis of 2943
the decedent or during the removal of the cremated or hydrolyzed 2944
remains from the cremation or hydrolysis chamber; 2945

(9) The authorization for the crematory or hydrolysis 2946
facility to cremate or hydrolyze the decedent and to process or 2947
pulverize the cremated or hydrolyzed remains as is the practice at 2948
the particular ~~crematory~~ facility; 2949

(10) ~~A~~ In the case of a cremation authorization form, a 2950
statement of whether it is the crematory facility's practice to 2951
return all of the residue removed from the cremation chamber 2952
following the cremation or to separate and remove foreign matter 2953
from the residue before returning the cremated remains to the 2954
authorizing agent or the person designated on the authorization 2955
form to receive the cremated remains pursuant to division (A)(11) 2956
of this section; 2957

(11) The name of the person who is to receive the cremated or hydrolyzed remains of the decedent from the crematory or hydrolysis facility; 2958
2959
2960

(12) The manner in which the final disposition of the 2961
cremated or hydrolyzed remains of the decedent is to occur, if 2962
known. If the ~~cremation~~ authorization form does not specify the 2963
manner of the final disposition of the cremated or hydrolyzed 2964
remains, it shall indicate that the ~~cremated~~ remains will be held 2965
by the crematory or hydrolysis facility for thirty days after the 2966
cremation or hydrolysis, unless, prior to the end of that period, 2967
they are picked up from the ~~crematory~~ facility by the person 2968
designated on the ~~cremation~~ authorization form to receive them, 2969
the authorizing agent, or, if applicable, the funeral director who 2970
obtained the burial or burial-transit permit for the decedent, or 2971
are delivered or shipped by the operator of the ~~crematory~~ facility 2972
to one of those persons. The authorization form shall indicate 2973
that if no instructions for the final disposition are provided on 2974
the authorization form and that if no arrangements for final 2975
disposition have been made within the thirty-day period, the 2976
~~crematory~~ facility may return the ~~cremated~~ remains to the 2977
authorizing agent. The authorization form shall further indicate 2978
that if no arrangements for the final disposition of the ~~cremated~~ 2979
remains have been made within sixty days after the completion of 2980
the cremation or hydrolysis and if the authorizing agent has not 2981
picked them up or caused them to be picked up within that period, 2982
the operator or funeral director may dispose of them in accordance 2983
with division (C) of section 4717.27 of the Revised Code. 2984

(13) A listing of the items of value to be delivered to the 2985
crematory or hydrolysis facility along with the dead human body, 2986
if any, and instructions regarding how those items are to be 2987
handled; 2988

(14) A statement of whether the authorizing agent has made 2989

arrangements for any type of viewing of the decedent or for a 2990
service with the decedent present prior to the cremation or 2991
hydrolysis and, if so, the date, time, and place of the service; 2992

(15) A statement of whether the ~~crematory~~ facility may 2993
proceed with the cremation or hydrolysis at any time after the 2994
conditions set forth in division (A) of section 4717.23 of the 2995
Revised Code have been met and the decedent has been received at 2996
the facility; 2997

(16) The certification of the authorizing agent to the effect 2998
that all of the information and statements contained in the 2999
authorization form are accurate; 3000

(17) ~~The signature of a funeral director licensed under this 3001
chapter, or another individual, as a witness. If a licensed 3002
funeral director signs the authorization form as a witness, the 3003
funeral director is responsible for verifying the accuracy of the 3004
information and statements required under divisions (A)(1) and (2) 3005
of this section, but is not responsible for verifying the accuracy 3006
of any of the other information or statements provided on the 3007
authorization form by the authorizing agent, unless the funeral 3008
director has actual knowledge to the contrary regarding any of the 3009
other information or statements. In addition, at the time the 3010
decedent is delivered to the crematory facility, the funeral 3011
director shall certify that the dead human body delivered to the 3012
crematory facility is that of the decedent identified on the 3013
authorization form and shall certify that the responsibility 3014
imposed on the funeral director by division (B) of section 4717.29 3015
of the Revised Code has been carried out. If an individual other 3016
than a licensed funeral director signs the authorization form as a 3017
witness, the individual is not responsible for the accuracy of any 3018
of the information or statements provided on the authorization 3019
form, unless the individual has actual knowledge to the contrary 3020
regarding any of the information or statements provided by the 3021~~

authorizing agent and the signature of at least one witness who 3022
observed the authorizing agent execute the cremation or hydrolysis 3023
authorization form. 3024

(B) In making the identification of the decedent required by 3025
division (A)(1) of this section, the funeral home arranging the 3026
cremation or hydrolysis shall require the authorizing agent or the 3027
agent's appointed representative to visually identify the 3028
decedent's remains or a photograph or other visual image of the 3029
remains. If identification is by photograph or other visual image, 3030
the authorizing agent or representative shall sign the photograph 3031
or other visual image. If visual identification is not feasible, 3032
other positive identification of the decedent may be used 3033
including, but not limited to, reliance upon an identification 3034
made through the coroner's office or identification of photographs 3035
or other visual images of scars, tattoos, or physical deformities 3036
taken from the decedent's remains. 3037

(C) An authorizing agent who is not available to execute a 3038
cremation or hydrolysis authorization form in person may designate 3039
another individual to serve as the authorizing agent by providing 3040
to the operator of the crematory or hydrolysis facility where the 3041
cremation or hydrolysis is to occur a written designation, 3042
acknowledged before a notary public or other person authorized to 3043
administer oaths, authorizing that other individual to serve as 3044
the authorizing agent, or by sending to the operator a facsimile 3045
transmission of the written designation that has been so 3046
acknowledged. Any such written designation shall contain the name 3047
of the decedent, the name and address of the authorizing agent, 3048
the relationship of the authorizing agent to the decedent, and the 3049
name and address of the individual who is being designated to 3050
serve as the authorizing agent. Upon receiving such a written 3051
designation or a facsimile transmission of such a written 3052
designation, the operator shall permit the individual named in the 3053

written designation to serve as the authorizing agent and to 3054
execute the ~~ereamation~~ authorization form authorizing the cremation 3055
or hydrolysis of the decedent named in the written designation. 3056

~~(C)~~(D) An authorizing agent who signs a cremation or 3057
hydrolysis authorization form under this section is hereby deemed 3058
to warrant the accuracy of the information and statements 3059
contained in ~~the~~ such authorization form, including the ~~person's~~ 3060
identification of the decedent and the agent's authority to 3061
authorize the cremation or hydrolysis. A funeral home and its 3062
employees are not responsible for verifying the accuracy of any 3063
information or statements the authorizing agent made on the 3064
authorization form, unless the funeral home or its employees have 3065
actual knowledge to the contrary regarding any such information or 3066
statement. When delivering the decedent's remains to a crematory 3067
or hydrolysis facility or in carrying out the disposition in its 3068
own facility, the funeral home is responsible for having the 3069
decedent identified pursuant to division (B) of this section and 3070
carrying out the obligations imposed on the funeral home by 3071
division (B) of section 4717.29 of the Revised Code. 3072

~~(D)~~(E) At any time after executing a cremation or hydrolysis 3073
authorization form and prior to the beginning of the cremation or 3074
hydrolysis process, the authorizing agent who executed the 3075
~~ereamation~~ authorization form under division (A) or ~~(B)~~(C) of this 3076
section may, in writing, modify the arrangements for the final 3077
disposition of the cremated or hydrolyzed remains of the decedent 3078
set forth in the authorization form or may, in writing, revoke the 3079
authorization, cancel the cremation or hydrolysis, and claim the 3080
decedent's body for purposes of making alternative arrangements 3081
for the final disposition of the decedent's body. The operator of 3082
a ~~ereamatory~~ facility shall cancel the cremation or hydrolysis if 3083
the operator receives such a revocation before beginning the 3084
cremation or hydrolysis. 3085

~~(E)~~(F) A cremation or hydrolysis authorization form executed 3086
under this section does not constitute a contract for conducting 3087
the cremation or hydrolysis of the decedent named in the 3088
authorization form or for the final disposition of the cremated or 3089
hydrolyzed remains of the decedent. The revocation of a ~~cremation~~ 3090
the authorization form or modification of the arrangements for the 3091
final disposition of the cremated or hydrolyzed remains of the 3092
decedent pursuant to division ~~(D)~~(E) of this section does not 3093
affect the validity or enforceability of any contract for the 3094
cremation or hydrolysis of the decedent named in the authorization 3095
form or for the final disposition of the cremated or hydrolyzed 3096
remains of the decedent. 3097

Sec. 4717.25. (A) A cremation or hydrolysis authorization 3098
form authorizing the cremation or hydrolysis of any body parts, 3099
including, without limitation, dead human bodies that were donated 3100
to science for purposes of medical education or research shall 3101
include at least all of the following information and statements, 3102
as applicable: 3103

(1) The identity of the decedent whose body was donated to 3104
science for purposes of medical education or research or the 3105
identity of the living person or such a decedent from whom the 3106
body parts were removed; 3107

(2) The name of the authorizing agent and the relationship of 3108
the authorizing agent to the decedent or the living person from 3109
whom the body parts were removed; 3110

(3) A statement that the authorizing agent in fact has the 3111
right to authorize the cremation or hydrolysis of the decedent or 3112
the body parts removed from the decedent or living person and a 3113
description of the basis of the person's right to execute the 3114
~~cremation~~ authorization form; 3115

(4) A statement of whether the crematory or hydrolysis 3116

facility is authorized to simultaneously cremate or hydrolyze the 3117
decedent or body parts removed from the decedent or living person 3118
with one or more other decedents whose bodies were donated to 3119
science for purposes of medical education or research or with body 3120
parts removed from one or more other decedents or living persons; 3121

(5) The authorization for the crematory or hydrolysis 3122
facility to cremate or hydrolyze the decedent or body parts 3123
removed from the decedent or living person and to process or 3124
pulverize the cremated or hydrolyzed remains as is the practice at 3125
the particular ~~crematory~~ facility; 3126

(6) ~~A~~ In the case of cremation, a statement of whether it is 3127
the crematory facility's practice to return all of the residue 3128
removed from the cremation chamber following the cremation or to 3129
separate and remove foreign matter from the residue before 3130
returning the cremated remains to the authorizing agent or the 3131
authorizing agent's designee; 3132

(7) The name of the person who is to receive the cremated or 3133
hydrolyzed remains from the ~~crematory~~ facility; 3134

(8) The manner in which the final disposition of the cremated 3135
or hydrolyzed remains is to occur, if known. If the ~~cremation~~ 3136
authorization form does not specify the manner of the final 3137
disposition of the cremated or hydrolyzed remains, it shall 3138
indicate that the ~~cremated~~ remains will be held by the ~~crematory~~ 3139
facility for thirty days after the cremation or hydrolysis, 3140
unless, prior to the end of that period, they are picked up from 3141
the ~~crematory~~ facility by the person designated on the 3142
authorization form to receive them or by the authorizing agent, or 3143
are delivered or shipped by the operator of the ~~crematory~~ facility 3144
to one of those persons. The authorization form shall indicate 3145
that if no instructions for the final disposition of the cremated 3146
or hydrolyzed remains are provided on the authorization form and 3147
that if no arrangements for final disposition have been made 3148

within the thirty-day period, the ~~crematory~~ facility may return 3149
the ~~cremated~~ remains to the authorizing agent. The authorization 3150
form shall further indicate that if no arrangements for the final 3151
disposition of the ~~cremated~~ remains have been made within sixty 3152
days after the cremation or hydrolysis and if the authorizing 3153
agent or person designated on the authorization form to receive 3154
the ~~cremated~~ remains has not picked them up or caused them to be 3155
picked up within that period, the operator may dispose of them in 3156
accordance with division (C)(1) or (2) of section 4717.27 of the 3157
Revised Code. 3158

(9) The certification of the authorizing agent to the effect 3159
that all of the information and statements contained in the 3160
authorization form are accurate. 3161

(B) An authorizing agent who signs a cremation or hydrolysis 3162
authorization form under this section is hereby deemed to warrant 3163
the accuracy of the information and statements contained in the 3164
authorization form, including the person's authority to authorize 3165
the cremation or hydrolysis. 3166

(C) At any time after executing a cremation or hydrolysis 3167
authorization form and prior to the beginning of the cremation or 3168
hydrolysis process, an authorizing agent who executed a ~~cremation~~ 3169
such an authorization form under this section may, in writing, 3170
revoke the authorization, cancel the cremation or hydrolysis, and 3171
claim the decedent's body or the body parts for purposes of making 3172
alternative arrangements for the final disposition of the 3173
decedent's body or the body parts. The operator of a ~~crematory~~ 3174
facility shall cancel the cremation or hydrolysis if the operator 3175
receives such a revocation before beginning the cremation or 3176
hydrolysis. 3177

(D) A cremation or hydrolysis authorization form executed 3178
under this section does not constitute a contract for conducting 3179
the cremation or hydrolysis of the decedent named in the 3180

authorization form or body parts removed from the decedent or 3181
living person named in the form or for the final disposition of 3182
the cremated or hydrolyzed remains of the decedent or body parts. 3183
The revocation of a ~~cremation~~ an authorization form or 3184
modification of the arrangements for the final disposition of the 3185
cremated or hydrolyzed remains of the decedent or the body parts 3186
pursuant to division (C) of this section does not affect the 3187
validity or enforceability of any contract for the cremation or 3188
hydrolysis of the decedent named in the authorization form, the 3189
cremation or hydrolysis of body parts from the decedent or living 3190
person named in the authorization form, or the final disposition 3191
of the cremated or hydrolyzed remains of the decedent or body 3192
parts. 3193

Sec. 4717.26. (A) The operator of a crematory or hydrolysis 3194
facility may schedule the time for the cremation or hydrolysis of 3195
a dead human body to occur at the operator's own convenience at 3196
any time after the conditions set forth in division (A) or (B) of 3197
section 4717.23 of the revised code, as applicable, have been met 3198
and the decedent or body parts have been delivered to the 3199
facility, unless, in the case of a dead human body, the operator 3200
has received specific instructions to the contrary on the 3201
cremation or hydrolysis authorization form authorizing the 3202
cremation or hydrolysis of the decedent executed under section 3203
4717.21, 4717.24, or 4717.25 of the Revised Code. The operator of 3204
a crematory or hydrolysis facility becomes responsible for a dead 3205
human body or body parts when the body or body parts have been 3206
delivered to or accepted by the facility or an employee or agent 3207
of the facility. 3208

(B) No operator of a crematory or hydrolysis facility shall 3209
fail to do either of the following: 3210

(1) Upon receipt at the crematory or hydrolysis facility of 3211

any dead human body that has not been embalmed, and subject to the 3212
prohibition set forth in division (C)(1) of this section, place 3213
the body in a holding or refrigerated facility at the ~~crematory~~ 3214
facility and keep the body in the holding or refrigerated facility 3215
until near the time the cremation or hydrolysis process commences 3216
or until the body is held at the facility for eight hours or 3217
longer. If the body is held for eight hours or longer, place the 3218
body in a refrigerated facility at the ~~crematory~~ facility and keep 3219
the body in the refrigerated facility until near the time the 3220
cremation or hydrolysis process commences; 3221

(2) Upon receipt of any dead human body that has been 3222
embalmed, place the body in a holding facility at the ~~crematory~~ 3223
facility and keep the body in the holding facility until the 3224
cremation or hydrolysis process commences. 3225

(C) No operator of a crematory or hydrolysis facility shall 3226
do either of the following, unless the instructions contained in 3227
the cremation or hydrolysis authorization form authorizing the 3228
cremation or hydrolysis of the decedent executed under section 3229
4717.21, 4717.24, or 4717.25 of the Revised Code specifically 3230
provide otherwise: 3231

(1) ~~Remove~~ In the case of cremation, remove any dead human 3232
body from the casket or alternative container in which the body 3233
was delivered to or accepted by the crematory facility; 3234

(2) ~~Fail~~ In the case of cremation, fail to cremate the casket 3235
or alternative container in which the body was delivered or 3236
accepted, in its entirety with the body. 3237

(D) No operator of a crematory or hydrolysis facility shall 3238
simultaneously cremate or hydrolyze more than one decedent or body 3239
parts removed from more than one decedent or living person in the 3240
same cremation or hydrolysis chamber unless the ~~cremation~~ 3241
authorization forms executed under section 4717.21, 4717.24, or 3242

4717.25 of the Revised Code authorizing the cremation or 3243
hydrolysis of each of the decedents or body parts removed from 3244
each decedent or living person specifically authorize such a 3245
simultaneous cremation or hydrolysis. This division does not 3246
prohibit the use of cremation equipment that contains more than 3247
one cremation chamber. 3248

(E) No operator of a crematory or hydrolysis facility shall 3249
permit any persons other than employees of the ~~crematory~~ facility, 3250
the authorizing agent for the cremation or hydrolysis of the 3251
decedent ~~who is to be, is being, or was cremated~~, persons 3252
designated to be present at the cremation or hydrolysis of the 3253
decedent on the ~~cremation~~ authorization form executed under 3254
section 4717.21 or 4717.24 of the Revised Code, and persons 3255
authorized by the ~~individual who is actually in charge~~ operator of 3256
the ~~crematory~~ facility, to be present in the holding facility or 3257
cremation ~~room~~ or hydrolysis area while any dead human bodies or 3258
body parts are being held there prior to ~~cremation or are being~~ 3259
~~cremated or while any cremated remains are being removed from the~~ 3260
~~cremation chamber~~ or during the cremation or hydrolysis process. 3261

(F)(1) No operator of a crematory or hydrolysis facility 3262
shall remove any dental gold, body parts, organs, or other items 3263
of value from a dead human body prior to the cremation or 3264
hydrolysis or from the cremated or hydrolyzed remains after 3265
cremation or hydrolysis unless the ~~cremation authorization~~ form 3266
authorizing the cremation or hydrolysis of the decedent executed 3267
under section 4717.21 or 4717.24 of the Revised Code specifically 3268
authorizes the removal thereof. 3269

(2) No operator of a crematory or hydrolysis facility that 3270
removes any dental gold, body parts, organs, or other items from a 3271
dead human body or assists in such removal shall charge a fee for 3272
doing so that exceeds the actual cost to the ~~crematory~~ facility 3273
for performing or assisting in the removal. 3274

(G) Upon the completion of each cremation or hydrolysis, the 3275
operator of a crematory or hydrolysis facility shall remove from 3276
the cremation or hydrolysis chamber all of the cremation or 3277
hydrolysis residue that is practicably recoverable. If the 3278
~~cremation~~ authorization form executed under section 4717.21, 3279
4717.24, or 4717.25 of the Revised Code specifies that the 3280
cremated or hydrolyzed remains are to be placed in an urn, the 3281
operator shall place them in the type of urn specified on the 3282
authorization form. If the authorization form does not specify 3283
that the cremated or hydrolyzed remains are to be placed in an 3284
urn, the operator shall place them in a temporary container. If 3285
not all of the recovered cremated or hydrolyzed remains will fit 3286
in the urn selected or the temporary container, the operator shall 3287
place the remainder in a separate temporary container, and the 3288
~~cremated~~ remains placed in the separate temporary container shall 3289
be delivered, released, or disposed of along with those in the urn 3290
or other temporary container. Nothing in this section requires an 3291
operator of a ~~crematory~~ facility to recover any specified quantity 3292
or quality of cremated or hydrolyzed remains upon the completion 3293
of a cremation or hydrolysis, but only requires an operator to 3294
recover from the cremation or hydrolysis chamber all of the 3295
cremation or hydrolysis residue that is practically recoverable. 3296

(H) No operator of a crematory or hydrolysis facility shall 3297
knowingly represent to an authorizing agent or a designee of an 3298
authorizing agent that an urn or temporary container contains the 3299
recovered cremated or hydrolyzed remains of a specific decedent or 3300
of body parts removed from a specific decedent or living person 3301
when it does not. This division does not prohibit the making of 3302
such a representation because of the presence in the recovered 3303
cremated or hydrolyzed remains of de minimus amounts of the 3304
cremated or hydrolyzed remains of another decedent or of body 3305
parts removed from another decedent or living person that were not 3306
practicably recoverable and that remained in the cremation or 3307

hydrolysis chamber after the ~~cremated~~ remains from any previous 3308
~~cremations~~ cremation or hydrolysis were removed. 3309

(I) No operator of a crematory or hydrolysis facility or 3310
funeral director shall ship or cause to be shipped any cremated or 3311
hydrolyzed remains by a class or method of mail, common carrier 3312
service, or delivery service that does not have an internal system 3313
for tracing the location of the ~~cremated~~ remains during shipment 3314
and that does not require a signed receipt from the person 3315
accepting delivery of the ~~cremated~~ remains. 3316

(J) No operator of a crematory or hydrolysis facility shall 3317
fail to establish and maintain a system for accurately identifying 3318
each dead human body in the facility's possession, and for 3319
identifying each decedent or living person from which body parts 3320
in the facility's possession were removed, throughout all phases 3321
of the holding ~~and~~, cremation, and hydrolysis process. 3322

(K) No operator of a crematory facility shall knowingly use 3323
or allow the use of the same cremation chamber for the cremation 3324
of dead human bodies, or human body parts, and animals. No 3325
operator of a hydrolysis facility shall knowingly use or allow the 3326
use of the same hydrolysis chamber for the hydrolysis of dead 3327
human bodies or human body parts, and animals. 3328

Sec. 4717.27. (A) The authorizing agent who executed the 3329
cremation or hydrolysis authorization form authorizing the 3330
cremation or hydrolysis of a decedent under section 4717.24 of the 3331
Revised Code or the cremation or hydrolysis of body parts under 3332
section 4717.25 of the Revised Code is ultimately responsible for 3333
the final disposition of the cremated or hydrolyzed remains of the 3334
decedent or body parts. 3335

(B) If the cremation or hydrolysis authorization form does 3336
not contain instructions for the final disposition of the cremated 3337
or hydrolyzed remains of the decedent or body parts, if no 3338

arrangements for the disposition of the cremated or hydrolyzed 3339
remains are made within thirty days after the completion of the 3340
cremation or hydrolysis, and if ~~the cremated~~ such remains have not 3341
been picked up within that thirty-day period by the person 3342
designated to receive them on the authorization form or, in the 3343
absence of such a designated person, by the authorizing agent, the 3344
operator of the ~~crematory~~ facility or the funeral home holding the 3345
unclaimed cremated or hydrolyzed remains, at the end of that 3346
thirty-day period, may release or deliver them in person to, or 3347
cause their delivery by a method described in division (I) of 3348
section 4717.26 of the Revised Code that is acceptable under that 3349
division to, the person designated to receive them on the 3350
~~cremation~~ authorization form or, if no person has been so 3351
designated, to the authorizing agent. 3352

(C)(1) If the cremation or hydrolysis authorization form does 3353
not contain instructions for the final disposition of the cremated 3354
or hydrolyzed remains of the decedent or body parts, if no 3355
arrangements for the final disposition of ~~the cremated~~ such 3356
remains are made within sixty days after the completion of the 3357
cremation or hydrolysis, and if ~~the cremated~~ such remains have not 3358
been picked up by the person designated on the authorization form 3359
to receive them or, in the absence of such a designated person, by 3360
the authorizing agent, the operator of the ~~crematory~~ facility or 3361
the funeral home holding the unclaimed cremated or hydrolyzed 3362
remains may dispose of ~~the cremated~~ such remains in a grave, 3363
crypt, or niche at any time after the end of that sixty-day 3364
period. 3365

(2) If the cremation or hydrolysis authorization form 3366
specifies the manner of the final disposition of the cremated or 3367
hydrolyzed remains, or if within sixty days after the completion 3368
of the cremation or hydrolysis, the authorizing agent makes 3369
arrangements for the final disposition of the cremated or 3370

hydrolyzed remains, and if either the arrangements have not been 3371
carried out within that sixty-day period because of the inaction 3372
of a party other than the operator of the ~~crematory~~ facility or 3373
the funeral home holding the unclaimed cremated or hydrolyzed 3374
remains, or the authorizing agent fails to pick up the cremated or 3375
hydrolyzed remains within that sixty-day period, the operator of 3376
the ~~crematory~~ facility or the funeral home holding the unclaimed 3377
cremated or hydrolyzed remains may dispose of ~~the cremated~~ such 3378
remains in a grave, crypt, or niche at any time after the end of 3379
that period. 3380

(3) If cremated or hydrolyzed remains of a decedent who was 3381
eighteen years or older at the time of death are unclaimed under 3382
divisions (C)(1) and (2) of this section, the operator of the 3383
crematory or hydrolysis facility or the funeral home holding ~~the~~ 3384
~~cremated~~ such remains shall, before disposing of the unclaimed 3385
~~cremated~~ remains, notify the secretary of the United States 3386
department of veterans affairs of the name of, and other 3387
identifying information related to, the decedent. If, within sixty 3388
days of the notification, the secretary of the department of 3389
veterans affairs notifies the ~~crematory~~ facility or funeral home 3390
that the decedent was a veteran who is eligible for burial in a 3391
national cemetery under the control of the national cemetery 3392
administration and that the secretary agrees to provide for the 3393
cost of the transportation and burial of the unclaimed ~~cremated~~ 3394
remains in a national cemetery, the ~~crematory~~ facility or funeral 3395
home shall follow the directions of the secretary and arrange for 3396
the burial of the unclaimed remains in the national cemetery at 3397
the secretary's expense. If the secretary does not assume the 3398
right to direct the burial of the unclaimed remains within sixty 3399
days of the notification by the ~~crematory~~ facility or funeral 3400
home, the ~~crematory~~ facility or funeral home may carry out the 3401
disposition of the unclaimed remains under divisions (C)(1) and 3402
(2) of this section. 3403

(4) When cremated or hydrolyzed remains are disposed of in accordance with division (C)(1) or (2) of this section, the authorizing agent who executed the cremation or hydrolysis authorization form authorizing the cremation or hydrolysis of the decedent or body parts under section 4717.24 or 4717.25 of the Revised Code is liable to the operator of the crematory or hydrolysis facility or the funeral home for the cost of the final disposition, which cost shall not exceed the reasonable cost for disposing of the ~~cremated~~ unclaimed remains in a common grave or crypt in the county where the ~~cremated~~ unclaimed remains were buried or placed in a crypt or niche.

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

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

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

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

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

(b) The commingling of the cremated or hydrolyzed remains of more than one decedent or of body parts removed from more than one decedent or living person or the placement in the same urn or temporary container of the cremated or hydrolyzed remains of more

than one decedent or of body parts removed from more than one 3435
decedent or living person when each authorizing agent who executed 3436
the cremation or hydrolysis authorization form authorizing the 3437
cremation or hydrolysis of each of the decedents or body parts 3438
removed from each of the decedents or living persons under section 3439
4717.21, 4717.24, or 4717.25 of the Revised Code authorized the 3440
commingling of ~~the cremated~~ such remains or the placement of ~~the~~ 3441
~~cremated~~ such remains in the same urn or temporary container on 3442
the authorization form. 3443

(c) The commingling, by the individual designated on the 3444
cremation or hydrolysis authorization form authorizing the 3445
cremation or hydrolysis of the decedent or body parts to receive 3446
the cremated or hydrolyzed remains, other than a funeral director 3447
or employee of a cemetery, or by the authorizing agent who 3448
executed the ~~cremation~~ authorization form, after receipt of the 3449
cremated or hydrolyzed remains, of ~~the cremated~~ such remains with 3450
those of another decedent or of body parts removed from another 3451
decedent or living person or the placing of them by any such 3452
person in the same urn or temporary container with those of 3453
another decedent or of body parts removed from another decedent or 3454
living person. 3455

Sec. 4717.28. (A) No operator of a crematory or hydrolysis 3456
facility shall fail to ensure that a written receipt is provided 3457
to the person who delivers a dead human body or body parts to the 3458
facility for cremation or hydrolysis. If the dead human body is 3459
other than one that was donated to science for purposes of medical 3460
education or research, the receipt shall be signed by both a 3461
representative of the ~~crematory~~ facility and the person who 3462
delivered the decedent to the ~~crematory~~ facility and shall 3463
indicate the name of the decedent; the date and time of delivery; 3464
the type of casket or alternative container in which the decedent 3465
was delivered to the facility; the name of the person who 3466

delivered the decedent to the facility; if applicable, the name of 3467
the funeral home or other establishment with whom the delivery 3468
person is affiliated; and the name of the person who received the 3469
decedent on behalf of the facility. If the dead human body was 3470
donated to science for purposes of medical education or research, 3471
the receipt shall consist of a copy of the cremation or hydrolysis 3472
authorization form executed under section 4717.21, 4717.24, or 3473
4717.25 of the Revised Code that authorizes the cremation or 3474
hydrolysis of the decedent or body parts that has been signed by 3475
both a representative of the ~~crematory~~ facility and the person who 3476
delivered the decedent or body parts to the ~~crematory~~ facility and 3477
that indicates the date and time of the delivery. The operator may 3478
provide the copy of the receipt to the person who delivered the 3479
decedent or body parts to the facility either in person or by 3480
certified mail, return receipt requested. 3481

(B) No operator of a crematory or hydrolysis facility shall 3482
fail to ensure at the time of releasing cremated or hydrolyzed 3483
remains that a written receipt signed by both a representative of 3484
the ~~crematory~~ facility and the person who received ~~the cremated~~ 3485
such remains is provided to the person who received the ~~cremated~~ 3486
remains. Unless the cremated or hydrolyzed remains are those of a 3487
dead human body that was donated to science for purposes of 3488
medical education or research or are those of body parts, the 3489
receipt shall indicate the name of the decedent; the date and time 3490
of the release; the name of the person to whom the ~~cremated~~ 3491
remains were released; if applicable, the name of the funeral 3492
home, cemetery, or other entity to whom the ~~cremated~~ remains were 3493
released; and the name of the person who released the ~~cremated~~ 3494
remains on behalf of the ~~crematory~~ facility. If the cremated or 3495
hydrolyzed remains are those of a dead human body that was donated 3496
to science for purposes of medical education or research or are 3497
those of body parts, the receipt shall consist of a copy of the 3498
cremation or hydrolysis authorization form executed under section 3499

4717.21, 4717.24, or 4717.25 of the Revised Code that authorizes 3500
the cremation or hydrolysis of the decedent or body parts that has 3501
been signed by both a representative of the crematory or 3502
hydrolysis facility and the person who received the ~~cremated~~ 3503
remains and that indicates the date and time of the release. If 3504
the ~~cremated~~ remains were delivered to the authorizing agent or 3505
other individual designated on the ~~cremation~~ authorization form by 3506
a method described in division (I) of section 4717.26 of the 3507
Revised Code that is acceptable under that division, the receipt 3508
required by this division shall accompany the cremated or 3509
hydrolyzed remains, and the signature of the authorizing agent or 3510
other designated individual on the delivery receipt meets the 3511
requirement of this division that the person receiving ~~the~~ 3512
~~cremated~~ such remains sign the receipt provided by the ~~crematory~~ 3513
facility. 3514

(C) No operator of a crematory or hydrolysis facility shall 3515
fail to make or keep on file during the time that the operator 3516
remains engaged in the business of cremating or hydrolyzing dead 3517
human bodies or body parts, all of the following records and 3518
documents: 3519

(1) A copy of each receipt issued upon acceptance by or 3520
delivery to the crematory or hydrolysis facility of a dead human 3521
body under division (A) of this section; 3522

(2) A record of each cremation and hydrolysis conducted at 3523
~~the~~ such facility, containing at least the name of the decedent 3524
or, in the case of body parts, the name of the decedent or living 3525
person from whom the body parts were removed, the date and time of 3526
the cremation or hydrolysis, and the final disposition made of the 3527
cremated or hydrolyzed remains; 3528

(3) A copy of each delivery receipt issued under division (B) 3529
of this section; 3530

(4) A separate record of the cremated or hydrolyzed remains 3531
of each decedent or the body parts removed from each decedent or 3532
living person that were disposed of in accordance with division 3533
(C)(1) or (2) of section 4717.27 of the Revised Code, containing 3534
at least the name of the decedent, the date and time of the 3535
cremation or hydrolysis, and the location, date, and manner of 3536
final disposition of the cremated or hydrolyzed remains. 3537

(D) All records required to be maintained under sections 3538
4717.21 to 4717.30 of the Revised Code are subject to inspection 3539
by the board of embalmers and funeral directors or an authorized 3540
representative of the board, upon reasonable notice, at any 3541
reasonable time. 3542

Sec. 4717.30. (A) The operator of a crematory or hydrolysis 3543
facility or a funeral director is not liable in damages in a civil 3544
action for any of the following actions or omissions, unless the 3545
actions or omissions were made with malicious purpose, in bad 3546
faith, or in a wanton or reckless manner or unless any of the 3547
conditions set forth in divisions (B)(1) to (3) of this section 3548
apply: 3549

(1)(a) For having arranged or performed the cremation or 3550
hydrolysis of the decedent, or having released or disposed of the 3551
cremated or hydrolyzed remains, in accordance with the 3552
instructions set forth in the ~~cremation~~ authorization form 3553
executed by the decedent on an antemortem basis under section 3554
4717.21 of the Revised Code; 3555

(b) ~~Having~~ For having arranged or performed the cremation or 3556
hydrolysis of the decedent or body parts removed from the decedent 3557
or living person or having released or disposed of the cremated or 3558
hydrolyzed remains in accordance with the instructions set forth 3559
in a ~~cremation~~ an authorization form executed ~~in person~~ by the 3560
person authorized to serve as the authorizing agent for the 3561

cremation or hydrolysis of the decedent or for the cremation or 3562
hydrolysis of body parts of the decedent or living person, named 3563
in the ~~cremation~~ authorization form executed under section 4717.24 3564
or 4717.25 of the Revised Code. 3565

(2) ~~Having~~ For having arranged or performed the cremation or 3566
hydrolysis of the decedent, or having released or disposed of the 3567
cremated or hydrolyzed remains, in accordance with the 3568
instructions set forth in the ~~cremation~~ authorization form 3569
executed by a designated agent under division ~~(B)~~(C) of section 3570
4717.24 of the Revised Code. 3571

(B) The operator of a crematory or hydrolysis facility is not 3572
liable in damages in a civil action for refusing to accept a dead 3573
human body or body parts or to perform a cremation or hydrolysis 3574
under any of the following circumstances, unless the refusal was 3575
made with malicious purpose, in bad faith, or in a wanton or 3576
reckless manner: 3577

(1) The operator has actual knowledge that there is a dispute 3578
regarding the cremation or hydrolysis of the decedent or body 3579
parts, until such time as the operator receives an order of the 3580
probate court ~~of common pleas~~ having jurisdiction ordering the 3581
cremation or hydrolysis of the decedent or body parts or until the 3582
operator receives from the parties to the dispute a copy of a 3583
written agreement resolving the dispute and authorizing the 3584
cremation or hydrolysis to be performed. 3585

(2) The operator has a reasonable basis for questioning the 3586
accuracy of any of the information or statements contained in a 3587
~~cremation~~ an authorization form executed under section 4717.21, 3588
4717.24, or 4717.25 of the Revised Code, as applicable, that 3589
authorizes the cremation or hydrolysis of the decedent or body 3590
parts. 3591

(3) The operator has any other lawful reason for refusing to 3592

accept the dead human body or body parts or to perform the 3593
cremation or hydrolysis. 3594

(C) The operator of a crematory or hydrolysis facility or a 3595
funeral director is not liable in damages in a civil action for 3596
refusing to release or dispose of the cremated or hydrolyzed 3597
remains of a decedent or body parts when the operator or funeral 3598
director has actual knowledge that there is a dispute regarding 3599
the release or final disposition of the ~~cremated~~ remains in 3600
connection with any damages sustained, prior to the time the 3601
operator or funeral director receives an order of the probate 3602
court ~~of common pleas~~ having jurisdiction ordering the release or 3603
final disposition of the cremated or hydrolyzed remains, or prior 3604
to the time the ~~facility~~ operator or funeral director receives 3605
from the parties to the dispute a copy of a written agreement 3606
resolving the dispute and authorizing the cremation or hydrolysis 3607
to be performed. 3608

(D) The operator of a crematory or hydrolysis facility is not 3609
liable in damages in a civil action in connection with the 3610
cremation or hydrolysis of, or disposition of the cremated or 3611
hydrolyzed remains of, any dental gold, jewelry, or other items of 3612
value delivered to the facility with a dead human body or body 3613
parts, unless either or both of the following apply: 3614

(1) The ~~cremation~~ authorization form authorizing the 3615
cremation or hydrolysis of the decedent or body parts executed 3616
under section 4717.21, 4717.24, or 4717.25 of the Revised Code, as 3617
applicable, contains specific instructions for the removal or 3618
recovery and disposition of any such dental gold, jewelry, or 3619
other items of value prior to ~~or after~~ the cremation or 3620
hydrolysis, and the operator has failed to comply with the written 3621
instructions. 3622

(2) The actions or omissions of the operator were made with 3623
malicious purpose, in bad faith, or in a wanton or reckless 3624

manner. 3625

(E)(1) This section does not create a new cause of action 3626
against or substantive legal right against the operator of a 3627
crematory or hydrolysis facility or a funeral director. 3628

(2) This section does not affect any immunities from civil 3629
liability or defenses established by another section of the 3630
Revised Code or available at common law to which the operator of a 3631
crematory or hydrolysis facility or a funeral director may be 3632
entitled under circumstances not covered by this section. 3633

Sec. 5120.45. The state shall bear the expense of the burial 3634
~~or~~, cremation, or hydrolysis of an inmate who dies in a state 3635
correctional institution, if the body is not claimed for interment 3636
~~or~~, cremation, or hydrolysis at the expense of friends or 3637
relatives, or is not delivered for anatomical purposes or for the 3638
study of embalming in accordance with section 1713.34 of the 3639
Revised Code. When the expense is borne by the state, interment of 3640
the person or the person's cremated or hydrolyzed remains shall be 3641
in the institution cemetery or other place provided by the state. 3642
The managing officer of the institution shall provide at the grave 3643
of the person or, if the person's ~~cremated~~ remains are buried, at 3644
the grave of the person's ~~cremated~~ remains, a metal, stone, or 3645
concrete marker on which shall be inscribed the name and age of 3646
the person and the date of death. 3647

Sec. 5121.11. The state shall bear the expense of the burial, 3648
hydrolysis, or cremation of an indigent resident who dies in a 3649
state institution operated by the department of developmental 3650
disabilities under section 5123.03 of the Revised Code or in a 3651
state correctional institution if the body is not claimed for 3652
interment, hydrolysis, or cremation at the expense of friends or 3653
relatives or is not delivered for anatomical purposes or for the 3654

study of embalming in accordance with section 1713.34 of the 3655
Revised Code. The managing officer of the institution shall 3656
provide at the grave of the person or, if the person's cremated or 3657
hydrolyzed remains are buried, at the grave of the person's 3658
~~cremated~~ remains, a metal, stone, or concrete marker on which 3659
shall be inscribed the name and age of the person and the date of 3660
death. 3661

Sec. 5121.53. The state shall bear the expense of the burial, 3662
hydrolysis, or cremation of an indigent patient who dies in a 3663
hospital if the body is not claimed for interment, hydrolysis, or 3664
cremation at the expense of friends or relatives, or is not 3665
delivered for anatomical purposes or for the study of embalming in 3666
accordance with section 1713.34 of the Revised Code. The managing 3667
officer of the hospital shall provide at the grave of the patient 3668
or, if the patient's cremated or hydrolyzed remains are buried, at 3669
the grave of the patient's ~~cremated~~ remains, a metal, stone, or 3670
concrete marker on which shall be inscribed the name and age of 3671
the patient and the date of death. 3672

Sec. 5901.24. If it is desired to bury the body or cremated 3673
or hydrolyzed remains of any deceased veteran in any cemetery not 3674
having a burial plot as provided by section 5901.22 of the Revised 3675
Code, the board of county commissioners, any board of township 3676
trustees, or the legislative authority of any municipal 3677
corporation in the county in which the cemetery is situated may 3678
purchase a space for the grave of the veteran or the veteran's 3679
~~cremated~~ remains, provide for the care of the plot, and pay the 3680
amount of the purchase price and maintenance cost from the funds 3681
in the treasury of the county, township, or municipal corporation. 3682

Sec. 5901.25. The board of county commissioners shall require 3683
the veterans service commission, upon application and with the 3684

approval of the family or friends of the deceased, to contract, at 3685
a fair and reasonable price, with the funeral director selected by 3686
the family or friends, and cause to be interred, hydrolyzed, or 3687
cremated in a decent and respectable manner the body of any 3688
veteran, or the parent, spouse, or surviving spouse of any such 3689
veteran, who dies without the means to defray the necessary 3690
funeral, hydrolysis, or cremation expenses. Such a burial may be 3691
made in any cemetery or burial ground within the state, other than 3692
those used exclusively for the burial of paupers and criminals. 3693
3694

Sec. 5901.26. Pursuant to section 5901.25 of the Revised 3695
Code, the veterans service commission shall use the forms of 3696
contracts prescribed by sections 5901.25 to 5901.32 of the Revised 3697
Code, and abide by the regulations provided by such sections. The 3698
commission shall see that funeral directors furnish all items 3699
specified in the contract, that when the benefits of such sections 3700
are claimed the entire amount to be contributed by the county 3701
toward the cost of the burial, hydrolysis, or cremation shall not 3702
exceed the sum of one thousand dollars, and that any remaining 3703
costs are paid by the family or friends of the deceased. 3704

Sec. 5901.27. Before assuming the charge and expense of any 3705
burial, hydrolysis, or cremation, the veterans service commission, 3706
pursuant to section 5901.25 of the Revised Code, shall satisfy 3707
itself, beyond a reasonable doubt, by careful inquiry, that the 3708
family of the deceased is unable, for want of means, to defray the 3709
expenses of the burial, hydrolysis, or cremation, or that the 3710
family may be deprived of means actually necessary for its 3711
immediate support. Thereupon the commission shall cause the 3712
deceased to be buried, hydrolyzed, or cremated and make a report 3713
thereof to the board of county commissioners. The report shall set 3714
forth that the commission found the family of the deceased person 3715

in indigent circumstances and unable to pay the expenses of 3716
burial, hydrolysis, or cremation. The report shall also set forth 3717
the name of the deceased, the rank and command to which the 3718
deceased belonged if a veteran, the date of death, the place of 3719
burial or disposition made of the person's hydrolyzed or cremated 3720
remains, the occupation while living, and an accurate itemized 3721
statement of the expenses incurred by reason of the burial, 3722
hydrolysis, or cremation. 3723

Sec. 5901.29. The funeral director employed to perform the 3724
service described by section 5901.25 of the Revised Code shall use 3725
the blanks provided by this section, specifying what the funeral 3726
director is to furnish for the service. The contract shall be 3727
signed by the funeral director and a copy thereof left with the 3728
veterans service commission with which it is made. Such contract 3729
shall read as follows: 3730

"I, funeral director, residing at 3731
..... hereby agree to furnish the following items for 3732
the burial, hydrolysis, or cremation (circle one) of 3733
....., who resided at, and died 3734
.....,, which shall consist of: 3735

(A) One casket, nicely covered with a good quality of black 3736
cloth, lined with a good quality of white satin or other material, 3737
and trimmed on the outside with handles of a fair quality in 3738
keeping with the casket; 3739

(B) One burial robe of a good quality of material; 3740

(C) One plain box appropriate for receiving the coffin or urn 3741
containing cremated or hydrolyzed remains inside the grave; 3742

(D) Payment for digging the grave, in the place designated by 3743
the friends of the deceased or as otherwise provided, and for 3744
filling the grave in a proper manner; 3745

(E) Furnishing a funeral car for conveying the remains to the 3746
place of burial or hydrolysis or crematory facility; 3747

(F) Preparing the body for burial when so requested; 3748

(G) Furnishing necessary transportation for the use of the 3749
family, friends, and pallbearers, which people shall be returned 3750
to their respective homes or to the place where the funeral 3751
services were held; 3752

(H) Furnishing a decent, respectable funeral, for the sum of 3753
..... dollars." 3754

Sec. 5901.32. Upon securing the report and statement of 3755
expenses as provided by section 5901.27 of the Revised Code, the 3756
board of county commissioners shall transcribe in a book to be 3757
kept for that purpose, all the facts contained in the report 3758
concerning a deceased veteran, and shall certify the expenses thus 3759
incurred to the county auditor, who shall draw a warrant for those 3760
expenses upon the county treasurer, to be paid from the county 3761
fund to such persons as are designated by the board. Upon the 3762
death of any indigent veteran residing within the county at the 3763
time of death and the burial of the indigent veteran or the 3764
indigent veteran's cremated or hydrolyzed remains, the board shall 3765
make application to the proper authorities, under the United 3766
States government, for a suitable headstone, as provided by act of 3767
congress, and shall cause it to be placed at the grave of the 3768
deceased veteran or the deceased veteran's ~~eremated~~ remains. 3769

Section 2. That existing sections 9.15, 313.12, 759.01, 3770
1713.36, 1721.06, 1721.18, 1721.21, 2108.15, 2108.70, 2108.72, 3771
2108.75, 2108.82, 2108.83, 2108.84, 2108.85, 2108.86, 2108.87, 3772
2111.13, 2743.51, 2925.01, 3705.01, 3705.17, 3705.18, 3705.19, 3773
3705.20, 3707.19, 4511.451, 4717.01, 4717.04, 4717.05, 4717.06, 3774
4717.07, 4717.08, 4717.10, 4717.11, 4717.12, 4717.13, 4717.14, 3775
4717.20, 4717.21, 4717.22, 4717.23, 4717.24, 4717.25, 4717.26, 3776

4717.27, 4717.28, 4717.30, 5120.45, 5121.11, 5121.53, 5901.24,	3777
5901.25, 5901.26, 5901.27, 5901.29, and 5901.32 of the Revised	3778
Code are hereby repealed.	3779