

**As Reported by the House State Government and Elections
Committee**

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Sub. H. B. No. 481

Representative Hackett

**Cosponsors: Representatives Beck, Grossman, Boose, Wachtmann, Henne,
Slaby, L., Combs**

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A B I L L

To amend sections 4717.05, 4717.06, 4717.10, 4717.11,	1
4717.12, 4717.21, 4717.24, and 4717.30 of the	2
Revised Code to authorize the Board of Embalmers	3
and Funeral Directors to issue courtesy licenses	4
to allow funeral directors in bordering states to	5
conduct limited funeral-related activities in	6
Ohio; to permit embalmers and funeral directors to	7
place their licenses on inactive status; to	8
clarify that, upon the sale of the funeral home,	9
the home may remain operating based upon a	10
submission of a new license application to the	11
Board; to permit out-of-state funeral directors	12
without a license to work with licensed funeral	13
directors during a declared disaster or emergency;	14
and to eliminate the requirement that funeral	15
homes be the guarantor of the identity of	16
decedents and instead require funeral homes to	17
complete only visual identification of remains.	18

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

Section 1. That sections 4717.05, 4717.06, 4717.10, 4717.11, 19
4717.12, 4717.21, 4717.24, and 4717.30 of the Revised Code be 20
amended to read as follows: 21

Sec. 4717.05. (A) Any person who desires to be licensed as an 22
embalmer shall apply to the board of embalmers and funeral 23
directors on a form provided by the board. The applicant shall 24
include with the application an initial license fee as set forth 25
in section 4717.07 of the Revised Code and evidence, verified by 26
oath and satisfactory to the board, that the applicant meets all 27
of the following requirements: 28

(1) The applicant is at least eighteen years of age and of 29
good moral character. 30

(2) If the applicant has pleaded guilty to, has been found by 31
a judge or jury to be guilty of, or has had a judicial finding of 32
eligibility for treatment in lieu of conviction entered against 33
the applicant in this state for aggravated murder, murder, 34
voluntary manslaughter, felonious assault, kidnapping, rape, 35
sexual battery, gross sexual imposition, aggravated arson, 36
aggravated robbery, or aggravated burglary, or has pleaded guilty 37
to, has been found by a judge or jury to be guilty of, or has had 38
a judicial finding of eligibility for treatment in lieu of 39
conviction entered against the applicant in another jurisdiction 40
for a substantially equivalent offense, at least five years has 41
elapsed since the applicant was released from incarceration, a 42
community control sanction, a post-release control sanction, 43
parole, or treatment in connection with the offense. 44

(3) The applicant holds at least a bachelor's degree from a 45
college or university authorized to confer degrees by the Ohio 46
board of regents or the comparable legal agency of another state 47
in which the college or university is located and submits an 48

official transcript from that college or university with the 49
application. 50

(4) The applicant has satisfactorily completed at least 51
twelve months of instruction in a prescribed course in mortuary 52
science as approved by the board and has presented to the board a 53
certificate showing successful completion of the course. The 54
course of mortuary science college training may be completed 55
either before or after the completion of the educational standard 56
set forth in division (A)(3) of this section. 57

(5) The applicant has registered with the board prior to 58
beginning an embalmer apprenticeship. 59

(6) The applicant has satisfactorily completed at least one 60
year of apprenticeship under an embalmer licensed in this state 61
and has assisted that person in embalming at least twenty-five 62
dead human bodies. 63

(7) The applicant, upon meeting the educational standards 64
provided for in divisions (A)(3) and (4) of this section and 65
completing the apprenticeship required in division (A)(6) of this 66
section, has completed the examination for an embalmer's license 67
required by the board. 68

(B) Upon receiving satisfactory evidence verified by oath 69
that the applicant meets all the requirements of division (A) of 70
this section, the board shall issue the applicant an embalmer's 71
license. 72

(C) Any person who desires to be licensed as a funeral 73
director shall apply to the board on a form provided by the board. 74
The application shall include an initial license fee as set forth 75
in section 4717.07 of the Revised Code and evidence, verified by 76
oath and satisfactory to the board, that the applicant meets all 77
of the following requirements: 78

(1) Except as otherwise provided in division (D) of this 79

section, the applicant has satisfactorily met all the requirements 80
for an embalmer's license as described in divisions (A)(1) to (4) 81
of this section. 82

(2) The applicant has registered with the board prior to 83
beginning a funeral director apprenticeship. 84

(3) The applicant, following mortuary science college 85
training described in division (A)(4) of this section, has 86
satisfactorily completed a one-year apprenticeship under a 87
licensed funeral director in this state and has assisted that 88
person in directing at least twenty-five funerals. 89

(4) The applicant has satisfactorily completed the 90
examination for a funeral director's license as required by the 91
board. 92

(D) In lieu of mortuary science college training required for 93
a funeral director's license under division (C)(1) of this 94
section, the applicant may substitute a satisfactorily completed 95
two-year apprenticeship under a licensed funeral director in this 96
state assisting that person in directing at least fifty funerals. 97

(E) Upon receiving satisfactory evidence that the applicant 98
meets all the requirements of division (C) of this section, the 99
board shall issue to the applicant a funeral director's license. 100

(F) A funeral director or embalmer may request the funeral 101
director's or embalmer's license be placed on inactive status by 102
submitting to the board a form prescribed by the board and such 103
other information as the board may request. A funeral director or 104
embalmer may not place the funeral director's or embalmer's 105
license on inactive status unless the funeral director or embalmer 106
is in good standing with the board and is in compliance with 107
applicable continuing education requirements. A funeral director 108
or embalmer who is granted inactive status is prohibited from 109
participating in any activity for which a funeral director's or 110

embalmer's license is required in this state. A funeral director 111
or embalmer who has been granted inactive status is exempt from 112
the continuing education requirements under section 4717.09 of the 113
Revised Code during the period of the inactive status. 114

(G) A funeral director or embalmer who has been granted 115
inactive status may not return to active status for at least two 116
years following the date that the inactive status was granted. 117
Following a period of at least two years of inactive status, the 118
funeral director or embalmer may apply to return to active status 119
upon completion of all of the following conditions: 120

(1) The funeral director or embalmer files with the board a 121
form prescribed by the board seeking active status and provides 122
any other information as the board may request; 123

(2) The funeral director or embalmer takes and passes the 124
Ohio laws examination for each license being activated; 125

(3) The funeral director or embalmer pays a reactivation fee 126
to the board in the amount of one hundred forty dollars for each 127
license being reactivated. 128

(H) As used in this section: 129

(1) "Community control sanction" has the same meaning as in 130
section 2929.01 of the Revised Code. 131

(2) "Post-release control sanction" has the same meaning as 132
in section 2967.01 of the Revised Code. 133

Sec. 4717.06. (A)(1) Any person who desires to obtain a 134
license to operate a funeral home, embalming facility, or 135
crematory facility shall apply to the board of embalmers and 136
funeral directors on a form provided by the board. The application 137
shall include the initial license fee set forth in section 4717.07 138
of the Revised Code and proof satisfactory to the board that the 139
funeral home, embalming facility, or crematory facility is in 140

compliance with rules adopted by the board under section 4717.04 141
of the Revised Code, rules adopted by the board of building 142
standards under Chapter 3781. of the Revised Code, and all other 143
federal, state, and local requirements relating to the safety of 144
the premises. 145

(2) If the funeral home, embalming facility, or crematory 146
facility to which the license application pertains is owned by a 147
corporation or limited liability company, the application shall 148
include the name and address of the corporation's or limited 149
liability company's statutory agent appointed under section 150
1701.07 or 1705.06 of the Revised Code or, in the case of a 151
foreign corporation, the corporation's designated agent appointed 152
under section 1703.041 of the Revised Code. If the funeral home, 153
embalming facility, or crematory facility to which the application 154
pertains is owned by a partnership, the application shall include 155
the name and address of each of the partners. If, at any time 156
after the submission of a license application or issuance of a 157
license, the statutory or designated agent of a corporation or 158
limited liability company owning a funeral home, embalming 159
facility, or crematory facility or the address of the statutory or 160
designated agent changes or, in the case of a partnership, any of 161
the partners of the funeral home, embalming facility, or crematory 162
facility or the address of any of the partners changes, the 163
applicant for or holder of the license to operate the funeral 164
home, embalming facility, or crematory facility shall submit 165
written notice to the board, within thirty days after the change, 166
informing the board of the change and of any name or address of a 167
statutory or designated agent or partner that has changed from 168
that contained in the application for the license or the most 169
recent notice submitted under division (A)(2) of this section. 170

(B)(1) The board shall issue a license to operate a funeral 171
home only for the address at which the funeral home is operated. 172

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. 173
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(2) The funeral home shall have on the premises one of the following: 176
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(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. 178
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(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. 184
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(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. 190
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(4) Each funeral home shall be directly supervised by a 203

funeral director licensed under this chapter, who shall supervise 204
only one funeral home. 205

(C)(1) The board shall issue a license to operate an 206
embalming facility only for the address at which the embalming 207
facility is operated. The license shall be displayed in a 208
conspicuous place within the facility. 209

(2) The embalming facility shall be adequately equipped and 210
maintained in a sanitary manner. The embalming room at such a 211
facility shall contain only the articles, facilities, and 212
instruments necessary for its stated purpose. The embalming room 213
shall be kept in a clean and sanitary condition and used only for 214
the care and preparation of dead human bodies. 215

(3) An embalming facility license shall be issued only to an 216
embalmer licensed under division (B) of section 4717.05 of the 217
Revised Code, who is actually in charge of the facility. 218

(D)(1) The board shall issue a license to operate a crematory 219
facility only for the address at which the crematory facility is 220
located and operated. The license shall be displayed in a 221
conspicuous place within the crematory facility. 222

(2) The crematory facility shall be adequately equipped and 223
maintained in a clean and sanitary manner. ~~The crematory shall~~ 224
~~contain only the articles, facilities, and instruments necessary~~ 225
~~for carrying out the business of the crematory. The crematory~~ 226
~~shall contain a separate area for the performance of cremation and~~ 227
~~pulverization of dead human bodies, human body parts, and animals.~~ 228
The crematory facility may be located in a funeral home, embalming 229
facility, cemetery building, or other building in which the 230
crematory facility may lawfully operate. If a crematory facility 231
engages in the cremation of animals, the crematory facility shall 232
cremate animals in a cremation chamber that also is not used to 233
cremate dead human bodies or human body parts and shall not 234

cremate animals in a cremation chamber used for the cremation of 235
dead human bodies and human body parts. Cremation chambers that 236
are used for the cremation of dead human bodies or human body 237
parts and cremation chambers used for the cremation of animals may 238
be located in the same area. 239

(3) A license to operate a crematory facility shall be issued 240
to a the person actually in charge of the crematory facility. This 241
section does not require the individual who is actually in charge 242
of the crematory facility to be an embalmer or funeral director 243
licensed under this chapter. 244

(4) Nothing in this section or rules adopted under section 245
4717.04 of the Revised Code precludes the establishment and 246
operation of a crematory facility on or adjacent to the property 247
on which a cemetery, funeral home, or embalming facility is 248
located. 249

Sec. 4717.10. (A) The board of embalmers and funeral 250
directors may recognize licenses issued to embalmers and funeral 251
directors by other states, and upon presentation of such licenses, 252
may issue to the holder an embalmer's or funeral director's 253
license under this chapter. The board shall charge the same fee as 254
prescribed in section 4717.07 of the Revised Code to issue or 255
renew such an embalmer's or funeral director's license. Such 256
licenses shall be renewed annually as provided in section 4717.08 257
of the Revised Code. The board shall not issue a license to any 258
person under this section unless the applicant proves that the 259
applicant, in the state in which the applicant is licensed, has 260
complied with requirements substantially equal to those 261
established in section 4717.05 of the Revised Code. 262

(B) The board of embalmers and funeral directors may issue 263
courtesy cards. A courtesy cardholder shall be authorized to 264
undertake both the following acts in this state: 265

<u>(1) Prepare and complete those sections of a death certificate and other permits needed for disposition of deceased human remains in this state and sign and file such death certificates and permits;</u>	266
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<u>(2) Supervise and conduct funeral ceremonies and interments in this state.</u>	270
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<u>(C) The board of embalmers and funeral directors may determine under what conditions a courtesy card may be issued to funeral directors in bordering states after taking into account whether and under what conditions and fees such border states issue similar courtesy cards to funeral directors licensed in this state. Applicants for courtesy cards shall apply on forms prescribed by the board, pay an annual fee set by the board for initial applications and renewals, and adhere to such other requirements imposed by the board on courtesy cardholders.</u>	272
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<u>(D) No courtesy cardholder shall be authorized to undertake any of the following activities in this state:</u>	281
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<u>(1) Arranging funerals or disposition services with members of the public in this state;</u>	283
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<u>(2) Be employed by or under contract to a funeral home licensed in this state to perform funeral services in this state;</u>	285
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<u>(3) Advertise funeral or disposition services in this state;</u>	287
<u>(4) Enter into or execute funeral or disposition contracts in this state;</u>	288
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<u>(5) Prepare or embalm deceased human remains in this state;</u>	290
<u>(6) Arrange for or carry out the disinterment of human remains in this state.</u>	291
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<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</u>	293
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director's license under this chapter. 296

Sec. 4717.11. (A) A person who is licensed to operate a 297
funeral home shall obtain a new license upon any change in 298
location of the funeral home or any change in ownership of the 299
funeral business that owns the funeral home that results in a 300
majority of the ownership of the funeral business being held by 301
one or more persons who solely or in combination with others did 302
not own a majority of the funeral business immediately prior to 303
the change in ownership. The person licensed to operate the 304
funeral home shall surrender the current license to the board 305
within thirty days after any such change occurs. If a funeral home 306
is sold, the new ~~owner~~ funeral director who will be actually in 307
charge and ultimately responsible for the funeral home shall apply 308
for a license within thirty days after the date of the closing of 309
the purchase of the funeral home. Upon the filing of an 310
application for a funeral home license by a licensed funeral 311
director, the funeral home may continue to operate until the board 312
denies the funeral home's application. 313

(B) When the funeral director who is licensed to operate a 314
funeral home ~~dies or otherwise~~ ceases to operate the home because 315
of death, resignation, employment termination, sale of the funeral 316
home, or any other reason, the funeral home may continue to 317
operate under that person's name, provided that the name of the 318
new person licensed to operate the funeral home is added to the 319
license within twenty-four months after the previous license 320
holder dies or otherwise ceases to operate the funeral home. The 321
new licensee shall meet the requirements of section 4717.06 of the 322
Revised Code. 323

(C) A person who is licensed to operate an embalming facility 324
shall obtain a new license upon any change in location of the 325
embalming facility or any change in ownership of the business 326

entity that owns the embalming facility that results in a majority 327
of the ownership of the business entity being held by one or more 328
persons who solely or in combination with others did not own a 329
majority of the business entity immediately prior to the change in 330
ownership. The person licensed to operate the facility shall 331
surrender the current license to the board within thirty days 332
after any such change occurs. 333

(D) A person who is licensed to operate a crematory facility 334
shall obtain a new license upon any change in location of the 335
crematory facility or any change in ownership of the business 336
entity operating the facility that results in a majority of the 337
ownership of the business entity being held by one or more persons 338
who solely or in combination with others did not own a majority of 339
the business entity immediately prior to the change in ownership. 340
The person licensed to operate the crematory facility shall 341
surrender the current license to the board within thirty days 342
after any such change occurs. 343

Sec. 4717.12. (A) The following persons are exempt from the 344
provisions of this chapter: 345

(1) An officer or employee of the department of health or any 346
board of health, who, in compliance with rules or orders of the 347
department of health or board of health, is preparing the body of 348
a person whose death was caused by a virulent communicable 349
disease; 350

(2) An officer, employee, or licensed physician of a medical 351
college, when any of these are acting on behalf of a medical 352
college; 353

(3) Any person carrying out sections 1713.34 to 1713.39 of 354
the Revised Code, prescribing the conditions under which the 355
bodies of indigent persons are held subject for anatomical study; 356

(4) Any person licensed in another state as a funeral director or embalmer who is assisting a funeral director or embalmer licensed under this chapter during a disaster or an emergency in the state that has been declared by this state or a political subdivision. 357
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(B) This chapter does not prevent or interfere with any of the following: 362
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(1) The ceremonies, customs, religious rights, or religion of any people, denomination, or sect; 364
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(2) Any religious denomination or sect, or any body composed of members of a denomination; 366
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(3) Any church or synagogue committee in preparing dead human bodies for burial; 368
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(4) The conducting of funerals and the burial of dead human bodies in accordance with the ceremonies or rights described in division (B) of this section without the use, employment, or supervision of a licensed embalmer or funeral director, except when the body is that of a person whose death was caused by a virulent communicable disease, in which case the rules of the department of health or board of health having territorial jurisdiction shall apply. 370
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Sec. 4717.21. (A) Any person, on an antemortem basis, may serve as the person's own authorizing agent, authorize the person's own cremation, and specify the arrangements for the final disposition of the person's own cremated remains by executing an antemortem cremation authorization form. A guardian, custodian, or other personal representative who is authorized by law or contract to do so on behalf of a person, on an antemortem basis, may authorize the cremation of the person and specify the arrangements for the final disposition of the person's cremated remains by 378
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executing an antemortem cremation authorization form on the 387
person's behalf. Any such antemortem cremation authorization form 388
also shall be signed by one witness. The original copy of the 389
executed authorization form shall be sent to the operator of the 390
crematory facility being authorized to conduct the cremation, and 391
a copy shall be retained by the person who executed the 392
authorization form. The person who executed an antemortem 393
cremation authorization form may revoke the authorization at any 394
time by providing written notice of the revocation to the operator 395
of the crematory facility named in the authorization form. The 396
person who executed the authorization form may transfer the 397
authorization to another crematory facility by providing written 398
notice to the operator of the crematory facility named in the 399
original authorization of the revocation of the authorization and, 400
in accordance with this division, executing a new antemortem 401
cremation authorization form authorizing the operator of another 402
crematory facility to conduct the cremation. 403

(B)(1) Each antemortem cremation authorization form shall 404
specify the final disposition that is to be made of the cremated 405
remains. 406

(2) Every antemortem cremation authorization form entered 407
into on or after the effective date of this amendment shall 408
specify the final disposition that is to be made of the remains 409
and shall include a provision in substantially the following form: 410

NOTICE: Upon the death of the person who is the subject of 411
this antemortem cremation authorization, the person holding the 412
right of disposition under section 2108.70 or 2108.81 of the 413
Revised Code may cancel the cremation arrangements, modify the 414
arrangements for the final disposition of the cremated remains, or 415
make alternative arrangements for the final disposition of the 416
decedent's body. However, the person executing this antemortem 417
cremation authorization is encouraged to state his or her 418

preferences as to the manner of final disposition in a declaration 419
of the right of disposition pursuant to section 2108.72 of the 420
Revised Code, including that the arrangements set forth in this 421
form shall be followed. 422

(C)(1) Except as provided in division (C)(2) of this section, 423
when the operator of a crematory facility is in possession of a 424
cremation authorization form that has been executed on an 425
antemortem basis in accordance with this section, the other 426
conditions set forth in division (A) of section 4717.23 of the 427
Revised Code have been met, the crematory facility has possession 428
of the decedent to which the antemortem authorization pertains, 429
and the crematory facility has received payment for the cremation 430
of the decedent and the final disposition of the cremated remains 431
of the decedent or is otherwise assured of payment for those 432
services, the crematory facility shall cremate the decedent as 433
directed and dispose of the cremated remains in accordance with 434
the instructions contained in the antemortem cremation 435
authorization form. 436

(2) A person with the right of disposition for a decedent 437
under section 2108.70 or 2108.81 of the Revised Code who is not 438
disqualified under section 2108.75 of the Revised Code may cancel 439
the arrangements for the decedent's cremation, modify the 440
arrangements for the final disposition of the decedent's cremated 441
remains, or make alternative arrangements for the final 442
disposition of the decedent's body. If a person with the right 443
takes any such action, the operator shall disregard the 444
instructions contained in the antemortem cremation authorization 445
form and follow the instructions of the person with the right. 446

(D) An antemortem cremation authorization form executed under 447
division (A) of this section does not constitute a contract for 448
conducting the cremation of the person named in the authorization 449
form or for the final disposition of the person's cremated 450

remains. Despite the existence of such an antemortem cremation 451
authorization, a person ~~identified under division (A) of section~~ 452
~~4717.22 of the Revised Code as being entitled to act as the~~ 453
~~authorizing agent with the right of disposition for the cremation~~ 454
~~of the a decedent named in the antemortem authorization, in the~~ 455
~~descending order of priority in which they are listed, under~~ 456
section 2108.70 or 2108.81 of the Revised Code may modify, in 457
writing, the arrangements for the final disposition of the 458
cremated remains of the decedent set forth in the authorization 459
form or may cancel the cremation and claim the decedent's body for 460
purposes of making alternative arrangements for the final 461
disposition of the decedent's body. The revocation of an 462
antemortem cremation authorization form executed under division 463
(A) of this section, or the cancellation of the cremation of the 464
person named in the antemortem authorization or modification of 465
the arrangements for the final disposition of the person's 466
cremated remains as authorized by this division, does not affect 467
the validity or enforceability of any contract entered into for 468
the cremation of the person named in the antemortem authorization 469
or for the final disposition of the person's cremated remains. 470

(E) Nothing in this section applies to any antemortem 471
cremation authorization form executed prior to the effective date 472
of this section. Any cemetery, funeral home, crematory facility, 473
or other party may specify, with the written approval of the 474
person who executed the antemortem authorization, that such an 475
antemortem authorization is subject to sections 4717.21 to 4717.30 476
of the Revised Code. 477

Sec. 4717.24. (A) A cremation authorization form authorizing 478
the cremation of a dead human body, other than one that was 479
donated to science for purposes of medical education or research, 480
shall include at least all of the following information and 481
statements: 482

(1) The identity of <u>A statement that the decedent has been</u>	483
<u>identified in accordance with division (B) of this section;</u>	484
(2) The name of the funeral director or other individual who	485
obtained the burial or burial-transit permit authorizing the	486
cremation of the decedent;	487
(3) The name of the authorizing agent and the relationship of	488
the authorizing agent to the decedent;	489
(4) A statement that the authorizing agent in fact has the	490
right to authorize cremation of the decedent and that the	491
authorizing agent does not have actual knowledge of the existence	492
of any living person who has a superior priority right to act as	493
the authorizing agent under section 4717.22 of the Revised Code.	494
If the person executing the cremation authorization form knows of	495
another living person who has such a superior priority right, the	496
authorization form shall include a statement indicating that the	497
person executing the authorization form has made reasonable	498
efforts to contact the person having the superior priority right	499
and has been unable to do so and that the person executing the	500
authorization form has no reason to believe that the person having	501
the superior priority right would object to the cremation of the	502
decedent.	503
(5) A statement of whether the authorizing agent has actual	504
knowledge of the presence in the decedent of a pacemaker,	505
defibrillator, or any other mechanical or radioactive device or	506
implant that poses a hazard to the health or safety of personnel	507
performing the cremation;	508
(6) A statement indicating the crematory facility is to	509
cremate the casket or alternative container in which the decedent	510
was delivered to or accepted by the crematory facility;	511
(7) A statement of whether the crematory facility is	512
authorized to simultaneously cremate the decedent in the same	513

cremation chamber with one or more other decedents who were 514
related to the decedent named in the cremation authorization form 515
by consanguinity or affinity or who, at any time during the 516
one-year period preceding the decedent's death, lived with the 517
decedent in a common law marital relationship or otherwise 518
cohabited with the decedent. A cremation authorization form 519
executed under this section shall not authorize the simultaneous 520
cremation of a decedent in the same cremation chamber with one or 521
more other decedents except under the circumstances described in 522
the immediately preceding sentence. 523

(8) The names of any persons designated by the authorizing 524
agent to be present in the holding facility or cremation room 525
prior to or during the cremation of the decedent or during the 526
removal of the cremated remains from the cremation chamber; 527

(9) The authorization for the crematory facility to cremate 528
the decedent and to process or pulverize the cremated remains as 529
is the practice at the particular crematory facility; 530

(10) A statement of whether it is the crematory facility's 531
practice to return all of the residue removed from the cremation 532
chamber following the cremation or to separate and remove foreign 533
matter from the residue before returning the cremated remains to 534
the authorizing agent or the person designated on the 535
authorization form to receive the cremated remains pursuant to 536
division (A)(11) of this section; 537

(11) The name of the person who is to receive the cremated 538
remains of the decedent from the crematory facility; 539

(12) The manner in which the final disposition of the 540
cremated remains of the decedent is to occur, if known. If the 541
cremation authorization form does not specify the manner of the 542
final disposition of the cremated remains, it shall indicate that 543
the cremated remains will be held by the crematory facility for 544

thirty days after the cremation, unless, prior to the end of that 545
period, they are picked up from the crematory facility by the 546
person designated on the cremation authorization form to receive 547
them, the authorizing agent, or, if applicable, the funeral 548
director who obtained the burial or burial-transit permit for the 549
decedent, or are delivered or shipped by the operator of the 550
crematory facility to one of those persons. The authorization form 551
shall indicate that if no instructions for the final disposition 552
are provided on the authorization form and that if no arrangements 553
for final disposition have been made within the thirty-day period, 554
the crematory facility may return the cremated remains to the 555
authorizing agent. The authorization form shall further indicate 556
that if no arrangements for the final disposition of the cremated 557
remains have been made within sixty days after the completion of 558
the cremation and if the authorizing agent has not picked them up 559
or caused them to be picked up within that period, the operator 560
may dispose of them in accordance with division (C) of section 561
4717.27 of the Revised Code. 562

(13) A listing of the items of value to be delivered to the 563
crematory facility along with the dead human body, if any, and 564
instructions regarding how those items are to be handled; 565

(14) A statement of whether the authorizing agent has made 566
arrangements for any type of viewing of the decedent or for a 567
service with the decedent present prior to the cremation and, if 568
so, the date, time, and place of the service; 569

(15) A statement of whether the crematory facility may 570
proceed with the cremation at any time after the conditions set 571
forth in division (A) of section 4717.23 of the Revised Code have 572
been met and the decedent has been received at the facility; 573

(16) The certification of the authorizing agent to the effect 574
that all of the information and statements contained in the 575
authorization form are accurate; 576

(17) ~~The signature of a funeral director licensed under this chapter, or another individual, as a witness. If a licensed funeral director signs the authorization form as a witness, the funeral director is responsible for verifying the accuracy of the information and statements required under divisions (A)(1) and (2) of this section, but is not responsible for verifying the accuracy of any of the other information or statements provided on the authorization form by the authorizing agent, unless the funeral director has actual knowledge to the contrary regarding any of the other information or statements. In addition, at the time the decedent is delivered to the crematory facility, the funeral director shall certify that the dead human body delivered to the crematory facility is that of the decedent identified on the authorization form and shall certify that the responsibility imposed on the funeral director by division (B) of section 4717.29 of the Revised Code has been carried out. If an individual other than a licensed funeral director signs the authorization form as a witness, the individual is not responsible for the accuracy of any of the information or statements provided on the authorization form, unless the individual has actual knowledge to the contrary regarding any of the information or statements provided by the authorizing agent and the signature of at least one witness who observed the authorizing agent execute the cremation authorization form.~~ 577
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(B) In making the identification of the decedent required by division (A)(1) of this section, the funeral home arranging the cremation shall require the authorizing agent or the agent's appointed representative to visually identify the decedent's remains or a photograph or other visual image of the remains. If identification is by photograph or other visual image, the authorizing agent or representative shall sign the photograph or other visual image. If visual identification is not feasible, other positive identification of the decedent may be used 601
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including, but not limited to, reliance upon an identification 610
made through the coroner's office or identification of photographs 611
or other visual images of scars, tattoos, or physical deformities 612
taken from the decedent's remains. 613

(C) An authorizing agent who is not available to execute a 614
cremation authorization form in person may designate another 615
individual to serve as the authorizing agent by providing to the 616
operator of the crematory facility where the cremation is to occur 617
a written designation, acknowledged before a notary public or 618
other person authorized to administer oaths, authorizing that 619
other individual to serve as the authorizing agent, or by sending 620
to the operator a facsimile transmission of the written 621
designation that has been so acknowledged. Any such written 622
designation shall contain the name of the decedent, the name and 623
address of the authorizing agent, the relationship of the 624
authorizing agent to the decedent, and the name and address of the 625
individual who is being designated to serve as the authorizing 626
agent. Upon receiving such a written designation or a facsimile 627
transmission of such a written designation, the operator shall 628
permit the individual named in the written designation to serve as 629
the authorizing agent and to execute the cremation authorization 630
form authorizing the cremation of the decedent named in the 631
written designation. 632

~~(C)~~(D) An authorizing agent who signs a cremation 633
authorization form under this section is hereby deemed to warrant 634
the accuracy of the information and statements contained in ~~the~~ 635
such authorization form, including the person's identification of 636
the decedent and the agent's authority to authorize the cremation. 637
A funeral home and its employees are not responsible for verifying 638
the accuracy of any information or statements the authorizing 639
agent made on the authorization form, unless the funeral home or 640
its employees have actual knowledge to the contrary regarding any 641

such information or statement. When delivering the decedent's 642
remains to a crematory facility or in carrying out the disposition 643
in its own facility, the funeral home is responsible for having 644
the decedent identified pursuant to division (B) of this section 645
and carrying out the obligations imposed on the funeral home by 646
division (B) of section 4717.29 of the Revised Code. 647

~~(D)~~(E) At any time after executing a cremation authorization 648
form and prior to the beginning of the cremation process, the 649
authorizing agent who executed the cremation authorization form 650
under division (A) or ~~(B)~~(C) of this section may, in writing, 651
modify the arrangements for the final disposition of the cremated 652
remains of the decedent set forth in the authorization form or 653
may, in writing, revoke the authorization, cancel the cremation, 654
and claim the decedent's body for purposes of making alternative 655
arrangements for the final disposition of the decedent's body. The 656
operator of a crematory facility shall cancel the cremation if the 657
operator receives such a revocation before beginning the 658
cremation. 659

~~(E)~~(F) A cremation authorization form executed under this 660
section does not constitute a contract for conducting the 661
cremation of the decedent named in the authorization form or for 662
the final disposition of the cremated remains of the decedent. The 663
revocation of a cremation authorization form or modification of 664
the arrangements for the final disposition of the cremated remains 665
of the decedent pursuant to division ~~(D)~~(E) of this section does 666
not affect the validity or enforceability of any contract for the 667
cremation of the decedent named in the authorization form or for 668
the final disposition of the cremated remains of the decedent. 669

Sec. 4717.30. (A) The operator of a crematory facility or a 670
funeral director is not liable in damages in a civil action for 671
any of the following actions or omissions, unless the actions or 672

omissions were made with malicious purpose, in bad faith, or in a wanton or reckless manner or unless any of the conditions set forth in divisions (B)(1) to (3) of this section apply:

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

(b) ~~Having~~ For having arranged or performed the cremation of the decedent or body parts removed from the decedent or living person or having released or disposed of the cremated remains in accordance with the instructions set forth in a cremation authorization form executed ~~in-person~~ by the person authorized to serve as the authorizing agent for the cremation of the decedent or for the cremation of body parts of the decedent or living person, named in the cremation authorization form executed under section 4717.24 or 4717.25 of the Revised Code.

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

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

(1) The operator has actual knowledge that there is a dispute regarding the cremation of the decedent or body parts, until such time as the operator receives an order of the probate court ~~of common pleas~~ having jurisdiction ordering the cremation of the

decedent or body parts or until the operator receives from the 704
parties to the dispute a copy of a written agreement resolving the 705
dispute and authorizing the cremation to be performed. 706

(2) The operator has a reasonable basis for questioning the 707
accuracy of any of the information or statements contained in a 708
cremation authorization form executed under section 4717.21, 709
4717.24, or 4717.25 of the Revised Code, as applicable, that 710
authorizes the cremation of the decedent or body parts. 711

(3) The operator has any other lawful reason for refusing to 712
accept the dead human body or body parts or to perform the 713
cremation. 714

(C) The operator of a crematory facility or a funeral 715
director is not liable in damages in a civil action for refusing 716
to release or dispose of the cremated remains of a decedent or 717
body parts when the operator or funeral director has actual 718
knowledge that there is a dispute regarding the release or final 719
disposition of the cremated remains in connection with any damages 720
sustained, prior to the time the operator or funeral director 721
receives an order of the probate court ~~of common pleas~~ having 722
jurisdiction ordering the release or final disposition of the 723
cremated remains, or prior to the time the ~~facility~~ operator or 724
funeral director receives from the parties to the dispute a copy 725
of a written agreement resolving the dispute and authorizing the 726
cremation to be performed. 727

(D) The operator of a crematory facility is not liable in 728
damages in a civil action in connection with the cremation of, or 729
disposition of the cremated remains of, any dental gold, jewelry, 730
or other items of value delivered to the facility with a dead 731
human body or body parts, unless either or both of the following 732
apply: 733

(1) The cremation authorization form authorizing the 734

cremation of the decedent or body parts executed under section 735
4717.21, 4717.24, or 4717.25 of the Revised Code, as applicable, 736
contains specific instructions for the removal or recovery and 737
disposition of any such dental gold, jewelry, or other items of 738
value prior to ~~or after~~ the cremation, and the operator has failed 739
to comply with the written instructions. 740

(2) The actions or omissions of the operator were made with 741
malicious purpose, in bad faith, or in a wanton or reckless 742
manner. 743

(E)(1) This section does not create a new cause of action 744
against or substantive legal right against the operator of a 745
crematory facility or a funeral director. 746

(2) This section does not affect any immunities from civil 747
liability or defenses established by another section of the 748
Revised Code or available at common law to which the operator of a 749
crematory or a funeral director may be entitled under 750
circumstances not covered by this section. 751

Section 2. That existing sections 4717.05, 4717.06, 4717.10, 752
4717.11, 4717.12, 4717.21, 4717.24, and 4717.30 of the Revised 753
Code are hereby repealed. 754