Ohio Legislative Service Commission

Bill Analysis

Daniel M. DeSantis

Sub. H.B. 481

129th General Assembly
(As Reported by H. State Government & Elections)

Reps. Hackett, Beck, Grossman, Boose, Wachtmann, Henne, Slaby, Combs

BILL SUMMARY

- Permits embalmers and funeral directors to place their licenses on inactive status.
- Authorizes funeral directors in bordering states to conduct limited funeral-related activities in Ohio.
- Authorizes out-of-state funeral directors without a license to work with licensed funeral directors during a declared disaster or emergency.
- Eliminates the requirement that funeral homes be the guarantor of the identity of decedents and instead require funeral homes to complete only visual identification of remains.
- Clarifies that, upon the sale, or change in location, of a funeral home, the home may remain operating based upon a submission of a new license application to the Board.

CONTENT AND OPERATION

Inactive status for license

The bill provides that a funeral director or embalmer may request that the funeral director's or embalmer's license be placed on inactive status by submitting to the board a form prescribed by the board and such other information as the board may request.[1] A funeral director or embalmer may not place the funeral director's or embalmer's license on inactive status unless the funeral director or embalmer is in good standing with the board and is in compliance with applicable continuing education requirements. A funeral director or embalmer who is granted inactive status is

[1] R.C. 4717.05(F).

prohibited from participating in any activity for which a funeral director's or embalmer's license is required in Ohio. A funeral director or embalmer who has been granted inactive status is exempt from continuing education requirements during the period of inactive status.

A funeral director or embalmer who has been granted inactive status may not return to active status for at least two years following the date that the inactive status was granted.[2] Following a period of at least two years of inactive status, the funeral director or embalmer may apply to return to active status upon completion of all of the following conditions:

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

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

(3) The funeral director or embalmer pays a reactivation fee to the board in the amount of $140 for each license being reactivated.

Embalmers and funeral director licensed in another state

Courtesy card

The bill authorizes the Board of Embalmers and Funeral Directors to issue a special permit, called a courtesy card, to a funeral director licensed in a state that borders Ohio and who does not hold an Ohio funeral director's license.[3] A courtesy cardholder is authorized to prepare and complete those sections of a death certificate and other permits needed for disposition of deceased human remains in Ohio, to sign and file these death certificates and permits, and to supervise and conduct funeral ceremonies and interments in Ohio.[4]

The Board 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 the border states issue similar courtesy cards to funeral directors licensed in this state. Applicants for courtesy cards must apply on forms prescribed by the board, pay an annual fee set by the board for initial applications and

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[2] R.C. 4717.05(G).

[3] R.C. 4717.10(B) and (E).

[4] R.C. 4717.10(B).

renewals, and adhere to such other requirements imposed by the board on courtesy cardholders.[5]

The bill prohibits authorizing a courtesy cardholder from undertaking any of the following activities in Ohio:

(1) Arranging funerals or disposition services with members of the public in Ohio;

(2) Be employed by or under contract to a funeral home licensed in Ohio to perform funeral services in Ohio;

(3) Advertise funeral or disposition services in Ohio;

(4) Enter into or execute funeral or disposition contracts in Ohio;

(5) Prepare or embalm deceased human remains in Ohio; or

(6) Arrange for or carry out the disinterment of human remains in Ohio.

Emergency assistance

The bill exempts from the licensing requirements of Ohio law, any person who is licensed in another state as a funeral director or embalmer and who is assisting an Ohio licensed funeral director or embalmer during a disaster or an emergency in Ohio that has been declared by the state or a political subdivision.[6]

Decedent identification

The bill clarifies and modifies the requirements of a funeral home with respect to the identification of a decedent for purposes of cremation. Under the bill, in making the identification of the decedent, the funeral home arranging the cremation must require the person authorizing cremation, who is called the authorizing agent, or the authorizing 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 must sign the photograph or other visual image. If visual identification is not feasible, other positive identification of the decedent may be used, including, but not limited to, reliance upon an identification made through the coroner's office or identification of photographs or

[5] R.C. 4717.10(C).

[6] R.C. 4717.12(4).

other visual images of scars, tattoos, or physical deformities taken from the decedent's remains.[7]

Under the bill, a funeral home and its employees are not responsible for verifying the accuracy of any information or statements the authorizing agent made on the authorization form, unless the funeral home or its employees have actual knowledge to the contrary regarding any such information or statement. When delivering the decedent's remains to a crematory or in carrying out the disposition in its own facility, the funeral home is responsible only for having the decedent identified and carrying out the obligations imposed on the funeral home under law.[8]

Under current law, 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, 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 must certify that the dead human body delivered to the crematory facility is that of the decedent identified on the authorization form.[9]

Change in location or ownership

The bill clarifies that upon the filing of an application for a new funeral home license by a licensed funeral director, the funeral home may continue to operate until the board denies the funeral home's application. Under continuing law, a funeral home must obtain a new license to operate upon any change in location of the funeral home or for certain changes in ownership of the funeral business.[10]

HISTORY

ACTION	DATE
Introduced	03-13-12
Reported, H. State Government & Elections	05-09-12

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[7] R.C. 4717.24(B).

[8] R.C. 4717.24(D).

[9] R.C. 4717.24(A)(17).

[10] R.C. 4717.11(A) and (B).