



Ohio Legislative Service Commission

Bill Analysis

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S.B. 308

129th General Assembly
(As Introduced)

Sens. Schaffer, Seitz, Hite, Beagle

BILL SUMMARY

- Requires an insurance provider, agent, or support organization to disclose certain private information regarding a deceased person to a funeral home that submits a written authorization for the release of such information.
- Requires requested information to be released to the requestor within one day of receiving a written authorization.
- Specifies what personal information may be released.
- Specifies what information must be included in the authorization.
- Prescribes the form of the authorization.

CONTENT AND OPERATION

Summary

Under current law, insurance providers, agents, or support organizations are prohibited from disclosing the personal information about an individual collected in an insurance transaction, with certain exceptions. The bill adds to this list of exceptions, requiring insurers to divulge personal information related to a deceased person covered by a life insurance policy upon the request of a funeral home.

Requirements

The bill requires an insurance provider, agent, or support organization to disclose information regarding a deceased person believed to be insured by a policy of life insurance to a funeral home seeking such information. Such a funeral home is

required to submit to the insurance institution, agent, or support organization a written authorization signed by a licensed funeral home director and by any person holding a right of disposition of the remains in accordance with a written authorization by the deceased, a disposition that has been assigned in the absence of a statement by the deceased, or a disposition assigned by a probate court. The requested information must be provided to the requestor within one business day of receipt of the authorization.¹

The written authorization may be transmitted to the insurance institution, agent or insurance support organization by mail, telegram, facsimile, electronically, or by other means of transmission.²

Information that may be released

A funeral home may only seek the release of the following information:

- Identification of any policy of insurance on the life of the decedent;
- Whether each life insurance policy is valid and fully paid;
- The identity of any beneficiaries on record on each life insurance policy;
- The amount of any liens or loans outstanding on each life insurance policy;
- The amount of benefits payable to the beneficiaries under each life insurance policy.³

Information included in authorization

A written authorization must include all of the following information:

- The decedent's legal name and last known address;
- The legal name and business address of the funeral director signing the authorization;
- The legal name and current address of the person holding the right of disposition who signs the authorization;

¹ R.C. 3904.13(S), (S)(1), and (S)(4).

² R.C. 3904.13(S)(1).

³ R.C. 3904.13(S)(3).

- Confirmation of the date of the death of the decedent;
- Certification by the person holding the right of disposition that the person was assigned that right;
- A space where the funeral director can sign and date the written authorization and the person holding the right of disposition can sign and date the written authorization.⁴

Form of the written authorization

The bill prescribes the form that the written authorization is to take:

AUTHORIZATION TO RELEASE INSURANCE INFORMATION

1. PARTIES:

DECEDENT: _____

(Name and address of Decedent)

AUTHORIZING PERSON: _____

(Name and address of Authorizing Person)

FUNERAL DIRECTOR: _____

(Name of Funeral Director)

FUNERAL HOME: _____

(Name and Address of Funeral Home)

Telephone No.: _____ Fax No.: _____ E-mail: _____

2. Authorization:

The undersigned confirm that the Decedent died on _____, _____ and that the Authorizing Person, who holds the right of disposition assigned under section 2108.70, 2108.81, or 2108.82 of the Revised Code, has retained the Funeral Home to provide funeral services for the Decedent. The insurance institution receiving this authorization is directed, pursuant to division (S) of section 3904.13 of the Revised Code, to release to the Funeral Home within one business day of receiving this authorization the information regarding the Decedent that is marked below:

⁴ R.C. 3904.13(S)(1)(a) through (f).

- ___ Identification of any insurance policy issued on the life of the Decedent.
- ___ Whether each policy is valid and fully paid.
- ___ The identity of all beneficiaries under each policy.
- ___ The amount of any liens or loans outstanding on each policy.
- ___ The dollar amount of the death benefit payable to all beneficiaries under each policy.

3. SIGNATURE AND DATE:

Signature of Funeral Director Representing Funeral Home:

Signature of Authorizing Person: _____

Date: _____⁵

HISTORY

ACTION	DATE
Introduced	03-06-12

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⁵ R.C. 3904.13(S)(2).

