

- Cremations are a cheaper method than burial for the final disposition of dead human bodies. There will be potential savings to local government subdivisions which are charged with the final disposition of indigents, unknown individuals, or individuals institutionalized in public institutions. The savings are expected to be negligible, however, due to the small number of individuals for whom local governments are required to assume the responsibility of final disposition of the body.
- Counties and municipalities could receive a small amount of court cost and fine revenue for any court action involving violations of the bill's provisions. Expenditures for prosecutions, if any, would be insignificant.

Detailed Fiscal Analysis

STATE EFFECTS

BOARD OF EMBALMERS AND FUNERAL DIRECTORS

Among other changes, this bill rewrites Chapter 4717. of the Revised Code, the Embalmers and Funeral Directors Law. Although much of the substance of the changes are similar to the current law, there are some significant changes which will have a fiscal impact on the Board of Embalmers and Funeral Directors (FUN). To respond to these changes, the Board will need to publish new rules and regulations. There will be a one-time cost of printing the rules of about \$3,000 to \$5,000.

Crematory Facilities and the Board of Embalmers and Funeral Directors

One major addition to Chapter 4717. is the addition of crematory facilities to the purview of the Board. According to one Ohio crematory operator, there are approximately 50 facilities existing in the state. There would be potential gain in license fees of about \$5,000 per year if each facility decided to pay the \$100 renewal fee and remain in business. Offsetting the potential gain in revenue will be an indeterminate increase in expenses related to investigations and administrative hearings. According to the Board, the average cost per hearing is between \$1,000 and \$1,500. Although it is impossible to determine the number of hearings related to crematory facilities that will be held, four hearings, at an average of \$1,250 per hearing, would consume all of the board's revenue raised from crematories.

Crematory Review Board

This bill creates the Crematory Review Board (CRB). The CRB will consist of three members of the Board of Embalmers and Funeral Directors, three members of the Cemetery Dispute Resolution Commission, and one member knowledgeable about crematories to be selected by the six members outlined above. Although CRB board members will receive only actual and necessary expenses, FUN could end up paying additional travel expenses for its board members who serve on the CRB. If the CRB and FUN were to meet on separate days or weeks, FUN would be required to pay travel expenses to its board members for attendance at the meetings of each board. This uncertainty presents potential minimal, but indeterminate costs for the Board of Embalmers and Funeral Directors.

License and Renewal Fees

The changes outlined in this bill increase some of the fees that the Board of Embalmers and Funeral Directors currently charge. The Board will also be adding the new crematory facility license.

License	Proposed Fee	Current Fee
Initial Embalmers or Funeral Directors License (150)	\$5	N/A
Embalmer or Funeral Director Registration (227)	\$25	\$25
Embalmer or Funeral Director Certificate of Apprenticeship (186)	\$10	N/A
Fee to Take Examination or Retake Sections of Exam (200)	\$35	\$35
Embalmer or Funeral Director Renewal (5600)	\$30	\$30
Funeral Home License and Renewal (1255)	\$125	\$100
Reinstate Lapsed Embalmer or Funeral Dir. License (155)	\$30 + \$50 per month	\$30 + \$50 per month
Reinstate Lapsed Funeral Home License (19)	\$125 + \$50 per month	\$200 or \$500
Embalming Facility License and Renewal (?)	\$100	N/A
Reinstate Lapsed Embalming Facility License (?)	\$100 + \$50 per month	N/A
Crematory Facility License and Renewal (50)	\$100	N/A
Reinstate Lapsed Crematory Facility License (?)	\$100 + \$50 per month	N/A
Issuance of Duplicate License (6)	\$4	\$4

* The number in parentheses following the license category is the estimated number of licenses to be issued in that category. A (?) means that the potential number of licenses affected in that category is unknown.

The new fees taken together could provide upwards of \$38,000 per year in additional revenue to the Board.

Penalties

Division (A)(9) of Section 4717.04 and Section 4717.15 of this bill outline the various violations of the Embalmers and Funeral Directors Law that could result in an adjudicatory hearing and possibly forfeiture or suspension of one's license. The forfeiture for a first violation shall not exceed \$5,000. For the second and subsequent violations, the forfeiture shall not exceed \$10,000. According to the bill, the amount of forfeiture may differ among the types of violations according to the seriousness as determined by the Board.

After receiving notification by the Board, a licensee can either pay the forfeiture amount or may request an adjudicatory hearing on the notice of violation and order. A decision made following an adjudicatory hearing is appealable to the Court of Common Pleas. Following the final nonappealable decision, the licensee will be required to pay the forfeiture, if so determined by the ruling body. The same process of appeals applies when the Board suspends the license of an individual.

CREMATORY FACILITIES

Section 3734.021 of the Revised Code deals with the proper packing, treating, and disposition of infectious waste. Any facility that generates 50 pounds or more of infectious wastes during any one month is required to register with the Environmental Protection Agency as a generator of infectious wastes. Division (A)(1)(f) of this section states that blood, blood

products, other body fluids, or embalming fluids that are discharged on the site of their generation into a disposal system by a facility licensed by the Board of Embalmers and Funeral Directors shall not be included when calculating the monthly amount of infectious wastes produced by the facility.

According to a Cleveland crematory facility operator, a dead body produces about ½ to 1 pound of infectious waste. This compares with approximately 7 pounds produced by living individuals in a hospital or other institutional settings. The larger amount of waste includes needles, linens, etc. Generally, a facility that deals with the final disposition of dead human bodies will receive the body wrapped in a sheet. Additionally, much of the infectious waste is washed on site. According to this individual, these facilities will generally produce an annual maximum of 100 to 200 pounds of infectious waste. The major difference between the amount of waste produced by a crematory and a hospital is that hospital waste cannot be disposed of in a crematory furnace. Therefore, these facilities would not need to register with the Ohio EPA or pay the \$300 fee for a generator registration certificate.

LOCAL EFFECTS

CREMATION VS. BURIAL

According to current law, local government subdivisions are required to assume financial responsibility for the final disposition of indigents, unidentified individuals, or persons institutionalized in public institutions located within the borders of the subdivision. Burial is the only legal means to dispose of the body. This bill would allow for the cremation of these individuals. According to the Ohio Township Association, the number of burials statewide is probably very low. Although potentially minimal, the addition of cremation as a method of final disposition will provide some savings to these governments.

According to the Board of Embalmers and Funeral Directors, the cost of a simple burial is about \$500 - \$1,500. Included in this cost is a casket, a vault, gravespace, a grave digger, and the required paperwork. Gravespace usually costs between \$100 and \$500. A vault, which is usually cement, lines the grave and is used to maintain plot integrity once the casket begins to disintegrate. Although political subdivisions are charged with the final disposition of certain individuals as described in the bill, there is often not enough money in township budgets to financially provide for the burials. In these cases, funeral directors usually end up providing, free of charge, the activities needed for a proper burial.

According to one Ohio crematory facility operator, a basic cremation costs around \$300 to \$400. The costs include a cardboard casket, transportation to the crematory facility, required paperwork, and the actual operation of the crematory. This method saves on the added cost of a casket and, in many cases, a vault. Cremated remains can be buried in hard plastic containers that are impervious to soil acids. Unlike wooden caskets, these \$5 plastic containers do not rapidly deteriorate. For these reasons, a vault is only necessary if the cemetery requires its use. According to information provided by the Ohio Funeral Directors Association, the average adult casket in Ohio costs about \$700.

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