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State and Local Government Responsibility for Expenses of Disposing of a Dead Body

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Under certain circumstances, the state or a political subdivision may be required or permitted to bear the expense of disposing of a dead body. This brief examines this responsibility and authority.

The state is generally responsible for the cost of the burial or cremation of an indigent person who dies in a state institution for persons with mental illness or mental retardation or in a correctional institution. Townships and municipal corporations in which a deceased person had legal residence at the time of death are responsible for the cost of burial or cremation under certain circumstances. A county is responsible for burial or cremation costs for certain persons who die in a county correctional or benevolent institution.

Indigent veterans and certain of their family members may be buried or cremated at county expense. An entity that receives a body from the state or a political subdivision for the purpose of dissection or the study of medicine, surgery, or embalming is responsible for the expense of disposing of the remains.

Responsibility for expenses of disposing of a dead body

The state must bear the expense of the burial or cremation of an indigent person who dies in a place established, controlled, or supervised by the Department of Mental Health, a state institution operated by the Department of Mental Retardation and Developmental Disabilities, or a state correctional institution.¹ If a deceased person's body is found in the county in which the person was a legal resident, the proper official of the township

State law specifies the circumstances under which the state or a political subdivision is responsible for disposing of a dead body.



Provision must be made in a township, municipal corporation, or joint cemetery for persons whose burial is at a township or municipal corporation's expense.

or municipal corporation in which the body is found is responsible for causing it to be buried or cremated. If the deceased person had a legal residence in another Ohio county, the superintendent of the county home of the county in which the person's body is found is required to cause the body to be buried or cremated. In both cases, the township or municipal corporation in which the person had legal residence at the time of death is responsible for the cost of the burial or cremation. If a deceased inmate of a county correctional institution or a deceased patient or resident of a county benevolent institution did not have legal residence in Ohio or his or her legal residence is unknown, the superintendent of the institution must cause the body to be buried or cremated, and the county is responsible for the cost of the burial or cremation.² These state and local responsibilities do not apply when a dead body is claimed by a person for private interment or cremation at the person's own expense or the body is delivered to authorized entities for dissection or study of medicine, surgery, or embalming.³

Township and municipal corporation cemeteries

Townships and municipal corporations are permitted to own cemeteries.⁴ The legislative authorities of two or more municipal corporations, or of one or more municipal corporations and the

boards of township trustees of one or more townships, when conveniently located for that purpose, may unite in the establishment and management of a cemetery.⁵ State law requires that provision be made in a township, municipal corporation, or joint cemetery for persons whose burial is at the expense of a township or municipal corporation.⁶

The head of a family living in a township may apply to the board of township trustees for a free deed for a suitable lot for the burial of the family. The board is permitted to provide the deed without charge if the board believes that the family's circumstances make purchasing the deed oppressive.⁷

Burial spaces for veterans

A board of county commissioners, board of township trustees, or legislative authority of a municipal corporation is permitted to enter into contracts with cemetery associations providing for the purchase and maintenance, in cemeteries within the county, of plots of ground for the burial of deceased veterans and their deceased spouses. The county, township, or municipal corporation is responsible for the cost. A veterans plot owned or maintained by a county, township, or municipal corporation must be open for the burial of a deceased veteran on application by a relative of the veteran or other proper person responsible for disposing of the body.⁸

A political subdivision's veterans plot must be open for the burial of a deceased veteran.



If a person desires to bury a deceased veteran in a cemetery not having a plot maintained by a county, township, or municipal corporation for veteran burials, a board of county commissioners, board of township trustees, or legislative authority of a municipal corporation in the county in which the cemetery is located is permitted to purchase a space for the grave of the veteran, provide for the care of the plot, and pay the amount of the purchase price and maintenance cost from the funds in the treasury of the county, township, or municipal corporation.⁹

A board of county commissioners must require the county veterans service commission (VSC), on application and with the approval of the family or friends of a veteran, or parent or spouse of a veteran, who dies without the means to defray necessary funeral or cremation expenses, to contract, at a fair and reasonable price, with the funeral director selected by the family or friends and cause the decent and respectable interment or cremation of the veteran, parent, or spouse. Before assuming the cost of the interment or cremation, the VSC must satisfy itself that the family of the deceased is unable, for want of means, to defray the expense or that the family may be deprived of means actually necessary for its immediate support. If the VSC satisfies itself, it must cause the deceased to be buried or cremated and make a report to the

board of county commissioners that sets forth that the VSC found the family to be indigent and unable to pay the expenses of the burial or cremation, name of the deceased, rank and command to which the deceased, if a veteran, belonged, date of death, place of burial or disposition made of the deceased's cremated ashes, and occupation while living. The report must also include an accurate itemized statement of the expenses incurred by reason of the burial or cremation. On receipt of the report, the county commissioners must provide for payment from the county fund to persons the county commissioners designate.¹⁰

A veterans organization or, if no veterans organization exists in a municipal corporation or township, five or more veterans may petition the VSC of a county to purchase or provide a veterans plot in a cemetery in a county or municipal corporation where no burial plot is provided. The VSC is required to act on the petition within 30 days after its next succeeding regular meeting. If the petition is true, the VSC must issue an order to maintain a dignified burial site with the agreement of petitioners. The persons having charge of the burial are required, on completion, to submit an itemized expense account with the VSC. At its next regular meeting, the VSC must file the expense account with the county auditor, who must provide for payment out of the county general fund.¹¹

A political subdivision may purchase a space for the grave of a veteran in a cemetery not having a plot for veteran burials.

A county veterans service commission must provide for the burial or cremation of a deceased veteran, or parent or spouse of a veteran, whose family is unable to pay for the burial or cremation.

A county veterans service commission must provide for a veterans plot in a cemetery on the request of a veterans organization or group of veterans.



The body of an executed convict is to be delivered for medical study unless friends of the convict request the body.

A body to be buried at the expense of the state or a political subdivision is to be offered for medical study unless death was caused by infectious disease, and the party in whose keeping the body is placed must bear the expense of delivery and disposition.

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Disposition of executed convict's body

The body of an executed convict must be provided to friends of the convict who request the body the day before or morning of the execution. A warden is permitted to pay up to \$50 of the transportation and funeral expenses. If no friend requests the body, the body must be disposed of by delivery to authorized entities for medical or surgical study or dissection.¹²

Study or dissection of dead body

A city hospital, city infirmary, county home, other charitable institution, workhouse founded and supported in whole or part at public expense, state benevolent or correctional institution, board of

township trustees, sheriff, or coroner that is in possession of a body not claimed or identified or that must be buried at state, county, or township expense is required, before burial, to notify the professor of anatomy in a college empowered to teach anatomy or the secretary of the board of embalmers and funeral directors that such a body is being held. The body, unless death was caused by infectious disease, must be delivered to the professor or secretary on request if, after 36 hours, the body has not been accepted by friends or relatives for burial at their expense. The body is to be used for dissection or study of medicine, surgery, or embalming. After the dissection or study, the remains must be interred or cremated and the ashes interred. The party in whose keeping the body is placed is responsible for the expense of the delivery and disposition of the remains.¹³ 

Endnotes

- ¹ Revised Code sections 5120.45, 5121.11, 5121.30, and 5121.53.
- ² R.C. 5101.521.
- ³ R.C. 5101.521, 5120.45, and 5121.11.
- ⁴ R.C. 517.01 and 759.01.
- ⁵ R.C. 759.27.
- ⁶ R.C. 517.06, 759.13, and 759.29.
- ⁷ R.C. 517.07.
- ⁸ R.C. 5901.22 and 5901.23.
- ⁹ R.C. 5901.24.
- ¹⁰ R.C. 5901.25, 5901.27, and 5901.32.
- ¹¹ R.C. 5901.16 to 5901.20.
- ¹² R.C. 2949.26.
- ¹³ R.C. 1713.34 and 1734.36.