



Ohio Revised Code Section 4717.13 Prohibited conduct.

Effective: September 13, 2022

Legislation: Senate Bill 224

(A) No person shall do any of the following:

(1) Engage in the business or profession of funeral directing unless the person is licensed as a funeral director under this chapter, is certified as an apprentice funeral director in accordance with rules adopted under section 4717.04 of the Revised Code and under the supervision of a funeral director licensed under this chapter, or is a student in a college of mortuary sciences approved by the board of embalmers and funeral directors and is under the direct supervision of a funeral director licensed by the board;

(2) Engage in embalming unless the person is licensed as an embalmer under this chapter, is certified as an apprentice embalmer in accordance with rules adopted under section 4717.04 of the Revised Code and is under the supervision of an embalmer licensed under this chapter, or is a student in a college of mortuary science approved by the board and is under the direct supervision of an embalmer licensed by the board;

(3) Advertise or otherwise offer to provide or convey the impression that the person provides funeral directing services unless the person is licensed as a funeral director under this chapter and is employed by or under contract to a licensed funeral home and performs funeral directing services for that funeral home in a manner consistent with the advertisement, offering, or conveyance;

(4) Advertise or otherwise offer to provide or convey the impression that the person provides embalming services unless the person is licensed as an embalmer under this chapter and is employed by or under contract to a licensed funeral home or a licensed embalming facility and performs embalming services for the funeral home or embalming facility in a manner consistent with the advertisement, offering, or conveyance;

(5) Operate a funeral home without a license to operate the funeral home issued by the board under this chapter;



- (6) Practice the business or profession of funeral directing from any place except from a funeral home that a person is licensed to operate under this chapter;
 - (7) Practice embalming from any place except from a funeral home or embalming facility that a person is licensed to operate under this chapter;
 - (8) Operate a crematory or perform cremation without a license to operate the crematory issued under this chapter;
 - (9) Cremate animals in a cremation chamber in which dead human bodies or body parts are cremated or cremate dead human bodies or human body parts in a cremation chamber in which animals are cremated;
 - (10) Hold a dead human body, before final disposition, for more than forty-eight hours after the time of death unless the dead human body is embalmed or placed into refrigeration and maintained at a constant temperature of less than forty degrees;
 - (11) Knowingly refuse to promptly submit the custody of a dead human body or cremated remains upon the oral or written order of the person legally entitled to the body or cremated remains;
 - (12) Except as ordered by the coroner or the person holding the right of disposition under section 2108.70 or 2108.81 of the Revised Code, knowingly fail to carry out the final disposition of a dead human body within thirty days after taking custody of the body;
 - (13) Engage in cremation as defined in section 4717.01 of the Revised Code unless the person holds a crematory operator permit under this chapter;
 - (14) Engage in the business or profession of funeral directing, engage in embalming, or operate a crematory or perform cremation with a lapsed license as defined under section 4717.01 of the Revised Code.
- (B) No funeral director or other person in charge of the final disposition of a dead human body shall



fail to do one of the following prior to the interment of the body:

- (1) Affix to the ankle or wrist of the deceased a tag encased in a durable and long-lasting material that contains the name, date of birth, date of death, and social security number of the deceased;
 - (2) Place in the casket a capsule containing a tag bearing the information described in division (B)(1) of this section;
 - (3) If the body was cremated, place a tag bearing the information described in division (B)(1) of this section in any vessel containing either of the following:
 - (a) All the cremated remains;
 - (b) More than ten cubic inches of the cremated remains.
- (C) No person who holds a funeral home license for a funeral home that is closed, or that is owned by a funeral business in which changes in the ownership of the funeral business result in a majority of the ownership of the funeral business being held by one or more persons who solely or in combination with others did not own a majority of the funeral business immediately prior to the change in ownership, shall fail to submit to the board within thirty days after the closing or such change of ownership of the funeral business owning the funeral home, a clearly enumerated account of all of the following from which the licensee, at the time of the closing or change of ownership of the funeral business and in connection with the funeral home, was to receive payment for providing the funeral services, funeral goods, or any combination of those in connection with the funeral or final disposition of a dead human body:
- (1) Preneed funeral contracts governed by sections 4717.31 to 4717.38 of the Revised Code;
 - (2) Life insurance policies or annuities the benefits of which are payable to the provider of funeral or burial goods or services;
 - (3) Accounts at banks or savings banks insured by the federal deposit insurance corporation, savings and loan associations insured by the federal savings and loan insurance corporation or the Ohio



deposit guarantee fund, or credit unions insured by the national credit union administration or a credit union share guaranty corporation organized under Chapter 1761. of the Revised Code that are payable upon the death of the person for whose benefit deposits into the accounts were made.

(D)(1) No person who holds a funeral home license for a funeral home that is closed shall negligently fail to send written notice to the purchaser of every preneed funeral contract to which the funeral business is a party via first class United States mail. Such notice shall be addressed to the purchaser's last known address and shall explain that the funeral business is being closed and the name of any funeral business that has been designated to assume the obligations of the preneed contract.

(2) Within thirty days of the closing of a funeral home, no person who held the funeral home license for the closed funeral home shall negligently fail to transfer all preneed contracts to the funeral home or funeral homes that have been designated to assume the obligation of the preneed contracts. If the person who holds a funeral home license for a funeral home that is closed fails to designate a successor funeral home or funeral homes to assume the obligations of the preneed funeral contracts, the board shall make such designations and order the transfer of the preneed funeral contracts to the designated funeral home or funeral homes.

(E) No person who holds a license under this chapter for a facility that is going out of business and that is in possession of unclaimed cremated remains shall fail to submit to the board, within thirty days prior to the closing, a copy of the written notice required in division (F) of this section and a clearly enumerated account of all unclaimed cremated remains in possession of the facility.

(F) Within thirty days prior to the closing of a facility that is going out of business and that is in possession of unclaimed cremated remains, the person who is actually in charge of and ultimately responsible for the facility shall send written notice via first-class mail to the last known address of the authorizing agent who executed the cremation authorization form or the person designated on the cremation authorization form to receive the cremated remains. Such notice shall include the following:

(1) A statement that the funeral business is going out of business and will close;



(2) The expected date of closure;

(3) The manner in which the unclaimed cremated remains will be disposed and, if applicable, the location from which the cremated remains can be retrieved.

(G) If the person who is actually in charge of and ultimately responsible for the facility is unable to comply with divisions (F)(1) to (3) of this section and cannot locate the last known address of the authorizing agent who executed the cremation authorization form or the person designated on the cremation authorization form to receive the cremated remains, the person who is actually in charge of and ultimately responsible for the facility may seek a declaratory judgment to dispose of the unclaimed cremated remains from the probate court in the county in which the facility is located.

(H) Within thirty days prior to the closing of a facility that is going out of business, no person who held the license for the facility shall negligently fail to dispose of all unclaimed cremated remains as designated in the written notice or, if unclaimed in excess of sixty days, in a manner consistent with section 4717.27 of the Revised Code.