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Senator Hughes

**Cosponsors: Senators Faber, Fedor, Goodman, Grendell, Miller, R., Wilson,
Carey, Wagoner, Stewart, Buehrer, Cates, Gibbs, Jones, Miller, D., Morano,
Patton, Schaffer, Schiavoni, Smith, Turner, Harris, Strahorn**

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A BILL

To amend section 4717.27 of the Revised Code to give 1
the right of disposal to the United States 2
Secretary of Veterans Affairs regarding unclaimed 3
cremated remains of persons who are entitled to be 4
buried in a national cemetery. 5

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 4717.27 of the Revised Code be 6
amended to read as follows: 7

Sec. 4717.27. (A) The authorizing agent who executed the 8
cremation authorization form authorizing the cremation of a 9
decedent under section 4717.24 of the Revised Code or the 10
cremation of body parts under section 4717.25 of the Revised Code 11
is ultimately responsible for the final disposition of the 12
cremated remains of the decedent or body parts. 13

(B) If the cremation authorization form does not contain 14
instructions for the final disposition of the cremated remains of 15
the decedent or body parts, if no arrangements for the disposition 16
of the cremated remains are made within thirty days after the 17

completion of the cremation, and if the cremated remains have not 18
been picked up within that thirty-day period by the person 19
designated to receive them on the authorization form or, in the 20
absence of such a designated person, by the authorizing agent, the 21
operator of the crematory facility or the funeral home holding the 22
unclaimed cremated remains, at the end of that thirty-day period, 23
may release or deliver them in person to, or cause their delivery 24
by a method described in division (I) of section 4717.26 of the 25
Revised Code that is acceptable under that division to, the person 26
designated to receive them on the cremation authorization form or, 27
if no person has been so designated, to the authorizing agent. 28

(C)(1) If the cremation authorization form does not contain 29
instructions for the final disposition of the cremated remains of 30
the decedent or body parts, if no arrangements for the final 31
disposition of the cremated remains are made within sixty days 32
after the completion of the cremation, and if the cremated remains 33
have not been picked up by the person designated on the 34
authorization form to receive them or, in the absence of such a 35
designated person, by the authorizing agent, the operator of the 36
crematory facility or the funeral home holding the unclaimed 37
cremated remains may dispose of the cremated remains in a grave, 38
crypt, or niche at any time after the end of that sixty-day 39
period. 40

(2) If the cremation authorization form specifies the manner 41
of the final disposition of the cremated remains, or if within 42
sixty days after the completion of the cremation the authorizing 43
agent makes arrangements for the final disposition of the cremated 44
remains, and if either the arrangements have not been carried out 45
within that sixty-day period because of the inaction of a party 46
other than the operator of the crematory facility or the funeral 47
home holding the unclaimed cremated remains, or the authorizing 48
agent fails to pick up the cremated remains within that sixty-day 49

period, the operator of the crematory facility or the funeral home 50
holding the unclaimed cremated remains may dispose of the cremated 51
remains in a grave, crypt, or niche at any time after the end of 52
that period. 53

(3) If cremated remains of a decedent who was eighteen years 54
or older at the time of death are unclaimed under divisions (C)(1) 55
and (2) of this section, the operator of the crematory facility or 56
the funeral home holding the cremated remains shall, before 57
disposing of the unclaimed cremated remains, notify the secretary 58
of the United States department of veterans affairs of the name 59
of, and other identifying information related to, the decedent. 60
If, within sixty days of the notification, the secretary of the 61
department of veterans affairs notifies the crematory facility or 62
funeral home that the decedent was a veteran who is eligible for 63
burial in a national cemetery under the control of the national 64
cemetery administration and that the secretary agrees to provide 65
for the cost of the transportation and burial of the unclaimed 66
cremated remains in a national cemetery, the crematory facility or 67
funeral home shall follow the directions of the secretary and 68
arrange for the burial of the unclaimed remains in the national 69
cemetery at the secretary's expense. If the secretary does not 70
assume the right to direct the burial of the unclaimed remains 71
within sixty days of the notification by the crematory facility or 72
funeral home, the crematory facility or funeral home may carry out 73
the disposition of the unclaimed remains under divisions (C)(1) 74
and (2) of this section. 75

(4) When cremated remains are disposed of in accordance with 76
division (C)(1) or (2) of this section, the authorizing agent who 77
executed the cremation authorization form authorizing the 78
cremation of the decedent or body parts under section 4717.24 or 79
4717.25 of the Revised Code is liable to the operator of the 80
crematory facility or the funeral home for the cost of the final 81

disposition, which cost shall not exceed the reasonable cost for 82
disposing of the cremated remains in a common grave or crypt in 83
the county where the cremated remains were buried or placed in a 84
crypt or niche. 85

(D)(1) Except as provided in division (D)(2) of this section, 86
no person shall do either of the following: 87

(a) Dispose of the cremated remains of a dead human body or 88
body parts in such a manner or in such a location that the 89
cremated remains are commingled with those of another decedent or 90
body parts removed from another decedent or living person; 91

(b) Place the cremated remains of more than one decedent or 92
of body parts removed from more than one decedent or living person 93
in the same urn or temporary container. 94

(2) Division (D)(1) of this section does not prohibit any of 95
the following: 96

(a) The scattering of cremated remains at sea or by air or in 97
a dedicated area at a cemetery used exclusively for the scattering 98
on the ground of the cremated remains of dead human bodies or body 99
parts. 100

(b) The commingling of the cremated remains of more than one 101
decedent or of body parts removed from more than one decedent or 102
living person or the placement in the same urn or temporary 103
container of the cremated remains of more than one decedent or of 104
body parts removed from more than one decedent or living person 105
when each authorizing agent who executed the cremation 106
authorization form authorizing the cremation of each of the 107
decedents or body parts removed from each of the decedents or 108
living persons under section 4717.21, 4717.24, or 4717.25 of the 109
Revised Code authorized the commingling of the cremated remains or 110
the placement of the cremated remains in the same urn or temporary 111
container on the authorization form. 112

(c) The commingling, by the individual designated on the 113
cremation authorization form authorizing the cremation of the 114
decedent or body parts to receive the cremated remains, other than 115
a funeral director or employee of a cemetery, or by the 116
authorizing agent who executed the cremation authorization form, 117
after receipt of the cremated remains, of the cremated remains 118
with those of another decedent or of body parts removed from 119
another decedent or living person or the placing of them by any 120
such person in the same urn or temporary container with those of 121
another decedent or of body parts removed from another decedent or 122
living person. 123

Section 2. That existing section 4717.27 of the Revised Code 124
is hereby repealed. 125