

Ohio Funeral Directors Association

Legislative Update

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Enacted Legislation

➤ **State Budget – H.B. 64 (effective 7/1/2015)**

- OFDA and the Ohio Department of Health worked with the Legislature to successfully insert into H.B. 64 language that makes it clear that signatures on death certificates “may be filed and registered by photographic, **electronic**, or other means as prescribed by the director.” This language will help assist the Ohio Department of Health to move forward on updating the EDRS relating to electronic signing of death-related records.
- **As a result of enactment of this language, Ohio Department of Health (ODH) Director, Rick Hodges, sent out a communication on September 17th to Funeral Directors, Coroners, Hospitals, Physicians and Local Health Departments stating that “funeral directors may now accept scanned/e-mailed or faxed copies of death certificates containing the original signature of physicians and then file these electronic copies with the appropriate Vital Statistics office”.**

In addition, the letter states that ODH is working with its EDRS vendor to develop a mobile web application similar to the current corner e-certification procedure. Initial testing showed that further work needs to be done so ODH is looking at additional improvements to the app unless a more viable long-term solution is identified.

- **Public Cemetery Taxing Authority**
The provisions of [HB 91](#) relating to public cemeteries were included in the budget. The language lengthens, to any number of years or for a continuing period of time, the maximum term of a property tax levy to pay for operating and maintaining public cemeteries.
- **Tax provisions**
The House and Senate both rejected Governor Kasich’s proposed expansion of the state sales tax to numerous additional business-to-business related services. They also rejected Kasich’s proposed .50% increase in the state sales tax and an increase in the Commercial Activity Tax. An increase in cigarette taxes was retained at a lower level than Kasich had originally proposed. However, there was agreement between the Legislature and Kasich to further reduce the personal income tax and small business taxes as follows:
 - **Personal Income Tax Cut** – All income tax brackets are reduced by 6.3% for tax years beginning in 2015.

- **Small Business Tax Cut** – The first 75% of business income up to \$250,000 (up to \$125,000 for taxpayers filing separately) is not taxable for 2015, and for 2016 and thereafter, 100% of the first \$250,000 (\$125,000 for spouses filing separately) is not taxable. There is a flat tax of 3% on all business income in excess of these amounts.

Please note: The business income tax cut does not apply to small businesses organized as C-corporations.

Due to some drafting mistakes relating to the small business tax cuts mentioned above, Senator Bill Beagle has introduced [SB 208](#) to ensure that no one will pay more than they currently are as the tax is transitioned to a flat 3% rate. The result will ensure business taxes are reduced, as intended in the budget, by another \$77.4 million in Fiscal Year 2016 and another \$5.7 million in FY 2017. The bill is scheduled for a possible vote in the Senate Ways & Means Committee this Wednesday.

➤ **S. B. 61 – (Effective 10/15/2015)**

To restrict to whom a certified copy of a death certificate containing the decedent's social security number may be issued. The purpose of the bill is to help deter identity theft. The bill includes a licensed funeral director as one of the entities who can obtain a death certificate with a social security number on it. OFDA was successful in adding an amendment to the bill that also includes the person who has been assigned the right of disposition pursuant to Ohio law to be able to receive a certified copy with a social security number on it.

Update of laws impacting Ohio's Funeral profession

The OFDA has been working with the State Board of Embalmers & Funeral Directors and State Representative Tim Schaffer on a comprehensive update of Ohio's funeral laws. Key provisions in the legislation will likely include:

- Establishment of a Preneed Guaranty Fund
- Technical changes/updates to provide more uniformity/consistency in the laws governing the various licensees under the jurisdiction of the State Board of Embalmers & Funeral Directors
- Revisions to Ohio law concerning disclosures to members of the public at a main entrance of a funeral home relating to ownership and person actually in charge.
- Language relating to the lawful disposal of cremated remains
- Possible change in the composition of the State Board to remove one public member and add a licensed crematory operator
- Possible abolishment of Crematory Review Board
- Authorize the State Board executive director, under certain circumstances, to issue a temporary license until the Board makes a determination on the application.

After several meetings with representatives of the State Board and Senator Schaffer we are at somewhat of a stalemate on some of the provisions. While we are in general agreement on the subject matters to include in the legislation, we have been unable to come to agreement on the wording. Representative Schaffer has stated that he would like OFDA to be in support of the legislation when it is

introduced. OFDA is waiting on another draft of legislation from the Legislative Service Commission and then will resume discussions with interested parties.

Pending Legislation

[HB 36](#) (Retherford) (Introduced 2/3/2015) To authorize the Board of Embalmers and Funeral Directors to license and regulate alkaline hydrolysis facilities. The bill has been referred to the House Oversight & Accountability Committee. It received sponsor testimony on March 10, 2015.

[HB 240](#) **Update of Coroners Law** (Huffman & Johnson) The bill is scheduled for its third hearing in the House State Government Committee this Wednesday.

Legal residence of a dead person

Under current law when the body of a dead person is found in a township or municipal corporation, if the person was not an inmate of a correctional, benevolent, or institution of Ohio, and the body is not claimed by any person for private interment or cremation at the person's own expense or delivered for the purpose of medical or surgical study or dissection, the body must be disposed of, and the burial must be paid for, by the political subdivision in which the dead person had a legal residence.

HB 240 defines "legal residence" as a permanent place of abode used or occupied as living quarters at the time of a person's death, including a nursing home, hospital, or other care facility.

Governor Kasich Announces State Board Appointments

Governor Kasich recently announced the following appointments to the Board of Embalmers & Funeral Directors:

Bryan E. Chandler of Caldwell (Noble Co.) to the Board of Embalmers and Funeral Directors for a term beginning June 16, 2015 and ending June 30, 2019. Mr. Chandler is the owner of Chandler Funeral Home & Cremation Service in Caldwell.

Jack R. Marchbanks of Columbus has been appointed to the Board of Embalmers and Funeral Directors for a term beginning July 6, 2015 and ending June 30, 2020. For over 15 years Mr. Marchbanks was Deputy Director of District 6 of the Ohio Department of Transportation where he managed 525 employees and was responsible for the planning, designing and constructing over \$1.5 billion in new transportation infrastructure. He currently serves as a member of the Ohio Transportation Review Advisory Council which is responsible for funding policy and decisions directing federal and state dollars to projects that improves Ohio's highways and other transportation systems.