



Ohio Legislative Service Commission

Bill Analysis

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H.B. 36

131st General Assembly
(As Introduced)

Reps. Retherford, Antani

BILL SUMMARY

- Authorizes the Board of Embalmers and Funeral Directors to license and regulate hydrolysis facilities.
- Requires a person who is licensed to operate a hydrolysis facility to obtain a new license upon any change in location, and, under certain circumstances, upon a change in ownership.

CONTENT AND OPERATION

Hydrolysis

The bill modifies various laws respecting human remains to authorize hydrolysis, in addition to burial and cremation, as a lawful method of disposition of a dead human body. The bill defines relevant terms as follows:

"Hydrolysis" means the technical process of using heat, water, potassium hydroxide or an alternate alkaline solution, and pressure, agitation, or both, to dissolve human tissue within a hydrolysis chamber and reduce human remains to bone fragments. "Hydrolysis" includes the processing and may include the pulverization of bone fragments.¹

"Hydrolysis facility" means the physical location at which a hydrolysis chamber is located and the hydrolysis takes place.²

¹ R.C. 4717.01(X).

² R.C. 4717.01(Y).

"Hydrolysis chamber" means the enclosed container within which hydrolysis takes place.³

"Hydrolyzed remains" means all human or animal remains recovered after the completion of the hydrolysis, which may include the residue of any foreign matter that was hydrolyzed with the remains.⁴

"Operator of a hydrolysis facility" means the sole proprietorship, partnership, corporation, limited liability company, or other business entity responsible for the overall operation of a hydrolysis facility.⁵

Rules

The bill requires the Board of Embalmers and Funeral Directors to adopt rules that establish requirements for the licensing and operation of hydrolysis facilities.⁶ The Board also is required to adopt rules that prohibit recklessly operating a hydrolysis facility, or recklessly performing hydrolysis, without a license.⁷

The Board also must adopt rules governing the standards of service and practice to be followed in the operation of hydrolysis facilities in Ohio.⁸

Licensing restrictions

The board must issue a license to operate a hydrolysis facility only for the address at which the hydrolysis facility is located and operated. The license must be displayed in a conspicuous place within the hydrolysis facility.⁹

The hydrolysis facility must be adequately equipped and maintained in a clean and sanitary manner. The hydrolysis facility may be located in a funeral home, embalming facility, cemetery building, crematory facility, or other building in which the hydrolysis facility may lawfully operate. If the hydrolysis facility engages in the hydrolysis of animals, the hydrolysis facility must hydrolyze animals in a hydrolysis

³ R.C. 4717.01(Z).

⁴ R.C. 4717.01(AA).

⁵ R.C. 4717.01(BB).

⁶ R.C. 4717.04(A)(11).

⁷ R.C. 4717.13(A)(11).

⁸ R.C. 4717.04(B).

⁹ R.C. 4717.06(E)(1).

chamber that is not also used to hydrolyze dead human bodies or human body parts, and must not hydrolyze animals in a hydrolysis chamber used for the hydrolysis of dead human bodies and human body parts. However, hydrolysis chambers that are used for the hydrolysis of dead human bodies or human body parts and the hydrolysis chambers used for the hydrolysis of animals may be located in the same area.¹⁰

A license to operate a hydrolysis facility must be issued to the person actually in charge of the hydrolysis facility. The bill does not require the person in charge of the hydrolysis facility to be licensed as an embalmer or funeral director.¹¹

The bill expressly does not preclude the establishment and operation of a hydrolysis facility on or adjacent to the property on which a cemetery, funeral home, embalming facility, or crematory facility is located.¹²

License fees

The bill establishes the following fees for a license to operate a hydrolysis facility:

For the initial issuance of a license to operate a hydrolysis facility, and for the biennial renewal of a license to operate a hydrolysis facility, \$200.¹³

For the reinstatement of a lapsed license to operate a hydrolysis facility, the \$200 renewal fee plus \$50 for each month or portion of a month the license has lapsed until reinstatement.¹⁴

Prohibitions

The bill prohibits a person from (1) recklessly operating a hydrolysis facility or performing hydrolysis without a license to operate the hydrolysis facility, and (2) recklessly hydrolyzing animals in a hydrolysis chamber in which dead human bodies or human body parts are hydrolyzed, or hydrolyzing dead human bodies or human body parts in a hydrolysis chamber in which animals are hydrolyzed.¹⁵

¹⁰ R.C. 4717.06(E)(2) and 4717.13(A)(11).

¹¹ R.C. 4717.06(E)(3).

¹² R.C. 4717.06(E)(4).

¹³ R.C. 4717.07(A)(12).

¹⁴ R.C. 4717.07(A)(13).

¹⁵ R.C. 4717.13(A)(11) and (12).

The bill also prohibits an operator of a hydrolysis facility from knowingly using or allowing the use of the same hydrolysis chamber for the hydrolysis of dead human bodies, or human body parts, and animals.¹⁶

A person who violates any of the prohibitions described above on a first offense must be fined not less than \$100 nor more than \$5,000, or imprisoned for not more than one year, or both. On a subsequent offense, a person who violates any of the prohibitions described above must be fined not less than \$100 nor more than \$10,000, or imprisoned for not more than one year, or both.¹⁷

Change in location or ownership

The bill requires that a person who is licensed to operate a hydrolysis facility must obtain a new license to operate upon any change in location of the hydrolysis facility or upon a change in ownership of the business entity operating the facility that results in a majority of the ownership of the business entity being held by one or more persons who solely or in combination with others did not own a majority of the business entity immediately before the change in ownership. The person licensed to operate the hydrolysis facility must surrender the current license to the board within 30 days after any such change occurs.¹⁸

Conforming changes

The bill makes changes throughout the law to reflect the licensing and regulation of hydrolysis.

HISTORY

ACTION	DATE
Introduced	02-03-15

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¹⁶ R.C. 4717.26(K).

¹⁷ R.C. 4717.99, not in the bill.

¹⁸ R.C. 4717.11(E).

