



Ohio Legislative Service Commission

Bill Analysis

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S.B. 107

131st General Assembly
(As Introduced)

Sens. Tavares, Yuko, Seitz, Williams

BILL SUMMARY

- Provides for a county Department of Jobs and Family Services to approve limited financial assistance to a person who applies for payment for the cremation, cemetery, and burial expenses of a deceased individual who received aid from certain public assistance programs.
- Requires a financial assistance application to include an invoice of funeral expenses and to account for available funds, insurance proceeds, and grave space and monetary gifts or grants that will help cover expenses.
- Provides that the financial assistance be used to cover costs that exceed the deceased person's funds, insurance, and grave space and monetary contributions.
- Limits the financial assistance in most cases to either:
 - \$500, if the deceased person had not reached 11 years of age, resided in an unincorporated area, and was the recipient of aid under either the Ohio Works First or the Disability Financial Assistance program;
 - \$750 in all other cases.
- Establishes ineligibility for financial assistance under the bill as a condition affecting the duty of local governments to dispose of dead bodies.

CONTENT AND OPERATION

Burial assistance

Overview

The bill provides for a county department of job and family services (DJFS) to approve limited financial assistance payments to cover funeral, cremation, cemetery, and burial expenses for deceased recipients of certain public assistance programs. The bill's program is similar to a burial assistance program repealed by H.B. 94 of the 124th General Assembly.¹

Specifics

Eligible deceased individuals

In order to be eligible for financial assistance under the bill from a county DJFS, the deceased individual must have been one of the following:

(1) A recipient of Supplemental Security Income (SSI) for the aged, blind, and disabled, or would have been eligible for it, except that the deceased was a resident of a county home;

(2) A recipient of aid in December 1973 under a former state program for the aged, blind, and disabled;² or

(3) A resident of an unincorporated area and received aid under the Ohio Works First Program or the Disability Financial Assistance Program.³

Application

A person desiring financial assistance for an eligible deceased individual under the bill must submit an application to the county DJFS that includes the following:

(1) An invoice from the funeral director itemizing the total funeral, cremation, cemetery, and burial charges;

(2) An accounting of any funds available to the deceased individual at the time of death for funeral, cremation, cemetery, and burial charges;

¹ Former R.C. 5101.52.

² Former R.C. Chapters 5105., 5106., and 5151.

³ R.C. 5101.75(A).



(3) A quotation of any insurance the deceased individual had at the time of death, the proceeds of which can be applied to defray funeral, cremation, cemetery, and burial expenses;

(4) An itemization of the value of any grave space or the amount of any monetary grants and gifts provided as described by the bill.⁴

Assistance payment

A county DJFS must approve a financial assistance payment to the person whose application for assistance is acceptable to the department for the amount of the total funeral, cremation, cemetery, and burial charges that exceed the deceased individual's available funds, insurance, and the value of grave space and any monetary gifts or grants received as described under the bill. The maximum financial assistance payment is \$750, but must not exceed \$500 if the deceased individual had not reached 11 years of age, resided in an unincorporated area, and received aid from the Ohio Works First or Disability Assistance programs.⁵

Grave space and monetary gifts or grants

The bill provides that any person or governmental entity, other than the Ohio Department of Job and Family Services, may contribute grave space and monetary gifts and grants for an eligible deceased individual's funeral, cremation, cemetery, and burial expenses.⁶

Local government duty to dispose of dead bodies

The bill creates another condition to the requirements of existing law regarding the disposal of dead bodies by local governments, which condition depends on the status of the dead person's eligibility for financial assistance under the bill (see "**Burial assistance**," above). Under existing law, counties, townships, and municipal corporations have a duty to dispose of or pay for the disposal of a body if all of the following apply:

(1) The person was not an inmate in a state correctional, benevolent, or charitable institution;

⁴ R.C. 5101.75(B).

⁵ R.C. 5101.75(D).

⁶ R.C. 5101.75(C).



(2) The body is not claimed by any person for private interment or cremation at the person's expense or delivered for medical or surgical study or dissection as provided under existing law.⁷

To the second item described above, the bill adds that the "person was not eligible for burial assistance" as established under the bill. The added condition was intended to reflect the condition as it existed under law prior to the repeal of the burial assistance program by H.B. 94 of the 124th General Assembly.⁸

HISTORY

ACTION	DATE
Introduced	03-03-15

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⁷ R.C. 9.15.

⁸ Former R.C. 5101.521 (renumbered as R.C. 9.15 by H.B. 119 of the 127th General Assembly). This provision needs a corrective amendment to clarify that the new condition is intended to return the law to its pre-H.B. 94 state regarding the local government duty to dispose of dead bodies. The corrective amendment would treat the condition separately from the conditions regarding claiming the body for private interment or cremation or delivery of the body for medical or surgical study or dissection.

