

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4717-12-01

Rule Type: Amendment

Rule Title/Tagline: Forfeitures.

Agency Name: Board of Embalmers and Funeral Directors

Division:

Address: 77 South High Street 16th Floor Columbus OH 43215

Contact: Jarrod S. Williams **Phone:** 614-466-0953

Email: jwilliams@funeral.ohio.gov

I. Rule Summary

1. **Is this a five year rule review?** No
 - A. **What is the rule's five year review date?** 6/19/2022
2. **Is this rule the result of recent legislation?** No
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 4717.04
5. **What statute(s) does the rule implement or amplify?** 4717.04
6. **What are the reasons for proposing the rule?**

Proposed amendments to rule will reduce minimum fines imposed for a second or subsequent offense for violation of sections 4717.01 to 4717.15 of Chapter 4717. of the Ohio Revised Code or a rule adopted under any of those sections.

7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

The rule specifies the Ohio forfeiture schedule the board may impose for violations of Chapter 4717.

The rule is amended to reduce the uniform minimum fine of seven thousand five hundred dollars imposed for a second or subsequent offense for violation of sections 4717.01 to 4717.15 of Chapter 4717. of the Ohio Revised Code or a rule adopted under any of those sections.

8. **Does the rule incorporate material by reference? No**
9. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

Not Applicable

10. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Not Applicable

II. Fiscal Analysis

11. **Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will decrease revenues.

\$6,750.00

The imposition of a fine for a second or subsequent offense for violation of sections 4717.01 to 4717.15 of Chapter 4717. of the Ohio Revised Code or a rule adopted under any of those sections is uncommon.

The estimated decrease of six thousand seven hundred fifty dollars in the agency's revenue is the difference between the current minimum fine amount (\$7,500) and the proposed lowest minimum fine amount (\$750) for a second or subsequent offense.

12. **What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

The estimated costs of compliance for all persons and/or organizations directly affected by the rule is unknown. The reduction of the uniform minimum fine of seven thousand five hundred dollars for a second or subsequent offense provides an opportunity for the Board to minimize the disproportionate forfeiture amount to a befitting minimum

sanction for violation of sections 4717.01 to 4717.15 of Chapter 4717. of the Revised Code or a rule adopted under any of those sections.

13. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**
14. **Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**
15. **If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

Not applicable.

III. Common Sense Initiative (CSI) Questions

16. **Was this rule filed with the Common Sense Initiative Office? Yes**
17. **Does this rule have an adverse impact on business? No**
 - A. **Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No**
 - B. **Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No**
 - C. **Does this rule require specific expenditures or the report of information as a condition of compliance? No**
 - D. **Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No**

IV. Regulatory Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))

18. **Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? No**
 - A. **How many new regulatory restrictions do you propose adding?**

Not Applicable

B. How many existing regulatory restrictions do you propose removing?

Not Applicable