

4717-7-04

Crematory facilities.

Requirements for crematory facility license:

(A) Any person desiring to operate a crematory facility shall be a crematory operator as required under division (D)(1) of section 4717.06 of the Revised Code and apply to the board on a form provided by the board, include the appropriate license fee, and establish that:

- (1) The facility is at a fixed place or location;
- (2) The facility is adequately equipped and maintained in a clean and sanitary manner. The crematory shall contain only the articles and instruments necessary for carrying out the business of the crematory. The crematory shall contain separate equipment for the performance of cremation and pulverization of dead human bodies and human body parts, and animals so as to prevent the opportunity for comingling of remains. The minimal requirements for the crematory facility shall be as follows:
 - (a) The crematory facility shall be in compliance with all applicable local and state building codes, zoning laws, and ordinances, environmental laws and OSHA requirements;
 - (b) The crematory shall have, on site, a motorized mechanical device for processing cremated remains and must have, in the building or adjacent to it, a holding facility for the retention of dead human bodies or human body parts awaiting cremation. The holding facility must be secure from access by anyone except the authorized personnel of the crematory, preserve the dignity of the remains, and protect the health and safety of the crematory personnel. The crematory facility shall also maintain sufficient pollution control equipment to comply with the department of environmental regulation requirements in order to secure annual approved certification.
- (3) The holder of a crematory facility license who is the actually in charge and ultimately responsible shall submit to the board written notification, within ten days of any termination of a crematory operator actually in charge and ultimately responsible for the crematory facility. Within thirty days of the notification to the board, the holder of a crematory facility license who is actually in charge and ultimately responsible shall surrender the license to operate the crematory facility. Except in extenuating circumstances, and with approval of the board, no crematory facility is to operate without a crematory operator actually in charge and ultimately responsible of the crematory facility ~~responsible for the crematory facility~~ for more than thirty days after the written notification is filed with the board. ~~however, a change of~~

~~crematory operator does not require a new license. The holder of the crematory facility license shall submit an amendment naming a new crematory operator within thirty days of filing the written notification with the board. Any crematory facility that fails to comply with this rule shall cease operations.~~
A change in the person who is licensed to operate a crematory facility who is actually in charge and ultimately responsible requires a new crematory facility license under division (C)(2) of section 4717.11 of the Revised Code. The person who will be licensed to operate the crematory as the actually in charge and ultimately responsible after the change shall apply for a new license on an application form prescribed by the board within thirty days of filing the written notification with the board. Any crematory facility that fails to comply with this rule shall cease operations.

(B) Actually in charge and ultimately responsible sign

(1) The name of the crematory operator actually in charge and ultimately responsible to whom the crematory facility license has been issued to operate shall be displayed on a sign. The sign must be measured at 8.5 by 11 inches with font readable by the general public and conspicuously displayed in such a manner that it may be seen by the general public immediately on the outside or inside of the primary entrance to the crematory facility. The sign must specifically include the crematory operator actually in charge and ultimately responsible followed by "has been issued a license to operate this crematory facility."

(C) The board shall have the right to examine the crematory facility location for which a crematory license application has been filed.

(D) When a request for a license is rejected, the board shall notify the applicant of his right to a hearing. The applicant shall request a hearing within thirty days of the time of mailing the notice. When the applicant requests a hearing, the board shall immediately set a date, time, and place for a hearing and shall notify the applicant. The date shall be within fifteen days, but not earlier than seven days, after the applicant requested the hearing, unless otherwise agreed to by both parties.

Effective:

Five Year Review (FYR) Dates: 6/19/2022

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 4717.04(B)
Rule Amplifies: 4717.11
Prior Effective Dates: 01/01/2001, 04/10/2011, 06/19/2017