

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 4717-7-05

**Rule Type:** Amendment

**Rule Title/Tagline:** Embalming facilities.

**Agency Name:** Board of Embalmers and Funeral Directors

**Division:**

**Address:** 77 South High Street 16th floor Columbus OH 43215

**Contact:** David A. Ingram

**Email:** dingram@funeral.ohio.gov      **Phone:** 614-466-0470

#### 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(A)(8), 4717.04(B)
5. **What statute(s) does the rule implement or amplify?** 4717.11
6. **What are the reasons for proposing the rule?**

The rule seeks to create consistency between the statute and the administrative code.

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

The administrative rule conflicts with the ORC 4717.11 by stating that a change of the actually in charge does not require a new license. Under ORC 4717.11, a change of this type does require a new application and a new license. The rule includes a requirement to post a sign, created specifically to benefit of the consumer.

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. 121.71 to 121.76, 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.**

Modified the size of of the text of the actually in charge and ultimately responsible sign in (B)(1). Included a provision requiring the facility license to be displayed in (C).

## **II. Fiscal Analysis**

11. **As a result of this proposed rule, please estimate the increase / decrease in revenues or expenditures affecting this agency, or the state generally, in the current biennium or future years. If the proposed rule is likely to have a different fiscal effect in future years, please describe the expected difference and operation.**

This will have no impact on revenues or expenditures.

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Not Applicable

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

The applicant would be required to pay the \$350 licensing fee for the initial application and/or any changes listed under ORC 4717.11

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**

## **III. Common Sense Initiative (CSI) Questions**

15. **Was this rule filed with the Common Sense Initiative Office? Yes**

16. **Does this rule have an adverse impact on business? Yes**

- A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? Yes**

This rule applies to embalmers seeking to operate an embalming facility.

- 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? Yes**

Failure to notify the board of the change could result in a finding of unprofessional conduct and disciplinary action by the board.

- C. Does this rule require specific expenditures or the report of information as a condition of compliance? Yes**

A change under ORC 4717.11 requires a new application and license. The application fee is \$350.