



Ohio Revised Code

Section 2108.75 Disqualification of assignee of right of disposition.

Effective: September 13, 2022

Legislation: Senate Bill 224

(A) A person shall be disqualified from serving as a representative or successor representative, or from having the right of disposition for a deceased person pursuant to section 2108.81 of the Revised Code, if any of the following occurs:

- (1) The person dies.
- (2) A probate court declares or determines that the person is incompetent.
- (3) The person resigns or declines to exercise the right as described in section 2108.88 of the Revised Code.
- (4) The person fails to exercise the right within forty-eight hours after notification of the declarant's or deceased person's death or, if there is no notification, within seventy-two hours of either of the following, as applicable:
 - (a) The declarant's or deceased person's death;
 - (b) The discovery of the declarant's or deceased person's remains, when such discovery occurs more than an hour after the declarant's or deceased person's death.
- (5) The person cannot be located with reasonable effort.
- (6) The person meets the criteria described in section 2108.76 or 2108.77 of the Revised Code.
- (7) The person refuses to assume the liability for the costs of disposition.

(B) No owner, employee, or agent of a funeral home, cemetery, or crematory providing funeral, burial, or cremation services for a declarant shall serve as a representative or successor representative



for the declarant unless the owner, employee, or agent is related to the declarant by blood, marriage, or adoption.

(C) Subject to divisions (C)(2) and (D) of section 2108.70 of the Revised Code, if a person is disqualified from serving as the declarant's representative or successor representative, or from having the right of disposition for a deceased person pursuant to section 2108.81 of the Revised Code, as described in division (A) of this section, the right is automatically reassigned to, and vests in, the next person who has the right pursuant to the declarant's written declaration or pursuant to the order of priority in section 2108.81 of the Revised Code.

If a right of disposition for a deceased person is assigned to a funeral director under division (B)(9) of section 2108.81 of the Revised Code, the funeral director is not liable for the cost of disposition.