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STATE BOARD OF EMBALMING EXAMINERS—JURISDICTION OF SAID BOARD.

SYLLABUS.

Outlining duties of The State Board of Embalming Examiners of Ohio.

COLUMBUS, OHIO, March 21, 1927.

The State Board of Embalming Examiners of Ohio, 23 West Second Avenue, Columbus, Ohio.

Attention: Glenn L. Myers, Secretary-Treasurer.

GENTLEMEN: Your secretary today called my attention to a request for opinion pending in this department.

Your request reads as follows:

"The question has been asked this department many times if the city ordinance of Cleveland, Ohio, pertaining to the care and handling of deceased persons does not conflict with the state law, especially in reference to embalmers license.

I am enclosing section of the said city ordinance of Cleveland as forwarded this department by Glenn, George and Frey, attorneys at law.

When you are ready to render this department a decision or answer in this case, will you kindly return same to me so I can keep a proper record in the files of this department."

I am of the opinion that this is a matter which does not fall within the jurisdiction of your board. If the attorneys mentioned question the validity of the Cleveland ordinance on behalf of any of their clients, they can have this matter tried out very quickly in the courts of Cuyahoga county.

Sections 1335 to 1348 of the General Code, both inclusive, relate to the creation of the State Board of Embalming Examiners and the requirements and qualifications necessary to be met by every person desiring to engage in the practice of embalming or the preparation of the dead for burial, cremation or transportation in the state of Ohio.

Briefly stated, Sections 1335 to 1340, both inclusive, relate to the organization of the board. Section 1341 sets out the subjects on which an applicant for license shall be examined. Section 1342 sets forth the requirements of the application for such license together with the fee to accompany such application. Section 1343 provides for the registration and display of the license. Section 1343-1 provides for the issuance of the license without examination to licensed embalmers of other states. Sections 1343-2 to 1343-4, both inclusive, set out the procedure for revocation of licenses. Section 1344 prescribes the penalties for practicing without a license. Sections 1345 to 1348, both inclusive, prescribe the contents of the license and set out to whom the provisions of this chapter do not apply.

It is my opinion, therefore, that outside of questions arising in the examination and issuance of licenses, or in the revocation of licenses, or in prosecutions for practicing without a license, your board has no jurisdiction.

I am returning herewith the papers furnished you by Messrs. Glenn, George & Frey, attorneys at law.

Respectfully,

EDWARD C. TURNER,

Attorney General.