

Your attention is also directed to the provisions of section 12 of the appropriation bill of the 86th general assembly, which provides that no moneys appropriated for the purchase of real estate shall be expended without the consent and approval of the controlling board. Such approval must be evidenced by a majority vote of the board entered on the minutes. The approval of the controlling board, as above required, must be had and properly evidenced by a transcript of the minutes of the controlling board before this transaction is finally consummated.

I am returning herewith the abstract, warranty deed and encumbrance estimate.

Respectfully,

C. C. CRABBE,
Attorney General.

2741.

PREPARATION OF DEAD HUMAN BODY FOR BURIAL MUST BE MADE
UNDER DIRECTION OF LICENSED EMBALMER.

SYLLABUS:

Under section 1344 G. C. all steps necessary in the preparation of a dead human body for burial, transportation, or cremation must be made under the direction and supervision of a licensed embalmer.

COLUMBUS, OHIO, Sept. 1, 1925.

State Board of Embalming Examiners of Ohio, Columbus, Ohio.

Attention Mr. Glenn L. Myers, Secy.-Treas.

GENTLEMEN:—I am in receipt of your communication as follows:

“Will you kindly furnish this board with an opinion on the word “prepare” as set forth in section 1334 of the General Code wherein it sets forth that no person shall embalm either by arterial or cavity treatment or prepare for burial, etc., unless he or she is a duly licensed embalmer within the meaning of this chapter. It has been the opinion of this board that no one has a right to prepare in any manner a dead human body unless he or she is a licensed embalmer.”

It is presumed that the section mentioned in your communication was meant to refer to section 1344 G. C. of Ohio.

Section 1344 G. C. of Ohio provides as follows:

“No person shall embalm, either by arterial or cavity treatment or prepare for burial, cremation or transportation any dead human body unless he or she is a duly licensed embalmer within the meaning of this chapter. Any person who shall practice in this state the science of embalming, either by arterial or cavity treatment of any dead human body, or prepare for burial, cremation, or transportation any dead human body, without having complied with the provisions of this act, shall be guilty of a misdemeanor, and

upon conviction thereof in any court of competent jurisdiction, shall be fined not less than forty dollars nor more than seventy-five dollars for the first offense, and for the second and each repeated offense shall be fined not less than fifty dollars nor more than one hundred dollars, or imprisoned for six months or both, at the discretion of the court. All such fines shall be paid into the common school fund."

This section prohibits persons from embalming either by arterial or cavity treatment or prepare for burial, cremation, or transportation any dead human body unless he or she is a duly licensed embalmer.

Funk and Wagnalls Standard dictionary defines "prepare" as follows:

"To adapt, render suitable, or qualify for a particular end or purpose; make ready; fit."

It will be noted that section 1344 can be divided naturally into two parts: one which prohibits embalming by any method; and second: the preparation for burial, cremation or transportation of any dead human body. Under the definition as laid down in the dictionary for the word "prepare" it would seem that the preparation of a dead human body for the purposes of burial, cremation or transportation would be prohibited by this section. The evident purpose of such a statute is to prevent the spread of contagious diseases by the preparation of bodies by persons who are unacquainted with the duties connected with the preparation of bodies for burial. It is believed that it is not necessary that all the work of preparing a body for burial, etc., must necessarily be made by a licensed embalmer, but that such preparation shall be made under the direction and supervision of a licensed embalmer.

It is, therefore, my opinion that under section 1344 G. C. all steps necessary in the preparation of a dead human body for burial, transportation, or cremation must be made under the direction and supervision of a licensed embalmer.

Respectfully,

C. C. CRABBE,

Attorney General.

2742.

MEMBER OF BOARD OF EDUCATION MAY NOT PARTICIPATE IN MAKING OF CONTRACT EMPLOYING SON OR DAUGHTER—SECTION 12932 G. C. CONSTRUED.

SYLLABUS:

Under the provisions of section 12932 General Code the mere facts alone that a member of the board of education does not cast his vote in favor of a contract employing his son or daughter is not sufficient to place such attempted contract of employment beyond the other provisions and penalties of said section.

The signing of such a contract by a board member as president of such board