

House Bill 1481

By: Representatives Snow of the 2nd, Smith of the 175th, Joyce of the 1st, Sims of the 167th, Williams of the 5th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 3 of Chapter 21 of Title 31 of the Official Code of Georgia Annotated,
2 relating to offenses regarding dead bodies, so as to change certain provisions relating to
3 abuse of dead body; to prohibit and punish certain throwing away, abandonment, or final
4 disposition of dead bodies; to amend Chapter 18 of Title 43 of the Official Code of Georgia
5 Annotated, relating to funeral directors and embalmers, so as to change certain provisions
6 relating to definitions; to change certain provisions relating to crematories; to provide for an
7 effective date; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 style="text-align:center">**SECTION 1.**

10 Article 3 of Chapter 21 of Title 31 of the Official Code of Georgia Annotated, relating to
11 offenses regarding dead bodies, is amended by striking Code Section 31-21-44.1, relating to
12 abuse of dead body, and inserting in lieu thereof the following:

13 "31-21-44.1.

14 (a)(1) A person commits the offense of abuse of a dead body if, prior to interment or
15 other final disposition and except as otherwise authorized by law, such person willfully
16 defaces, mutilates, or desecrates a dead human body while the dead body is lying in state
17 or is prepared for burial, showing, or cremation whether in a funeral establishment, place
18 of worship, home, or other facility for lying in state, ~~or~~ at a grave site, or at any other
19 place awaiting final disposition. The lawful presence of the offender at a place where the
20 dead body is abused shall not be a defense to a prosecution under this ~~Code section~~
21 paragraph.

22 (2) A person who is providing care to another person, other than in a hospital, either on
23 a permanent or temporary basis, shall, upon the death of such person while in such
24 person's care, be required to notify a local law enforcement agency or coroner or a
25 relative of such deceased person within six hours of the discovery of the death of such

1 person. Any person who intentionally violates the provisions of this paragraph shall
2 commit the offense of abuse of a dead body.

3 (3) Any person who throws away, abandons, or finally disposes of any dead human
4 body, or any portion thereof, other than by interment, entombment, inurnment, burial at
5 sea, or scattering of cremated remains and under a death certificate issued pursuant to
6 Chapter 10 of this title or the law of another jurisdiction shall commit the offense of
7 abuse of a dead body.

8 (b) Any person who ~~violates~~ commits an offense of abuse of a dead body as provided by
9 subsection (a) of this Code section shall be guilty of a felony and shall be punished by
10 imprisonment for not less than one nor more than three years."

11 SECTION 2.

12 Chapter 18 of Title 43 of the Official Code of Georgia Annotated, relating to funeral
13 directors and embalmers, is amended by striking paragraph (6) of Code Section 43-18-1,
14 relating to definitions, and inserting in lieu thereof the following:

15 "(6) 'Crematory' means a any place ~~that is owned by a funeral director or funeral~~
16 ~~establishment~~ where cremation is performed, ~~and which is open to the public~~ other than a
17 hospital, clinic, laboratory, or other facility authorized by the Department of Human
18 Resources for such purposes."

19 SECTION 3.

20 Said chapter is further amended by striking Code Section 43-18-72, relating to crematories,
21 and inserting in lieu thereof the following:

22 "43-18-72.

23 (a) It shall be unlawful for any person, firm, corporation, or association to operate a
24 crematory without first obtaining a license from the board in accordance with this article.
25 The crematory must be at a specific address or location and must have the following
26 minimum equipment, facilities, and personnel:

- 27 (1) A room with seating for a minimum of 30 people in which funeral services may be
28 conducted;
- 29 (2) A display room containing an adequate supply of urns;
- 30 (3) Rolling stock consisting of at least one operable motor hearse either owned or leased
31 by said firm with current Georgia registration;
- 32 (4) At least one operable retort for cremation; and
- 33 (5) At least one church truck;

1 provided, however, that the provisions of paragraphs (1), (2), and (5) of this subsection
2 shall not apply to crematories which provide cremation services only to other funeral
3 establishments.

4 (b) The board may adopt and enforce such rules as may be reasonable and necessary to
5 provide for the sanitary disposal of dead human bodies and prevent the spread of disease
6 and to protect the health, safety, and welfare of the people of this state.

7 (c) Application for licensure of a crematory shall be made upon a form approved by the
8 board and shall be accompanied by an application fee. No license shall be issued unless
9 the facility meets all the requirements set forth by the board.

10 (d) The board may adopt rules requiring each crematory to submit periodic reports to the
11 board which include the names of persons cremated and the types of containers used.

12 (e) No more than one dead human body shall be placed in a retort at one time unless
13 written permission has been received from the person possessing legal responsibility for
14 the disposition of the dead human body.

15 (f) Nothing in this article shall require a funeral establishment to have a separate license
16 for a crematory but such establishment must comply with all the minimum equipment and
17 facilities requirements, and all other statutes, rules, and regulations relating to crematories."

18 **SECTION 4.**

19 This Act shall become effective upon its approval by the Governor or upon its becoming law
20 without such approval.

21 **SECTION 5.**

22 All laws and parts of laws in conflict with this Act are repealed.