

The Senate Veterans and Consumer Affairs Committee offered the following substitute to SB 469:

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 18 of Title 43 of the Official Code of Georgia Annotated,
2 relating to funeral directors, embalmers, and operators of funeral establishments, so as to
3 change certain provisions relating to definitions; to change certain provisions relating to
4 cremations; to change certain provisions relating to suspension or revocation of licenses; to
5 provide for inspections; to provide an effective date; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

13 "(6) 'Crematory' means ~~a place that is owned by a funeral director or funeral~~ an
14 establishment where cremation is performed and which is open to the public in which the
15 dead human body is reduced to residue by intense heat, other than a hospital, clinic,
16 laboratory, or other facility authorized by the Department of Human Resources for such
17 purposes."

SECTION 2.

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

21 "43-18-72.

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

1 (1) A room with seating for a minimum of 30 people in which funeral services may be
2 conducted;

3 (2) A display room containing an adequate supply of urns;

4 (3) Rolling stock consisting of at least one operable motor hearse either owned or leased
5 by said firm with current Georgia registration;

6 (4) At least one operable retort for cremation; and

7 (5) At least one church truck;

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

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

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

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

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

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

25 SECTION 3.

26 Said article is further amended by striking Code Section 43-18-75, relating to suspension or
27 revocation of licenses, and inserting in lieu thereof the following:

28 "43-18-75.

29 (a) The board shall provide for inspections from time to time, but not less frequently than
30 annually, of the premises of licensees under this article for purposes of ensuring
31 compliance with the provisions of this article and any rules or regulations issued pursuant
32 thereto, and every such licensee shall submit to such inspections.

33 (b) The license of any funeral establishment or crematory may be suspended, revoked, or
34 put on probation, or fines may be imposed by the board if the evidence produced before it
35 indicates that the establishment has violated any of the provisions of this article or any rules

1 or regulations issued pursuant thereto. The board shall comply with Chapter 13 of Title 50,
2 the 'Georgia Administrative Procedure Act,' in relation to such hearing; and the licensee
3 shall have the right to appeal any decision of the board in accordance with Chapter 13 of
4 Title 50, the 'Georgia Administrative Procedure Act.'"

5 **SECTION 4.**

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

8 **SECTION 5.**

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