

House Bill 1481 (FLOOR SUBSTITUTE) (AM)

By: Representatives Snow of the 2nd, Sims of the 167th, Lane of the 146th, Walker of the 141st,
Unterman of the 84th and others

A BILL TO BE ENTITLED
AN ACT

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

9 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

10 **SECTION 1.**

11 Article 3 of Chapter 21 of Title 31 of the Official Code of Georgia Annotated, relating to
12 offenses regarding dead bodies, is amended by inserting a new Code section to read as
13 follows:

14 "31-21-44.2.

15 (a)(1) Any person who throws away or abandons any dead human body or portion of
16 such dead body or mutilates or desecrates a dead human body shall commit the offense
17 of abandonment of a dead body.

18 (2) It shall not be an offense under this subsection to make final disposition of a dead
19 human body or portion of such dead body under a death certificate issued under Chapter
20 10 of this title or the law of another jurisdiction by interment, entombment, inurnment,
21 scattering of cremated remains, burial at sea, or any means otherwise authorized by law;
22 nor shall it be an offense under this subsection for any law enforcement personnel,
23 medical or medical laboratory personnel, coroner or medical examiner, funeral director,
24 embalmer, crematory operator, or cemetery operator to perform those duties or acts
25 relating to possession or disposition of a dead human body or portion of such dead body
26 which are otherwise imposed or authorized by law or lawful contract.

1 (b) Any person who commits an offense of abandonment of a dead body as provided by
 2 subsection (a) of this Code section shall be guilty of a felony and shall be punished by
 3 imprisonment for not less than one nor more than three years."

4 SECTION 2.

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

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

12 SECTION 3.

13 Said chapter is further amended by striking Code Section 43-18-8, relating to identification
 14 of bodies of deceased persons, and inserting in lieu thereof the following:

15 "43-18-8.

16 (a) The funeral director or person in charge of final disposition of a dead body shall, prior
 17 to the interment of such dead body, affix on the ankle or wrist of the deceased or, if
 18 cremated, on the inside of the vessel containing the remains, a tag of durable, noncorroding
 19 material permanently marked with the name of the deceased, the date of death, the social
 20 security number of the deceased, and the county and state of death. If the religious faith of
 21 the deceased prohibits ~~desecration of the body~~ such means of identification, alternative
 22 means of identification of the body may be used.

23 (b) The funeral director in charge of a crematory shall provide to the person to whom
 24 cremated remains are delivered or released a written statement signed and verified by such
 25 funeral director before a person authorized to administer oaths, attesting that the vessel
 26 contains the remains of the deceased identified in accordance with subsection (a) of this
 27 Code section."

28 SECTION 4.

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

31 "43-18-72.

32 (a) It shall be unlawful for any person, firm, corporation, or association to operate a
 33 crematory without first obtaining a license from the board in accordance with this article.

1 The crematory must be at a specific address or location and must have the following
 2 minimum equipment, facilities, and personnel:

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

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

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

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

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

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

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

27 **SECTION 5.**

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

30 **SECTION 6.**

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