

House Bill 1634

By: Representatives Borders of the 177th, Lord of the 121st, Sims of the 167th and West of the 101st

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 1 of Article 1 of Chapter 18 of Title 43 of the Official Code of Georgia
2 Annotated, relating to general provisions relative to funeral directors, embalmers, and
3 operators of funeral establishments, so as to provide for authority to cremate a deceased
4 person; to provide for persons who may authorize such cremation; to provide an immunity
5 from civil and criminal liability; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

8 Part 1 of Article 1 of Chapter 18 of Title 43 of the Official Code of Georgia Annotated,
9 relating to general provisions relative to funeral directors, embalmers, and operators of
10 funeral establishments, is amended by inserting at the end thereof the following:

11 "43-18-9.

12 (a) As used in this Code section, degrees of relationship shall be the same as those degrees
13 of relationship provided for in subsection (b) of Code Section 53-2-1.

14 (b) Authorization to cremate a human body shall be deemed conclusive if one of the
15 following apply:

16 (1) The lawful spouse of the deceased consents to the cremation in writing;

17 (2) Every member of the nearest degree of relationship consents in writing;

18 (3) Less than every member of the nearest degree of relationship consents in writing and
19 further certifies under oath that reasonable effort has been made to notify the remaining
20 members of the degree of relationship and that there is no known objection to the
21 cremation; or

22 (4) Evidence of the desires of the deceased is presented in the form of:

23 (A) A valid prepaid preneed funeral service contract with a cremation authorization
24 signed by the deceased; or

25 (B) A copy of a will duly executed by the deceased and containing a provision
26 expressly requesting cremation; provided, however that if the will is not probated, such

1 will shall only be accepted if the executor named in the will consents to the cremation
2 in writing.

3 (c) Compliance in good faith with the provisions of subsection (b) of this Code section
4 shall relieve a funeral director or crematory from all civil and criminal liability relating to
5 the authority to perform the cremation. A funeral director or crematory may refuse to
6 perform a cremation for any reason without liability."

7 **SECTION 2.**

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