

The House Committee on Industry offers the following substitute to HB 1634:

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:

SECTION 1.

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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) Unless evidence shows that the deceased person did not wish to be cremated,
15 authorization to cremate a human body shall be deemed conclusive if one of the following
16 applies:

17 (1) An agent appointed pursuant to Chapter 36 of Title 31, the 'Durable Power of
18 Attorney for Health Care Act' consents to the cremation;

19 (2) The lawful spouse of the deceased consents to the cremation in writing;

20 (3) Every member of the nearest degree of relationship consents to the cremation in
21 writing;

22 (4) Less than every member of the nearest degree of relationship consents to the
23 cremation in writing and further certifies under oath that reasonable effort has been made
24 to notify the remaining members of the degree of relationship and that there is no known
25 objection to the cremation; or

26 (5) Evidence of the desires of the deceased is presented in the form of:

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

3 (B) A copy of a will duly executed by the deceased and containing a provision
4 expressly requesting cremation; provided, however that if the will is not probated, such
5 will shall only be accepted if the executor named in the will consents to the cremation
6 in writing.

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

11 **SECTION 2.**

12 All laws and parts of laws in conflict with this Act are repealed.