

The House Committee on Regulated Industries offers the following substitute to
HB 910:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 14 of Title 10 of the Official Code of Georgia Annotated, relating to
2 cemetery and funeral services, and Title 43 of the Official Code of Georgia Annotated,
3 relating to professions and businesses, so as to provide for definitions; to provide for certain
4 requirements for preneed dealers relating to escrow accounts; to provide for powers under
5 Chapter 14 of Title 10; to provide for certain license requirements prior to selling burial
6 rights or merchandise; to provide for certain fees; to regulate the profession of cemeterians;
7 to provide for related matters; 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 Chapter 14 of Title 10 of the Official Code of Georgia Annotated, relating to cemetery and
11 funeral services, is amended by striking paragraphs (2), (3), (27), and (35) of Code Section
12 10-14-3, relating to definitions, and inserting in their place new paragraphs (2), (3), (27), and
13 (35) to read as follows:

14 "(2) 'Board' means the State Board of ~~Funeral Service~~ Cemeterians as described and
15 authorized in Chapter ~~18~~ 8B of Title 43.

16 (3) 'Burial merchandise,' 'funeral merchandise,' or 'merchandise' means any personal
17 property offered or sold by any person for use in connection with the final disposition,
18 memorialization, interment, entombment, or inurnment of human remains, including
19 without limitation a mausoleum, cremation urn, cremation bench, cremation marker, or
20 cremorial."

21 "(27) 'Outer burial container' or 'vault' means an enclosure into which a casket is placed
22 and includes, but is not limited to, containers made of concrete, steel, fiberglass, copper
23 or other metals, polypropolene or other materials, sectional concrete enclosures, crypts,
24 and wooden enclosures."

25 (35) 'Secretary of State' means the Secretary of State of the State of Georgia, acting by
26 and through the board."

"CHAPTER 8B

1

2 43-8B-1.

3 This chapter shall be known and may be cited as the 'Georgia Cemeterians Board Act.'

4 43-8B-2.

5 As used in this chapter, the term:

6 (1) 'Board' means the State Board of Cemeterians established by this chapter.

7 (2) 'Cemeterian' means a person registered as a cemetery owner pursuant to Chapter 14
8 of Title 10.

9 (3) 'Cemetery' means a cemetery as defined in Chapter 14 of Title 10.

10 43-8B-3.

11 The practice of the profession of a cemeterian, as defined in this chapter, is declared to be
12 a business or profession affecting the public interest and involving the health and safety of
13 the public.

14 43-8B-4.

15 There shall be established in the Office of the Secretary of State the State Board of
16 Cemeterians to be constituted as provided in this chapter with the powers, duties, and
17 authority vested in such board by this chapter.

18 43-8B-5.

19 (a) The board shall consist of six members who shall be practicing cemeterians with a
20 minimum of five years of registration as such in this state immediately preceding their
21 appointment and one member who shall have no connection whatsoever with the cemetery
22 profession but who shall have a recognized interest in consumer affairs and in consumer
23 protection concerns. No member of the board shall be a person licensed pursuant to the
24 provisions of Chapter 18 of this title.25 (b) The members of the board shall be appointed by the Governor for terms of office of
26 six years and all vacancies occurring on the board shall be filled by the Governor. When
27 an appointment is made to fill a vacancy caused by death or resignation of a member, such
28 appointment shall be for the remainder of the unexpired term of the member whose death
29 or resignation caused the vacancy so filled.30 (c) A majority of the members of the board may remove any member who misses three or
31 more consecutive regular meetings of the board without a medical reason and may declare
32 that position on the board to be vacant. A member so removed shall not be eligible for

1 reappointment until the expiration of the term of office for which such person was serving.
2 The Governor shall have the power to remove from office any member of the board for
3 willful neglect of duty or for conviction of a crime involving moral turpitude.

4 43-8B-6.

5 (a) The board shall each year elect from its members a president whose term shall be one
6 year and who shall serve during the period for which elected and until a successor shall be
7 elected.

8 (b) The board shall meet at least once in each year and more often as the proper and
9 efficient discharge of its duties may require.

10 (c) Each member of the board shall be reimbursed as provided for in subsection (f) of
11 Code Section 43-1-2.

12 (d) No board inspector shall own, operate, or be employed by any cemetery or perform any
13 services on behalf thereof without prior approval by the board and the division director.
14 However, this shall not prohibit any board member from acting as an inspector as
15 authorized in this chapter.

16 43-8B-7.

17 For the purpose of better protection of life and health the board is authorized:

18 (1) To fix and prescribe minimum standards of general appearance of cemeteries;

19 (2) To undertake such other duties and to exercise such other powers as may from time
20 to time be prescribed by law;

21 (3) To adopt a common seal; and

22 (4) To make and promulgate rules and regulations not inconsistent with the laws of this
23 state for the regulation of such board and pursuant to the provisions of Chapter 14 of Title
24 10. All rules and regulations of the Secretary of State promulgated pursuant to the
25 authority of Chapter 14 of Title 10 and existing immediately prior to July 1, 2006, which
26 are not inconsistent with this chapter shall continue in effect until repealed, amended, or
27 otherwise changed by the board."

28 SECTION 7.

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