

House Bill 68

By: Representative Sims of the 169th

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 4 of Article 1 of Chapter 18 of Title 43 of the Official Code of Georgia
2 Annotated, relating to the operation of funeral establishments and crematories, so as to
3 provide for a procedure for the disposition of cremains after a certain time period; to provide
4 for related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Part 4 of Article 1 of Chapter 18 of Title 43 of the Official Code of Georgia Annotated,
8 relating to the operation of funeral establishments and crematories, is amended by adding a
9 new Code section to read as follows:

10 "43-18-80.

11 (a) For the purposes of this Code section, 'authorizing agent' means a person legally
12 entitled to authorize the cremation of human remains in accordance with this Code section.

13 (b) The authorizing agent shall provide to the funeral establishment which the cremation
14 arrangements are made a signed statement specifying the ultimate disposition of the
15 cremated remains, if known. A copy of this statement shall be retained by the funeral
16 establishment offering or conducting the cremation.

17 (c) Cremated remains shall be shipped only by a method that has an internal tracking
18 system available and that provides a receipt signed by the person accepting delivery.

19 (d) The authorizing agent shall be responsible for the disposition of the cremated remains.
20 If, after 60 days from the date of cremation, the authorizing agent or his or her
21 representative has not specified the ultimate disposition or claimed the cremated remains,
22 the funeral establishment or entity in possession of the cremated remains shall send a
23 notification to the authorizing agent notifying him or her that, pursuant to this subsection,
24 failure to respond to such notification and specify the final disposition of the cremains
25 within 30 days of the transmission of such notice shall authorize the funeral director to
26 make arrangements for the disposition of the cremains. If, after 30 days, the funeral

27 director or entity in possession of the cremated remains has not received instructions from
28 the authorizing agent describing a specific method of disposing of the cremains, the funeral
29 director or entity in possession of the cremains shall be authorized to dispose of the
30 cremated remains in a dignified and humane manner by entombing such cremains in a
31 crypt or underground in accordance with local and state law. The final resting place of the
32 cremains shall be clearly marked and recorded by the funeral director entombing the
33 cremains."

34 **SECTION 2.**

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