

House Bill 257

By: Representatives Bearden of the 68th, Levitas of the 82nd, Powell of the 29th, and Ralston of the 7th

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Article 1 of Chapter 21 of Title 31 of the Official Code of Georgia Annotated,
2 relating to general provisions concerning dead bodies, so as to provide that a person may
3 execute a preneed authorization for cremation; to provide for the method of preparing and
4 executing such authorization; to provide for the revocation of such authorization under
5 certain circumstances; to provide for the fulfillment of such authorization and disposition
6 instructions; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

8 **SECTION 1.**

9 Article 1 of Chapter 21 of Title 31 of the Official Code of Georgia Annotated, relating to
10 general provisions concerning dead bodies, is amended by adding a new Code section to read
11 as follows:

12 "31-21-7.

13 (a) A person shall have the right to execute a preneed authorization for the cremation of
14 his or her body at death and provide for the final disposition of his or her cremated remains.
15 Such authorization and directions for disposition shall be in writing under oath and shall
16 be delivered to the funeral establishment with whom the person has made arrangements for
17 the disposition of his or her remains or the crematory designated by such person to perform
18 the cremation.

19 (b) A preneed authorization for cremation may be revoked by a person at any time by
20 providing written notice of such revocation to the funeral establishment with whom the
21 person has made arrangements for the disposition of his or her remains or the designated
22 crematory.

23 (c) Upon the death of a person who has executed a preneed authorization for the cremation
24 of his or her body at death, the funeral establishment or the crematory in possession of such
25 person's preneed cremation authorization shall make arrangements with the individual in
26 possession of such person's body to ensure that such authorization for cremation is carried

27 out in accordance with such person's directions. The funeral establishment and designated
28 crematory shall cremate the remains of such person and dispose of the cremated remains
29 according to the instructions contained in the preneed authorization for cremation of such
30 person, provided that the funeral establishment and designated crematory have all required
31 permits and certificates required by law to perform such cremation and disposition of
32 cremated remains.

33 (d) A preneed authorization for cremation arranged with a licensed funeral establishment
34 and crematory shall specify the final disposition of the cremated remains in accordance
35 with law. If no different or inconsistent instructions are provided to the funeral
36 establishment or the crematory by the individual responsible for the disposition of the
37 person's body who executed a preneed authorization for cremation, the crematory shall
38 release or dispose of the cremated remains as directed in the preneed authorization for
39 cremation.

40 (e) A preneed authorization for cremation shall not be subject to revocation following the
41 death of the person who executed such authorization, and the instructions concerning the
42 cremation and disposition of such person's remains shall be complied with unless full
43 payment for the cremation and disposition of the remains has not been received or
44 guaranteed."

SECTION 2.

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