

House Bill 68 (COMMITTEE SUBSTITUTE)

By: Representative Sims of the 169<sup>th</sup>

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 certain costs and fees to be paid by the authorizing agent; to provide for related matters;  
5 to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

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

11 "43-18-80.

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

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

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

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

27 to make arrangements for the disposition of the cremains. If, after 30 days, the funeral  
28 establishment or entity in possession of the cremated remains has not received instructions  
29 from the authorizing agent describing a specific method of disposing of the cremains, the  
30 funeral establishment or entity in possession of the cremains shall be authorized to dispose  
31 of the cremated remains in a dignified and humane manner by entombing such cremains  
32 in a crypt or underground in accordance with local and state law or by storage in the funeral  
33 establishment. The final resting place of the cremains shall be clearly marked and recorded  
34 by the funeral establishment entombing the cremains. Any costs or fees incurred to  
35 entomb, inter, or disinter the cremains shall be the responsibility of the authorizing agent;  
36 provided, however, that such cost shall not exceed \$100.00."

37 **SECTION 2.**

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