

Senate Bill 372

By: Senators Unterman of the 45th, Harbison of the 15th, Jackson of the 2nd, Hill of the 4th and Jones of the 10th

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 and establishments,
3 embalmers, and crematories, so as to provide for a determination as to whether a dead body
4 that has been submitted to a funeral director in charge of a crematory is that of a deceased
5 veteran; to provide a short title; to provide for certain notifications; to allow access to certain
6 veterans' organizations under certain circumstances to information about a deceased; to allow
7 certain veterans' organizations under certain circumstances to make arrangements for the
8 disposition of the cremated remains of a deceased veteran; to provide for immunity; to
9 provide for related matters; to provide an effective date; to repeal conflicting laws; and for
10 other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 style="text-align:center">**SECTION 1.**

13 This Act shall be known as and may be cited as the "Disposition of Veterans' Cremated
14 Remains Act."

15 style="text-align:center">**SECTION 2.**

16 Part 1 of Article 1 of Chapter 18 of Title 43 of the Official Code of Georgia Annotated,
17 relating to general provisions relative to funeral directors and establishments, embalmers, and
18 crematories, is amended by adding a new Code section to read as follows:

19 "43-18-9.

20 (a) As used in this Code section, the term:

21 (1) 'Veteran' means a resident of this state who has served as a member of the United
22 States armed forces on active duty, a member of the Georgia National Guard, or a
23 member of the United States reserve forces and who has received an honorable discharge.

24 (2) 'Veterans' organization' means the National Cemetery Administration's National
25 Cemetery Scheduling Office or any association or other entity organized for the benefit

26 of veterans that has been recognized or chartered by the United States Congress, such as
27 the American Legion, the Legion of Honor, the Patriot Guard, the Missing in America
28 Project, and the Vietnam Veterans of America.

29 (b) The funeral director in charge of a crematory shall make a reasonable effort to
30 determine whether any dead body submitted for final disposition by cremation is that of a
31 deceased veteran.

32 (c) The funeral director in charge of a crematory shall, at the time the cremation
33 authorization form is signed:

34 (1) Inquire as to whether the legally authorized person has information or belief as to
35 whether the deceased is a veteran; and

36 (2) Notify the legally authorized person of the responsibilities of the funeral director in
37 charge of a crematory under this Code section.

38 (d) If the funeral director in charge of a crematory is unable to determine with certainty
39 whether the deceased was a veteran through an inquiry with the legally authorized agent,
40 then any veterans' organization shall be allowed access to all information regarding the
41 deceased in the possession of the funeral director in charge of the crematory so that any
42 veterans' organization may attempt to determine whether the deceased is a veteran. If any
43 veterans' organization that is allowed access to information pursuant to this Code section
44 discovers that the deceased is a veteran, the veterans' organization shall notify the funeral
45 director in charge of the crematory.

46 (e)(1) If the funeral director in charge of the crematory determines that the deceased is
47 a veteran from information provided by the legally authorized person, any veterans'
48 organization, or otherwise, then such funeral director in charge of the crematory shall
49 immediately notify the legally authorized person of such finding and shall advise that the
50 deceased person may be eligible to be interred at an appropriate veterans' cemetery.

51 (2) If the funeral director in charge of a crematory determines that the deceased is a
52 veteran from information provided by the legally authorized person, any veterans'
53 organization, or otherwise, and the cremated remains are not claimed by a legally
54 authorized person, then the funeral director in charge of a crematory shall hold any such
55 cremated remains for at least 60 days. After 60 days, the funeral director in charge of a
56 crematory shall send written notice to the legally authorized person who signed the
57 cremation authorization form requesting disposition instructions. If the funeral director
58 in charge of a crematory does not receive a written response from the legally authorized
59 person within 30 days of sending a written notice, then the funeral director in charge of
60 the crematory shall contact a veterans' organization so that arrangements for the
61 disposition of the cremated remains of the veteran may be made in a state or national
62 veterans' cemetery.

63 (f) Nothing in this Code section shall delay the authorized cremation of a deceased's
 64 remains.

65 (g)(1) A funeral director in charge of a crematory complying with this Code section shall
 66 be immune from any criminal or civil liability regarding:

67 (A) The determination of a deceased's status as a veteran;

68 (B) The release of information relating to the determination of a deceased's status as a
 69 veteran;

70 (C) The availability of interment or inurnment for a deceased veteran; or

71 (D) The release of cremated remains to a veterans' cemetery.

72 (2) A funeral director in charge of a crematory shall be immune from civil liability for
 73 any act or omission under this Code section except for willful or wanton misconduct.

74 (h) A veterans' organization shall be immune from civil liability for any act or omission
 75 related to the disposition of cremated remains under this Act except for willful or wanton
 76 misconduct."

77 **SECTION 3.**

78 This Act shall become effective upon its approval by the Governor or upon its becoming law
 79 without such approval.

80 **SECTION 4.**

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