

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

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

To amend Part 1 of Article 1 of Chapter 18 of Title 43 of the Official Code of Georgia Annotated, relating to general provisions relative to funeral directors and establishments, embalmers, and crematories, so as to provide for a determination as to whether a dead body that has been submitted to a funeral director is that of a deceased veteran; to provide a short title; to provide for certain notifications; to allow access to certain veterans' organizations under certain circumstances to information about a deceased; to allow certain veterans' organizations under certain circumstances to make arrangements for the disposition of the cremated remains of a deceased veteran; to provide for immunity; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

SECTION 2.

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

"43-18-9.

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

(1) 'Veteran' means a resident of this state who qualifies as a veteran under the rules of the United States Department of Veterans Affairs and who was discharged under conditions other than dishonorable.

(2) 'Veterans' organization' means the Department of Veterans Service, the National Cemetery Administration's National Cemetery Scheduling Office, or any association or other entity organized for the benefit of veterans that has been recognized or chartered

by the United States Congress, such as the American Legion, the Legion of Honor, the Patriot Guard, the Missing in America Project, and the Vietnam Veterans of America.

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

(c) The funeral director shall, at the time the cremation authorization form is signed:

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

(2) Notify the legally authorized person of the responsibilities of the funeral director under this Code section.

(d) If the funeral director is unable to determine with certainty whether the deceased was a veteran through an inquiry with the legally authorized agent, then any veterans' organization shall be allowed access to all information available from the United States Department of Veterans Affairs regarding the deceased in the possession of the funeral director in charge of the crematory so that any veterans' organization may attempt to determine whether the deceased is a veteran. If any veterans' organization that is allowed access to information pursuant to this Code section discovers that the deceased is a veteran, the veterans' organization shall notify the funeral director.

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

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

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

(g)(1) A funeral director complying with this Code section shall be immune from any criminal or civil liability regarding:

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

63 (B) The release of information relating to the determination of a deceased's status as a
64 veteran;
65 (C) The availability of interment or inurnment for a deceased veteran; or
66 (D) The release of cremated remains to a veterans' cemetery.
67 (2) A funeral director shall be immune from civil liability for any act or omission under
68 this Code section except for willful or wanton misconduct.
69 (h) A veterans' organization shall be immune from civil liability for any act or omission
70 related to the disposition of cremated remains under this Act except for willful or wanton
71 misconduct."

72 SECTION 3.

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

75 SECTION 4.

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