

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

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 is that of a deceased veteran; to provide a short
5 title; to provide for certain notifications; to allow access to certain veterans' organizations
6 under certain circumstances to information about a deceased; to allow certain veterans'
7 organizations under certain circumstances to make arrangements for the disposition of the
8 cremated remains of a deceased veteran; to provide for immunity; to provide for related
9 matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

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

14 **SECTION 2.**

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

18 "43-18-9.

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

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

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

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

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

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

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

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

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

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

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

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

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

62 (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 Code section except for willful or
71 wanton 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.