

Senate Bill 241

By: Senators Williams of the 25th, Anderson of the 24th, Mallow of the 2nd, Robertson of the 29th and Parent of the 44th

**AS PASSED SENATE**

A BILL TO BE ENTITLED

AN ACT

1 To amend Chapter 18 of Title 43 of the Official Code of Georgia Annotated, relating to  
2 funeral directors and establishments, embalmers, and crematories, so as to provide for the  
3 organic human reduction as a means of disposing of deceased human bodies; to provide  
4 identification requirements for deceased human bodies that are to undergo organic human  
5 reduction; to require the licensure of organic human reduction facilities; to provide  
6 exceptions; to provide for requirements of organic human reduction facilities; to provide for  
7 requirements of organic human reduction; to provide for the disposition of unclaimed  
8 organically reduced remains; to provide definitions; to amend Titles 10, 31, and 36 of the  
9 Official Code of Georgia Annotated, relating to commerce and trade, health, and local  
10 government, respectively, so as to require a disposition permit for the organic human  
11 reduction of a dead human body or fetus; to provide for the burial at sea of organically  
12 reduced remains; to provide for the notification that organically reduced remains are ready  
13 for disposition; to provide that the disposition of organically reduced remains shall not  
14 constitute the offense of abandonment of a dead human body; to provide conforming  
15 changes; to provide for related matters; to provide an effective date; to repeal conflicting  
16 laws; and for other purposes.

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

S. B. 241

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**PART I**  
**SECTION 1-1.**

20 Chapter 18 of Title 43 of the Official Code of Georgia Annotated, relating to funeral  
21 directors and establishments, embalmers, and crematories, is amended by revising Code  
22 Section 43-18-1, relating to definitions, as follows:

23 "43-18-1.

24 As used in this article, the term:

25 (1) 'Alternative container' means any receptacle or enclosure which is of sufficient  
26 strength to be used to hold and to transport a dead human body. Such term does not  
27 include a casket.

28 (2) 'Apprentice' means a person who practices embalming, funeral directing, or both,  
29 under the direct supervision of a funeral director, embalmer, or both, in this state.

30 (3) 'Board' means the State Board of Funeral Service.

31 (4) 'Casket' means a container which is designed for the encasement and viewing of a  
32 dead human body.

33 (5) 'Cremation' means the reduction of the dead human body to residue by intense heat  
34 or any mechanical, chemical, thermal, or other professionally accepted process. Such  
35 term ~~Cremation~~ also includes any other mechanical, chemical, thermal, or other  
36 professionally accepted process whereby ~~human remains~~ dead human bodies are  
37 pulverized, burned, re Cremated, or otherwise further reduced in size or quantity. Such  
38 term does not include organic human reduction.

39 (5.1) 'Cremation device' means a retort, vat, or container in which dead human bodies  
40 are cremated by traditional flame, alkaline hydrolysis, or other means approved by the  
41 board.

- 42 (6) 'Crematory' means any place where cremation is performed, other than a hospital,  
43 clinic, laboratory, or other facility authorized by the Department of Community Health  
44 for such purposes.
- 45 (7) 'Direct supervision' means that the embalmer, funeral director, or both, are present  
46 and overseeing the activities of the apprentice.
- 47 (8) 'Embalmer' means a person who practices embalming or uses in connection with ~~that~~  
48 such person's name the words 'embalmer,' 'licensed embalmer,' 'undertaker,' or 'mortician'  
49 or offers or holds himself or herself out as offering such services.
- 50 (9) 'Final disposition' means the final disposal of a dead human body whether it is by, but  
51 not limited to, earth interment, above-ground interment, cremation, organic human  
52 reduction, burial at sea, or delivery to a medical institution for lawful dissection if ~~the~~  
53 such medical institution assumes responsibility for disposal.
- 54 (10) 'Funeral' or 'funeral services' means the observances, services, or ceremonies held  
55 for dead human bodies and includes any service relating to the transportation, embalming,  
56 cremation, organic human reduction, and interment of a dead human body.
- 57 (11) 'Funeral director' means a person who practices funeral directing or uses in  
58 connection with ~~that~~ such person's name or with a picture of ~~that~~ such person the words  
59 'funeral director,' 'licensed funeral director,' 'undertaker,' or 'mortician' or offers or holds  
60 himself or herself out as offering such services.
- 61 (12) 'Funeral director in full and continuous charge' means a funeral director who is  
62 approved by the board to assume full responsibility for the operations of a particular  
63 funeral establishment, organic human reduction facility, or crematory and who shall  
64 ensure that ~~said~~ such establishment complies with the provisions of this article and with  
65 all rules promulgated pursuant ~~thereto~~ to this article.
- 66 (13) 'Funeral establishment' means a place where embalming or funeral directing is  
67 practiced and which is open to the public and transacting business relating to funeral  
68 services.

69 (14) 'Funeral merchandise' means the goods that may only be sold or offered for sale by  
70 a funeral director working in a funeral establishment, organic human reduction facility,  
71 or crematory and includes, but is not limited to, a casket or alternative container, but does  
72 not include an outer burial container or cemetery marker.

73 (15) 'Funeral service contract' means a written or oral agreement between a funeral  
74 director or funeral establishment, organic human reduction facility, or crematory and a  
75 legally authorized person for the embalming, funeral, or final disposition of a dead human  
76 body.

77 (16) 'Legally authorized person' means the deceased's surviving spouse, a son or  
78 daughter who is 18 years of age or older; the deceased's parent, a brother or sister who  
79 is 18 years of age or older; any other person who is 18 years of age or older and who is  
80 in the next degree of kinship to the deceased; the deceased's legal guardian or personal  
81 representative; or a public health officer.

82 (16.1) 'Organic human reduction' means the contained, accelerated conversion of dead  
83 human bodies to soil.

84 (16.2) 'Organic human reduction container' means a container in which organic human  
85 reduction occurs.

86 (16.3) 'Organic human reduction facility' means a location where organic human  
87 reduction is performed.

88 (16.4) 'Organically reduced remains' means the resulting residue of a dead human body  
89 that has undergone organic human reduction.

90 (17) 'Outer burial container' means an enclosure into which a casket is placed, including,  
91 but not limited to, a vault made of concrete, steel, fiberglass, or copper;<sub>2</sub> a sectional  
92 concrete enclosure;<sub>2</sub> a crypt;<sub>2</sub> or a wooden enclosure.

93 (18) 'Practice of embalming' or 'embalming' means disinfecting or preserving or  
94 attempting to disinfect or preserve dead human bodies by replacing certain body fluids  
95 with preserving and disinfecting chemicals.

96 (19) 'Practice of funeral directing' or 'funeral directing' means making or directing, at  
 97 need or preneed, arrangements for the preparation and transportation of dead human  
 98 bodies for final disposition and the supervision and direction of all funeral services.

99 (20) 'Retort' means a furnace where dead human bodies are cremated.

100 (21) 'Soliciting' means the making of any uninvited contact with another person by a  
 101 funeral director or by a funeral director's agent, assistant, employer, or employee for the  
 102 purpose of the sale of funeral services or merchandise ~~but shall not mean.~~ Such term  
 103 shall not include any advertising which is directed to the public in general."

104 **SECTION 1-2.**

105 Said chapter is further amended in Code Section 43-18-5, relating to unlawful acts and  
 106 exemption, by revising subsections (b) and (d) as follows:

107 "(b) Any person, firm, or corporation ~~who~~ that has control of a funeral establishment,  
 108 organic human reduction facility, or crematory and fails to obtain licensure as required by  
 109 this article, upon conviction thereof, may be fined not less than \$100.00 nor more than  
 110 \$500.00 for each violation. Each day that the funeral establishment, organic human  
 111 reduction facility, or crematory is operated in violation of this article shall be deemed to  
 112 be a separate and distinct offense."

113 "(d) It shall be unlawful for any person, firm, or corporation or any officer, agent, or  
 114 employee of such person, firm, or corporation engaged in the practice of funeral directing  
 115 or embalming funeral or crematory business to give; or contract to give, either directly or  
 116 indirectly, any reward, commission, compensation, or anything of value to any person,  
 117 firm, or corporation for the purpose of; or as an inducement to; such person, firm, or  
 118 corporation to persuade or induce any person to use or employ such ~~funeral director or~~  
 119 ~~embalmer in or about the preparation for burial or conducting the burial of any deceased~~  
 120 person engaged in the practice of funeral directing or embalming in or about the provision  
 121 of funeral services."

**SECTION 1-3.**

122

123 Said chapter is further amended by revising Code Section 43-18-8, relating to identification  
124 of body or remains of deceased and affidavit required for cremated remains, as follows:

125 "43-18-8.

126 (a)(1) The funeral director or person in charge of final disposition of a dead human body  
127 shall, prior to the interment, organic human reduction, or cremation of such dead human  
128 body, affix on the ankle or wrist of the deceased a tag of durable, noncorroding material  
129 permanently marked with the name of the deceased, the date of death, the social security  
130 number of the deceased, the county and state of death, and the serial number of any  
131 prosthesis removed from the dead human body by the funeral establishment, organic  
132 human reduction facility, or crematory.

133 (2) No funeral director in charge of a crematory or organic human reduction facility shall  
134 permit any dead human body to be on the premises of the crematory or organic human  
135 reduction facility without the dead human body being identified as provided by this  
136 subsection, except when the body is placed in a cremation device or organic human  
137 reduction container; and the tag shall be removed from the body and kept in a regular  
138 location near the cremation device or organic human reduction container during  
139 cremation or the organic human reduction and thereafter placed atop the cremated or  
140 organically reduced remains on the inside of the vessel and any liner therein. The vessel  
141 containing cremated or organically reduced remains shall be plainly labeled on the  
142 outside so as to identify the deceased with the same information, excluding social security  
143 number, as is required to be on the tag inside the vessel and so as to identify the name of  
144 the person or firm to which such remains are to be delivered or released.

145 (3) Tags and labels used for purposes of this subsection shall be in such standard forms  
146 as prescribed by the board. If the religious faith of the deceased prohibits such means of  
147 identification, alternative means of identification of the body may be used.

148 (b) A crematory or an organic human reduction facility may deliver or release cremated  
149 or organically reduced remains to a funeral establishment or a legally authorized person.  
150 The funeral director in charge of a crematory or an organic human reduction facility shall  
151 provide to the funeral establishment or legally authorized person to whom cremated or  
152 organically reduced remains are delivered or released, at the time of such delivery or  
153 release, ~~a written statement~~ an affidavit, on such standard form as prescribed by the board,  
154 signed and verified by such funeral director before a person authorized to administer oaths  
155 and attesting that the vessel contains substantially the remains of the deceased identified  
156 in accordance with subsection (a) of this Code section.

157 (c) No funeral establishment shall accept or take delivery of any cremated or organically  
158 reduced remains from any crematory or organic human reduction facility unless the vessel  
159 containing such remains is labeled as required by paragraph (2) of subsection (a) of this  
160 Code section and is accompanied by the affidavit required by subsection (b) of this Code  
161 section, which vessel and affidavit shall be provided by the funeral establishment to a  
162 legally authorized person upon delivery or release of the cremated or organically reduced  
163 remains."

164 **SECTION 1-4.**

165 Said chapter is further amended by revising Code Section 43-18-9, relating to disposition of  
166 veterans' cremated remains, as follows:

167 "43-18-9.

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

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

172 (2) 'Veterans' organization' means the Department of Veterans Service, the National  
173 Cemetery Administration's National Cemetery Scheduling Office, or any association or

174 other entity organized for the benefit of veterans that has been recognized or chartered  
175 by the United States Congress, such as the American Legion, the Legion of Honor, the  
176 Patriot Guard, the Missing in America Project, and the Vietnam Veterans of America.

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

180 (c) The funeral director shall, at the time the cremation or organic human reduction  
181 authorization form is signed:

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

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

186 (d) If the funeral director is unable to determine with certainty whether the deceased was  
187 a veteran through an inquiry with the legally authorized agent person, then any veterans'  
188 organization shall be allowed access to all information available from the United States  
189 Department of Veterans Affairs regarding the deceased in the possession of the funeral  
190 director in charge of the crematory or organic human reduction facility so that any veterans'  
191 organization may attempt to determine whether the deceased is a veteran. If any veterans'  
192 organization that is allowed access to information pursuant to this Code section discovers  
193 that the deceased is a veteran, ~~the~~ such veterans' organization shall notify the funeral  
194 director.

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

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

211 (f) Nothing in this Code section shall delay the authorized cremation or organic human  
212 reduction of a deceased's remains.

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

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

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

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

219 (D) The release of cremated or organically reduced remains to a veterans' cemetery.

220 (2) A funeral director shall be immune from civil liability for any act or omission under  
221 this Code section except for willful or wanton misconduct.

222 (h) A veterans' organization shall be immune from civil liability for any act or omission  
223 related to the disposition of cremated or organically reduced remains under this Code  
224 section except for willful or wanton misconduct."

225 **SECTION 1-5.**

226 Said chapter is further amended in Code Section 43-18-22, relating to election of president  
227 of the State Board of Funeral Service, meetings, reimbursement of members, and conflicts  
228 of interest, by revising subsection (d) as follows:

229 "(d) No board inspector shall own, operate, or be employed by any funeral establishment,  
230 organic human reduction facility, or crematory, or perform any services on behalf thereof  
231 without prior approval by the board and the division director. The provisions of this  
232 subsection ~~However, this~~ shall not prohibit any board member from acting as an inspector  
233 as authorized in this article."

234 **SECTION 1-6.**

235 Said chapter is further amended by revising Code Section 43-18-46, relating to grounds for  
236 denial or revocation of license or registration and other discipline, as follows:

237 "43-18-46.

238 In addition to the authority provided in ~~Code Section 43-1-19~~ Chapter 1 of this title, the  
239 board may refuse to grant a license to operate a funeral establishment, organic human  
240 reduction facility, or crematory or to practice embalming or funeral directing, may refuse  
241 to grant a registration to serve as an apprentice, or may revoke, suspend, fine, or otherwise  
242 discipline a licensee or registrant upon any of the following grounds:

243 (1) The employment of fraud or deception in applying for a license or registration or in  
244 passing the examination provided for in this article;

245 (2) Issuance of a license or registration through error;

246 (3) Conviction of a crime involving moral turpitude;

247 (4) The practice of embalming or funeral directing under a false name or the  
248 impersonation of another embalmer, funeral director, or apprentice of a like or different  
249 name;

- 250 (5) The making of a false statement or representation regarding the qualifications,  
251 training, or experience of any applicant;
- 252 (6) The making of a misrepresentation of any kind regarding any funeral merchandise;
- 253 (7) Directly or indirectly, by gifts or otherwise, committing the offense of buying  
254 business or paying a commission or making gifts, directly or indirectly, for the purpose  
255 of securing business to any physician or hospital, or to any institution where death occurs,  
256 or to any hospital superintendent, nurse, intern, or employee of any hospital, nursing  
257 home, or other institution where death occurs; or to any coroner or other government  
258 official;
- 259 (8) Gross or willful malpractice or gross neglect in the practice of embalming; or funeral  
260 directing, or cremating;
- 261 (9) Signing a death certificate as having embalmed or prepared a body for burial or  
262 preservation when in fact someone else performed such embalming or preparation;
- 263 (10) Interfering, either directly or indirectly, with a licensed embalmer or funeral director  
264 having legal charge of a dead human body;
- 265 (11) Using any statements that mislead or deceive the public including, but not limited  
266 to, false or misleading statements regarding a legal or cemetery requirement, funeral  
267 merchandise, funeral services, or in the operation of a funeral establishment, organic  
268 human reduction facility, or crematory;
- 269 (12) Failing to fulfill the terms of a funeral service contract;
- 270 (13) Disregarding a decedent's dignity, right to privacy, or right to confidentiality unless  
271 compelled by law to do otherwise;
- 272 (14) Using profane, indecent, or obscene language in the presence of a dead human body,  
273 or within the immediate hearing of the family or relatives of a deceased, whose body has  
274 not yet been interred or otherwise disposed;
- 275 (15) Failing to turn assigned benefits in excess of charges incurred over to the assignee  
276 of the deceased within ten working days of receipt of ~~the~~ such assigned funds;

- 277 (16) Refusing to surrender promptly the custody of a dead human body upon the express  
278 order of the person lawfully entitled to the custody;
- 279 (17) Failing to have the charges rendered to be in compliance with those listed in the  
280 funeral establishment general price list, the casket price list, the outer burial container list,  
281 or the funeral service contract price list;
- 282 (18) Aiding or abetting an unlicensed person to practice under this article;
- 283 (19) Promoting or participating in a burial society, burial association, burial certificate  
284 plan, or burial membership plan;
- 285 (20) Soliciting, ~~as defined in paragraph (21) of Code Section 43-18-1;~~
- 286 (21) Presenting a false certification of work done by an apprentice or as an apprentice;
- 287 (22) Willfully violating any state law or regulation; any law or regulation of the Federal  
288 Trade Commission law or regulation; the Occupational Safety and Health Administration  
289 law or regulation; the Department of Public Health law or regulation; or the  
290 Environmental Protection Agency law or regulation; or any municipal or county  
291 ordinance or regulation that affects the handling, custody, care, or transportation of dead  
292 human bodies, including, but not limited to, the disposal of equipment, residual fluids,  
293 or medical wastes;
- 294 (23) Knowingly making any misleading, deceptive, untrue, or fraudulent representation  
295 in the practice of funeral directing or embalming or in any document connected ~~therewith~~  
296 to such practice;
- 297 (24) Discriminating in the provision of services ~~because~~ on the basis of race, creed,  
298 color, religion, gender, or national origin;
- 299 (25) Failing to safeguard all personal properties ~~that were~~ obtained from dead human  
300 ~~remains~~ bodies and failing to dispose of same as directed by a legally authorized person;
- 301 (26) Failing to refund moneys due as a result of overpayment by an insurance company  
302 or other third party;

- 303 (27) Engaging in any unprofessional, immoral, unethical, deceptive, or deleterious  
 304 conduct or practice harmful to the public, ~~which conduct or practice~~ that materially  
 305 affects the fitness of the licensee or registrant to practice in the funeral business, or is of  
 306 a nature likely to jeopardize the interest of the general public, ~~which conduct or practice~~  
 307 that need not have resulted in actual injury to any person or be directly related to the  
 308 practice of funeral directing or embalming but shows that the person has committed any  
 309 act or omission which is indicative of bad moral character or untrustworthiness;  
 310 ~~unprofessional conduct.~~ Unprofessional conduct or practice shall also include any  
 311 departure from or failure to conform to the minimal reasonable standards of acceptable  
 312 and prevailing practice of funeral services;
- 313 (28) Engaging in any practice whereby a person who is both a funeral director and a  
 314 coroner or who is both a funeral director and a minister presents that person as a funeral  
 315 director to a legally authorized person when death is imminent or after death occurs prior  
 316 to when the legally authorized person selects a funeral director or funeral establishment,  
 317 organic human reduction facility, or crematory which will handle the dead human body;
- 318 (29) Practicing embalming or funeral directing or operating a funeral establishment,  
 319 organic human reduction facility, or crematory prior to the board's having approved an  
 320 application for licensure; or
- 321 (30) Failing to satisfy the funeral director in full and continuous charge requirements as  
 322 set out in Code Section 43-18-71 or the funeral establishment, crematory, or organic  
 323 human reduction facility requirements as set out in Code ~~Section~~ Sections 43-18-70,  
 324 43-18-72, and 43-18-72.1, respectively."

325 **SECTION 1-7.**

326 Said chapter is further amended in Code Section 43-18-70, relating to practice at licensed  
 327 funeral establishment or crematory, facilities, and living quarters, by revising subsections (a)  
 328 and (d) as follows:

329 "(a) No embalmer or funeral director shall engage in the practice of embalming or funeral  
 330 directing at a funeral establishment, organic human reduction facility, or crematory which  
 331 is not licensed by the board."

332 "(d) If ~~the~~ a funeral director resides in ~~the~~ a funeral establishment to be accessible to the  
 333 community for purposes of satisfying the requirements of funeral director in full and  
 334 continuous charge, the living quarters in the funeral establishment ~~must~~ shall include at a  
 335 minimum furnished sleeping quarters, cooking, refrigerating, and bathing facilities."

336

### SECTION 1-8.

337 Said chapter is further amended in Code Section 43-18-71, relating to funeral establishments  
 338 and crematories to be licensed and to employ licensed funeral director and display of name  
 339 and license of funeral director, by revising subsection (a) as follows:

340 "(a) It shall be unlawful for any person, firm, corporation, or association to operate a  
 341 funeral establishment, organic human reduction facility, or crematory engaged in the  
 342 business of ~~funeral directing or embalming or cremating~~ providing funeral services without  
 343 first obtaining a license from the board in accordance with this article. The board shall not  
 344 issue a license to any funeral establishment, organic human reduction facility, or crematory  
 345 unless such funeral establishment, organic human reduction facility, or crematory shall  
 346 employ the service of a funeral director licensed in accordance with this article, who shall  
 347 be the funeral director in full and continuous charge of the establishment and who is a  
 348 resident of this state. There shall be conspicuously displayed in each funeral establishment,  
 349 organic human reduction facility, and crematory the name and license of the funeral  
 350 director in full and continuous charge. A funeral director ~~who is~~ in full and continuous  
 351 charge shall:

352 (1) Assume full responsibility for the supervision and operation of the funeral  
 353 establishment, organic human reduction facility, or crematory for which that person has  
 354 been designated as the funeral director in full and continuous charge;

- 355 (2) Act as funeral director for only one funeral establishment, organic human reduction  
356 facility, or crematory; and
- 357 (3) Spend a minimum of 40 hours per week in the employ and operation of the  
358 establishment and be accessible and available to the community."

359 **SECTION 1-9.**

360 Said chapter is further amended by adding a new Code section to read as follows:

361 "43-18-72.1.

362 (a)(1) It shall be unlawful for any person, firm, corporation, or association to operate an  
363 organic human reduction facility without first obtaining a separate license for such  
364 purpose from the board in accordance with this article. The organic human reduction  
365 facility shall be at a specific address or location and shall meet the following  
366 requirements and have the following minimum equipment, facilities, and personnel:

367 (A) A room with seating for a minimum of 30 people in which funeral services may  
368 be conducted;

369 (B) A display room containing an adequate supply of containers in which organically  
370 reduced remains are placed;

371 (C) Rolling stock consisting of at least one operable motor hearse either owned or  
372 leased by said firm with current Georgia registration;

373 (D) At least one operable organic human reduction container;

374 (E) At least one operable processing station for grinding of organically reduced  
375 remains;

376 (F) At least one church truck; and

377 (G) Not be located within 1,000 feet of a residential subdivision platted and recorded  
378 in the office of the clerk of the superior court of a county in which such residential  
379 subdivision is located.

380 (2)(A) The provisions of subparagraphs (A), (B), and (F) of paragraph (1) of this  
381 subsection shall not apply to organic human reduction facilities which provide organic  
382 human reduction services only to other funeral establishments.

383 (B) The provision of paragraph (G) of paragraph (1) of this subsection shall only apply  
384 to the issuance or renewal of any license on or after July 1, 2025, for any stand-alone  
385 organic human reduction facility that was not in operation as of July 1, 2025. As used  
386 in this subparagraph, the term 'stand-alone organic human reduction facility' means an  
387 organic human reduction facility that is not located on or adjacent to a tract or parcel  
388 of land which contains a funeral establishment.

389 (b) The board may adopt and enforce such rules and regulations as may be reasonable and  
390 necessary to provide for the sanitary disposal of dead human bodies by organic human  
391 reduction and prevent the spread of disease and to protect the health, safety, and welfare  
392 of the people of this state. Such rules and regulations may include required inspections of  
393 any organic human reduction container by the manufacturer or other authorized repair  
394 company once every five years to ensure proper operations.

395 (c) Application for licensure of an organic human reduction facility shall be made upon  
396 a form approved by the board and shall be accompanied by an application fee. No license  
397 shall be issued unless the organic human reduction facility meets all the requirements set  
398 forth by this Code section and by the board.

399 (d) The board shall adopt rules requiring each organic human reduction facility to submit  
400 periodic reports to the board in a standard form which include the names of deceased  
401 persons whose bodies underwent organic human reduction at the facility and the types of  
402 organic human reduction containers used.

403 (e)(1) No more than one dead human body shall be placed in an organic human reduction  
404 container at one time unless written permission has been received from the person  
405 possessing legal responsibility for the final disposition of the dead human body.

406 (2) Upon completion of the organic human reduction process, the organically reduced  
407 remains shall be pulverized until no single fragment is recognizable as skeletal tissue.  
408 Such pulverized remains shall then be transferred to a container or multiple containers,  
409 if so requested by the legally authorized person, and delivered to the legally authorized  
410 person or otherwise disposed of in accordance with the provisions of Code Section  
411 43-18-80.

412 (f) Nothing in this article shall require a funeral establishment or crematory for which a  
413 valid license to operate is in effect on July 1, 2025, to have a separate license to operate as  
414 an organic human reduction facility until on and after the renewal date of such license to  
415 operate a funeral establishment or crematory which first occurs after July 1, 2025, but such  
416 funeral establishment or crematory, if performing organic human reduction, shall comply  
417 with all the minimum equipment and facilities requirements and all other statutes, rules,  
418 and regulations relating to organic human reduction and organic human reduction  
419 facilities."

420

#### SECTION 1-10.

421 Said chapter is further amended by revising Code Sections 43-18-73, 43-18-74, and  
422 43-18-75, relating to renewal of licenses for the operation of funeral establishments and  
423 crematories and changes in ownership; transferability of licenses; and inspections,  
424 suspension or revocation of license, and other disciplinary actions, respectively, as follows:  
425 "43-18-73.

426 (a) Licenses for the operation of funeral establishments, organic human reduction  
427 facilities, and ~~of~~ crematories shall expire biennially unless the owner or proprietor of a  
428 licensed funeral establishment, organic human reduction facility, or crematory applies to  
429 the board to renew the license prior to its expiration. The application shall show the name  
430 of the funeral establishment, organic human reduction facility, or crematory; the names and  
431 addresses of all owners or, if the owner is a corporation, the names and addresses of all

432 officers and directors of the corporation; and the names of all licensed embalmers and  
433 funeral directors who own or are employed by such funeral establishment, organic human  
434 reduction facility, or crematory or are otherwise connected ~~therewith~~ to such establishment,  
435 facility, or crematory, together with the date of issue and ~~the number of the license number~~  
436 of each registered embalmer and funeral director as required. If the renewal fee prescribed  
437 by the board has been paid and the funeral establishment, organic human reduction facility,  
438 or crematory meets all the other requirements ~~of~~ provided for in this article, the board shall  
439 issue a license; otherwise it shall be unlawful for any funeral establishment, organic human  
440 reduction facility, or crematory to operate in this state. Nothing in this Code section shall  
441 be construed to require an organic human reduction facility or a crematory to employ an  
442 embalmer in order to be licensed.

443 (b) Whenever there is a change in ownership of a funeral establishment, organic human  
444 reduction facility, or crematory, the board shall be notified within 15 days prior to the  
445 proposed change upon a form provided by the board.

446 43-18-74.

447 Licenses for funeral establishments, organic human reduction facilities, or crematories shall  
448 be issued to such ~~enterprises~~ establishments, facilities, or crematories at their location at  
449 the time of issuance. Such license shall not be transferable to another location of any such  
450 establishment, facility, or crematory.

451 43-18-75.

452 (a) The board shall provide for inspections from time to time, but not less frequently than  
453 annually, of the premises of funeral establishments, organic human reduction facilities, and  
454 crematories for purposes of ensuring compliance with the provisions of this article and any  
455 rules or regulations issued pursuant thereto, and every such ~~firm~~ establishment, facility, and  
456 crematory shall submit to such inspections. The board is authorized to contract with any

457 one or more county boards of health, and each county board of health is authorized to  
458 contract with the board, for the provision of inspection services on behalf of the board for  
459 purposes of this subsection.

460 (b) The license of any funeral establishment, organic human reduction facility, or  
461 crematory may be suspended, revoked, or put on probation, or fines may be imposed by the  
462 board if the evidence produced before it at a hearing indicates that the funeral  
463 establishment, organic human reduction facility, or crematory has violated any ~~of the~~  
464 provisions of this article or any rules or regulations issued pursuant thereto. The board  
465 shall comply with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' in  
466 relation to such hearing, ~~and the~~. The licensee shall have the right to appeal any decision  
467 of the board in accordance with Chapter 13 of Title 50, the 'Georgia Administrative  
468 Procedure Act.'"

469

#### SECTION 1-11.

470 Said chapter is further amended by revising Code Sections 43-18-77, 43-18-78, 43-18-79,  
471 and 43-18-80, relating to funeral establishment or crematory temporarily without services of  
472 funeral director, temporary destruction of licensed funeral establishment or crematory and  
473 temporary location during grace period, death of license holder, and authorizing agent,  
474 statement specifying disposition of cremated remains, and shipment of remains, respectively,  
475 as follows:

476 "43-18-77.

477 In the event that a funeral establishment, organic human reduction facility, or crematory  
478 is temporarily without the services of a funeral director in full and continuous charge, upon  
479 notice by the funeral establishment, organic human reduction facility, or crematory to the  
480 board within five days following the last day of service by such funeral director, the board  
481 shall grant the funeral establishment, organic human reduction facility, or crematory a 90  
482 day grace period in which to have a funeral director in full and continuous charge approved

483 by the board before any action may be taken by the board to revoke or terminate the funeral  
484 establishment's, organic human reduction facility's, or crematory's license. The board may,  
485 in its discretion, upon application by the funeral establishment, organic human reduction  
486 facility, or crematory, grant one additional 90 day grace period upon showing of good  
487 cause. Grace periods totaling not more than 180 days may be granted during any two-year  
488 period beginning the first day on which the grace period was granted. Failure to have a  
489 funeral director in full and continuous charge shall be grounds for the revocation or  
490 suspension of any license, after notice and hearing.

491 43-18-78.

492 In the event any funeral establishment, organic human reduction facility, or crematory is  
493 temporarily destroyed by fire, flood, or other natural catastrophe, upon notice by the  
494 funeral establishment, organic human reduction facility, or crematory to the board within  
495 five days following the destruction, the board may grant the funeral establishment, organic  
496 human reduction facility, or crematory a 90 day grace period to use a board approved  
497 temporary location while reconstructing the ~~previous~~ destroyed location, provided the  
498 funeral establishment, organic human reduction facility, or crematory complies with all  
499 other provisions of this article and the rules of the board. The board may, in its discretion,  
500 upon application by the funeral establishment, organic human reduction facility, or  
501 crematory, grant additional 90 day grace periods upon showing of good cause.

502 43-18-79.

503 No funeral establishment, organic human reduction facility, or crematory license shall  
504 terminate upon the death of the holder thereof but shall pass to the legal representative of  
505 the deceased or, if there is no legal representative, to the widow of the deceased who may  
506 continue to operate the establishment, facility, or crematory for the unexpired time of the  
507 license.

508 43-18-80.

509 (a) ~~As used in For the purposes of this Code section, the term~~ 'authorizing agent' means  
510 a person legally entitled to authorize the ~~cremation of human remains~~ organic human  
511 reduction or cremation of a dead human body.

512 (b) The authorizing agent shall provide to the funeral establishment, organic human  
513 reduction facility, or crematory in which the organic human reduction or cremation  
514 arrangements are made a signed statement specifying the ultimate disposition of the  
515 organically reduced remains or cremated remains, if known. A copy of ~~this~~ such statement  
516 shall be retained by the funeral establishment, organic human reduction facility, or  
517 crematory offering or conducting the organic human reduction or cremation.

518 (c) Organically reduced remains or cremation ~~Cremated~~ remains shall be shipped only by  
519 a method that has an internal tracking system available and that provides a receipt signed  
520 by the person accepting delivery.

521 (d) The authorizing agent shall be responsible for the disposition of the organically  
522 reduced remains or cremated remains. If, after 60 days from the date the organic human  
523 reduction is completed or the date of cremation, the authorizing agent or his or her  
524 representative has not specified the ultimate disposition or claimed the organically reduced  
525 or cremated remains, the funeral establishment ~~or~~, organic human reduction facility,  
526 crematory, or other entity in possession of the organically reduced remains or cremated  
527 remains shall send a notification to the authorizing agent notifying him or her that, pursuant  
528 to this subsection, failure to respond to such notification and specify the ~~final~~ ultimate  
529 disposition of the ~~cremains~~ organically reduced remains or cremated remains within 30  
530 days of the transmission of such notice shall authorize the funeral establishment, organic  
531 human reduction facility, crematory, or other entity to make arrangements for the  
532 disposition of ~~the cremains~~ such remains. If, after 30 days, the funeral establishment,  
533 organic human reduction facility, crematory or entity in possession of the organically  
534 reduced remains or cremated remains has not received instructions from the authorizing

535 agent describing a specific method of disposing of ~~the cremains~~ such remains, the funeral  
 536 establishment, organic human reduction facility, crematory or entity in possession of ~~the~~  
 537 ~~cremains~~ such remains shall be authorized to dispose of the organically reduced remains  
 538 or cremated remains in a dignified and humane manner by ~~entombing such cremains in a~~  
 539 ~~crypt or underground~~ the entombment, internment, or scattering of such remains in  
 540 accordance with local and state law or by storage in the funeral establishment, organic  
 541 human reduction facility, crematory, or location of the entity in possession of the remains.  
 542 The final resting place of the ~~cremains~~ organically reduced remains or cremated remains  
 543 shall be clearly marked, unless such remains are scattered, and recorded by the funeral  
 544 establishment ~~entombing the cremains, organic human reduction facility, crematory, or~~  
 545 entity that disposed of such remains. Any costs or fees incurred to entomb, inter, scatter,  
 546 or disinter ~~the cremains~~ such remains shall be the responsibility of the authorizing agent;  
 547 provided, however, that such cost shall not exceed \$100.00."

548

## PART II

549

### SECTION 2-1.

550 Title 10 of the Official Code of Georgia Annotated, relating to commerce and trade, is  
 551 amended in Code Section 10-14-3, relating to definitions relative to cemetery and funeral  
 552 services, by revising paragraph (12) as follows:

553 "(12) 'Cremation' includes any mechanical, chemical, thermal, or other professionally  
 554 accepted process whereby a deceased human being is reduced to ashes. Such term  
 555 ~~Cremation~~ also includes any other mechanical, chemical, thermal, or other professionally  
 556 accepted process whereby ~~human remains~~ dead human bodies are pulverized, burned,  
 557 re Cremated, or otherwise further reduced in size or quantity, including organic human  
 558 reduction as such term is defined in Code Section 43-18-1."

559

**SECTION 2-2.**

560 Title 31 of the Official Code of Georgia Annotated, relating to health, is amended in Code  
561 31-10-1, relating to definitions relative to vital records, by revising paragraph (6) and adding  
562 a new paragraph to read as follows:

563 "(6) 'Final disposition' means the burial, interment, cremation, removal from the state,  
564 or other authorized disposition of a dead body or fetus, including organic human  
565 reduction."

566 "(11.1) 'Organic human reduction' shall have the same meaning as set forth in Code  
567 Section 43-18-1."

568

**SECTION 2-3.**

569 Said title is further amended in Code 31-10-20, relating to permits for disposition,  
570 disinterment, and reinterment, by revising subsection (a) as follows:

571 "(a) The funeral director or person acting as such or other person ~~who~~ that first assumes  
572 custody of a dead body or fetus shall obtain a disposition permit for ~~cremation or removal~~  
573 the cremation or organic human reduction of such body or fetus or the removal of such  
574 body or fetus from the state. A disposition permit may be required within the state by local  
575 authorities."

576

**SECTION 2-4.**

577 Said title is further amended in Code 31-10-28, relating to institutions to keep vital records,  
578 by revising subsection (c) as follows:

579 "(c) A funeral director, embalmer, sexton, or other person ~~who~~ that removes from the place  
580 of death, transports, or makes final disposition of a dead body or fetus, in addition to filing  
581 any certificate or other report required by this chapter or regulations promulgated  
582 hereunder, shall keep a record which shall identify the body and such information

583 pertaining to receipt, removal, delivery, ~~burial, or cremation~~ or final disposition of such  
584 body as may be required by regulations adopted by the department."

585 **SECTION 2-5.**

586 Said title is further amended by revising Code 31-21-4, relating to burial at sea of cremated  
587 remains, notification that cremated remains are ready for interment, and unclaimed cremated  
588 remains, as follows:

589 "31-21-4.

590 (a)(1) Cremated remains or organically reduced remains may be taken by boat from any  
591 harbor in this state, or by air, for burial at sea at a point not less than three miles from the  
592 nearest shoreline. ~~Cremated;~~ provided, however, that such remains shall be removed  
593 from their container before such remains are buried at sea.

594 (2) Any person ~~who~~ that buries at sea, either from a boat or from the air, any ~~human~~  
595 ~~cremated remains~~ cremated remains or organically reduced remains of a dead human  
596 body shall carry out the burial services within 50 days from the reduction of the dead  
597 human body to cremated remains or organically reduced remains and shall file with the  
598 local registrar of births, deaths, and other vital records in the county nearest the point  
599 where ~~the~~ such remains were buried a verified statement containing the name of the  
600 deceased person, the time and place of death, the place at which the cremated remains or  
601 organically reduced remains were buried, and any other information that the local  
602 registrar may require. Burial services may be delayed until weather conditions improve  
603 if inclement weather prevents safe burial.

604 (b) Any person ~~who~~ that requests that a dead human body be cremated or organically  
605 reduced shall provide the funeral establishment or other person responsible for the  
606 cremation or organic human reduction an address at which such person can be notified  
607 when the cremated remains or organically reduced remains are ready for interment.  
608 ~~Notification~~ or other ultimate disposition. Such notification shall be made by first-class

609 mail to such person at the address provided. If the cremated remains or organically  
 610 reduced remains are not claimed for interment or other disposition within 60 days from the  
 611 date ~~that the notification is mailed, such remains shall be turned over to the coroner to be~~  
 612 ~~interred in a plot or niche in a cemetery where indigents are buried~~ may be disposed of in  
 613 accordance with the provisions of Code Section 43-18-80."

614 **SECTION 2-6.**

615 Said title is further amended in Code 31-21-44.1, relating to abuse of a dead body, by  
 616 revising paragraph (1) of subsection (a) as follows:

617 "(a)(1) A person commits the offense of abuse of a dead human body if, prior to  
 618 interment or other final disposition of a dead human body and except as otherwise  
 619 authorized by law, such person willfully defaces ~~a dead~~ such dead human body while the  
 620 dead human body is lying in state or is prepared for burial, showing, ~~or~~ cremation, or  
 621 other final disposition whether in a funeral establishment, place of worship, home, or  
 622 other facility ~~for lying in state~~ or at a grave site. The lawful presence of the offender at  
 623 a place where the dead human body is abused shall not be a defense to a prosecution  
 624 under this Code section."

625 **SECTION 2-7.**

626 Said title is further amended in Code 31-21-44.2, relating to throwing away or abandonment  
 627 of dead bodies and punishment, by revising paragraph (2) of subsection (a) as follows:

628 "(2) It shall not be an offense under this subsection to make final disposition of a dead  
 629 human body or portion of such dead human body under a death certificate issued under  
 630 Chapter 10 of this title or the law of another jurisdiction by interment, entombment,  
 631 inurnment, scattering of cremated remains or organically reduced remains, burial at sea,  
 632 or any means otherwise authorized by law; nor shall it be an offense under this subsection  
 633 for any law enforcement personnel, medical or medical laboratory personnel, hospital

634 personnel, coroner or medical examiner, funeral director, embalmer, organic human  
 635 reduction facility operator, crematory operator, or cemetery operator to perform those  
 636 duties or acts relating to possession or disposition of a dead human body or portion of  
 637 such dead human body which are otherwise imposed or authorized by law or lawful  
 638 contract; nor shall use of a dead human body or portion of such dead human body at or  
 639 by an accredited medical school, dental school, college, or university for education,  
 640 research, or advancement of medical or dental science or therapy be an offense under this  
 641 subsection."

642 **SECTION 2-8.**

643 Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended  
 644 by revising Code Section 36-12-5, relating to interment or cremation of deceased indigents,  
 645 as follows:

646 "36-12-5.

647 (a) Whenever any ~~person~~ individual dies in this state and the decedent, his or her family,  
 648 and his or her immediate kindred are indigent and unable to provide for the decedent's  
 649 decent interment, ~~or cremation, or other final disposition~~, the governing authority of the  
 650 county ~~wherein the death occurs~~ where the death occurred shall make available from  
 651 county funds a sum sufficient to provide a decent interment, ~~or cremation, or other final~~  
 652 disposition of the deceased indigent ~~person~~ individual or to reimburse such ~~person~~  
 653 individual's immediate kindred as may have expended the cost ~~thereof~~ of such decent  
 654 internment, cremation, or other final disposition voluntarily, the exact amount thereof to  
 655 be determined by the governing authority of the county but shall not exceed the lesser of  
 656 the actual costs of interment, ~~or cremation, or other final disposition~~.

657 (b) The Department of Corrections is authorized to reimburse the governing authority of  
 658 the county where expenditures have been made in accordance with this Code section for  
 659 the burial, ~~or cremation, or other final disposition~~ of any inmate under the authority,

660 jurisdiction, or control of the Department of Corrections; ~~but~~ provided, however, that in no  
661 case shall the governing authority of the county be entitled to reimbursement where the  
662 decedent was in the custody of a county correctional institution or other county correctional  
663 facility."

664 **PART III**  
665 **SECTION 3-1.**

666 This Act shall become effective on July 1, 2025.

667 **SECTION 3-2.**

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