

**MOOT**

Senator Williams of the 25th offered the following amendment #1:

1 *Amend the Senate Committee on Regulated Industries and Utilities substitute to SB 239 (LC*  
2 *56 0529S) by replacing lines 14 and 15 with the following:*

3 provide for responsibility of all funeral services offered at a funeral establishment, organic  
4 human reduction facility, or crematory; to change certain provisions concerning the  
5 disposition of cremated remains;

6 *By replacing line 26 with the following:*

7 strength to be used to hold and to transport a dead human body. Such term does not  
8 include a casket.

9 *By replacing lines 34 through 36 with the following:*

10 Such term also includes any other mechanical, chemical, thermal, or other professionally  
11 accepted process whereby dead human bodies are pulverized, burned, reinterred, or  
12 otherwise further reduced in size or quantity. Such term does not include organic human  
13 reduction.

14 *By replacing "that" with "such" on line 45.*

15 *By replacing "the" with "such" on line 50.*

16 *By replacing line 54 with the following:*

17 cremation, organic human reduction, and interment of a dead human body.

18 *By replacing line 56 with the following:*

19 ~~connection with such person's name or with a picture of such person the words 'funeral~~

20 *By replacing lines 61 and 62 with the following:*

21 funeral establishment, organic human reduction facility, or crematory and who shall ensure  
22 that such establishment complies with this article and with all rules promulgated pursuant  
23 to this article.

24 *By replacing line 67 with the following:*

25 ~~sale by a funeral director working in a funeral establishment, organic human reduction~~  
26 ~~facility, or crematory and includes, but is not~~

27 *By replacing line 72 with the following:*

28 director or funeral establishment, organic human reduction facility, or crematory and a  
29 legally authorized person for the embalming,

30 *By inserting after line 78 the following:*

31 (16.1) 'Organic human reduction' means the contained, accelerated conversion of dead  
32 human bodies to soil.

33 (16.2) 'Organic human reduction container' means a container in which organic human  
34 reduction occurs.

35 (16.3) 'Organic human reduction facility' means a location where organic human  
36 reduction is performed.

37 (16.4) 'Organically reduced remains' means the resulting residue of a dead human body  
38 that has undergone organic human reduction.

39 *By replacing lines 80 and 81 with the following:*

40 but not limited to, a vault made of concrete, steel, fiberglass, or copper; a sectional concrete  
41 enclosure; a crypt; or a wooden enclosure.

42 *By replacing "or 'embalming'" with "or 'embalming'" on line 82.*

43 *By replacing "or 'funeral directing'" with "or 'funeral directing'" on line 85.*

44 *By replacing lines 91 and 92 with the following:*

45 purpose of the sale of funeral services or merchandise. Such term shall not include any  
46 advertising which is directed to the public in general."

47 *By replacing line 421 with the following:*

48 licensed funeral establishment or crematory, facilities, and living quarters, requirement to  
49 only practice at licensed funeral establishment, organic human reduction facility, or  
50 crematory and requirements of funeral establishments, by adding a new

51 *By replacing lines 432 through 502 with the following:*

52 Said article is further amended by revising Code Section 43-18-71, relating to funeral  
53 establishments, organic human reduction facilities, and crematories to be licensed and to  
54 employ a licensed funeral director to be in full and continuous charge and display of name  
55 and license of funeral director, as follows:

56 "43-18-71.

57 (a) It shall be unlawful for any person, firm, corporation, or association to operate a funeral  
58 establishment, organic human reduction facility, or crematory engaged in the business of  
59 providing funeral services without first obtaining a license from the board in accordance

60 with this article. The board shall not issue a license to any funeral establishment, organic  
61 human reduction facility, or crematory unless such funeral establishment, organic human  
62 reduction facility or crematory shall employ the service of a funeral director licensed in  
63 accordance with this article, who shall be the funeral director in full and continuous charge  
64 of the establishment and who is a resident of this state. There shall be conspicuously  
65 displayed in each funeral establishment, organic human reduction facility, and crematory  
66 the name and license of the funeral director in full and continuous charge. A funeral  
67 director in full and continuous charge shall:

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

71 (2) Act as funeral director for only one funeral establishment, organic human reduction  
72 facility, or crematory, or at only one funeral establishment that is separately licensed as  
73 an organic human reduction facility or crematory; and

74 (3) Spend a minimum of 40 hours per week in the employ and operation of the  
75 establishment and be accessible and available to the community; and

76 (4) If serving as a funeral director in full and continuous charge of a funeral  
77 establishment, be licensed as both a funeral director and an embalmer.

78 (b) When there is a change in the funeral director in full and continuous charge, such  
79 change shall be reported to the board in writing within five days of the effective date of  
80 such change. The board may request the new funeral director in full and continuous charge  
81 and owner to appear before the board to determine if the requirements for a funeral director  
82 in full and continuous charge have been met.

83 (c) Each funeral establishment, organic human reduction facility, or crematory, and the  
84 funeral director in full and continuous charge of such funeral establishment, organic human  
85 reduction facility, or crematory, shall be responsible for all funeral services offered or  
86 provided to consumers at the funeral establishment, organic human reduction facility, or

87 crematory and for ensuring that all such funeral services are offered or provided in a  
88 manner that complies with the provisions of this article and the rules and regulations of the  
89 board."

90

**SECTION 14.**

91 Said article is further amended by revising Code Section 43-18-80, relating to authorizing  
92 agent, statement specifying disposition of cremated or organically reduced remains, and  
93 shipment of remains, as follows:

94 "43-18-80.

95 (a) As used in this Code section, the term 'authorizing agent' means a person legally  
96 entitled to authorize the organic human reduction or cremation of a dead human body.

97 (b) The authorizing agent shall provide to the funeral establishment, organic human  
98 reduction facility, or crematory in which the organic human reduction or cremation  
99 arrangements are made a signed statement specifying the ultimate disposition of the  
100 organically reduced remains or cremated remains, if known. A copy of such statement  
101 shall be retained by the funeral establishment, organic human reduction facility, or  
102 crematory offering or conducting the organic human reduction or cremation.

103 (c) Organically reduced remains or cremation remains shall be shipped only by a method  
104 that has an internal tracking system available and that provides a receipt signed by the  
105 person accepting delivery.

106 (d) The authorizing agent shall be responsible for the disposition of the organically  
107 reduced remains or cremated remains. If, after 60 days from the date the organic human  
108 reduction is completed or the date of cremation, the authorizing agent or his or her  
109 representative has not specified the ultimate disposition or claimed the organically reduced  
110 or cremated remains, the funeral establishment, organic human reduction facility,  
111 crematory, or other entity in possession of the organically reduced remains or cremated  
112 remains shall send a notification to the authorizing agent notifying him or her that, pursuant

113 to this subsection, failure to respond to such notification and specify the ultimate  
114 disposition of the organically reduced remains or cremated remains within 30 days of the  
115 transmission of such notice shall authorize the funeral establishment, organic human  
116 reduction facility, crematory, or other entity to make arrangements for the disposition of  
117 such remains. If, after 30 days, the funeral establishment, organic human reduction facility,  
118 crematory, or entity in possession of the organically reduced remains or cremated remains  
119 has not received instructions from the authorizing agent describing a specific method of  
120 disposing of such remains, the funeral establishment, organic human reduction facility,  
121 crematory, or entity in possession of such remains shall be authorized to dispose of the  
122 organically reduced remains or cremated remains in a dignified and humane manner by the  
123 entombment, internment, or scattering of such remains in accordance with local and state  
124 law or by storage in the funeral establishment, organic human reduction facility, crematory,  
125 or location of the entity in possession of the remains. The final resting place of the  
126 organically reduced remains or cremated remains shall be clearly marked, unless such  
127 remains are scattered, and recorded by the funeral establishment, organic human reduction  
128 facility, crematory, or entity that disposed of such remains. Any costs or fees incurred to  
129 entomb, inter, scatter, or disinter such remains shall be the responsibility of the authorizing  
130 agent; ~~provided, however, that such cost shall not exceed \$100.00.~~

131 (e) Any funeral establishment, organic human reduction facility, crematory, or entity in  
132 possession of cremated remains that disposes of cremated remains in accordance with  
133 subsection (d) of this Code section shall be discharged from any legal obligation or liability  
134 concerning such cremated remains."