

Senate Bill 581

By: Senators Williams of the 25th, Robertson of the 29th, Albers of the 56th and Mallow of the 2nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 10 of Title 31 of the Official Code of Georgia Annotated, relating to vital
2 records, so as to provide for cremation permits that are distinct from disposition permits; to
3 provide for permits for cremations and organic reductions; to provide certain requirements
4 for the issuance of cremation and organic reduction permits; to provide for exceptions; to
5 amend Code Section 53-2-27 of the Official Code of Georgia Annotated, relating to DNA
6 testing for kinship, procedure, and cost, so as to provide for a conforming change; to provide
7 for related matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 10 of Title 31 of the Official Code of Georgia Annotated, relating to vital records,
11 is amended by revising Code Section 31-10-20, relating to permits for disposition,
12 disinterment, and reinterment, as follows:

13 "31-10-20.

14 (a) The funeral director or person acting as such or other person that first assumes custody
15 of a dead body or fetus shall obtain a disposition permit for the internment ~~cremation or~~
16 ~~organic human reduction~~ of such body or fetus or the removal of such body or fetus from

17 the state. Such disposition permit shall not authorize the cremation or organic reduction
18 of such body or fetus. A disposition permit may be required within the state by local
19 authorities.

20 (b) ~~Such~~ A disposition permit shall be made available by the local registrar of the county
21 where the death or fetal death occurred, or body or fetus was found, 24 hours a day, seven
22 days a week. The registrar will issue a disposition permit immediately upon request from
23 the licensed funeral director or his agent in charge of the body or fetus. The request for a
24 disposition permit may be received by the registrar either orally or in writing. The registrar
25 may respond to the request by any means utilized in the normal course of transacting
26 business including, but not limited to, transmission by facsimile machine.

27 (c) The funeral director or person acting as such or other person that first assumes custody
28 of a dead body or fetus shall obtain a cremation permit for the cremation or organic human
29 reduction of such body or fetus. Such cremation permit shall only be issued by the coroner
30 or chief medical examiner of the county where the death occurred. Such permit shall not
31 be issued by such coroner or chief medical examiner unless such coroner or medical
32 examiner also either certifies a death certificate for such body or fetus or accepts a death
33 certificate already certified for such body or fetus.

34 ~~(c)~~(d) A disposition permit issued under the law of another state which accompanies a
35 dead body or fetus brought into this state shall be authority for final disposition of the body
36 or fetus in this state, without the need for a disposition permit or cremation permit to be
37 issued in this state.

38 ~~(d)~~(e) Prior to final disposition of a dead fetus, irrespective of the duration of pregnancy,
39 the funeral director or person acting as such, the person in charge of the institution, or other
40 person assuming responsibility for final disposition of the fetus shall obtain from the
41 parent(s) authorization for final disposition.

42 ~~(e)~~(f) Disposition permits shall not be required where disposition of fetal remains is within
43 the institution of occurrence and a registry of such events is maintained by the institution.

44 ~~(f)~~(g) Authorization for disinterment and reinterment shall be required prior to
45 disinterment of a dead body or fetus. Such authorization shall be issued by the local
46 registrar to a licensed funeral director or other person acting as such, upon proper
47 application, in the county in which the dead body or dead fetus was originally interred and
48 a local registrar who issues such authorization shall not be civilly or criminally liable
49 therefor if it is issued in good faith. A permit shall not be required when disinterment and
50 reinterment are in the same cemetery.

51 ~~(g)~~(h) The department shall prescribe rules and regulations so that the local registrars may
52 permit hospitals, funeral homes, or others in their respective counties to issue disposition
53 permits."

54 **SECTION 2.**

55 Code Section 53-2-27 of the Official Code of Georgia Annotated, relating to DNA testing
56 for kinship, procedure, and cost, is amended by revising paragraph (2) of subsection (h)
57 as follows:

58 "(2) Shall not require authorization under subsection ~~(f)~~ (g) of Code Section 31-10-20
59 as a condition precedent to such disinterment or reinterment;"

60 **SECTION 3.**

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