

House Bill 124 (AS PASSED HOUSE AND SENATE)

By: Representatives Williams of the 145th, Powell of the 32nd, and McDonald of the 26th

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
3 multiple cremation devices; to provide for a definition; to provide for rules and regulations;
4 to provide for certain inspections; to provide for conforming amendments; to provide for
5 related matters; to provide for an effective date; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 18 of Title 43 of the Official Code of Georgia Annotated, relating to funeral
10 directors and establishments, embalmers, and crematories, is amended in Code Section
11 43-18-1, relating to definitions, by adding a new paragraph to read as follows:

12 "(5.1) 'Cremation device' means a retort, vat, or container in which dead human bodies
13 are cremated by traditional flame, alkaline hydrolysis, or other means approved by the
14 board."

15 **SECTION 2.**

16 Said chapter is further amended in Code Section 43-18-8, relating to identification of body
17 or remains of deceased and affidavit required for cremated remains, by revising paragraph
18 (2) of subsection (a) as follows:

19 "(2) No funeral director in charge of a crematory shall permit any dead body to be on the
20 premises of the crematory without the dead body being identified as provided by this
21 subsection, except when the body is placed in ~~the retort~~ a cremation device; and the tag
22 shall be removed from the body and kept in a regular location near the ~~retort~~ cremation
23 device during cremation and thereafter placed atop the cremated remains on the inside
24 of the vessel and any liner therein. The vessel containing cremated remains shall be
25 plainly labeled on the outside so as to identify the deceased with the same information,
26 excluding social security number, as is required to be on the tag inside the vessel and so
27 as to identify the name of the person or firm to which such remains are to be delivered
28 or released."

29 **SECTION 3.**

30 Said chapter is further amended in Code Section 43-18-72, relating to crematories to be
31 licensed, equipment, facilities, and personnel, application, reports, and limitation of single
32 body in retort, by revising paragraph (a)(1) and subsections (b) and (e) as follows:

33 "(a)(1) It shall be unlawful for any person, firm, corporation, or association to operate a
34 crematory without first obtaining a separate license for such purpose from the board in
35 accordance with this article. The crematory must be at a specific address or location and
36 must meet the following requirements and have the following minimum equipment,
37 facilities, and personnel:

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

40 (B) A display room containing an adequate supply of urns;

- 41 (C) Rolling stock consisting of at least one operable motor hearse either owned or
42 leased by said firm with current Georgia registration;
- 43 (D) At least one operable ~~retort for cremation~~ cremation device;
- 44 (E) At least one operable processing station for grinding of cremated remains;
- 45 (F) At least one church truck; and
- 46 (G) Not be located within 1,000 feet of a residential subdivision platted and recorded
47 in the office of the clerk of the superior court of a county in which such residential
48 subdivision is located."
- 49 "(b) The board may adopt and enforce such rules and regulations as may be reasonable and
50 necessary to provide for the sanitary disposal of dead human bodies and prevent the spread
51 of disease and to protect the health, safety, and welfare of the people of this state. Such
52 rules and regulations may include inspections of any retort by the manufacturer or other
53 authorized crematory repair company once every five years to ensure proper operations."
- 54 "(e) No more than one dead human body shall be placed in a ~~retort~~ cremation device at one
55 time unless written permission has been received from the person possessing legal
56 responsibility for the disposition of the dead human body."

57 **SECTION 4.**

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

60 **SECTION 5.**

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