

House Bill 124

By: Representatives Williams of the 145<sup>th</sup>, Powell of the 32<sup>nd</sup>, and McDonald of the 26<sup>th</sup>

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 conforming  
4 amendments; to provide for related matters; to provide for an effective date; to provide for  
5 rules and regulations; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

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

11 "(5.1) 'Cremation device' means a retort, vat, or container in which dead human bodies  
12 are cremated by traditional flame, alkaline hydrolysis, or other means approved by the  
13 board."

**SECTION 2.**

14

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

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

**SECTION 3.**

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

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

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

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

- 40 (C) Rolling stock consisting of at least one operable motor hearse either owned or  
41 leased by said firm with current Georgia registration;
- 42 (D) At least one operable ~~retort for cremation~~ cremation device;
- 43 (E) At least one operable processing station for grinding of cremated remains;
- 44 (F) At least one church truck; and
- 45 (G) Not be located within 1,000 feet of a residential subdivision platted and recorded  
46 in the office of the clerk of the superior court of a county in which such residential  
47 subdivision is located."
- 48 "(e) No more than one dead human body shall be placed in a ~~retort~~ cremation device at one  
49 time unless written permission has been received from the person possessing legal  
50 responsibility for the disposition of the dead human body."

51 **SECTION 4.**

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

54 **SECTION 5.**

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