

Senate Bill 351

By: Senators Beach of the 21st and Henson of the 41st

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 4 of Article 1 of Chapter 18 of Title 43 of the Official Code of Georgia
2 Annotated, relating to operation of funeral establishments and crematories, so as to change
3 certain provisions relating to the distance certain crematories may be located in relation to
4 residential subdivisions; to provide for related matters; to repeal conflicting laws; and for
5 other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 style="text-align:center">**SECTION 1.**

8 Part 4 of Article 1 of Chapter 18 of Title 43 of the Official Code of Georgia Annotated,
9 relating to operation of funeral establishments and crematories, is amended by revising Code
10 Section 43-18-72, relating to crematories to be licensed, equipment, facilities, personnel,
11 application, reports, and limitation of single body in retort, as follows:

12 "43-18-72.

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

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

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

21 (C) Rolling stock consisting of at least one operable motor hearse either owned or
22 leased by ~~said~~ such person, firm, corporation, or association with current Georgia
23 registration;

24 (D) At least one operable retort for cremation;

25 (E) At least one operable processing station for grinding of cremated remains;

26 (F) At least one church truck; and

27 (G)(i) Not be located within 1,000 feet of a residential subdivision platted and
 28 recorded in the office of the clerk of the superior court of a county in which such
 29 residential subdivision is located. This subparagraph shall only apply to the issuance
 30 or renewal of any license on or after July 1, 2009, but prior to July 1, 2016, for any
 31 stand-alone crematory that was not in operation as of July 1, 2009. For purposes of
 32 this subparagraph, the term 'stand-alone crematory' means a crematory that is not
 33 located on or adjacent to a tract or parcel of land which contains a funeral
 34 establishment; and

35 (ii) Not be located within 2,000 feet of a residential subdivision platted and recorded
 36 in the office of the clerk of the superior court of a county in which such residential
 37 subdivision is located. This subparagraph shall only apply to the issuance or renewal
 38 of any license on or after July 1, 2016, for any crematory that was not in operation as
 39 of July 1, 2016.

40 (2)(A) The provisions of subparagraphs (A), (B), and (F) of paragraph (1) of this
 41 subsection shall not apply to crematories which provide cremation services only to other
 42 funeral establishments.

43 ~~(B) The provision of paragraph (G) of paragraph (1) of this subsection shall only apply
 44 to the issuance or renewal of any license on or after July 1, 2009, for any stand-alone
 45 crematory that was not in operation as of July 1, 2009. For purposes of this
 46 subparagraph, the term 'stand-alone crematory' shall mean a crematory that is not
 47 located on or adjacent to a tract or parcel of land which contains a funeral
 48 establishment.~~

49 (b) The board may adopt and enforce such rules as may be reasonable and necessary to
 50 provide for the sanitary disposal of dead human bodies and prevent the spread of disease
 51 and to protect the health, safety, and welfare of the people of this state.

52 (c) Application for licensure of a crematory shall be made upon a form approved by the
 53 board and shall be accompanied by an application fee. No license shall be issued unless
 54 the facility meets all the requirements set forth by the board.

55 (d) The board shall adopt rules requiring each crematory to submit periodic reports to the
 56 board in a standard form which include the names of persons cremated and the types of
 57 containers used.

58 (e) No more than one dead human body shall be placed in a retort at one time unless
 59 written permission has been received from the person possessing legal responsibility for
 60 the disposition of the dead human body.

61 (f) Nothing in this article shall require a funeral establishment for which a valid license to
 62 operate is in effect on May 9, 2002, to have a separate license for a crematory until on and
 63 after the renewal date of such license to operate a funeral establishment which first occurs

64 after May 9, 2002, but such establishment must comply with all the minimum equipment
65 and facilities requirements and all other statutes, rules, and regulations relating to
66 crematories."

67 **SECTION 2.**

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