

House Bill 354 (AS PASSED HOUSE AND SENATE)

By: Representatives Williams of the 145th, Powell of the 32nd, Collins of the 68th, Bentley of the 139th, Mathis of the 144th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Titles 10 and 43 of the Official Code of Georgia Annotated, relating to commerce
2 and trade and professions and businesses, respectively, so as to change certain provisions
3 related to the authority of the State Board of Funeral Service and the State Board of
4 Cemeterians; to require such boards to report suspected unlawful activity to the sheriff's
5 office and the Attorney General; to require the Attorney General to provide notice of such
6 suspected unlawful activity to the appropriate prosecuting attorney; to provide for related
7 matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Title 10 of the Official Code of Georgia Annotated, relating to commerce and trade, is
11 amended by revising Code Section 10-14-3.1, relating to authority of the State Board of
12 Funeral Service and the State Board of Cemeterians, as follows:

13 "10-14-3.1.

14 As provided in this Code section, the boards may ~~The boards shall~~ have all administrative
15 powers and other powers necessary to carry out the provisions of this chapter, including
16 the authority to promulgate rules and regulations, and the Secretary of State ~~shall~~ may

17 delegate to the boards all such duties otherwise entrusted to the Secretary of State;
18 provided, however, that the Secretary of State shall have sole authority over matters
19 relating to the regulation of funds, trust funds, and escrow accounts and accounting and
20 investigations concerning such matters but may delegate authority to the appropriate board
21 for the review of such investigations and the determination as to disciplinary matters,
22 necessary sanctions, and the enforcement of such decisions and sanctions. The State Board
23 of Funeral Service shall have authority to promulgate rules and regulations and may be
24 delegated the authority to make disciplinary and sanctioning decisions relating to funeral
25 services or funeral merchandise. The State Board of Cemeterians shall have authority to
26 promulgate rules and regulations and may be delegated the authority to make disciplinary
27 and sanctioning decisions relating to burial services or burial merchandise. The Secretary
28 of State may delegate to each board according to such duties and responsibilities of the
29 boards."

30

SECTION 2.

31 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,
32 is amended in Chapter 8B, relating to the State Board of Cemeterians, by adding a new Code
33 section to read as follows:

34 "43-8B-8.

35 Any complaints received by the board shall be investigated within 30 days of receipt. If
36 such investigation shows that there may be a violation of Code Section 10-14-17 or
37 10-14-18 or any felony violation of state or federal criminal law, there shall be an
38 affirmative obligation on behalf of the board to provide notice of such potential illegalities
39 within seven days to the Attorney General's office and to the sheriff's office in the county
40 in which any of the illegalities are believed to have occurred in whole or in part. Upon
41 receiving such notification, the Attorney General shall within a reasonable time period not
42 to exceed 60 days conduct a review of such complaint and provide the appropriate

43 prosecuting attorney within any jurisdiction in which any illegalities are believed to have
44 occurred, in whole or in part, with relevant information uncovered during the course of the
45 investigation that the prosecuting attorney requests."

46 **SECTION 3.**

47 Said title is further amended in Article 1 of Chapter 18, relating to general provisions
48 regarding funeral directors and establishments, embalmers, and crematories, by adding a new
49 Code section to read as follows:

50 "43-18-10.

51 Any complaints received by the board shall be investigated within 30 days of receipt. If
52 such investigation shows that there may be a violation of Code Section 10-14-17 or
53 10-14-18 or any felony violation of state or federal criminal law, there shall be an
54 affirmative obligation on behalf of the board to provide notice of such potential illegalities
55 within seven days to the Attorney General's office and to the sheriff's office in the county
56 in which any of the illegalities are believed to have occurred in whole or in part. Upon
57 receiving such notification, the Attorney General shall within a reasonable time period not
58 to exceed 60 days conduct a review of such complaint and provide the appropriate
59 prosecuting attorney within any jurisdiction in which any illegalities are believed to have
60 occurred, in whole or in part, with relevant information uncovered during the course of the
61 investigation that the prosecuting attorney requests."

62 **SECTION 4.**

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

65 **SECTION 5.**

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