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

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.
Title 10 of the Official Code of Georgia Annotated, relating to commerce and trade, is
amended by revising Code Section 10-14-3.1, relating to authority of the State Board of
Funeral Service and the State Board of Cemeterians, as follows:
"10-14-3.1.
As provided in this Code section, the boards may The boards shall have all administrative
powers and other powers necessary to carry out the provisions of this chapter, including
the authority to promulgate rules and regulations, and the Secretary of State shall may
delegate to the boards all such duties otherwise entrusted to the Secretary of State; provided, however, that the Secretary of State shall have sole authority over matters relating to the regulation of funds, trust funds, and escrow accounts and accounting and investigations concerning such matters but may delegate authority to the appropriate board for the review of such investigations and the determination as to disciplinary matters, necessary sanctions, and the enforcement of such decisions and sanctions. The State Board of Funeral Service shall have authority to promulgate rules and regulations and may be delegated the authority to make disciplinary and sanctioning decisions relating to funeral services or funeral merchandise. The State Board of Cemeterians shall have authority to promulgate rules and regulations and may be delegated the authority to make disciplinary and sanctioning decisions relating to burial services or burial merchandise. The Secretary of State may delegate to each board according to such duties and responsibilities of the boards."

SECTION 2.

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

"43-8B-8.
Any complaints received by the board shall be investigated within 30 days of receipt. If such investigation shows that there may be a violation of Code Section 10-14-17 or 10-14-18 or any felony violation of state or federal criminal law, there shall be an affirmative obligation on behalf of the board to provide notice of such potential illegalities within seven days to the Attorney General's office and to the sheriff's office in the county in which any of the illegalities are believed to have occurred in whole or in part. Upon receiving such notification, the Attorney General shall within a reasonable time period not to exceed 60 days conduct a review of such complaint and provide the appropriate
prosecuting attorney within any jurisdiction in which any illegalities are believed to have occurred, in whole or in part, with relevant information uncovered during the course of the investigation that the prosecuting attorney requests.”

SECTION 3.
Said title is further amended in Article 1 of Chapter 18, relating to general provisions regarding funeral directors and establishments, embalmers, and crematories, by adding a new Code section to read as follows:

"43-18-10. Any complaints received by the board shall be investigated within 30 days of receipt. If such investigation shows that there may be a violation of Code Section 10-14-17 or 10-14-18 or any felony violation of state or federal criminal law, there shall be an affirmative obligation on behalf of the board to provide notice of such potential illegalities within seven days to the Attorney General's office and to the sheriff's office in the county in which any of the illegalities are believed to have occurred in whole or in part. Upon receiving such notification, the Attorney General shall within a reasonable time period not to exceed 60 days conduct a review of such complaint and provide the appropriate prosecuting attorney within any jurisdiction in which any illegalities are believed to have occurred, in whole or in part, with relevant information uncovered during the course of the investigation that the prosecuting attorney requests.”

SECTION 4.
This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 5.
All laws and parts of laws in conflict with this Act are repealed.