

State:	Georgia
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**Inquiry (1): How long can I keep the body at home after death and under what conditions?**

Ga. Comp. R. & Regs. § 511-2-6-.04. Handling of Infected Human Remains When Death Occurs Outside of a Hospital or Medical Facility.

(1) Any person who becomes aware of a death that occurs outside of a hospital or healthcare facility, or otherwise without medical attendance, in circumstances where a diagnosis of a dangerous virus disease is possible, shall immediately notify the Director of Health Protection of the Georgia Department of Public Health or designee and the county coroner or medical examiner. “Circumstances where a diagnosis of a dangerous virus disease is possible” exist when the following occurred:

(a) the deceased came into contact with a person infected with the virus within 35 days prior to death, or the deceased visited, within 30 days prior to death, an area of the world experiencing an outbreak or epidemic of a dangerous virus disease; and

(b) the deceased experienced any of the following symptoms immediately prior to death:

- 1. fever of 100 degrees Fahrenheit or more;
- 2. diarrhea;
- 3. vomiting;
- 4. unexplained bleeding or bruising;
- 5. severe abdominal pain;
- 6. severe muscle pain or weakness;
- 7. severe headache.

(2) The site of death shall be immediately closed off and secured, and only persons trained in the safe handling of infected articles and human remains, using appropriate personal protective equipment, shall be permitted at the site until the completion of testing as provided in subsection (3) and (4) below. The body shall be handled in accordance with DPH Rule 511-2-6-.01(4)(a) through (d) above and shall remain on site pending the results of testing. The remaining site shall not be disturbed or handled without express permission from the Director of Health Protection of the Georgia Department of Public Health or designee. Any bed linens, clothes, towels, or other articles that came in contact with the deceased shall likewise not be disturbed or handled.

(3) A blood or tissue sample shall be taken by a person or company approved by the Department and transported directly to a laboratory for testing as directed by the Director of Health Protection of the Georgia Department of Public Health or designee.

(4) The test results shall be reported immediately to the family or property owner and to the county coroner or medical examiner. If the sample tests negative for a dangerous virus, then

this Chapter shall no longer apply and the county coroner or medical examiner shall assume jurisdiction over the body and the site of death. If the sample tests positive for a dangerous virus, then the body and the site of death shall be handled in accordance with DPH Rules 511-2-6-.01 through -.03 above.

**Inquiry (2): Does my state require the body to be embalmed? If so, when?**

Georgia Attorney General’s Consumer Protection Division, *Georgia Consumer Protection Guide for Older Adults: Funerals and Cemeteries*

“Embalming is not legally required in Georgia. Refrigeration generally serves the same purpose. Direct cremation or burial does not require any form of preservation. • For a direct cremation, a casket is not legally required. A funeral provider who offers cremations must make alternative containers available and inform you of this option.”

Ga. Comp. R. & Regs. 511-2-6-.01

This Chapter 511-2-6 shall govern the handling and disposal of human remains which are infected with a dangerous virus. The term “dangerous virus” includes Alkhurma, Chapare, Ebola, Marburg, or any other virus specifically designated as dangerous by the State Health Officer.

Ga. Comp. R. & Regs. § 511-2-6-.02.

(1) Infected human remains shall be cremated using an 8-hour cycle unless cremation is not feasible by reason of obesity, medical implants, or objection made on bona fide religious grounds within 24 hours of death by the person with legal right to control the disposition of the body. The cremation authorization may be signed by any representative of the Department of Public Health, County Board of Health, coroner, or medical examiner.

(2) If the body cannot be cremated, then it shall be buried in a hermetically sealed casket of no less than 20-gauge metal.

(3) The body shall not be transported out of state except with the consent of the chief public health officer of the receiving state and in coordination with the Centers for Disease Control.

(4) No autopsy or embalming shall be performed without the consent of the State Health Officer.

**Inquiry (3): What methods of disposition are legal in my state?**

Ga. Code Ann. § 43-18-1

As used in this article, the term:

(9) ‘Final disposition’ means the final disposal of a dead human body whether it is by, but not limited to, earth interment, above-ground interment, cremation, organic human reduction, burial at sea, or delivery to a medical institution for lawful dissection if such medical institution assumes responsibility for disposal.

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**Inquiry (4): Are there any circumstances under which I would be required to wait before final disposition?**

There are no statutes or regulations that address this question.

**Inquiry (5): What do I need to do to get a death certificate?**

Ga. Code Ann. § 31-10-15. Death registration

(a) A certificate of death for each death which occurs in this state shall be filed with the local registrar of the county in which the death occurred or the body was found within ten days after the death as follows:

(1) If the place of death is unknown but the dead body is found in this state, the certificate of death shall be completed and filed in accordance with this Code section. The place where the body is found shall be shown as the place of death. If the date of death is unknown, it shall be the date the body was found and the certificate marked as such; or

(2) When death occurs in a moving conveyance in the United States and the body is first removed from the conveyance in this state, the death shall be registered in this state and the place where it is first removed shall be considered the place of death. When a death occurs on a moving conveyance while in international waters or airspace or in a foreign country or its airspace and the body is first removed from the conveyance in this state, the death shall be registered in this state but the certificate shall show the actual place of death insofar as can be determined.

(b) **The funeral director or person acting as such who first assumes custody of the dead body** shall file the certificate of death within 72 hours. Such director or person shall obtain the personal data from the next of kin or the best qualified person or source available and shall obtain the medical certification from the person responsible therefor.

(c)(1) The medical certification as to the cause and circumstances of death shall be completed, signed, and returned to the funeral director or person acting as such within 72 hours after death by the physician, or advanced practice registered nurse acting pursuant to the authority of Code Sections 43-34-23 and 43-34-25 or licensed physician assistant acting pursuant to the authority of Code Sections 43-34-23 and 43-34-103, who is in charge of the patient's care for the illness or condition which resulted in death, except when inquiry is required by Article 2 of Chapter 16 of Title 45, the "Georgia Death Investigation Act." In the absence of said physician, advanced practice registered nurse, or licensed physician assistant or with that physician's approval, the certificate may be completed and signed by an associate physician, the chief medical officer of the institution in which death occurred, or the physician who performed an autopsy upon the decedent, provided that such individual has access to the medical history of the case, views the deceased at or after death, and death is due to natural

causes. If, 30 days after a death, the physician, or advanced practice registered nurse acting pursuant to the authority of Code Sections 43-34-23 and 43-34-25 or licensed physician assistant acting pursuant to the authority of Code Sections 43-34-23 and 43-34-103, who is in charge of the patient's care for the illness or condition which resulted in death has failed to complete, sign, and return the medical certification as to the cause and circumstances of death to the funeral director or person acting as such, the funeral director or person acting as such shall be authorized to report such physician, advanced practice registered nurse, or licensed physician assistant to their respective licensing boards for disciplinary action.

(2) In any area in this state which is in a state of emergency as declared by the Governor due to an influenza pandemic, in addition to any other person authorized by law to complete and sign a death certificate, any registered professional nurse employed by a long-term care facility, registered nurse employed by a home health agency, or nursing supervisor employed by a hospital shall be authorized to complete and sign the death certificate, provided that such person has access to the medical history of the case, such person views the deceased at or after death, the death is due to natural causes, and an inquiry is not required under Article 2 of Chapter 16 of Title 45, the "Georgia Death Investigation Act." In such a state of emergency, the death certificate shall be filed by the funeral director in accordance with subsection (b) of this Code section; or, if the certificate is not completed and signed by an appropriate physician, advanced practice registered nurse acting pursuant to the authority of Code Sections 43-34-23 and 43-34-25, licensed physician assistant acting pursuant to the authority of Code Sections 43-34-23 and 43-34-103, or coroner, the public health director of preparedness shall cause the death certificate to be completed, signed, and filed by some other authorized person within ten days after death.

(3) An authorized individual completing and signing a death certificate in good faith and in accordance with this subsection shall be immune from civil liability for any acts or omissions relating to the medical certification, absent wanton misconduct or intentional wrongdoing. This immunity is in addition to any other legal immunity from liability to which such individuals may be entitled.

(d) When death occurs without medical attendance as set forth in subsection (c) of this Code section or when inquiry is required by Article 2 of Chapter 16 of Title 45, the "Georgia Death Investigation Act," the proper person shall investigate the cause of death and shall complete and sign the medical certification portion of the death certificate within 30 days after being notified of the death.

(e) If the cause of death cannot be determined within 48 hours after death, the medical certification shall be completed as provided by regulation. The attending physician, advanced practice registered nurse acting pursuant to the authority of Code Sections 43-34-23 and 43-34-25, licensed physician assistant acting pursuant to the authority of Code Sections 43-34-23 and 43-34-103, or coroner shall give the funeral director or person acting as such notice of the reason for the delay, and final disposition of the body shall not be made until authorized by the attending physician, coroner, or medical examiner.

(f) When death occurs on or after July 1, 1985, in a county other than the county of the residence of the deceased person, a copy of such person's death certificate shall be forwarded as soon as practicable by the department to the custodian of records of the county of the residence of such deceased person. The custodian of records shall file such death certificate as a part of the permanent records of such office.

(g) Any other provision of this chapter or Chapter 16 of Title 45 notwithstanding, when the death of a nonresident burn victim occurs in a treatment facility following the transportation of such victim from an incident occurring in another state, only the attending physician shall be required to complete and sign the death certificate.

(h) On or before the tenth day of each month, the state registrar shall furnish to the Secretary of State's office, in a format prescribed by the Secretary's office, a list of those persons for whom death certificates have been filed during the preceding month. Such list shall be used by the Secretary of State to notify local registration officers for the purpose of purging the voter registration list of each county.

**Inquiry (6): What do I need to do to get a burial-transit permit? Is there a wait period before I can receive a burial-transit permit?**

Ga. Code Ann. § 31-10-20. Final disposition permits

(a) The funeral director or person acting as such or other person **that** first assumes custody of a dead body or fetus shall obtain a disposition permit for **the cremation or organic human reduction of such body or fetus or the removal of such body or fetus** from the state. A disposition permit may be required within the state by local authorities.

(b) Such disposition permit shall be made available by the local registrar of the county where the death or fetal death occurred, or body or fetus was found, 24 hours a day, seven days a week. The registrar will issue a disposition permit immediately upon request from the licensed funeral director or his agent in charge of the body or fetus. The request for a disposition permit may be received by the registrar either orally or in writing. The registrar may respond to the request by any means utilized in the normal course of transacting business including, but not limited to, transmission by facsimile machine.

(c) A disposition permit issued under the law of another state which accompanies a dead body or fetus brought into this state shall be authority for final disposition of the body or fetus in this state.

(d) Prior to final disposition of a dead fetus, irrespective of the duration of pregnancy, the funeral director or person acting as such, the person in charge of the institution, or other person assuming responsibility for final disposition of the fetus shall obtain from the parent(s) authorization for final disposition.

(e) Disposition permits shall not be required where disposition of fetal remains is within the institution of occurrence and a registry of such events is maintained by the institution.

(f) Authorization for disinterment and reinterment shall be required prior to disinterment of a dead body or fetus. Such authorization shall be issued by the local registrar to a licensed

funeral director or other person acting as such, upon proper application, in the county in which the dead body or dead fetus was originally interred and a local registrar who issues such authorization shall not be civilly or criminally liable therefor if it is issued in good faith. A permit shall not be required when disinterment and reinterment are in the same cemetery.

(g) The department shall prescribe rules and regulations so that the local registrars may permit hospitals, funeral homes, or others in their respective counties to issue disposition permits.

**Inquiry 7: Personal Preference Statute**

Ga. Code Ann. § 31-21-7(2)

(a) A person who is 18 years of age or older and of sound mind, by entering into a preneed contract, as defined in paragraph (30) of Code Section 10-14-3, may direct the location, manner, and conditions of the disposition of the person's remains and the arrangements for funeral goods and services to be provided upon the person's death. The disposition directions and funeral prearrangements that are contained in a preneed contract shall not be subject to cancellation or substantial revision unless the cancellation or substantial revision has been ordered by a person the decedent has appointed in the preneed contract as the person authorized to cancel or revise the terms of the preneed contract or unless any resources set aside to fund the preneed contract are insufficient under the terms of the preneed contract to carry out the disposition directions and funeral prearrangements contained therein.

(b)(2) A person who is 18 years of age or older and of sound mind wishing to authorize another person to control the disposition of his or her remains may execute an affidavit before a notary public in substantially the following form:

"State of Georgia

County of \_\_\_\_\_

I, \_\_\_\_\_, do hereby designate \_\_\_\_\_ with the right to control the disposition of my remains upon my death. I \_\_\_ have \_\_\_ have not attached specific directions concerning the disposition of my remains with which the designee shall substantially comply, provided that such directions are lawful and there are sufficient resources in my estate to carry out the directions.

Subscribed and sworn to before me this \_\_\_ day of the month of \_\_\_\_\_ of the year \_\_\_\_\_.

\_\_\_\_\_ (signature of affiant)

\_\_\_\_\_ (signature of notary public)";

**Inquiry 8: Designated Agent Statute**

Ga. Code Ann. § 31-21-7(2)

A person who is 18 years of age or older and of sound mind wishing to authorize another person to control the disposition of his or her remains may execute an affidavit before a notary public in substantially the following form:

“State of Georgia

County of \_\_\_\_\_

I, \_\_\_\_\_, do hereby designate \_\_\_\_\_ with the right to control the disposition of my remains upon my death. I \_\_\_ have \_\_\_ have not attached specific directions concerning the disposition of my remains with which the designee shall substantially comply, provided that such directions are lawful and there are sufficient resources in my estate to carry out the directions.

Subscribed and sworn to before me this \_\_\_ day of the month of \_\_\_\_\_ of the year \_\_\_\_\_.

\_\_\_\_\_ (signature of affiant)

\_\_\_\_\_ (signature of notary public);

### **Inquiry 9: Right of Sepulcher**

Ga. Code Ann. § 31-21-7

(b) Except as provided in subsection (c) of this Code section, the right to control the disposition of the remains of a deceased person; the location, manner, and conditions of disposition; and arrangements for funeral goods and services to be provided vests in the following, in the order named, provided that such person is 18 years of age or older and is of sound mind:

(1) The health care agent, as defined in Code Section 31-32-2;

(1.1) If the deceased person died while serving in any branch of the United States Armed Forces as defined in 10 U.S.C. Section 148, the person, if any, designated by the deceased person as authorized to direct disposition as listed on the deceased person's United States Department of Defense Record of Emergency Data, DD Form 93, or any similar successor form adopted by the Department of Defense;

(2)(A) A person designated by the decedent as the person with the right to control the disposition in an affidavit executed in accordance with subparagraph (B) of this paragraph.

(B) A person who is 18 years of age or older and of sound mind wishing to authorize another person to control the disposition of his or her remains may execute an affidavit before a notary public in substantially the following form:

“State of Georgia

County of \_\_\_\_\_

I, \_\_\_\_\_, do hereby designate \_\_\_\_\_ with the right to control the disposition of my remains upon my death. I \_\_\_ have \_\_\_ have not attached specific directions concerning

the disposition of my remains with which the designee shall substantially comply, provided that such directions are lawful and there are sufficient resources in my estate to carry out the directions.

Subscribed and sworn to before me this \_\_\_\_ day of the month of \_\_\_\_\_ of the year \_\_\_\_\_.

\_\_\_\_\_ (signature of affiant)

\_\_\_\_\_ (signature of notary public);

(3) The surviving spouse of the decedent;

(4) The sole surviving child of the decedent or, if there is more than one child of the decedent, the majority of the surviving children; provided, however, that less than one-half of the surviving children shall be vested with the rights under this Code section if they have used reasonable efforts to notify all other surviving children of their instructions and are not aware of any opposition to those instructions on the part of more than one-half of all surviving children;

(5) The surviving parent or parents of the decedent. If one of the surviving parents is absent, the remaining parent shall be vested with the rights and duties under this Code section after reasonable efforts have been unsuccessful in locating the absent surviving parent;

(6) The surviving brother or sister of the decedent or, if there is more than one sibling of the decedent, the majority of the surviving siblings; provided, however, that less than the majority of surviving siblings shall be vested with the rights and duties under this Code section if they have used reasonable efforts to notify all other surviving siblings of their instructions and are not aware of any opposition to those instructions on the part of more than one-half of all surviving siblings;

(7) The surviving grandparent of the decedent or, if there is more than one surviving grandparent, the majority of the grandparents; provided, however, that less than the majority of the surviving grandparents shall be vested with the rights and duties under this Code section if they have used reasonable efforts to notify all other surviving grandparents of their instructions and are not aware of any opposition to those instructions on the part of more than one-half of all surviving grandparents;

(8) The guardian of the person of the decedent at the time of the decedent's death if one had been appointed;

(9) The personal representative of the estate of the decedent;

(10) The person in the classes of the next degree of kinship, in descending order, under the laws of descent and distribution to inherit the estate of the decedent. If there is more than one person of the same degree, any person of that degree may exercise the right of disposition;

(11) If the disposition of the remains of the decedent is the responsibility of the state or a political subdivision of the state, the public officer, administrator, or employee responsible for arranging the final disposition of decedent's remains; or

(12) In the absence of any person under paragraphs (1) through (11) of this subsection, any other person willing to assume the responsibilities to act and arrange the final disposition of the decedent's remains, including the funeral director with custody of the body, after attesting in writing that a good faith effort has been made to no avail to contact the individuals under paragraphs (1) through (11) of this subsection.