

**NOTICE OF INTENT TO ADOPT PROPOSED AMENDMENTS TO THE
GEORGIA STATE BOARD OF FUNERAL SERVICE
CHAPTER 250-6 ESTABLISHMENT/CREMATORY LICENSURE AND
REGULATIONS, RULE 250-6-.06 FUNERAL ESTABLISHMENT INSPECTIONS;
FINES, RULE 250-6-.07 CREMATORY INSPECTIONS. AMENDED
AND NOTICE OF PUBLIC HEARING**

RULE 250-6-.06 FUNERAL ESTABLISHMENT INSPECTIONS; FINES
RULE 250-6-.07 CREMATORY INSPECTIONS. AMENDED

TO ALL INTERESTED PARTIES:

Notice is hereby given that pursuant to the authority set forth below, the Georgia State Board of Funeral Service (hereinafter “Board”) proposes an amendment to Rules 250-6-.06 and 250-6-.07 (herein after “proposed rules”).

This notice, an exact copy of the proposed rules, and a synopsis of the proposed rules are being sent to all persons who have requested, in writing, to be included on a notification list. This notice, an exact copy of the proposed rules, and a synopsis of the proposed rules may also be reviewed during normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, except official State holidays, at the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. The documents will also be available for review on the Board’s website at <https://sos.ga.gov/georgia-state-board-funeral-service>. Copies may also be requested by contacting the Board office at (844) 753-7825.

The public will have an opportunity to comment upon and provide input into the proposed rules amendment at a public hearing to be held at 10:00 a.m., May 9, 2023 in the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. If the Board office remains closed due to the public health emergency (COVID-19), the hearing will be held via teleconference. Please see Board’s website for information on how to join the meeting via teleconference.

Interested parties affected by the rule may submit written comments to the Board no later than close of business on May 1, 2023. Written comments must be legible, signed, contain contact information from the maker (address, telephone number, email address), and addressed to Brad Coman, Executive Director, Secretary of State, Professional Licensing Boards Division, Georgia State Board of Funeral Service, 237 Coliseum Drive, Macon, Georgia 31217. Written comments may be faxed to (866) 888-9718.

During the public hearing, anyone may present data, make a statement, comment, or offer a viewpoint or argument, whether orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously recorded messages, must be submitted for the official record. Oral statements will be limited to five (5) minutes per person.

The Board voted to post this Notice of Intent at its meeting on March 14, 2023. The Board also voted that the formulation and adoption of this rule amendment does not impose an excessive regulatory cost on any licensee, and any cost to comply with the proposed rules amendment cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. §§ 43-1-19, 43-1-25, 43-18-2, 43-18-10, 43-18-23, 43-18-46, 43-18-70, 43-18-71, 43-18-72, 43-18-75, and 43-18-76. Additionally, the Board voted that it was neither legal nor feasible in meeting the objectives of O.C.G.A. §§ 43-1-19, 43-1-25, 43-18-2, 43-18-10, 43-18-23, 43-18-46, 43-18-70, 43-18-71, 43-18-72, 43-18-75, and 43-18-76 to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed in the field of Funeral Service.

According to the Department of Law of the State of Georgia, the Georgia State Board of Funeral Service has the authority to adopt proposed Rules 250-6-.06 and 250-6-.07 pursuant to authority contained in O.C.G.A. §§ 43-1-19, 43-1-25, 43-18-2, 43-18-10, 43-18-23, 43-18-46, 43-18-70, 43-18-71, 43-18-72, 43-18-75, and 43-18-76.

For further information, contact the Board office at (404) 424-9966.

This notice is given in compliance with O.C.G.A. § 50-13-4.

This the 3rd day of April, 2023.



Gabriel Sterling
Interim Division Director
Professional Licensing Boards Division

Posted: April 3, 2023

**SYNOPSIS TO PROPOSED CHANGES TO
RULE 250-6-.06 FUNERAL ESTABLISHMENT INSPECTIONS; FINES, RULE 250-6-
.07 CREMATORY INSPECTIONS. AMENDED**

Purpose/Main Feature: These proposed rules aim to set requirements for closing a Funeral Establishment or Crematory and reiterate the statutory requirement that the Board be notified 15 days prior to the proposed change. The rules will require that Funeral Establishments and Crematories pass an inspection of the establishment prior to its closure and sets the general requirements for the closing inspection. The Board has spent considerable time observing outcomes that commonly result from hastily or carelessly closed Funeral Establishments and Crematories. The Board has consulted with the Secretary of State's Office regarding the importance of determining the status and ownership of preneed contracts upon the discontinuation of the business who sold the preneed contract, and was responsible for investing the funds appropriately. Ascertaining the preneed contract status at the time a facility closes will likely prevent countless defaulted preneed contracts. Notifications of facility closure to the County Coroner/Medical Examiner will alert them to the potential need to collect any unclaimed cremains, and notification to the Vital Records registrar is important in the event there are outstanding death certificates. Confirmation that all biohazards, and any items detrimental to the public or the environment, have been removed, clearly furthers the Board's exercise of its health powers. The Board has considered multiple variations of these proposed rules and has determined this to be the most succinct wording while adhering to requirements in the statute.

**Chapter 250-6 ESTABLISHMENT/CREMATORY LICENSURE AND
REGULATIONS**

Rule 250-6-.06 Funeral Establishment Inspections; Fines

- (1) A representative of the Board shall regularly inspect establishments between the hours of 9:00 A.M. and 4:30 P.M., Monday through Friday, with the exception of State government-mandated holidays. Although the funeral director in full and continuous charge need not be present for the inspections, the establishment must be available during these hours for inspection. Upon finding a funeral establishment unavailable during an inspection attempt, the Board representative shall contact the establishment at the telephone number of record with the Board, or an alternative telephone number conspicuously posted at the establishment. If the establishment is not made available for an inspection by an establishment employee within sixty (60) minutes of the telephone contact, or if telephone contact is unsuccessful, the Board representative shall issue a written warning notifying that an inspection attempt was made. Any funeral establishment not inspected during a calendar year may have the establishment license suspended, revoked, or put on probation, or fines may be imposed by the Board.
- (2) Any violation under this section shall be deemed a violation of minimum standards and threat to the health, safety, and welfare of the public. A funeral establishment licensed by the Board shall be required to pay a fine to the Board for each violation of this section. At the time of inspection, a citation shall be issued by an inspector or representative of the Board which shall list each violation. Following the issuance of the citation, the licensee shall either remit the amount of the fine to the Board or submit a written request for an

appearance before the Board. A request for an appearance before the Board must be received by the Board within thirty (30) days after issuance of the citation. Failure to either pay the fine or request an appearance before the Board within thirty (30) days from the issuance of the citation shall cause further disciplinary proceedings to be instituted against the licensee. The requirements for inspections and the fines for violations under this section are as follows:

- (a) all outside openings must be screened where left open for ventilation. The fine for a violation of this subsection shall be \$50.00.
- (b) all embalming rooms shall be equipped with the following:
 - 1. hot and cold running water; the fine for a violation under this subsection shall be \$200.00;
 - 2. non-absorbent sanitary floor and walls; the fine for a violation under this subsection shall be \$200.00;
 - 3. permanently installed ventilation; the fine for a violation under this subsection shall be \$200.00;
 - 4. a non-absorbent preparation table; the fine for a violation of this subsection shall be \$200.00;
 - 5. preparation table equipped with receptacle and a non-porous sanitary cover or dedicated drain directly connecting into a sewerage or septic tank; the fine for a violation under this subsection shall be \$200.00;
- (c) each embalming room shall be equipped with a sink for disinfecting of hands and a separate sink or other Board-approved method for disinfecting of instruments. The fine for a violation under this subsection shall be \$50.00;
- (d) Each embalming room, including all instruments and tables, shall be kept in a sanitary and clean condition at all times. The fine for a violation of this subsection shall be \$200.00;
- (e) Each embalming room shall contain instruments and supplies for the preparation and embalming of dead bodies. Instruments and equipment must consist of the following:
 - 1. at least one scalpel; the fine for a violation of this subsection shall be \$50.00;
 - 2. at least two aneurysm needles; the fine for a violation of this subsection shall be \$50.00;
 - 3. at least two cannulas; the fine for a violation of this subsection shall be \$50.00;
 - 4. embalming machine, or gravity bottle or bulb or hand pump; the fine for a violation of this subsection shall be \$50.00;
 - 5. 24 bottles arterial fluid and 24 bottles cavity fluid; the fine for a violation of this subsection shall be \$50.00;
 - 6. suture; the fine for a violation of this subsection shall be \$50.00;
 - 7. 1 suture needle; the fine for a violation of this subsection shall be \$50.00;
 - 8. trocar; the fine for a violation of this subsection shall be \$50.00;
 - 9. hydro aspirator or electric aspirator; the fine for a violation of this subsection shall be \$50.00; and

10. a permanently installed back flow preventer for the hydro aspirator; the fine for a violation of this subsection shall be \$50.00.

- (f) The embalming room of an establishment shall be used only for the purpose of embalming of dead human bodies. The fine for a violation of this subsection shall be \$200.00;
- (g) An establishment must maintain on the premises a display room containing actual adult caskets, or models, mockups, or sections of caskets if all such caskets are available and in stock for purchase at the establishment or can be delivered within twenty-four (24) hours. Each funeral establishment shall maintain on the premises at each of its locations an adequate stock of funeral caskets which shall not be less than eight (8) and which shall meet other criteria as necessary to protect the public; The fine for a violation under this subsection shall be \$100.00 per casket short of the minimum;
- (h) The establishment shall have a room with adequate seating for a minimum of thirty (30) people in which funeral services may be conducted. The fine for a violation under this subsection shall be \$100.00;
- (i) One (1) operable motor hearse or combination hearse/ambulance with current Georgia registration for the transportation of casketed human remains must be maintained at each establishment. The fine for a violation under this subsection shall be \$100.00;
- (j) One (1) church truck. The fine for a violation of this subsection shall be \$50.00;
- (k) A funeral establishment shall not be located in the same facility as public cafes, restaurants or any place where food is prepared and sold for public consumption. The fine for a violation of this subsection shall be \$500.00;
- (l) A funeral establishment whose funeral director resides in the funeral establishment in order to satisfy the requirements of funeral director in full and continuous charge must include in his or her living quarters furnished sleeping quarters, cooking, refrigerating, and bathing facilities. The fine for a violation of this subsection shall be \$200.00;
- (m) An establishment must have at least one sanitary rest room facility for public use. The fine for a violation of this subsection shall be \$200.00;
- (n) A new establishment must submit proof of having met zoning requirements and public health standards of its local municipalities;
- (o) An establishment must be maintained in a state of clean, sound, safe, and acceptable repair and condition at all times;
- (p) A funeral home shall have a card or brochure in each casket stating the price of the casket. When the client has decided on the type of service desired, the funeral director must provide, at the time the arrangements are completed and prior to the time of rendering the service or providing the merchandise, a written statement that has been signed and certified by a licensed funeral director showing:
 - 1. the price of the service that the person or persons has selected and what is included therein;
 - 2. the price of each of the supplemental items of service and merchandise requested; and

3. the amount involved for each of the items for which the funeral home will advance monies as an accommodation to the family.
 4. The fine for failure to comply fully with the requirements of this subsection shall be \$200.00.
- (q) A current license for the establishment, embalmer, funeral director and any apprentices must be conspicuously displayed in the establishment. The Funeral Director in Full and Continuous Charge for each funeral establishment and crematory establishment shall conspicuously display his/her name and current active license in all designated arrangement offices. The fine for a violation of this subsection shall be \$100.00.
 - (r) For purposes of identification of the body or remains of a deceased person for tagging purposes as required by OCGA [43-18-8](#), tags or labels must be attached to the deceased human body in the funeral establishment at the time the body is placed in the casket or shipping container, or prior to leaving the funeral establishment to go to the crematory. The fine for failure to comply fully with the requirements of this subsection shall be \$100 per occurrence; and
 - (s) The Board may issue a Cease and Desist order and, at the Board's discretion, a monetary penalty for unsanitary conditions.

(3) The Board shall require funeral establishments to pass an inspection of the establishment prior to the closure of an establishment. The Board shall be notified of the establishment's intent to close fifteen (15) days prior to the intended closure. The inspection shall verify:

- (a) the status of any preneed contracts;
- (b) that cremains/remains, biohazards, and any items detrimental to the public or the environment have been removed from the establishment;
- (c) that all signs and indications of the establishment have been removed;
- (d) that the establishment has notified their local County Coroner/Medical Examiner and Vital Records registrar that establishment intends to close;
- (e) that all death certificates and SSA-721 forms have been filed; and
- (f) that all known personal property of all deceased have been returned to the family or individual(s) authorized to direct disposition.

Authority: O.C.G.A. §§ 43-1-19, 43-1-25, 43-18-2, 43-18-10, 43-18-23, 43-18-46, 43-18-70, 43-18-71, 43-18-75, and 43-18-76.

Rule 250-6-.07 Crematory Inspections. Amended

- (1) A representative of the Board shall regularly inspect crematories no less frequently than annually between the hours of 8:00 A.M. and 4:30 P.M., Monday through Friday. The funeral director in full and continuous charge need not be present for the inspection, but the crematory must be open during these hours for inspection. Requirements of inspections are as follows:
 - (a) A room with seating for a minimum of thirty (30) people in which funeral services may be conducted; the fine for a violation under this subsection shall be \$100.00;
 - (b) A display room containing an adequate supply of urns; the fine for a violation under this subsection shall be \$50.00;

- (c) One (1) operable motor hearse with current Georgia registration for the transportation of human remains which must be either owned or leased by said firm; the fine for a violation under this subsection shall be \$100.00;
 - (d) At least one (1) operable retort for cremation; the fine for a violation of this subsection shall be \$200.00;
 - (e) At least one (1) operable processing station for grinding of cremated remains; the fine for a violation of this subsection shall be \$200.00;
 - (f) At least one (1) church truck; the fine for a violation of this subsection shall be \$50.00;
 - (g) A current license for the crematory and funeral director, which must be conspicuously displayed; the fine for a violation of this subsection shall be \$100.00;
 - (h) The provisions of paragraphs (a), (b), and (f) of this Rule shall not apply to crematories which provide cremation services only to other funeral establishments; and
 - (i) The Funeral Director in Full and Continuous Charge for each crematory shall conspicuously display their name and valid license in all designated arrangement rooms; the fine for a violation of this subsection shall be \$100.00.
- (2) A representative of the Board shall be authorized to obtain information on the retort used by the establishment for cremations. The information shall include, but not be limited to:
- (a) Make and model of the retort;
 - (b) Manufacturer's name;
 - (c) Year installed;
 - (d) Date of most recent manufacturer's inspection;
 - (e) Copy of most recent inspection report from manufacturer; and
 - (f) Documentation regarding necessary repairs to the retort.
- (3) The Board shall require crematories to have annual inspections of the retort by the manufacturer or other authorized crematory repair company to ensure proper operations. The Funeral Director in Full and Continuous Charge shall notify the Board within 5 (five) days of the inspection of a less than satisfactory report by presenting the Board with a copy of the inspection report. The Board shall require crematories to make necessary repairs to the retort immediately, not to exceed thirty (30) days without approval by the Board. Any crematory that does not make the necessary repairs noted on the manufacturer's inspection within the time allowed by the Board shall be subject to immediate suspension of licensure until the Board is satisfied that proper repairs have been made.
- (4) The Board shall require the Funeral Director in Full and Continuous Charge to be certified as crematory operator from a course approved by the Board.
- (5) The Board shall require crematories to pass an inspection of the crematory prior to the closure of the crematory. The Board shall be notified of the crematory's intent to close fifteen (15) days prior to the intended closure. The inspection shall verify:
- (a) the status of any preneed contracts;
 - (b) that cremains/remains, biohazards, and any items detrimental to the public or the environment have been removed from the crematory;
 - (c) that all signs and indications of the crematory have been removed;

- (d) that the crematory has notified their local County Coroner/Medical Examiner and Vital Records registrar that crematory intends to close;
- (e) that all death certificates and SSA-721 forms have been filed; and
- (f) that all known personal property of all deceased have been returned to the family or individual(s) authorized to direct disposition.

Authority: O.C.G.A. §§ 43-1-19, 43-1-25, 43-18-2, 43-18-10, 43-18-23, 43-18-46, 43-18-71, 43-18-72, 43-18-75, and 43-18-76.

RULES
OF
GEORGIA STATE BOARD OF FUNERAL SERVICE
CHAPTER 250-6

ESTABLISHMENT/CREMATORY LICENSURE AND REGULATIONS

Rule 250-6-.06 Funeral Establishment Inspections; Fines

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- (2) Any violation under this section shall be deemed a violation of minimum standards and threat to the health, safety, and welfare of the public. A funeral establishment licensed by the Board shall be required to pay a fine to the Board for each violation of this section. At the time of inspection, a citation shall be issued by an inspector or representative of the Board which shall list each violation. Following the issuance of the citation, the licensee shall either remit the amount of the fine to the Board or submit a written request for an appearance before the Board. A request for an appearance before the Board must be received by the Board within thirty (30) days after issuance of the citation. Failure to either pay the fine or request an appearance before the Board within thirty (30) days from the issuance of the citation shall cause further disciplinary proceedings to be instituted against the licensee. The requirements for inspections and the fines for violations under this section are as follows:
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4. a non-absorbent preparation table; the fine for a violation of this subsection shall be \$200.00;
 5. preparation table equipped with receptacle and a non-porous sanitary cover or dedicated drain directly connecting into a sewerage or septic tank; the fine for a violation under this subsection shall be \$200.00;
- (c) each embalming room shall be equipped with a sink for disinfecting of hands and a separate sink or other Board-approved method for disinfecting of instruments. The fine for a violation under this subsection shall be \$50.00;
- (d) Each embalming room, including all instruments and tables, shall be kept in a sanitary and clean condition at all times. The fine for a violation of this subsection shall be \$200.00;
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 4. embalming machine, or gravity bottle or bulb or hand pump; the fine for a violation of this subsection shall be \$50.00;
 5. 24 bottles arterial fluid and 24 bottles cavity fluid; the fine for a violation of this subsection shall be \$50.00;
 6. suture; the fine for a violation of this subsection shall be \$50.00;
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 9. hydro aspirator or electric aspirator; the fine for a violation of this subsection shall be \$50.00; and
 10. a permanently installed back flow preventer for the hydro aspirator; the fine for a violation of this subsection shall be \$50.00.
- (f) The embalming room of an establishment shall be used only for the purpose of embalming of dead human bodies. The fine for a violation of this subsection shall be \$200.00;
- (g) An establishment must maintain on the premises a display room containing actual adult caskets, or models, mockups, or sections of caskets if all such caskets are available and in stock for purchase at the establishment or can be delivered within twenty-four (24) hours. Each funeral establishment shall maintain on the premises at each of its locations an adequate stock of funeral caskets which shall not be less than eight (8) and which shall meet other criteria as necessary to protect the public; The fine for a violation under this subsection shall be \$100.00 per casket short of the minimum;
- (h) The establishment shall have a room with adequate seating for a minimum of thirty (30) people in which funeral services may be conducted. The fine for a violation under this subsection shall be \$100.00;

- (i) One (1) operable motor hearse or combination hearse/ambulance with current Georgia registration for the transportation of casketed human remains must be maintained at each establishment. The fine for a violation under this subsection shall be \$100.00;
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 - 1. the price of the service that the person or persons has selected and what is included therein;
 - 2. the price of each of the supplemental items of service and merchandise requested; and
 - 3. the amount involved for each of the items for which the funeral home will advance monies as an accommodation to the family.
 - 4. The fine for failure to comply fully with the requirements of this subsection shall be \$200.00.
- (q) A current license for the establishment, embalmer, funeral director and any apprentices must be conspicuously displayed in the establishment. The Funeral Director in Full and Continuous Charge for each funeral establishment and crematory establishment shall conspicuously display his/her name and current active license in all designated arrangement offices. The fine for a violation of this subsection shall be \$100.00.
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- (s) The Board may issue a Cease and Desist order and, at the Board's discretion, a monetary penalty for unsanitary conditions.

- (3) The Board shall require funeral establishments to pass an inspection of the establishment prior to the closure of an establishment. The Board shall be notified of the establishment's intent to close fifteen (15) days prior to the intended closure. The inspection shall verify:
- (a) the status of any preneed contracts;
 - (b) that cremains/remains, biohazards, and any items detrimental to the public or the environment have been removed from the establishment;
 - (c) that all signs and indications of the establishment have been removed;
 - (d) that the establishment has notified their local County Coroner/Medical Examiner and Vital Records registrar that establishment intends to close;
 - (e) that all death certificates and SSA-721 forms have been filed; and
 - (f) that all known personal property of all deceased have been returned to the family or individual(s) authorized to direct disposition.

Authority: O.C.G.A. §§ 43-1-19, 43-1-25, 43-18-2, 43-18-10, 43-18-23, 43-18-46, 43-18-70, 43-18-71, 43-18-75, and 43-18-76.

Rule 250-6-.07 Crematory Inspections. Amended

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- (a) A room with seating for a minimum of thirty (30) people in which funeral services may be conducted; the fine for a violation under this subsection shall be \$100.00;
 - (b) A display room containing an adequate supply of urns; the fine for a violation under this subsection shall be \$50.00;
 - (c) One (1) operable motor hearse with current Georgia registration for the transportation of human remains which must be either owned or leased by said firm; the fine for a violation under this subsection shall be \$100.00;
 - (d) At least one (1) operable retort for cremation; the fine for a violation of this subsection shall be \$200.00;
 - (e) At least one (1) operable processing station for grinding of cremated remains; the fine for a violation of this subsection shall be \$200.00;
 - (f) At least one (1) church truck; the fine for a violation of this subsection shall be \$50.00;
 - (g) A current license for the crematory and funeral director, which must be conspicuously displayed; the fine for a violation of this subsection shall be \$100.00;
 - (h) The provisions of paragraphs (a), (b), and (f) of this Rule shall not apply to crematories which provide cremation services only to other funeral establishments; and
 - (i) The Funeral Director in Full and Continuous Charge for each crematory shall conspicuously display their name and valid license in all designated arrangement rooms; the fine for a violation of this subsection shall be \$100.00.
- (2) A representative of the Board shall be authorized to obtain information on the retort used by the establishment for cremations. The information shall include, but not be limited to:

- (a) Make and model of the retort;
 - (b) Manufacturer's name;
 - (c) Year installed;
 - (d) Date of most recent manufacturer's inspection;
 - (e) Copy of most recent inspection report from manufacturer; and
 - (f) Documentation regarding necessary repairs to the retort.
- (3) The Board shall require crematories to have annual inspections of the retort by the manufacturer or other authorized crematory repair company to ensure proper operations. The Funeral Director in Full and Continuous Charge shall notify the Board within 5 (five) days of the inspection of a less than satisfactory report by presenting the Board with a copy of the inspection report. The Board shall require crematories to make necessary repairs to the retort immediately, not to exceed thirty (30) days without approval by the Board. Any crematory that does not make the necessary repairs noted on the manufacturer's inspection within the time allowed by the Board shall be subject to immediate suspension of licensure until the Board is satisfied that proper repairs have been made.
- (4) The Board shall require the Funeral Director in Full and Continuous Charge to be certified as crematory operator from a course approved by the Board.
- (5) The Board shall require crematories to pass an inspection of the crematory prior to the closure of the crematory. The Board shall be notified of the crematory's intent to close fifteen (15) days prior to the intended closure. The inspection shall verify:
- (a) the status of any preneed contracts;
 - (b) that cremains/remains, biohazards, and any items detrimental to the public or the environment have been removed from the crematory;
 - (c) that all signs and indications of the crematory have been removed;
 - (d) that the crematory has notified their local County Coroner/Medical Examiner and Vital Records registrar that crematory intends to close;
 - (e) that all death certificates and SSA-721 forms have been filed; and
 - (f) that all known personal property of all deceased have been returned to the family or individual(s) authorized to direct disposition.

Authority: O.C.G.A. §§ 43-1-19, 43-1-25, 43-18-2, 43-18-10, 43-18-23, 43-18-46, 43-18-71, 43-18-72, 43-18-75, and 43-18-76.