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Chapter 250-6 ESTABLISHMENT/CREMATORY LICENSURE AND REGULATIONS

Rule 250-6-.01 Licensure Requirements

- (1) A funeral establishment or crematory may be operated only if it possesses a license valid for that establishment or crematory. Application to the Board for licensure shall be made on a form which will be provided upon request and shall require submission of the proper fee. Application must be complete in its entirety and must be received at least 15 days prior to the Board meeting at which it will be considered. The Board shall accept or reject each application by majority vote.
- (2) A license for a funeral establishment or crematory is issued to that particular establishment or crematory under a specified name, at a specified location, and under a specified funeral director in full and continuous charge.
- (3) A license may be issued to a funeral establishment or crematory only if such business has a licensed funeral director in full and continuous charge. See O.C.G.A. § [43-18-71](#) and Rule [250-6-.08](#) for the requirements concerning the funeral director in full and continuous charge.
- (4) An inspection of a funeral home or crematory shall be made by a Board inspector prior to licensure. Inspection must be completed after the application has been approved and prior to Board meeting at which it will be considered. Requirements of inspection for funeral establishment and crematories are listed in Rule 250-6 - .06 and Rule 250-6.07, respectively. If reinspection is required an additional fee shall be payable prior to reinspection. Refer to Fee Schedule.
- (5) A crematory may be operated only if it possesses a separate license for such purpose. However, a funeral establishment for which a valid license to operate is in effect on July 1, 2002, shall not be required to obtain a separate license to operate a crematory until on and after the renewal date to operate a funeral establishment must comply with all of the minimum equipment and facilities requirements and all other statutes, rules and regulations relating to crematories.

Rule 250-6-.02 Changes of Status Which Must be Reported

- (1) Name. A change in the name of a funeral establishment or crematory shall require written application to the Board and submission of the appropriate fee. Upon Board approval, a different license number shall be issued.
- (2) Address or Location. A change in the address and/or location of a funeral establishment or crematory shall require written application to the Board

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notarized.

- (4) Funeral Director in Full and Continuous Charge.
- (a) Any change in the funeral director in full and continuous charge must be reported to the Board in writing within five days. The Board shall request the new funeral director in full and continuous charge and the owner(s) and/or corporate officer(s) of the establishment or crematory to appear before the Board to determine if the requirements for a funeral director in full and continuous charge have been met. If the owner(s) and/or corporate officer(s) are not able to appear before the Board, they may appoint a representative through written authorization on company letterhead signed by the owner and/or corporate officer to represent them before the Board for the funeral director in full and continuous charge interview. In the event the funeral director in full and continuous charge applicant is also an owner of that funeral or crematory establishment, the requirement to appear before the Board may be waived.
- (b) A funeral establishment or crematory temporarily without a funeral director in full and continuous charge shall notify the Board in writing within five days following the last day of the funeral director's service, requesting a 90-day grace period before the establishment or crematory license is revoked or terminated. The Board at its discretion may grant one additional 90-day grace period upon proof of good cause, but grace periods may not total over 180 days in any two year period starting from the first day of the first grace period. A grace period shall be terminated upon approval by the Board of a funeral director in full and continuous charge.
- (5) Destruction. A funeral establishment or crematory temporarily destroyed by fire, flood or other natural catastrophe, shall notify the Board, in writing, within five days following the catastrophe, requesting a 90-day grace period to use a temporary location while reconstructing the previous location, provided the establishment or crematory meets the requirements of the Code and Rules of the Board. The Board, at its discretion, may grant additional 90-day grace periods, upon proof of good cause. All services provided to the public during any grace period shall be provided by or under the supervision of a licensed funeral director.

[Rule 250-6-.03 Repealed](#)

[Rule 250-6-.04 Repealed](#)

[Rule 250-6-.05 Renewal](#)

- (1) Each establishment or crematory license expires on June 30 of odd-numbered years. A license may be renewed with the submission of an

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- (3) Failure to renew an establishment or crematory license by August 1 following the renewal year shall have the same effect as revocation. Thereafter, the owner must submit a new application, the establishment must pass an inspection, and the owner and funeral director in full and continuous charge must meet with the board for approval for the establishment.

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 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 (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:

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4. a non-absorbent preparation table; the fine for a violation of this subsection shall be \$200.00.
 5. a sink with drain opening and non porous sanitary cover into a sewerage or septic tank; the fine for a violation under this subsection shall be \$200.00.
- (c) In addition each embalming room shall be equipped with a separate sink for disinfecting of hands and 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 separation 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 canulas; 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.

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- (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 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 and which shall meet such 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) Seating for at least 30 persons shall be maintained in the room where funeral services are conducted in the establishment. The fine for a violation under this subsection shall be \$100.00.
 - (i) One operable motor hearse and/or combination hearse/ambulance with current Georgia registration for the transportation of casketed human remains which must be maintained at each establishment. The fine for a violation under this subsection shall be \$100.00.
 - (j) One 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. 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 such arrangements are completed and prior to the time of rendering the
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3. the amount involved for each of the items for which the funeral home will advance monies as an accommodation to the family.
 - (i) The fine for failure to comply fully with the requirements of this subsection shall be \$200.00.
- (q) A current biennial renewal license for the establishment, embalmer, funeral director and any apprentices must be conspicuously displayed. The FDFCC for each funeral establishment and/or crematory establishment shall conspicuously display his/her name and current active license in all designated arrangement offices.
- (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 and/or labels must be attached to the deceased human body in the funeral establishment at the time the body is dressed and/or placed in the casket and/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.

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.

Although the funeral director in full and continuous charge need not be present for the inspection, the crematory must be open during these hours for inspection. Requirements of inspections are as follows:

- (a) A room, with seating for at least 30 persons, where funeral services are conducted in the crematory.
- (b) A display room containing an adequate supply of urns;
- (c) One operable motor hearse with current Georgia registration for the transportation of human remains which must be either owned or leased by said firm;
- (d) At least one operable retort for cremation;
- (e) At least one operable processing station for grinding of cremated remains;

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funeral establishments.

- (i) The Funeral Director in Full and Continuous Charge for each crematory shall conspicuously display his/her name and current active license in all designated arrangement rooms.
- (2) A representative of the Board shall be authorized to obtain information on the retort used by the establishment for cremations. Such 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;
 - (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 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.

Rule 250-6-.08 Determination of Funeral Director in Full and Continuous Charge

The Board shall have the authority to evaluate each application for a funeral establishment or crematory license to determine whether the funeral director has the ability to be accessible, and available to the community if the funeral director does not spend a minimum of 40 hours per week in the employ and operation of the establishment. The Board may then approve an application where the funeral director does not satisfy the specific requirement to spend a minimum of 40 hours per week in the employ and operation of the establishment or crematory if the

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- (b) the funeral director's ability to obtain leave from his/her other job in order to attend to the affairs of the funeral establishment, and
- (c) any other information which relates to the ability of the funeral director to adequately supervise the operation of the funeral establishment.

Rule 250-6-.09 Responsibilities of the Funeral Director in Full & Continuous Charge

- (1) The Funeral Director in Full & Continuous Charge shall:
 - (a) Ensure that the establishment is licensed properly with the Board and maintains the license in active status at all times, as required by OCGA §§ [43-18-5\(a\)](#), [43-18-46\(25\)](#), & 43-18-73.
 - (b) Ensure that the funeral establishment complies with the provisions of OCGA § [43-18-70](#) and Rule [250-6-.06](#).
 - (c) Ensure that the crematory complies with the provisions of OCGA § [43-18-72](#) and Rule [250-6-.07](#).
 - (d) Ensure that every individual who will serve as embalmer, director, or apprentice is licensed properly with the Board and maintains the appropriate license at all times while they are in the employ of the establishment, as required by OCGA §§ [43-18-5\(a\)](#) & 43-18-46(18), (25).
 - (e) Ensure that no one employed by or representing the establishment gives or contracts to give any person or business entity anything of value to induce such person or entity to persuade someone to use the services of the establishment or any embalmer or director employed by the establishment. Such practice is prohibited by OCGA §§ [43-18-5\(d\)](#) & 43-18-46(7).
 - (f) Ensure that no one employed by or representing the establishment accepts anything of value to influence, persuade, or suggest to family members as to where a body should or should not be buried. Such practice is prohibited by OCGA § [43-18-5\(e\)](#).
 - (g) Ensure that all deceased human bodies are released to the legally authorized person upon request of that person, in accordance with OCGA §§ [43-18-5\(f\)](#) & 43-18-46(16).
 - (h) Ensure that every deceased body serviced by the establishment is properly tagged prior to interment or cremation and that all cremated remains are labeled in accordance with the provisions of OCGA § [43-18-8\(a\)](#).

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establishment, as required by OCGA § [43-18-44](#).

- (k) Ensure that the name of the proper embalmer and funeral director is listed on all death certificates. If the name of the embalmer and/or funeral director is signed on the death certificate, it must be the actual signature of the person, in accordance with OCGA § [43-18-46\(4\), \(9\)](#).
- (l) Ensure that charges for merchandise and services rendered are in compliance with the General Price List, casket price list, outer burial container list, or the funeral services contract price list, as required by [16CFR453.2](#) & OCGA § [43-18-46\(17\)](#).
- (m) Ensure that the General Price List is provided upon request, regardless of the reason for the request, as required by [16CFR453.2](#).
- (n) Ensure that a written, signed contract is provided to every customer upon completion of the contract negotiation and is available at the establishment for a period of 3 years.
- (o) Ensure compliance with the terms of the funeral services contract, as required by OCGA § [43-18-46\(12\)](#).
- (p) Ensure that all statements made regarding services, merchandise, and legal requirements are accurate, in accordance with OCGA § [43-18-46\(11\), \(23\)](#). The FDFCC must ensure that all employees are educated regarding services, merchandise, and legal requirements so as to provide accurate information and to avoid misleading the public.
- (q) Safeguard the decedent's dignity, right to privacy, or right to confidentiality, unless compelled by law to do otherwise, in accordance with OCGA § [43-18-46\(13\)](#).
- (r) Ensure that assigned benefits in excess of the charges incurred are remitted to the assignee of the deceased within 10 working days of the receipt of the assigned funds, as required by OCGA § [43-18-46\(15\), \(26\)](#).
- (s) Ensure that the establishment refrains from involvement in burial societies, burial associations, burial certificate plans, or burial membership plans, which are prohibited by OCGA § [43-18-46\(19\)](#).
- (t) Ensure that all employees and agents of the establishment refrain from soliciting as defined in OCGA § [43-18-1\(21\)](#). Soliciting is prohibited by OCGA § [43-18-46\(20\)](#).

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accordance with OCGA § [43-18-50](#). It is mandatory that the FDFCC ensure that any changes in the supervision of apprentices are reported on the application provided by the Board and are approved by the Board prior to the apprentices working under the new supervisor(s).

- (w) Ensure that the Board is notified upon the termination of an apprentice employed by the establishment.
- (x) Ensure that the establishment complies with all federal, state, and local regulations as listed in OCGA § [43-18-46\(22\)](#).
- (y) Ensure that discrimination, as described in OCGA § [43-18-46\(24\)](#), is not tolerated in the establishment.
- (z) Ensure that all personal properties obtained from dead human remains are safeguarded and disposed of as directed by the legally authorized person, in accordance with OCGA § [43-18-46\(25\)](#).
- (aa) Ensure that all employees of the establishment conduct themselves in a professional, moral, ethical manner, and report any misconduct to the Board promptly with an explanation of any disciplinary action taken, as required by OCGA § [43-18-46\(14\)](#), [\(27\)](#).
- (bb) Ensure that the prohibition of activities by a funeral director who is also a coroner or minister, found in OCGA § [43-18-46\(28\)](#), is adhered to by employees of the establishment with such dual roles.
- (cc) Ensure that all embalmers and funeral directors employed by the establishment comply with the provisions of OCGA § [43-18-55](#) and [43-18-56](#), regarding continuing education.
- (dd) Ensure that the FDFCC complies with the responsibilities detailed in OCGA § [43-18-71](#) by assuming full responsibility for the supervision and operation of the funeral establishment, acting as FDFCC only for the establishment for which the FDFCC was approved, and spending a minimum of 40 hours per week in the employ and operation of the establishment and being accessible and available to the community. The FDFCC for each funeral establishment and/or crematory establishment shall conspicuously display his/her name and current active license in all designated arrangement offices.
- (ee) Ensure that the Board is notified within 5 days of the FDFCC's separation from the establishment, as required by OCGA § [43-18-](#)

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the establishment by fire, flood, or other natural cause, in accordance with OCGA § [43-18-78](#). If the establishment wishes to operate from a temporary location, the FDFCC must ensure that a letter requesting a 90-day grace period is submitted to the Board. The FDFCC will be responsible to update the Board within 90 days on the status of rebuilding efforts and to request subsequent 90-day grace periods if necessary to continue operating from the temporary site approved by the Board.

- (hh) Ensure that the establishment is made available for inspection by representatives of the Professional Licensing Boards Division, as required by OCGA § [43-18-75\(a\)](#) & Rule [250-6-.06](#).
 - (ii) Ensure that violations found by inspectors are corrected promptly and fines levied resulting from violations are paid or appealed to the Board in writing within 30 days as stated on the citation report.
 - (jj) Ensure that cremated remains are disposed of in accordance with the provisions of OCGA § [43-18-80](#).
 - (kk) Notify the Board within 5 days of an inspection by the manufacturer or authorized crematory repair company indicating less than satisfactory results, and ensure that necessary repairs are made immediately, not to exceed 30 days without approval by the Board.
- (2) Revocation of funeral director in full and continuous charge appointment may be considered for any funeral establishment violation(s), especially repeat and/or habitual violations.

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