

ACT No. 329

2020 Regular Session

HOUSE BILL NO. 827

BY REPRESENTATIVE RISER

*Effective date
6/12/2020*

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AN ACT

To amend and reenact R.S. 37:842(A)(introductory paragraph) and (5) and (B)(4), 855, and 877(B)(1)(a)(xi), (b)(ii) and (iii), and (C) and to enact R.S. 37:877(D), relative to funeral directors and embalmers; to provide for internship requirements; to provide with respect to the right to arrange funeral goods and services; to provide with respect to the arrangement of cremations; to provide limitations of liability; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:842(A)(introductory paragraph) and (5) and (B)(4), 855, and 877(B)(1)(a)(xi), (b)(ii) and (iii), and (C) are hereby amended and reenacted and R.S. 37:877(D) is hereby enacted to read as follows:

§842. Minimum qualifications for license

A. Qualifications for a funeral director license. Any applicant is qualified for a license as a funeral director if he meets all of the following requirements:

* * *

(5) Has served an internship in the state of Louisiana for a period of not less than nine months, or thirty-nine weeks, and not more than ~~twenty-four months, or one hundred four~~ forty-eight months, or two hundred eight weeks, has actively assisted in at least thirty funerals, and has completed at least one thousand five hundred sixty contact hours during the internship period. A funeral director intern may receive credit for up to two-thirds of the internship requirement prior to the completion of thirty semester hours.

* * *

1 B. Qualifications for an embalmer and funeral director license. Any
2 applicant is qualified for license as an embalmer and funeral director if he meets all
3 of the following requirements:

4 * * *

5 (4) Has served an internship in the state of Louisiana for a period of not less
6 than nine months, or thirty-nine weeks, and not more than ~~twenty-four months, or~~
7 ~~one hundred four~~ forty-eight months, or two hundred eight weeks, actively assisted
8 in at least thirty embalming operations and thirty funerals and completed at least one
9 thousand five hundred sixty contact hours during the internship period. An
10 embalmer and funeral director intern may receive credit for up to two-thirds of the
11 internship requirement prior to graduating from an accredited school recognized by
12 the board.

13 * * *

14 §855. Right to arrange funeral goods and services

15 A. The persons in the priority listed in R.S. 8:655 and R.S. 37:876 have the
16 right to arrange with a funeral director or funeral establishment for funeral goods and
17 services, as defined in R.S. 37:831(45), in preparation for the disposition of the
18 remains of a decedent.

19 B. There is no liability for a funeral director, funeral establishment, or any
20 respective ~~employees~~ employee for following the directions or relying on the
21 representation of a person representing himself to be the person who has the prior
22 right to arrange the funeral goods and services for the remains of a decedent in
23 accordance with Subsection A of this Section.

24 C. There shall be no liability for a funeral director, funeral establishment, or
25 any respective employee for permitting any interested person to view human remains
26 in the care of the funeral director or funeral establishment.

27 * * *

1 §877. Authorization to arrange cremation; authorization to cremate; refusal to
2 arrange a cremation; refusal to cremate

3 * * *

4 B. A crematory authority shall have authority to cremate human remains
5 when they are delivered by the funeral establishment and upon receipt of all of the
6 following:

7 (1)(a) A cremation authorization form signed by an authorizing agent. Such
8 form shall contain, at a minimum, the following information:

9 * * *

10 (xi) The signature of the authorizing agent, attesting to the accuracy of all
11 representations contained on the cremation authorization form, except for those
12 representations made by the funeral director pursuant to Item (b)(ii) of this
13 Paragraph. The signature of the authorizing agent shall be ~~witnessed by a funeral
14 director of the funeral establishment arranging the cremation or otherwise executed
15 by the authorizing agent before a notary public~~ one of the following:

16 (aa) Witnessed by a funeral director of the funeral establishment arranging
17 the cremation.

18 (bb) Notarized by a notary public.

19 (cc) Executed before two witnesses who sign the cremation authorization
20 form. The name and address of each witness shall be provided on the cremation
21 authorization form.

22 (b)

23 * * *

24 (ii) The cremation authorization form, other than preneed cremation forms,
25 shall also be signed by a funeral director of the funeral establishment arranging the
26 cremation. The funeral director shall not be responsible for any of the
27 representations made by the authorizing agent, unless the individual has actual
28 knowledge to the contrary. However, the information requested by Item (a)(i) of this

1 Paragraph shall be considered to be a representation of the funeral director or funeral
 2 establishment that the human remains delivered to the crematory authority have been
 3 identified as the decedent listed on the cremation authorization by the coroner
 4 pursuant to Item (b)(iii) of this Paragraph or positively identified after a viewing of
 5 the remains or a photograph or other visual image of the remains by a person who
 6 is the authorizing agent or a member of the class of which the authorizing agent is
 7 composed or a designated representative thereof, unless the remains are from a
 8 spontaneous fetal death as defined in R.S. 40:32(16), in which case a viewing is not
 9 required if written identification is received when such remains are released to the
 10 funeral director. When visual identification by viewing the remains is not feasible,
 11 other positive identification of the decedent may be used including reliance upon
 12 identification made from photographs or other visual images of scars, tattoos, or
 13 physical deformities taken from the decedent's remains. The information requested
 14 by Item (a)(iii) of this Paragraph shall be considered to be a representation of the
 15 funeral director or funeral establishment of any information received by the funeral
 16 director or funeral establishment pursuant to R.S. 40:1271.2.

17 (iii) The coroner shall provide the identification of any dead body to the
 18 funeral director or funeral establishment to whom he relinquishes possession thereof,
 19 unless the coroner is not able to establish the identity of the dead body as provided
 20 in R.S. 33:1563(H) R.S. 13:5715.

21 * * *

22 C. A copy of a cremation authorization form signed by the authorizing agent
 23 in accordance with either Subitems (B)(1)(a)(xi)(bb) or (cc) of this Section may be
 24 delivered by any means to the funeral establishment arranging a cremation, including
 25 facsimile or other electronic transmission. The signature of the authorizing agent
 26 includes an electronic signature as provided in R.S. 9:2601 et seq. A funeral
 27 director, funeral establishment, or cremation authority may rely on, without liability,
 28 a copy of a cremation authorization form to perform a cremation.

1 ~~C. D.~~ A funeral director may refuse to arrange a cremation and a crematory
2 authority may refuse to accept a body or to perform a cremation.

3 Section 2. This Act shall become effective upon signature by the governor or, if not
4 signed by the governor, upon expiration of the time for bills to become law without signature
5 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
6 vetoed by the governor and subsequently approved by the legislature, this Act shall become
7 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

*Effective Date
6/12/2020*