



What is the purpose of the LSBEFD's General Counsel?

The Board is represented by an Assistant Attorney General with the Louisiana Department of Justice. The purpose of the Board's General Counsel is to advise and represent the Board members and the staff, within their capacity for the operations of the Board and the State of Louisiana. The Board's General Counsel represents the Board as a regulatory agency, a branch of Louisiana Government. ***A licensee should seek legal advice from an attorney who can represent them should there be the possibility of litigation.***

The Board nor the General Counsel does not review forms or advertisements to be used by a licensee or a licensed funeral establishment. Forms and advertisements should be handled through the licensee's legal advisor.

Please note: The Board no longer employs a staff attorney as General Counsel.

Can someone request to be present at a board meeting to address the members?

Yes. Individuals or groups are encouraged to address the Board Members. A simple request, in writing by email, is all that is required to be placed upon the meeting agenda. Board meetings are "open" meetings and anyone is free to attend which is currently being held via Zoom. The Zoom link will be posted upon the home page of the website and also noted upon the agenda of the meeting. Please note that no one is allowed in the LSBEFD's meetings except, members, staff and attorneys. Attendance may be viewed through Zoom via the link that is provided at the time of a meeting on the agenda and the home page of the LSBEFD's website.

What types of services/assistance is provided by the LSBEFD?

The LSBEFD is a regulatory board with administrative duties and abilities ONLY. This Board is not a police authority nor is the Board empowered with policing duties. ***The only services administered by the Board are for administrative and licensing purposes.*** The staff will assist with licensing requirements and answer questions as it relates to the regulations for the Board such as assistance with internships, temporary licenses, licensing and other duties as outlined within the regulations or LA State requirements.

The Board members and the staff cannot administer legal advice, the Board members and the staff cannot immediately intervene in a situation and the Board's General Counsel cannot advise or assist with any legalities of a licensee other than speaking to a licensee's attorney.

If a situation requires immediate attention, then the guidance of an independent legal counselor or the local authorities must be contacted to handle.

The Board does not provide or award monetary assistance to anyone/anything, i.e., funerals, education, charities, complaints, etc.

Fees that are collected by the Board are for registration, licensing and administration purposes only. There are no fees for any other services to be provided.

There are no legal services provided by this board to licensees or consumers.



Filing a complaint

How do I file a complaint?

Please refer to the complaint form which is located on the website under forms/miscellaneous for further instructions.

Can I call the office to file a complaint?

No. The complaint MUST be submitted in writing with a notarized signature in order to be properly investigated.

Can I call the office to discuss a complaint that I wish to file?

Yes. Anyone may call the office to ask questions or inquire about a possible issue, but legal advice will not be given. However, the board cannot and will not accept anonymous complaints. A formal complaint will need to be filed in order for an alleged issue to be addressed.

Can an issue be resolved quickly through a phone call to the office?

No. The issue(s) needs to be handled in an amicable manner between the parties and then a written notarized complaint can be submitted for investigation.

The Board and the staff cannot administer legal advice, the Board and the staff cannot immediately intervene in a situation and the Board's General Counsel cannot advise or assist with any legalities of an individual or licensee other than speaking to an attorney.

If a situation requires immediate attention, then the guidance of legal counsel or the local authorities must be contacted to handle.

Are monument and grave issues handled by the LSBEFD?

No. Although monuments and grave services may be offered through a funeral establishment, those are businesses that are not regulated by a license.



Educational requirements for licensure

You may refer to the regulations section of the website – LA R.S. 37:842 – Minimum Qualifications for License and under the regulations tab for Internships

The LSBEFD does not participate in scholarships, funding, or assistance with tuition for education.

INTERNSHIPS MUST be registered with the LSBEFD before credit will be given for any practice. PRIOR work history at a funeral home will NOT be considered for an internship.

What are the recognized accreditation credentials accepted by the LSBEFD?

Mortuary Colleges/Schools/Programs must be accredited by the following;

ABFSE – American Board of Funeral Service Education

Colleges/Universities/Institutions must be accredited by the following;

SACS - Southern Association of Colleges and Schools, Commission on Colleges

Equivalent to SACS:

MSA – Middle States Association of Colleges and Schools, Commission on Higher Education

NWCCU – Northwest Commission on Colleges and Universities

NCA-HLC – North Central Association of Colleges and Schools, Higher Learning Commission

NCA-CASI – North Central Association of Colleges and Schools, Commission on Accreditation and School Improvement, Board of Trustees

NEASC-CIHE - New England Association of Schools and Colleges, Inc., Commission on Institutions of Higher Education

NEASC-CTCI – New England Association of Schools and Colleges, Inc., Commission on Technical and Career Institutions

WASC-ACCJU – Western Association of Schools and Colleges, Accrediting Commission for Community and Junior Colleges

WASC-ACSCU – Western Association of Schools and Colleges, Accrediting Commission for Senior Colleges and Universities

Please contact this office if you have a question regarding the accreditation of a school/program. A school/program may be accredited, but it may not be accredited by the above associations. Schools/programs that do not carry the credentials listed above cannot be accepted by this Board.

For a funeral director only license, what are the minimum course requirements from a SACS accredited or equivalent university?

The minimum subject hours shall include twenty-one semester hours of the basic freshman courses which include but are not limited to the following: English, mathematics, accounting, bookkeeping, business mathematics, psychology, history, science, business administration, biology, chemistry, economics, and marketing or such other hours as the law may require. *Remedial classes and courses such as music, the arts, physical education, and sports shall not be considered as accepted courses.* LA R.S. 37:842 (A)(4).

Can a funeral directing certificate course/program be accepted in lieu of the SACS accreditation or equivalent university as outlined above?

Yes, but the funeral directing certificate MUST be acquired from an ABFSE accredited mortuary school/program and the hours for the funeral directing certificate MUST total the minimum of 30 semester hours. If the ABFSE accredited mortuary school/program hours are calculated by quarter hours, then the quarter hours will need to be converted to semester hours for determination. An example of quarter hour conversion is as follows; 45 quarter hours ÷ 3 = 15 x 2 = 30 = the 30 hour requirement.

What are the types of tests required and which one do I schedule?

NBE – National Board Exam - consists of 2 parts, an Arts section and a Science section. This exam is required for an embalmer and funeral director (dual) license. This exam is authorized by an ABFSE accredited mortuary

school/program. This Board cannot authorize an individual to sit for this exam. This MUST be handled through the ABFSE accredited mortuary school/program. A study guide may be available through the school/program or The Conference.

SBE – State Board Exam – consists of an Arts section only which is a general state exam and is not state specific. This exam is required for a funeral director only license. *This Board will notify The Conference to authorize an individual for this exam when their internship has been registered.* A study guide may be available through The Conference.

LRR – Louisiana Rules and Regulations (exam) – consists of State specific questions relating to the Laws and Rules of Louisiana. This exam is required for reciprocal licensees who have or will be applying for a temporary license in Louisiana. The study guide for the LRR will be the regulations page located on the website. The links relating to each regulation should be reviewed, specifically LA R.S. 37:831 through LA R.S. 37:885 and Title 46, Chapters 1 through 23. *This Board will notify The Conference to authorize an individual for this exam when their temporary license has been registered.*

Additionally:

Please refer to the instructions for the SBE and LRR which are listed upon the LSBEFD home webpage, under the notifications page and the fees and forms page, internship section of applications.

The Conference will email a certified certificate of the passing of any one of these examinations to this office. Before a license will be issued, this certification MUST be received by this office. We cannot accept a copy from an individual.

The Board is NOT involved with the examination process other than authorizing an individual's eligibility to take either the SBE or the LRR exams.

Who do I contact and how do I schedule the SBE or the LRR exam?

The Conference of Funeral Service Examining Boards (ICFSEB) – The Conference: 479.442.7076 or www.theconferenceonline.org. *An internship or a temporary license MUST be registered with this Board in order for this office to notify The Conference of an individual's eligibility to sit for the SBE or the LRR exam.*

Where can I get a study guide or study materials for the SBE or the LRR exam?

The SBE, contact The Conference of Funeral Service Examining Boards (ICFSEB) at: 479.442.7076 or www.theconferenceonline.org – The study guide for the LRR will be the regulations page located on the website. The links relating to each regulation should be reviewed, specifically LA R.S. 37:831 through LA R.S. 37:885 and Title 46, Chapters 1 through 23.

Are there any practice tests that I can review or take for any of the exams?

The Conference of Funeral Service Examining Boards (ICFSEB) – The Conference: 479.442.7076 or www.theconferenceonline.org, you may also check with mortuary schools to see if they have any tutoring, or classes, or practice exams available. *This Board does not offer any training/practice tests or study tests. However, the study guide for the LRR will be the regulations page located on the website. The links relating to each regulation should be reviewed, specifically LA R.S. 37:831 through LA R.S. 37:885 and Title 46, Chapters 1 through 23.*

Where can I find ABFSE accredited mortuary schools/programs?

The American Board of Funeral Service Education - www.abfse.org or

The Conference of Funeral Service Examining Boards (ICFSEB) – 479.442.7076 or www.theconferenceonline.org

Is it necessary to submit a certified/original transcript of courses from the college/university or mortuary school?

Yes. The transcript may be submitted by mail or email. If the transcript will be forwarded by email from the school, then it must be sent directly to the email of the Executive Director of this office to be opened. A copy will NOT be acceptable. The email for the Executive Director is: kmichel@lsbefd.state.la.us : LA R.S. 37:842 (A)(4), (B)(2).



Licenses/Licensees

How do I change my address?

Changes MUST be submitted in writing by email or fax, please include information for more than one license if applicable.

What are the fees for licensing?

There is a “Fees & Forms” tab at the top of the webpage. The fees are listed accordingly.

How long does it take for a license number to be issued?

If all of the requirements have been met, applications are processed and license numbers are issued usually within 1 day upon receipt of the application for individuals; for establishments, once the inspection is passed, the license number is issued by the inspector at that time.

Can I get my license number by email or phone call?

Yes. Once a license is issued it immediately becomes public record.

How long does it take to receive my wall license certificate?

The wall certificate will be sent to a calligrapher then signed by the attending Board members at the next scheduled meeting. Once it has been signed by the Board members, the certificate is placed in a mailing tube with certified return receipt postage, which can be tracked, and hand delivered to the postal attendant. The time frame for receipt of the certificate is estimated at about 4 weeks from the time the certificate is signed by the Board members. A few causes for delay would be due to; the President or the Secretary of the Board being absent from the Board meeting (which are required signatures), the cancellation of a Board meeting, and because certificates are not transported to out of town meetings for signatures. License applications that are received within 2 weeks of a meeting may not have enough time to be sent to the calligrapher and those will be signed at the next scheduled meeting.

Please note that certificates will not be mailed unless payment has been made for the postage fees.

Wall certificates will be mailed to the address listed upon the license application unless otherwise noted by a request in writing. **SOMEONE MUST BE AVAILABLE TO SIGN FOR THE CERTIFICATE.** This office is not responsible for lost mail and a new certificate request will require a duplicate certificate fee for the replacement.



Duplicate Wall Certificates

Can I obtain duplicate wall certificates even if I still have my original wall certificate?

Yes. Please complete an application for a duplicate license located under forms on the website and submit a fee of \$100.00 for each certificate requested. **Title 46, Part XXXVII, Chapter 7, 703 (A). Please note the mailing option and requirement for same. This board will not replace a certificate that has been lost in the mail. Replacement will require another application and fee(s).**

Can I obtain a wall certificate even if my name has changed?

Wall certificates may be ordered with name changes with the submission of a marriage certificate, a divorce decree or another legal document regarding a name change.



Reciprocal - Temporary Licenses

What are the requirements for a temporary license/license by endorsement for reciprocating to Louisiana?

These instructions are outlined on accompanying pages of the application located under the “Forms” tab on the website.

Is a temporary licensee required to take a Louisiana State exam (LRR)?

Yes. Information for the Louisiana State testing is located on the home page and under the “Notifications” tab of our website.

Is there a study guide for the Louisiana State Exam?

Yes. The study guide for the LRR will be the regulations page located on the website. The links relating to each regulation should be reviewed, specifically LA R.S. 37:831 through LA R.S. 37:885 and Title 46, Chapters 1 through 23.

Can I reciprocate my Louisiana license to another state?

You will need to check with the state that you wish to reciprocate to for their requirements for reciprocating.

I am planning to reciprocate to another state, how do I obtain a certification/verification from Louisiana regarding my license?

Please contact the office for this form to be completed. There is a processing fee for this form which includes printing, certifying and mailing certified return receipt postage to the requested state licensing board.

I do not live in Louisiana. Can I apply for a Louisiana license?

Yes, but employment MUST be with a Louisiana licensed funeral establishment.



License Renewal and Individual CE Requirements

PLEASE NOTE: Due to the large amount of license renewals that are processed during Oct. 1 – Dec. 31 with the majority of these renewals being received in the office during the last 10 days of the 90 day renewal period, renewals MUST be accompanied with the correct renewal fee, documents and all items MUST be received together. It is not the responsibility of the Board to call licensees to request items or to remind them of renewal requirements. Renewals that are faxed without payment attached will not be processed. Establishment renewals MUST have the Annual Report of Preneed attached whether there is preneed or no preneed, THIS IS A REQUIREMENT.

IT IS THE RESPONSIBILITY OF THE LICENSEE TO MAINTAIN THE REQUIREMENTS FOR HOLDING A LICENSE ISSUED FROM THIS BOARD.

This office and every transaction made by this office is monitored and audited by the State of Louisiana annually. This office MUST follow the State's regulations for procedural duties and authority.

What is the time period for renewing an establishment, embalmer and funeral director or funeral director license?

For funeral establishments, embalmers and funeral directors, the renewal period begins on October 1 and ends on December 31 annually. LA R.S. 37:844; Title 46, Part XXXVII, Chapter 7. etal.

I did not receive a renewal notice and therefore I did not renew before the expiration date, can I still submit my annual renewal fee in order to remain current?

No. The renewal notice is mailed as a courtesy reminder that it is time to renew your license. U.S. Postal Mail gets lost, misplaced or destroyed. The LSBEDF does not have control over the U.S. Postal Service. All licensees are responsible and should know the expiration date for their license. LA R.S. 37:844

What if the office is closed on December 30, 31, or January 1 or 2?

The office is usually closed at some point during that time for holidays. The building is usually open except for the actual day of the holiday and weekends. Mail or correspondence can be delivered to the office via the mail drop slot on the Board's office door if there is access into the building. The Board's website has a calendar of events located to the right of the page and is updated with holidays and office closures. U.S. Postal Mail has been received much later than usual and mail has been lost, The LSBEFD does not have control over the U.S. Postal Service. Always make a note to call or email the office to check if your renewal has been received. Individual licenses can be renewed online any time. The pay online option is disabled at 11:59 PM on December 31. Remember that the renewal period is open for 3 consecutive months, 90 days. **LA R.S. 37:844.**

I received my individual license earlier in the year do I need to renew my license before the end of the same year?

Yes. Renewal of an individual license is required unless the license is issued during the month of December.

I have not renewed my license in a while, how do I reinstate my license?

An application and the app fee plus all of the previous year's renewal fees will be calculated for the reinstatement amount. You will need to contact the office for the correct amount of fees that will be due in order to reinstate a license. **Title 46, Part XXXVII, Chapter 7.**

Can I place my license on hold or inactive status?

No. A license remains in effect as long as the renewal fee is submitted annually. Active and inactive license status is determined by the continued education requirement. "Active" and "Inactive" is outlined within the definitions. **LA R.S. 37:831.**

I received my individual license earlier in the year do I need to meet the continuing education requirement before the end of the same year?

No. Continuing education will be required after the first renewal of a license.

I received my individual license earlier in the year and I also acquired some hours of continuing education, can those hours be applied to next year's renewal?

No. It is not necessary for continuing education to be acquired until after the first renewal of a license. Once a license has been issued, the license will be registered with CE Broker and at that time, CEs can be received and maintained through the CE Broker program.

Do I have to acquire continuing education annually?

The continued educational requirement must be maintained annually in order for a licensee to remain "active" and to be able to practice. If a licensee does not acquire the continued educational requirement, the license is noted as "inactive" status. The licensee can return to "active" status as soon as the continued educational requirement has been met. **LA R.S. 37:854.**

Is continuing education listed on the website for each of the "Current Licensees" listed?

No. An email request must be sent to the office for the CE status of a licensee regarding "active" or "inactive". The request MUST be submitted by email noting the names and license numbers of the individuals being requested.

Why is it necessary to submit a request in writing regarding the active and inactive status of a license?

This is considered a "Public Records Requests" and will be treated as such. The Board maintains the

records of licensed individuals through CE Broker, an online program which is better equipped for maintaining and tracking of CE requirements. In order for the information to be processed, the staff must log into the CE Broker program to retrieve the information and this will take some time. The response time from the Board during the months of October 1 through December 31 will require additional time due to the renewal session.

An individual licensee should create a free basic account with CE Broker in order to log in and track or check their CEs. Once an account is created, CEs are viewable and a transcript is available.

An individual licensee will be able to check their CE status much faster THROUGH CE Broker than making a request to the Board's office.



Continuing Education Sponsors/Requests

What are the requirements for sponsoring or hosting a continuing education event?

The requirements for continuing education are located upon the website under "Fees & Forms" and scroll to the continuing education forms. There is a memo regarding the process and the application also contains the requirements that have to be fulfilled in order for approval from this Board. There is a page specifically created on the website dedicated to continuing education under "Notifications". This page will offer additional information relating to this topic. **LA R.S. 37:854 – Continuing Education**

CE Broker – Continuing Education File Maintenance Program

CE Broker is a CE tracking and maintenance website for all active licensees who wish to utilize the program.

The LSBEFD is not charged a fee for using CE Broker and CE Broker offers a FREE basic account for licensees.

It is highly recommended that all licensees create an account and upload continuing education certificates. All CEs will be applied through CE Broker and will be immediately available to an individual to review as well as to provide a transcript of CE courses. There are many benefits available when registering with CE Broker.

PROVIDERS – all associations and individuals who are sponsoring any CE programs, should register as a provider with CE Broker to upload all information to be approved. There are many benefits available when registering with CE Broker.

EMPLOYERS – are also able to create an account to monitor employees' CE hours. There are many benefits available when registering with CE Broker.

CE Broker will communicate with accounts regarding renewals, courses available, and CE status.

CE Broker is able to offer many benefits with regard to Providers, employers and individuals.

All CEs that are entered by September 1 of each year will be noted on the mailing label of your renewal.

PLEASE NOTE: THE BOARD'S STAFF WILL NOT BE ABLE TO ASSIST WITH CE STATUS BY A PHONE CALL. A WRITTEN REQUEST MUST BE MADE BY EMAIL FOR CE STATUS, EVEN FOR ONLY 1 LICENSE.

DUE TO THE RENEWALS AND PROESSING OF SAME DURING OCTOBER 1 THROUGH DECEMBER 31, ADDITIONAL RESPONSE TIME MAY BE NECESSARY FOR REQUESTS.

IT IS HIGHLY RECOMMENDED THAT A LICENSEE REGISTER WITH CE BROKER. A FREE BASIC ACCOUNT IS ALL THAT IS NEEDED AND CEs WILL BE IMMEDIATELY AVAILABLE FOR REVIEW. AN INDIVIDUAL WILL HAVE THE ABILITY TO CHECK CE STATUS MUCH FASTER THAN THROUGH A REQUEST TO THE BOARD'S OFFICE FOR STATUS.



Funeral Establishments and Renewal

Establishment renewals MUST have the Annual Report of Preneed attached whether there is preneed or no preneed, THIS IS A REQUIREMENT.

IT IS THE RESPONSIBILITY OF THE LICENSEE TO MAINTAIN THE REQUIREMENTS FOR HOLDING A LICENSE ISSUED FROM THIS BOARD.

This office and every transaction made by this office is monitored and audited by the State of Louisiana annually. This office MUST follow the State's regulations for procedural duties and authority.

Does an individual need to be licensed to open or own a funeral establishment?

No. The funeral establishment must be managed on a full time daily basis by a licensee, either a funeral director or an embalmer and funeral director. **LA R.S. 37:842 (F).**

Do I need to notify the Board regarding a manager change?

Yes. An email notification or a letter can be faxed advising the Board of a new manager of the establishment. **LA R.S. 37:842 (F)(1).**

Do I need to notify the Board regarding licensed employees as they are hired or no longer working for the establishment?

No. It is not a requirement stated within the regulations.

How do I find out if the licensed employees at the funeral establishment are current with their CEs?

A written request MUST be made by email for the licensee(s) CE status information.

Is it possible for a branch establishment to have an operational embalming room?

Yes. Please refer to Title 46, Part XXXVII, §1107, specifically §1107 (2)(a)(i) and (ii) for the branch exceptions.

Does a branch funeral establishment have to maintain 6 caskets as required by the regulations?

No. Please refer to Title 46, Part XXXVII, §1107, specifically §1107 (2)(a)(i) and (ii) for the branch exceptions.

Does the funeral establishment need to have an actual “Red Book” for handwritten entries?

The funeral establishment is required to keep records of each funeral or service provided but in lieu of a “Red Book” with handwritten entries, the records may be electronic/computer based. Title 46, Part XXXVII, §1107 (E).

If a branch funeral establishment is closed, can the main funeral establishment continue to keep the phone number that was associated with that branch location?

Yes. Please refer to Title 46, Part XXXVII, §1111 (A).

Do I need to turn in the Preneed report annually if the funeral establishment does not have preneed?

Yes. A report is required whether there is preneed or no preneed and MUST be notarized with the manager’s signature. LA R.S. 37:865 (D).



Crematory Establishment

Can a crematory establishment service the public directly?

No. A crematory establishment can only service a licensed funeral establishment. LA R.S. 37:877, 37:848 (D)(5).

Are crematory retort operators required to have continuing education?

No continuing educational requirements are necessary at this time.

What training is available to become a licensed crematory retort operator?

Training is available through retort manufacturers or installers. CANA, Matthews, B & L Cremation Systems and Cremation Systems are just a few. Contact the manufacturers for more information.

What is the time period for renewing my crematory retort operator license?

For crematories and crematory retort operators, the renewal period begins on February 15 and ends on May 15 annually. LA R.S. 37:874

IT IS THE RESPONSIBILITY OF THE LICENSEE TO MAINTAIN THE REQUIREMENTS FOR HOLDING A LICENSE ISSUED FROM THIS BOARD.

I did not receive my renewal notice and therefore I did not renew before the expiration date, can I still submit my annual renewal fee in order to remain current?

No. The renewal notice is mailed as a courtesy reminder that it is time to renew your license. U.S. Mail gets lost, misplaced or destroyed, we do not have control over the U.S. Postal Service. All licensees are responsible and should know the expiration date for their license. LA R.S. 37:874; Title 46, Part XXXVII, Chapter 7, §701.

Can I reciprocate my retort operator license from another state?

No. There are no provisions within our regulations for reciprocating a retort operator license. An application with the required documents is all that is necessary for a retort operator license in Louisiana. Please refer to the “Forms” on our webpage for the application.



Sanitary/Transportation Regulations

What are the requirements for removing remains from another state transporting into Louisiana other than by airline?

The other state’s agency will determine the regulations for removals made from that state.

What are the requirements for removing remains from Louisiana transporting to another state other than by airline?

An out of state funeral establishment MUST contact a Louisiana licensed funeral establishment to make the initial removal. **LA R.S. 37:848 (D)(5)**. However, embalming is not required for a removal within a 24 hour period from the time of death for transporting out of Louisiana. **Title 51, Part XXVI, §103**.



Other Related Questions

Who do I contact regarding cemetery issues?

The Louisiana Cemetery Board – www.lcb.state.la.us – 504.838.5267

Who do I contact regarding issues with insurance and insurance policies?

The Louisiana Department of Insurance – www.lidi.state.la.us - 1-800-259-5300

Who do I contact regarding issues with burial insurance or burial policies?

The Louisiana Department of Insurance – www.lidi.state.la.us - 1-800-259-5300

How do I contact Vital Records?

Information for vital records can be found at <http://new.dhh.louisiana.gov>

How do I find out about laws in Louisiana?

www.legis.la.gov is the Louisiana Legislature webpage and you can search laws or bills by a word search.



Consumer Information

Please see the first two sections of the FAQs for additional consumer information

Who can make funeral arrangements?

The legal next of kin and/or family. It is very important for family members to agree about the types of services and merchandise to be purchased. The following are excerpts of the regulations from the LA Legislature;

§855. Right to arrange funeral goods and services

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

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

Acts 2016, No. 143, §2, eff. May 19, 2016.

- §655. Right of disposing of remains; military personnel; limitation of liability

A. Unless other specific directions have been given or the designation of a specific person to control disposition has been made by the decedent in the form of a notarial testament or a written and notarized declaration, the following persons, in the priority listed, have the right to control and authorize the interment of a deceased person, as defined in R.S. 8:1:

(1) The person designated to control disposition by the decedent in the form of a notarial testament or a written and notarized declaration.

(2) The surviving spouse, if there is no pending petition for divorce filed by either spouse prior to the death of the decedent spouse.

(3) A majority of the surviving adult children of the decedent.

(4) A majority of the surviving adult grandchildren of the decedent.

(5) The surviving parents of the decedent.

(6) A majority of the surviving adult siblings of the decedent.

(7) A majority of the surviving adult persons respectively in the next degrees of kindred as established in Civil Code Article 880 et seq.

B.(1) Notwithstanding the provisions of Subsection A of this Section, if the decedent died in a manner described by 10 U.S.C. §1481 (a)(1) through (8) while serving in any branch of the United States Armed Forces, the United States Reserve Forces, or National Guard, and the decedent executed a United States Department of Defense Record of Emergency Data, known as DD Form 93, or its successor form, the right to control interment for the decedent shall devolve upon the Person Authorized to Direct Disposition, also referred to as the PADD, as indicated on the DD Form 93 or its successor form.

(2) There shall be no liability for a cemetery authority, funeral establishment, funeral director, crematory authority, or the employees or agents of any of them to whom a copy of a DD Form 93 is presented, purportedly executed by the decedent for conduction of the interment or other disposition of the decedent's remains, pursuant to the instructions of the PADD as indicated on the DD Form 93, or for relying on the representation of the PADD that the decedent died in a manner described in Paragraph (1) of this Subsection.

C.(1) In the event that the decedent has made multiple notarial testaments or notarized declarations pursuant to Subsection A of this Section, the testament or declaration, whichever is dated last, shall control.

(2) In the event that the decedent has made one or more notarial testaments or notarized declarations pursuant to Subsection A of this Section, and the decedent executed a DD Form 93 and died in a manner described in Subsection B of this Section, the testament, declaration, or the DD Form 93, whichever is dated last, shall control interment of the decedent's remains.

D. Notwithstanding the provisions of Subsection A of this Section, in the event that the coroner releases the remains of the decedent to an interested person pursuant to R.S. 9:1551(A)(1), such person has the right to control the disposition of the remains of the decedent.

E. In the absence of specific directions given by the decedent, if the authorization of the person or persons with the right to control disposition cannot be obtained, a final judgment of a district court shall be required.

Acts 1991, No. 912, §1; Acts 2001, No. 557, §1; Acts 2014, No. 819, §1; Acts 2015, No. 270, §1, eff. July 1, 2015; Acts 2016, No. 143, §1, eff. May 19, 2016.

§876. Authorizing agent; notarial testaments and notarized declarations

A. The following persons, in the priority listed, have the right to serve as an authorizing agent for cremation:

- (1) Any person arranging the cremation, if the decedent has given specific directions in the form of a notarial testament or a written and notarized declaration providing for disposition of his remains by cremation.
- (2) The person designated to control disposition by the decedent in the form of a notarial testament or a written and notarized declaration.
- (3) The surviving spouse, if there is no pending petition for divorce filed by either spouse prior to the death of the decedent spouse.
- (4) A majority of the surviving adult children of the decedent.
- (5) A majority of the surviving adult grandchildren of the decedent.
- (6) The surviving parents of the decedent.
- (7) A majority of the surviving adult siblings of the decedent.
- (8) A majority of the surviving adult persons respectively in the next degree of kindred as provided in Civil Code Articles 880 et seq.
- B. Notwithstanding the provisions of Subsection A of this Section, if the coroner releases the remains of a decedent to an interested person pursuant to R.S. 9:1551(A)(1), such person may serve as the authorizing agent for cremation.
- C. If the required authorization cannot be obtained, a final judgment of a district court shall be required.
- D. Notwithstanding the provisions of Subsection A of this Section, in the case of those individuals whose disposition is the responsibility of the state or any of its instrumentalities, a public administrator, medical examiner, coroner, state-appointed guardian, or any other public official charged with arranging the disposition of the decedent may serve as the authorizing agent.
- E. No person is allowed to serve as an authorizing agent when a decedent has left written instructions in a notarial testament or notarized declaration that he does not wish to be cremated.
- F.(1) If the decedent died in a manner described by 10 U.S.C. 1481 (a)(1) through (8) while serving in any branch of the United States Armed Forces, the United States Reserve Forces, or National Guard, and the decedent executed a United States Department of Defense Record of Emergency Data, known as DD Form 93, or its successor form, the right to serve as an authorizing agent for cremation shall devolve upon the Person Authorized to Direct Disposition, also referred to as the PADD, as indicated on the DD Form 93 or its successor form.
- (2) There is no liability for a cemetery authority, funeral establishment, funeral director, crematory authority, or the employees or agents of any of them to whom a copy of a DD Form 93 is presented, purportedly executed by the decedent for conduction of a cremation of the decedent's remains, pursuant to the instructions of the PADD as indicated on the DD Form 93, or for relying on the representation of the PADD that the decedent died in a manner described in Paragraph (1) of this Subsection.
- G.(1) In the event that the decedent has made multiple notarial testaments or notarized declarations pursuant to Subsection A of this Section, the notarial testament or notarized declaration, whichever is dated last, shall control.
- (2) In the event that the decedent has made one or more notarial testaments or notarized declarations pursuant to Subsection A of this Section, and the decedent executed a DD Form 93 and died in a manner described in Subsection F of this Section, the notarial testament, declaration, or the DD Form 93, whichever is dated last, shall control the right to serve as an authorizing agent for cremation.
- Acts 2003, No. 1243, §2; Acts 2015, No. 270, §3, eff. July 1, 2015; Acts 2016, No. 143, §2, eff. May 19, 2016.

Do I need a funeral director?

Yes. See highlighted section below;

§848. Unlawful practice

- A. No person, not certified and registered under the provisions of this Chapter, shall embalm, or pretend to practice the science of embalming, or conduct the business of funeral directing; however, a licensed funeral director shall not be required to supervise the disinterment of a dead human body when disinterment and reburial is made in the same cemetery by its designated sexton who shall be responsible to supervise the disinterment and reburial.
- B. Every member of a firm or corporation engaged in the practice of the science of embalming or the business of funeral directing, or both, and the manager of each place of business conducted by such firm or corporation, whose duties engage him directly in the care and preparation, or the supervision of the disposal, burial or disinterment of dead human bodies, shall possess a certificate issued under the provisions of this Chapter.
- C. It shall be unlawful for anyone to engage in the business of funeral directing or embalming as defined in R.S. 37:831 unless such business is conducted by a duly licensed Louisiana funeral establishment.
- D.(1) Only a licensed embalmer may embalm a dead human body.
- (2) If the body is to be held by the funeral establishment longer than thirty hours after the time of death, it shall be embalmed or the body may be refrigerated continuously at a temperature not to exceed forty-five degrees Fahrenheit.
- (3) If the body is not embalmed or refrigerated, it shall be buried, cremated, or otherwise disposed of within thirty hours after death or as soon as possible after its release by the proper authorities.

(4) If the condition of the body does not permit embalming by the introduction of chemical substances, fluids, or gas into the body by vascular or hypodermic injection or by direct application into the organs or cavities, it shall be embalmed by an outward application of such substances.

(5) Every dead human body shall be disposed of and prepared through a funeral establishment and under the supervision of a licensed funeral home or embalmer.

(6) Notwithstanding any provision of this Part to the contrary, a licensed hospital or medical school may hold a body for more than thirty hours without having the body embalmed and a licensed hospital, medical school, or the Bureau of Anatomical Services may dispose of any tissues or organs according to accepted procedures.

(7) Nothing in this Subsection shall be construed to require embalming if specific practices and beliefs of religious groups prohibit it.

E. The provisions of Paragraphs (D)(1) through (5) of this Section shall not apply to the Anatomical Board (R.S. 17:2271-2280).

F. The provisions of Paragraphs (D)(1) through (5) of this Section shall not apply to accredited schools of mortuary science or funeral service.

Acts 1966, No. 19, §1, eff. June 15, 1966 at 10:30 A.M.; Acts 1974, No. 3, §4; Acts 1983, No. 454, §1; Acts 1990, No. 415, §1, eff. Sept. 1, 1990; Acts 2004, No. 132, §1; Acts 2010, No. 372, §1; Acts 2016, No. 143, §2, eff. May 19, 2016.

Can the LSBEFD recommend a funeral establishment?

No. The LSBEFD cannot endorse any particular funeral establishment. *Consumers are encouraged to call or visit multiple funeral establishments to find one they are comfortable with.*

Is there a standard set of fees/prices establishments have to follow for services?

There is no price regulation in this industry. *Consumers are encouraged to call or visit multiple funeral establishments to find one they are comfortable with.*

What can I do if I feel the prices are too high?

You can contact several funeral firms and compare prices. *Consumers are encouraged to call or visit multiple funeral establishments to find one they are comfortable with.*

Consumers are encouraged to review the Federal Trade Commission (FTC) Funeral Rule for additional information regarding funerals, pricing, disclosure, etc. The information is listed upon this website under "Regulations", FTC Funeral Rule Book as well as the home page to the lower part of the page are links for consumers. The informational links to these booklets can also be found under "Notices and Information", Helpful Links.

As always, consumers are encouraged to contact this Board for assistance. Contact info can be found on the home page of the website.

