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DEPARTMENT OF JUSTICE
CIVIL DIVISION
P.O. BOX 94005
BATON ROUGE
70804-9005

June 5, 2023
OPINION 23-0040

Honorable Philip G. Padgett, M.D.
Coroner
West Baton Rouge Parish
1150 Northwest Dr.
P.O. Box 951
Port Allen, LA 70767-0951

13 CORONERS

La. R.S. 8:1
La. R.S. 13:5706

La. R.S. 9:1551
La. R.S. 13:5705

Only a coroner, deputy coroner, or assistant coroner may issue a permit for cremation after the necessary investigation. Finally, coroners do not have the authority to seek compensation from families or funeral homes for issuing a permit for cremation.

Dear Dr. Padgett:

Our office received your request for an opinion regarding the following questions:

- 1) Who has the legal authority within a coroner's office other than the coroner, deputy coroner, or assistant coroner to issue a permit for cremation?
- 2) Does the coroner have any authority to seek compensation from a family or a funeral home for issuing a permit to cremate, or is the cost to be paid by the parish responsible for covering all other costs related to the death?

If the cremation of a body is requested, a funeral director is required to notify the coroner who has jurisdiction in the death.¹ "If, after the necessary investigation, the coroner is satisfied that there are no suspicious circumstances surrounding the death, he shall issue a permit for cremation."² This office has previously concluded that statutory provisions that provide the coroner "shall" perform certain duties must be read *in pari materia* with the provisions of La. R.S. 13:5705, which authorizes a coroner to appoint deputy coroners and assistant coroners to perform the duties of the coroner.³ It is our opinion that coroners, deputy coroners, and assistant coroners are the only officials in the office of the coroner who are authorized by law to issue a permit for cremation.⁴

The reimbursement of costs regarding the disposition of human remains as related to coroners is set forth in La. R.S. 9:1551.⁵ Because cremation is a final disposition of human remains in Louisiana, La. R.S. 9:1551 is relevant to your inquiry.⁶ However, La. R.S. 9:1551 does not authorize the coroner to seek compensation for the issuance of a cremation permit.

¹ La. R.S. 13:5716(A).
² La. R.S. 13:5716(B).
³ La. Atty. Gen. Op. No. 96-307.
⁴ La. R.S. 13:5705.
⁵ La. Atty. Gen. Op. No. 13-0002.
⁶ La. R.S. 8:1(22).

In addition to La. R.S. 9:1551, La. R.S. 13:5706 sets forth authorized fees for coroner's services.⁷ A coroner shall receive fifty dollars for investigation, including issuing necessary papers and reports.⁸ A coroner's office is not entitled to receive fees for the services listed in La. R.S. 13:5706(A) other than through reimbursement permitted under the referenced statutory scheme.⁹ Nonetheless, it is our opinion that a permit for cremation constitutes necessary papers and reports, the associated fees are authorized under La. R.S. 13:5706, and the costs should be borne by the governing authority of the parish or municipality.¹⁰ A coroner is not authorized to pass these costs on to families and funeral homes.

In conclusion, no one other than a coroner, deputy coroner, or assistant coroner may issue a permit for cremation. A coroner does not have authority to seek compensation from families or funeral homes for issuing a permit to cremate.

We hope that this opinion has adequately addressed the questions you have submitted. If our office can be of any further assistance, please do not hesitate to contact us.

With best regards,

JEFF LANDRY
ATTORNEY GENERAL

BY:


Warren Bates Jr.
Assistant Attorney General

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⁷ La. Atty. Gen. Op. Nos. 07-0240, 20-0079, 21-0131, and 22-0099.

⁸ La. R.S. 13:5706.

⁹ La. Atty. Gen. Op. Nos. 95-38, 95-112, 04-0134, 07-0240, and 20-0079.

¹⁰ La. R.S. 13:5706.