



### ***What type of assistance/services are provided by the LSBEFD?***

The Louisiana State Board of Embalmers and Funeral Directors was formed in 1914 under the legal citation R.S. 37:831 for the purpose of regulating funeral establishments, crematory authorities, embalmer and funeral directors, funeral directors and retort operators who are engaged in the care and disposition of the deceased in order to protect the public, safety, and welfare.

The LSBEFD is a regulatory board with administrative duties and abilities ONLY. The LSBEFD is not a policing authority nor is the LSBEFD empowered with policing duties. Services administered by the LSBEFD are for administrative and licensing purposes as well as handling complaints. The staff will assist with licensing requirements and answer questions as it relates to the regulations for the LSBEFD 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 do not 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.***

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

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

***Fees that are collected by the LSBEFD are for registration, licensing and administration purposes only. There are no fees for any other services to be provided. The LSBEFD does not receive any funding from the state such as appropriations, grants, or any other state assistance.***

***There are no legal services provided by this board to licensees or consumers. However, the prosecuting attorney does review the complaints and makes recommendations as to the allegations and situations noted within a complaint.***



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## **Consumer Information**

Please note that although the funeral industry is regulated in Louisiana, funeral establishments are for profit businesses.

Consumers should always check that an establishment has a license displayed; that there is a licensed funeral director to meet with and/or a registered intern. Please do not hesitate to contact this office to verify a license and/or the registration of an intern. Interns may be allowed to meet and arrange services, but the licensed funeral director MUST be on the premises.

As a consumer, you have the right to ask questions.

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 at the top for links to assist consumers.

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

### **Consumer Frequently Asked Questions:**

#### ***Is financial assistance available for funeral expenses through the state?***

Financial assistance is not available directly from any state agency. Assistance may be provided through the parish. However, if assistance is provided, it will not be the same for each parish. You may contact a local funeral establishment to find out what assistance may be available in your parish.

#### ***Can the LSBEFD recommend a funeral establishment?***

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

#### ***What can be done prior to death occurring?***

Write down your wishes and inform family members of your desires as well. Every person has the right to arrange the method in which his/her body will be disposed of after death by executing a will stating the assignment of the right and the name of the person(s) to whom the right has been appointed.

#### ***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 State 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.

### ***What kind of personal information is needed when someone dies?***

The deceased person's full name

Date of birth

Place of birth (city and state or foreign country)

Full home address

**Social security number (bring copy of the card, or other documents notating the SSN)**

Level of education

Marital status

Military service

Spouse's full name (including maiden name if applicable)

Race/ethnicity

Occupation

Father's full name

Mother's full name including maiden name

The informant (next of kin or person legally responsible for final arrangements)

The informant's relationship to decedent

The informant's address.

This information is necessary for filling out and filing the death certificate.

***Please review the documentation carefully to ensure that the information you are providing is recorded correctly. Any changes/corrections that need to be made to death certificates after the data has been submitted to the state may cause a lengthy delay in receipt of corrected death certificates. Death certificates are legal documents and are required to finalize certain circumstances such as financial, social security, insurance, credit, etc. Keep in mind the number of death certificates you may need to conclude any affairs.***

***The funeral establishment is required to initiate a death certificate. However, the funeral home is not required to provide death certificates. Obtaining and providing death certificates is a courtesy that may be offered by the funeral home. Death certificates are provided by the Louisiana Vital Records Registry.***

### ***What are the available methods of disposition?***

Disposition means the shipment, interment, burial, cremation, or anatomical donation of a dead human body or parts of a dead human body. LA R.S. 37:831. (33).

### ***What is embalming and its purpose?***

Embalming means preparing, disinfecting, and preserving, either hypodermically, arterially, or by any other recognized means, the body of a deceased person for burial, cremation, or other disposition. LA R.S. 37:831 (36)

### ***Does the law require that a dead human body be embalmed?***

No. The law does refer in LA R.S. 37:848... D.

(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.

Transportation and common carriers may require preparation of human remains before transporting.

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

It is important to note that funeral establishments are not required to have refrigeration units installed.

### ***What is direct burial/immediate burial?***

Direct burial or immediate burial is the interment, entombment, or cremation of human remains without any ceremony. Direct burial or immediate burial usually includes transfer of human remains to the funeral home, completing and filing of any necessary documents, merchandise as selected, and transportation to the cemetery or crematory.

### ***Can a family bury its own dead without using a license funeral director?***

No. LA R.S. 37:848 – D. 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.

### ***Can a burial be on family property?***

The LSBEFD does not have jurisdiction over cemeteries. Please contact the Louisiana Cemetery Board for more information at 504.838.5267 or [www.lcb.state.la.us](http://www.lcb.state.la.us)

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

There are no price regulations 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 should contact several funeral establishments and compare prices. **Consumers are encouraged to call or visit multiple funeral establishments to find one they are comfortable with.**

### ***How can I learn about funeral costs?***

Call or visit various funeral establishments. Anyone who visits a funeral establishment requesting information must be provided with and allowed to keep the current General Price List (GPL). In fact, the Federal Trade Commission (FTC) requires a funeral establishment to provide the current GPL itemizing the cost of funeral services and merchandise for sale.

When comparing costs, evaluate comparable goods and services, total price, quality, and value. Depending upon the arrangements/merchandise you select, the total cost can vary from several hundred to several thousand

dollars. The cost for a direct cremation or direct burial without any ceremonies can be significantly less than a funeral service with visitation, embalming, and a casket.

Most funeral establishments offer "package pricing" in addition to, NOT in place of, itemized pricing. The package should separately list each of the goods and services included in the package and state the package price.

Upon finalizing the arrangement session, you MUST be given a written Statement of Funeral Goods and Services Selected. It lists the items you selected and the cost of each item.

The LSBEFD does not have the authority to regulate the amount that a funeral establishment charges for their services and merchandise.

### ***What about other funeral costs?***

In addition to the funeral establishment's charges for services and merchandise, the funeral director may help in coordinating items provided by a third party as a convenience for the family. Additional items may include cemetery fees/services, crematory services, permits, transportation, honorariums, flowers, obituary notices, certified death certificates, etc. These are "Cash Advance" items.

You may be required to pay "Cash Advance" items directly prior to the funeral or final disposition of the body.

### ***What should I know about choosing a casket and an outer burial container?***

Caskets and outer burial containers are not required by law. However, a casket or alternative container (i.e. a cardboard container or unfinished wood box) is a practical necessity for transporting the body for burial or cremation. Also, there is no direct relationship between the protective features of the casket and the preservation of the body.

Outer burial containers are constructed to surround the casket and support the weight of the grave and are required by most cemeteries.

### ***What is cremation?***

Cremation means the technical process, using direct flame and heat, that reduces human remains to bone fragments through heat and evaporation. Cremation may also include the processing, pulverization, or the processing and pulverization of bone fragments. LA R.S. 37:831 (24).

### ***Can a body be cremated immediately following death?***

Not immediately as information needs to be obtained as well as a cremation authorization signed by the legal next of kin and Louisiana requires a cremation authorization permit from the parish coroner before a body may be cremated.

### ***What is done with cremated remains?***

Cremated human remains are considered final disposition and may be disposed by; burial in a cemetery, placed in a niche in a columbarium, kept by the family, or scattered. Scattering cremated human remains may require permission depending on the location for such. There are no statutes or regulations concerning the removal of cremated human remains from Louisiana. Cremated human remains may be shipped through the U.S. Postal Service only, but they must be shipped by registered mail with return receipt requested. Commercial mailing companies will not accept cremated remains for shipment. Please check with [tsa.gov](http://tsa.gov) regarding shipping cremated remains by an airline passenger.

### ***How do people select a funeral establishment?***

By visiting different funeral establishments and touring their facilities. Review their website to see the available features in which your wishes can/will be served. Choosing a funeral establishment before the need occurs will relieve you of the emotional pressure that may present itself when a death has occurred.

Prices for service, facilities and merchandise may vary greatly from one funeral establishment to another. Ask about the terms of payment. Most funeral establishments require payment in full before the funeral service; some funeral homes may accept insurance assignments or take credit cards.

### ***How can I tell who owns a funeral establishment?***

This information may be searched under the Current Licenses tab on our website. You can send an email requesting the information. Email addresses are located upon the home page of the website.

The name of the establishment and the location appear on the establishment's license displayed in the funeral home. All licensed personnel are required to display their licenses. Funeral establishments are required by law to be managed by a Louisiana licensed funeral director.

Occasionally, funeral establishments may change ownership, prices, and levels of service although the name of the firm remains the same and the former owner may continue to be employed there. Even though your family has used a funeral establishment for many years, it is a good idea to re-evaluate your choice from time to time.

### ***Where can I find information about closed funeral homes?***

The LSBefd has basic information about funeral establishments that are no longer in operation. Please email your inquiry to [kmichel@lsbefd.state.la.us](mailto:kmichel@lsbefd.state.la.us) and include the name of the former funeral establishment and if possible, the address, dates and any pertinent information that may help with the research. Please allow some time for us to explore the files.

### ***What is the difference between prearranged funeral and pre-paid funerals?***

A prearranged funeral is a contract that outlines your wishes for final disposition, but no payments have been made. A prepaid funeral is a contract that outlines your wishes for the final disposition which has been paid for. Contact your local funeral establishment for further details on prearrangements or prepaid funeral plans.

### ***Should I consider a prearranged or prepaid funeral?***

Some individuals like the peace of mind in knowing their preferences for funeral arrangements will be followed after their death. It is a good idea to let your family know of your wishes, and to write those instructions down. Keep them in a handy place, other than a safety deposit box, as it may be inaccessible on weekends or holidays. Some individuals may even desire to prepay their own funeral.

***Please keep in mind that a pre-arranged or pre-paid arrangement for a funeral is an initial/preliminary plan setting the groundwork for the time of at-need. The initial/preliminary planning may be done with a licensed funeral director or with a licensed insurance agent and the visit may take an hour or longer to plan.***

***Once death has occurred the initial/preliminary arrangement of the pre-planned services then become at-need services. An appointment will be required to visit the funeral establishment and finalize the arrangement details by meeting with a licensed funeral director. The meeting may take an hour or longer to complete the preparations. At need details may include arrangements for the cemetery plot purchase and/or opening and closing of grave or tomb, clergy, church, composing an obituary, preparing media (video, music, photos), verifying death certificate information, acquiring permits, etc., and in orchestrating a service, funeral directors want to accommodate families in the best way possible and that takes time.***

***Pre-planning does not mean “that everything has been taken care of.” Pre-planning just means that there have been some prior arrangements that were made to assist the family during the at-need process. Changes can be made to the pre-planned services after death. If a pre-arrangement was made many years earlier, then the chances of plan alterations can be expected.***

***The funeral establishment I had a pre-arrangement or pre-paid funeral through has closed. What has happened to my contract and/or my funds?***

If an insurance policy was created, then contact the Louisiana Department of Insurance <http://www.lidi.state.la.us/> or further assistance.

If the funeral was a pre-need where the funeral establishment was paid directly, please contact this office for assistance. Funeral establishments are required to report all pre-need funding whether held in a trust, banking institution and even if there was no money collected, a report affidavit is required.

***If I have a complaint regarding a prepaid funeral, who should I contact?***

If an insurance policy was created, then contact the Louisiana Department of Insurance <http://www.lidi.state.la.us/> or further assistance.

If the funeral was a pre-need where the funeral establishment was paid directly, please contact this office for assistance. Funeral establishments are required to report all pre-need funding whether held in a trust, banking institution and even if there was no money collected, a report affidavit is required.

***Where are closed funeral establishment files stored?***

There are no regulations regarding the storage or record retention for closed funeral establishments. Louisiana Vital Records Registry retains death certificates on file that include the funeral establishment, funeral director and cemetery information.

***If I have a complaint against a funeral director, embalmer, or a funeral establishment, who should I contact?***

First, discuss your problem with the funeral director and/or management of the funeral establishment. If you feel you were not treated fairly, the funeral director and/or owner should be given the opportunity to correct the matter.

If this is not acceptable, you may provide the facts in writing to the LSBEFD. Complaints MUST be filed in writing and include a notarized signature by the complainant. The complaint should state the exact nature and circumstances of the problem. The complaint form can be found on our home page. Submit the completed complaint form by scan to email, by fax to 504.838.5112 or mail to the address printed on the complaint form. Attach copies of all relevant documents you may have received from the funeral establishment.

After receiving the completed complaint form, the complaint will be acknowledged in writing and the respondent is given the opportunity to reply to the allegations. The LSBEFD's complaint review committee will evaluate the complaint and the response to determine whether an investigation is necessary. If necessary, an investigation will be made. An investigation may include a preliminary conference with the parties to the complaint to determine a possible solution or a recommendation for a formal hearing.

If there is a reasonable opinion or belief that a violation may have occurred, the matter will be recommended for a formal hearing scheduled before the entire board. There is a possibility that the person who filed the complaint and other parties will need to appear at the hearing, but this is not always the case. You will be given ample notice should your presence at the hearing be required.

The entire complaint/hearing process may take up to three months or longer in certain situations. The complaint process takes some time and is not a quick process.

The LSBEFD will determine conclusions of law based on the evidence presented at the hearing and will enter a Decision and apply findings of facts /Order of the Board. The Board does not have the authority to award damages,



settle contractual disputes, determine legal next of kin, or offer legal advice. Contact a private attorney regarding these matters.

***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 Separate businesses and are not regulated by a license.