

Title 51
PUBLIC HEALTH—SANITARY CODE
Part XXVI. Burial, Transportation, Disinterment or
Other Disposition of Dead Human Bodies

Chapter 1. General Requirements

§101. Permits

[formerly paragraph 26:001-1]

A. The state health officer shall provide a permit for the burial, cremation, entombing, removal, transportation by common carrier or other disposition of dead human bodies as defined by R.S. 40:32; to be known as the burial-transit permit, and no other permit shall be necessary for any other the above dispositions.

B. [Formerly paragraph 26:001-2] The burial-transit permit shall consist of three sections: The first section shall be executed by the State Registrar of Vital Records or his designated agent to whom the certificate of death is presented and shall contain the following information: full name, race, age and sex of the deceased, the place of death, date of death and a space for a statement by the registrar that a certificate of death has been filed and that permission is granted to a stated party to dispose of the corpse. The second section of the permit shall be filled out and signed by the funeral director or other person designated as custodian of the body, and shall contain a statement as to the method of embalming or preparation for final disposition and date thereof. The third section shall be filled out and signed by the sexton or person in charge of burial or other final disposal, and shall contain a statement as to the method of final disposal, date, and name and location of cemetery or crematory, and lot number if burial is in a cemetery.

C. [Formerly paragraph 26:001-3] When dead bodies are shipped by common carrier, the burial-transit permit shall be securely attached to the shipping case in an envelope and shall accompany the remains to their destination.

D. [Formerly paragraph 26:001-4] Within 10 days after burial, cremation or other disposal, the sexton of the cemetery, or other such person in charge of the disposal, shall execute the third section of the burial-transit permit, transcribe the date thereon to the record of the cemetery, and shall forward the permit to the registrar of the parish where the burial or other such disposal occurred.

E. [Formerly paragraph 26:001-5] The burial-transit permits of the other states (including foreign countries) shall be accepted as authorization for burial in the same manner as if the permit had been issued by the State Registrar of Vital Records.

F. [Formerly paragraph 26:002] The local registrar shall file and preserve the executed burial-transit permits which are returned to him by the sexton or other such persons.

AUTHORITY NOTE: The first source of authority for promulgation of the sanitary code is in R.S. 36:258(B), with more particular provisions found in Chapters 1 and 4 of Title 40 of the Louisiana Revised Statutes. This Part is promulgated in accordance with R.S. 40:4(A)(3) and R.S. 40:5(14).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1448 (June 2002).

§103. Embalming

[formerly paragraph 26:003-1]

A. [Formerly paragraph 26:003-1] Embalming dead human bodies shall be performed in accordance with R.S. 37:831-861 relating to embalming.

B. [Formerly paragraph 26:003-2] If the body is to be held longer than 30 hours without refrigeration as specified, it shall be embalmed in a manner approved by the Louisiana Board of Embalmers and Funeral Directors. If a dead human body is to be held longer than 30 hours in the custody of a Louisiana licensed hospital, Louisiana medical school, the Louisiana Anatomical Board or a coroner, it shall be refrigerated at all times at a temperature not to exceed 45 degrees Fahrenheit prior to its release to a funeral director for final disposition. If a body is not refrigerated or embalmed, it shall be buried, cremated, or otherwise disposed of within 30 hours after death or as soon as possible after its release to the licensed funeral director. No one shall carry, transport or remove from within the confines of this state any dead human body more than 24 hours after death unless said body has been embalmed or cremated. Nothing in this Section, however, shall be construed to prohibit transfer of an unembalmed dead human body which has been disposed of for the purpose of the advancement of medical science, or for use as "transplant" organs. Additionally, nothing in this Section shall be construed to require embalming if special practices and beliefs of religious groups prohibit it.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4(A)(3) and R.S. 40:5 (2)(3)(14)(17).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 20:1388 (December 1994), repromulgated LR 28:1448 (June 2002), LR 29:1105 (July 2003).

§105. Construction and Alterations of Funeral Establishments

[formerly paragraph 26:004]

A. No new funeral establishments shall hereafter be constructed nor major alterations be made to existing funeral establishments without the prior written approval of, and unless in accordance with the plumbing plans and

specifications approved in advance by the state health officer.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4(A)(3) and R.S. 40:5(14).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1449 (June 2002).

§107. Transportation
[formerly paragraph 26:005-1]

A. The transportation of dead human bodies by a common carrier shall conform to the following requirements.

1. [Formerly paragraph 26:005-2] A burial-transit permit shall accompany the body in accordance with §101.C.

2. [Formerly paragraph 26:005-3] The body shall be placed in a coffin or casket. It shall be enclosed in a strong outer box unless it is transported in a closed vehicle designed exclusively for the transportation of dead human bodies.

B. [Formerly paragraph 26:007] The state health officer reserves the right to prescribe additional requirements regarding transportation and handling of dead human bodies in accordance with the general powers and jurisdiction, where cases warrant such, pursuant to R.S. 40:5.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4(A)(3) and R.S. 40:5(14).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1449 (June 2002).

§109. Burial
[formerly paragraph 26:006]

A. Human bodies shall be buried only in a duly authorized cemetery or burying place as defined or set forth in R.S. Title 8.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4(A)(3) and R.S. 40:5(14).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1449 (June 2002).