

RÉSUMÉ DIGEST

ACT 248 (SB 481)

2018 Regular Session

Walsworth

Prior law provided relative to human remains.

Prior law provided that the remains of a deceased person may be moved from a cemetery space to another cemetery space in the same cemetery or to another cemetery with the consent of the cemetery authority and the written consent of one of the following, in the order named, unless other directions in writing have been given by the decedent:

- (1) The surviving spouse, if no petition for divorce has been filed by either spouse prior to the death of the decedent spouse.
- (2) The surviving adult children of the decedent, not including grandchildren or other more remote descendants.
- (3) The surviving parents of the decedent.
- (4) The surviving adult brothers and sisters of the decedent.

New law changes the form in which a decedent gives directions for his remains to be moved from a written declaration to a notarial testament or a written and notarized declaration.

New law changes the list of decedents to the following:

- (1) The surviving spouse, if there is no pending petition for divorce filed by either spouse prior to the death of the decedent spouse.
- (2) A majority of the surviving adult children of the decedent.
- (3) A majority of the surviving adult grandchildren of the decedent.
- (4) The surviving parents of the decedent.
- (5) A majority of the surviving adult siblings of the decedent.

Prior law did not apply or prohibit the following:

- (1) The rearrangement of remains within the same cemetery space by or with the consent of the cemetery authority for the purpose of rearrangement or reuse in cemeteries which allow for rearrangement or reuse.
- (2) The removal of remains by a cemetery authority from a cemetery space for which the purchase price or any other legitimate indebtedness to the cemetery authority is past due and unpaid, to some other suitable place.
- (3) The disinterment of remains pursuant to an order of a court of competent jurisdiction or of a coroner of the parish in which the cemetery is located.
- (4) The removal and transfer of remains to correct an error provided that written notice shall be sent to the immediate family prior to the removal and transfer.

New law adds that prior law shall not apply or prohibit the moving, identification, and reinterment of caskets, coffins, vaults, other outer burial containers, remains, and associated burial artifacts, displaced by a force majeure event and undertaken by the cemetery authority or its designee or any authorized government entity or its designee following a municipal, parish, or state declaration of emergency.

Effective upon signature of the governor (May 15, 2018).

(Amends R.S. 8:659(A); adds R.S. 8:660(5))