

2020 Regular Session

HOUSE BILL NO. 809

BY REPRESENTATIVE RISER

HUMAN REMAINS: Provides relative to the disposition of human remains

1 AN ACT

2 To amend and reenact R.S. 9:1551, relative to the disposition of human remains; to provide
3 relative to the release and disposition of human remains; to provide relative to the
4 identification and authorization of interested persons; to provide relative to the
5 disposition of human remains in the possession of funeral establishments and
6 healthcare facilities; to provide relative to abandoned, not claimed, or unclaimed
7 human remains; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 9:1551 is hereby amended and reenacted to read as follows:

10 §1551. Disposition of remains

11 A.(1)(a) Upon oral or written refusal by the person or persons authorized in
12 R.S. 8:655 ~~or R.S. 37:876~~ to provide for the disposition of the remains of a decedent,
13 the failure of the authorized person or persons to make arrangements or to provide
14 for the disposition of the remains of the decedent within seven days from the date of
15 death, or when pursuant to Subsection D of this Section the remains of the decedent
16 are deemed abandoned, the coroner is authorized to immediately release the remains
17 of the decedent to any interested person who will claim the remains and provide for
18 the disposition of the remains.

19 (b) The coroner shall issue a written statement identifying the interested
20 person to whom the coroner has released the remains of a decedent for disposition

1 pursuant to this Subsection. Funeral directors, funeral establishments, and
2 crematories shall rely on the written statement of the coroner as authorization for the
3 interested person named in the written statement of the coroner to arrange for the
4 disposition of the remains of the decedent.

5 (2) The coroner shall have and exercise custody over the remains of all
6 persons who die within the parish and whose remains are abandoned, not claimed,
7 or unclaimed by the person or persons authorized in R.S. 8:655 or R.S. 37:876, or by
8 the person to whom the coroner has released the remains under the provision of
9 Paragraph (1) of this Subsection, and the remains of persons that are abandoned
10 while in the possession of a funeral establishment as provided in Subsection C of this
11 Section. If the decedent had no known property or assets of a sufficient value to
12 defray the expenses of disposition, the coroner shall make such disposition of the
13 remains of the decedent as is otherwise provided by law for indigents.

14 B. If a decedent's remains are not claimed, unclaimed, or abandoned, and the
15 decedent had known assets or property of a sufficient value to defray the expenses
16 of disposition, the coroner shall arrange for disposition of the remains within thirty
17 days, preferably by a recognized funeral establishment. The invoices for the
18 expenses of disposition shall be forwarded to the public administrator if there is one
19 in the parish or to the clerk of the district court if there is no public administrator,
20 and the person or official authorized by law to be appointed administrator of the
21 succession of the decedent shall provide for the payment of the disposition expenses
22 out of the assets of the decedent in accordance with the existing provisions of law for
23 the administration of successions and in accordance with the provisions of this Part.

24 C.(1) If Pursuant to Subsection D of this Section, when the remains of a
25 decedent in the possession of a funeral establishment have been abandoned, the
26 funeral establishment ~~shall~~ may notify by a written, notarized document, the coroner
27 for the parish of the decedent's domicile or the coroner of the parish where the death
28 occurred if the decedent's domicile is not in Louisiana stating the factual history and

1 circumstances of the abandonment. This document shall include but not be limited
2 to the following information:

3 (a) All known next of kin, any alleged next of kin or family member, any
4 interested party including organizations, whether government or private, and any
5 other person contacted by the funeral home or healthcare facility regarding the
6 deceased.

7 (b) Any known assets of the deceased, including but not limited to insurance
8 policies, pending claims whether or not under litigation, any potential unresolved
9 claims, or any other asset of any kind.

10 (c) Any status of the decedent including but not limited to veteran's status,
11 federal or state employment or retirement status, past or present law enforcement
12 status, religious affiliations of any kind, and last known employment.

13 (d) All documents and records of any kind in the possession of the funeral
14 establishment or healthcare provider, written or electronic, generated regarding the
15 deceased, including but not limited to any medical records of any kind.

16 (2) Upon receipt by the coroner of the notarized document, complete with
17 all records attached thereto, the coroner shall assume jurisdiction of the case and
18 accept the remains for future disposition all in accordance with law. Except when an
19 interested person has been designated by the coroner pursuant to Subsection A of this
20 Section, the funeral establishment shall transport the human remains of the decedent
21 at their costs to the coroner of the parish of the decedent's domicile, if located in
22 Louisiana, or to the coroner of the parish where the death occurred if the decedent's
23 domicile is not in Louisiana, ~~who shall assume jurisdiction of the case, and accept~~
24 ~~the remains for future disposition all in accordance with law.~~

25 D. For purposes of this Section, remains of a decedent in the possession of
26 a funeral establishment or healthcare facility shall be deemed abandoned if the
27 person or persons authorized in R.S. 8:655, R.S. 37:876, or in Subsection A of this
28 Section to control the disposition refuses orally or in writing to make arrangement
29 or provide for the disposition of the decedent, or fails to make arrangement or to

1 provide for the disposition of the remains of a decedent within seven days after death
2 at a healthcare facility or after the remains are in the possession of the funeral
3 establishment.

4 E. Once coroner jurisdiction over abandoned, not claimed, or unclaimed
5 remains has been established, all rights to control the disposition of the remains as
6 listed in R.S. 8:655(A) or R.S. 37:876 are waived and terminated. The coroner shall
7 then take and exercise custody of the remains for disposition pursuant to the
8 provisions in this Section.

9 F.(1) Notwithstanding any other provision of law to the contrary, the coroner
10 may donate tissue or biological samples to an individual who is affiliated with an
11 established search and rescue dog organization for the purpose of training a dog to
12 search for human remains. Any request for biological sample donation shall be made
13 to the coroner on the letterhead of the requesting organization and signed by the
14 director, manager, or individual overseeing the rescue dog training program.
15 Donations of tissue or biological samples shall not be more than twenty-eight grams
16 per tissue type.

17 (2) For purposes of this Subsection, a person shall be deemed affiliated with
18 an established search and rescue dog organization if he presents to the coroner a
19 signed letter from his director, manager, or other supervisor authorizing the request
20 for biological samples.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 809 Original

2020 Regular Session

Riser

Abstract: Provides relative to the disposition of human remains.

Present law authorizes a coroner to immediately release the remains of a decedent to any interested party when persons authorized by present law (R.S. 8:655) to provide for the disposition of the remains refuse to do so.

Proposed law retains present law and adds that persons listed in present law (R.S. 37:876) are authorized to provide for disposition of the remains. Further, proposed law authorizes a coroner to release the remains of a decedent to any interested party when authorized

persons fail to make arrangements or provide for the disposition within 7 days of the date of death or when the remains of the decedent are deemed abandoned.

Proposed law provides that a coroner shall issue a written statement identifying the interested person to whom the coroner released the remains of the decedent. Further, funeral directors, funeral establishments, and crematories shall rely on the coroner's written statement as authorization for the named interested person to arrange for the disposition of the remains of the decedent.

Present law provides that a coroner shall have and exercise custody over the remains of a decedent when the remains are abandoned, not claimed, or unclaimed by persons authorized to control disposition in present law (R.S. 8:655) or when the remains are abandoned while in the possession of a funeral establishment by the interested party to whom the coroner released the remains to.

Proposed law retains present law and adds that persons listed in present law (R.S. 37:876) are included as persons authorized to control the disposition.

Present law requires a funeral establishment in the possession of remains that have been abandoned to notify the coroner by a notarized document with attached records stating the history and circumstances of the abandonment. Further, present law provides when the coroner receives the funeral establishment's notarized document with attached records, the funeral establishment shall transport the remains to the appropriate coroner at the funeral establishment's cost and the coroner shall assume jurisdiction over the case and accept the remains.

Proposed law removes the requirement that a funeral establishment in possession of abandoned remains notify the coroner by a notarized document with attached records. Further, proposed law provides an exception to the requirement for the funeral establishment to transport the remains to the appropriate coroner at the funeral establishment's cost when an interested person has been designated by the coroner to provide for the disposition of the remains.

Present law provides that remains in the possession of a funeral establishment or healthcare facility are deemed abandoned when persons authorized by present law refuse or fail to make arrangements or provide for the disposition after the death of the decedent at a healthcare facility or after the remains are in possession of the funeral establishment.

Proposed law retains present law and adds persons listed in present law (R.S. 37:876) as those authorized to make arrangements or provide for disposition. Further, proposed law adds that remains are deemed abandoned when authorized persons refuse or fail to make arrangements for the disposition within 7 days after the death of the decedent at a healthcare facility.

Present law provides that when a coroner's jurisdiction over abandoned, not claimed, or unclaimed remains has been established, the rights of persons listed in present law (R.S. 8:655) are waived and terminated.

Proposed law retains present law and adds persons listed in present law (R.S. 37:876) as persons whose rights are waived and terminated when a coroner's jurisdiction is established over abandoned, not claimed, or unclaimed remains.

(Amends R.S. 9:1551)