

2026 Regular Session

HOUSE BILL NO. 1253 (Substitute for House Bill No. 454 by Representative Butler)

BY REPRESENTATIVE BUTLER

HUMAN REMAINS: Enacts the Gracey Claire Rushing Act to provide for documentation, notification, and communication in the handling and disposition of human remains and internal organs

1 AN ACT

2 To amend and reenact R.S. 25:957(A)(introductory paragraph) and (2) and to enact R.S.
3 25:960, relative to the treatment of human remains; to provide for application to
4 federal, state, and local governments, political subdivisions, and local law
5 enforcement officials; to provide for audit, documentation, notification, and
6 communication requirements for human remains and internal organs; to provide for
7 detailed reports in accounting for the treatment of human remains; to provide for the
8 retention of records; to provide for penalties; to provide for rules and regulations; to
9 provide for an effective date; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 25:957(A)(introductory paragraph) and (2) are hereby amended and
12 reenacted and R.S. 25:960 is hereby enacted to read as follows:

13 §957. Exemptions

14 A. The following ~~shall be~~ are exempt from the restrictions and prohibitions
15 of this Chapter:

16 * * *

17 (2) Except as provided in R.S. 25:960, federal ~~Federal~~, state, and local
18 governments and any political subdivisions thereof as well as federal, state, and local
19 law enforcement officials acting within their statutory authority.

20 * * *

1 §960. The Gracey Claire Rushing Act

2 A. This Section shall be known as the "Gracey Claire Rushing Act" in
3 memory of a young child whose passing in 2009 highlighted the need for improved
4 safeguards in the treatment of decedents' remains.

5 B. The purpose of this Section is to establish an audit and communication
6 protocol for the handling of remains and organs during autopsies and forensic
7 investigations in this state. This protocol ensures transparency, accountability, and
8 respect for the deceased and their families by requiring documentation, timely
9 notification to the next of kin, and effective communication to prevent discrepancies,
10 unauthorized retention, or mishandling of human remains.

11 C. It is the intent of the legislature that the following audit and
12 communication protocols be conducted for all autopsies performed in this state
13 where internal organs are removed.

14 D. The forensic pathologist or designated expert shall do all of the following:

15 (1) Notify the next of kin, through the coroner, when retaining a deceased
16 person's organs for additional testing required to determine the cause of manner or
17 death unless it is a private autopsy.

18 (2) Notify the coroner within twenty-four hours if an organ is being retained
19 or sent to a forensic lab.

20 (3) Upon completion of the autopsy, complete a written certification
21 indicating that all organic tissues have been returned to the body or clearly
22 identifying any retained items.

23 (4) Sign and date the written certification.

24 (5) Provide the written certification to the coroner.

25 (6) Ensure that the written certification remains with the body and is also
26 provided to the entity that receives the body at the time the body is released.

27 E.(1) The coroner shall notify the decedent's next of kin or legal
28 representative in writing within forty-eight hours of receiving notice from the
29 pathologist or designated expert of any organ retention, including the reason for

1 retention, the expected timeline for return of the organs, and the contact information
2 for inquiries.

3 (2) Upon written request, the next of kin shall have the right to access the
4 written certification in addition to the autopsy, subject to any legal restrictions on
5 sensitive information.

6 (3) All written certifications shall be maintained as a public record by the
7 coroner's office for a minimum of ten years.

8 F. The Louisiana Department of Health shall promulgate rules and
9 regulations in accordance with the Administrative Procedure Act to implement this
10 Section, including the development of standardized forms for the required written
11 certification and notification to the next of kin.

12 G. The failure of the forensic pathologist, designated expert, coroner, or any
13 other person or entity required to comply with this Section, including the use of the
14 required standardized forms, constitutes a violation subject to enforcement pursuant
15 to this Section. The attorney general shall have primary authority to administer,
16 investigate, and enforce the provisions of this Section. The attorney general may
17 impose administrative fines up to five thousand dollars per violation and may seek
18 injunctive relief or other appropriate civil remedies in a court of competent
19 jurisdiction.

20 Section 2. This Act shall become effective on January 1, 2027.

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 1253 Original

2026 Regular Session

Butler

Abstract: Enacts the Gracey Claire Rushing Act to provide for documentation, notification, and communication in the handling and disposition of human remains and internal organs.

Present law provides rules and regulations for the handling of human remains in the state of La.

Present law exempts federal, state, and local governments and any political subdivisions, as well as federal, state, and local law enforcement officials acting within their statutory authority from the rules and regulations regarding the handling of human remains.

Proposed law retains present law and provides that federal, state, and local governments and any political subdivisions, as well as federal, state, and local law enforcement officials acting within their statutory authority are subject to proposed law regarding the documentation and notification to the next of kin when internal organs are removed during an autopsy.

Proposed law enacts the Gracey Claire Rushing Act in memory of a young child whose passing highlighted the need for improved safeguards in the treatment of decedent's remains.

Proposed law provides for the purpose and legislative intent of proposed law .

Proposed law requires the forensic pathologist or designated expert to do the following:

- (1) Notify the next of kin when a deceased person's internal organs are being retained.
- (2) Notify the coroner if an organ is being retained or sent to a forensic lab.
- (3) Complete a written certification indicating that all organs are being returned or clearly identifying retained organs.
- (4) Sign and date the certification.
- (5) Provide the certification to the coroner and to the entity to which the body is being released.
- (6) Ensure that the certification remains with the body.

Proposed law requires the coroner to notify the next of kin within 48 hours of receiving notice from the pathologist or expert that organs have been retained. The coroner must further provide the reason for retention, the length of retention, the expected time for return of the organ, and contact information for inquiries.

Proposed law provides the next of kin with the right to receive the written certification as well as the autopsy.

Proposed law requires that the certification be maintained as a public record for a minimum of 10 years.

Proposed law requires the La. Dept. of Health to promulgate rules in accordance with the APA to implement proposed law including standardized forms for the written certification and notification of next of kin.

Proposed law provides that any failure to comply with the requirements of documentation and notification as well as use of standardized forms will be a violation of proposed law.

Proposed law authorizes the attorney general to administer, investigate, and enforce proposed law. Permits an administrative fine of \$5,000 per violation plus injunctive relief and civil remedies.

Effective on Jan. 1, 2027.

(Amends R.S. 25:957(A)(intro. para.) and (2); Adds R.S. 25:960)