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## DIGEST

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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)