
DIGEST

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HB 396 Original

2020 Regular Session

Stagni

Abstract: Provides relative to rights of certain persons authorized to arrange the pre-death disposition and moving of human remains of the named funeral recipient in a preneed funeral contract.

Present law (R.S. 37:831) provides definitions for "buyer", "funeral establishment", "funeral recipient", and "preneed funeral contract".

Proposed law provides for the priority of certain persons in determining the disposition of human remains of the funeral recipient in a preneed funeral contract prior to the death of the funeral recipient. The priority listed in proposed law is as follows:

- (1) The person designated by the buyer of the preneed funeral contract to control disposition in the preneed contract.
- (2) The surviving spouse of the buyer, if no pending petition for divorce has been filed by either spouse.
- (3) A majority of the surviving adult children of the buyer.
- (4) A majority of the surviving adult grandchildren of the buyer.
- (5) The surviving parents of the buyer.
- (6) A majority of the surviving adult siblings of the buyer.
- (7) A majority of the surviving adult persons respectively in the next degrees of kindred as established in present law (C.C. Art 880 et seq.)

Proposed law provides that in the event the buyer has made multiple notarized declarations of interment pursuant to proposed law, the last declaration controls the interment of the named funeral recipient.

Proposed law provides that a final judgment of a district court shall be required when the authorization of the person with the right to control disposition cannot be obtained.

Proposed law provides that an individual who attempts to enter a preneed contract as a buyer and is

denied by a funeral establishment shall have the right to seek a final judgment in district court.

Proposed law provides that the remains of the named funeral recipient in a preneed funeral contract may be authorized to be moved 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 prior to the death of the named funeral recipient, unless other directions have been given in writing by the buyer of the preneed funeral contract:

- (1) The surviving spouse of the buyer of the preneed funeral contract, if no pending petition for divorce has been filed by either spouse.
- (2) A majority of the surviving adult children of the buyer.
- (3) A majority of the surviving adult grandchildren of the buyer.
- (4) The surviving parents of the buyer.
- (5) A majority of the surviving adult siblings of the buyer.

Proposed law provides that a final judgment of a district court shall be required when the authorization of the person with the right to give permission to move the remains of the named funeral recipient cannot be obtained.

(Adds R.S. 8:655.1 and 659.1)