

RÉSUMÉ DIGEST

ACT 329 (HB 827)

2020 Regular Session

Riser

Existing law provides for certain minimum qualifications for licensure as a funeral director and an embalmer and funeral director.

New law changes the internship requirement for a funeral director license and an embalmer and funeral director license to serve an instate internship from at least 9 months, or 39 weeks, and not more than 24 months, or 104 weeks, to at least 9 months, or 39 weeks, and not more than 48 months, or 208 weeks.

Existing law (R.S. 8:655) provides a list of persons, in order of priority, who have the right to determine the disposition of human remains.

Existing law (R.S. 37:876) provides the following list of persons, in order of priority, who have the right to serve as an authorizing agent for cremation:

- (1) The person designated to control disposition by the decedent in the form of a notarial statement or a written and notarized declaration.
- (2) The surviving spouse, if no petition for divorce has been filed by either spouse prior to the death of the decedent spouse.
- (3) A majority of the surviving adult children of the decedent.
- (4) A majority of the surviving adult grandchildren of the decedent.
- (5) The surviving parents of the decedent.
- (6) A majority of the surviving adult brothers and sisters of the decedent.
- (7) A majority of the adult persons respectively in the next degrees of kin as established in existing law (C.C. Art. 880 et seq.).

Existing law provides that persons listed in existing law (R.S. 8:655) have the right to arrange funeral goods and services with a funeral director or funeral establishment.

New law adds to existing law that persons listed in existing law (R.S. 37:876) have the right to arrange funeral goods and services with a funeral director or funeral establishment.

New law provides that there shall be no liability for a funeral director, funeral establishment, or any respective employees for permitting any interested person to view human remains in the care of the funeral director or funeral establishment.

Existing law requires that a cremation authorization form be signed by an authorizing agent. The form is required to have a signature that is witnessed by a funeral director of the funeral establishment arranging the cremation or executed by the agent before a notary public.

New law adds to existing law the requirement that the signature of the authorizing agent be executed in one of the following manners:

- (1) Witnessed by a funeral director of the funeral establishment arranging the cremation.
- (2) Notarized by a notary public.
- (3) Executed before two witnesses who sign the cremation authorization form, with the name and address of each witness stated on the form.

New law provides that when visual identification by viewing human remains is not feasible, other positive identification of the decedent may be used including photographs or other visual images of scars, tattoos, or physical deformities taken from the decedent's remains.

New law allows a copy of a cremation authorization form that is signed by the authorizing agent in accordance with existing law to be delivered by any means to a funeral establishment arranging a cremation including fax or other electronic transmission.

New law also provides that the signature of the authorizing agent can include an electronic signature as provided in existing law.

New law provides that there shall be no liability for a funeral director, funeral establishment, or cremation authority that relies on a copy of a cremation authorization form to perform a cremation.

Effective upon signature of governor (June 12, 2020).

(Amends R.S. 37:842(A)(intro. para.) and (5) and (B)(4), 855, and 877(B)(1)(a)(xi), (b)(ii) and (iii), and (C); Adds R.S. 37:877(D))