

2026 Regular Session

HOUSE BILL NO. 454

BY REPRESENTATIVE BUTLER

HUMAN REMAINS: Enacts the Gracey Claire Rushing Act which provides for the chain of custody for human remains and internal organs

1 AN ACT

2 To enact R.S. 25:960, relative to the treatment of human remains; to provide for chain of
3 custody requirements for human remains; to provide for detailed reports and
4 accounting of the treatment of human remains; to provide for penalties; to provide
5 for retention of records; to provide for rules and regulations; to provide for an
6 effective date; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 25:960 is hereby enacted to read as follows:

9 §960. The Gracey Claire Rushing Act

10 A. This Section shall be known and may be cited as the "Gracey Claire
11 Rushing Act", in memory of a young child whose passing in 2009 highlighted the
12 need for improved safeguards in the treatment of decedents' remains.

13 B. The purpose of this Section is to establish a mandatory chain of custody
14 protocol for the handling, examination, and return of human remains and internal
15 organs during autopsies and forensic investigations in this state. This protocol
16 ensures transparency, accountability, and respect for the deceased and their families
17 by requiring detailed documentation and inventory of major organs to prevent
18 discrepancies, unauthorized retention, or mishandling.

19 C. For the purposes of this Section, the following definitions apply:

1 (1) "Autopsy" means a post-mortem external and internal physical
2 examination conducted in accordance with accepted medical practice performed by
3 a forensic pathologist or, if a forensic pathologist is unavailable, a pathologist
4 licensed or otherwise appointed to conduct an examination.

5 (2) "Chain-of-custody report" means a signed and dated document detailing
6 the transfer, condition, and inventory of the decedent's remains and organs at each
7 stage of handling.

8 (3) "Coroner" means the parish coroner or his authorized representative as
9 provided for in R.S. 13:5701 et seq.

10 (4) "Decedent" means a deceased human being.

11 (5) "Forensic pathologist" means a licensed physician certified by the
12 American Board of Pathology.

13 (6) "Funeral home" means a licensed funeral establishment as defined in R.S.
14 37:831.

15 (7) "Major organs" include but are not limited to the heart, lungs, brain,
16 kidneys, liver, stomach, and bladder.

17 (8) "Viscera bag" means a heavy duty, leak resistant bag used during post-
18 autopsy care to contain and store a decedent's internal organs before the organs are
19 returned to the body cavity.

20 D. The following chain of custody protocol is mandatory for all autopsies
21 performed in this state where internal organs are removed or examined:

22 (1)(a) Upon receiving the decedent, the coroner shall perform a preliminary
23 examination and document the condition of the body, including a comprehensive log
24 of its receipt.

25 (b) The comprehensive log shall include all of the following:

26 (i) The date and time of receipt.

27 (ii) A detailed description of the state of the remains.

28 (iii) Any observations regarding visible injuries, condition, or anomalies.

29 (iv) Photographic documentation where appropriate.

1 (2)(a) The body shall be transferred to the forensic pathologist with a
2 chain-of-custody report.

3 (b) The pathologist shall perform the autopsy and document all procedures,
4 including:

5 (i) Any biopsies or samples taken.

6 (ii) A detailed list of all major organs removed during the procedure.

7 (iii) Placement of organs intended for return in a viscera bag along with
8 documentation of the contents.

9 (iv) For any organ retained for further analysis, documentation in the autopsy
10 report, including justification, expected duration of retention, and notification
11 procedures to the next of kin.

12 (3)(a) Upon completion of the autopsy, the pathologist shall return the body
13 to the funeral home or designated recipient. The viscera bag containing all retained
14 organs, excluding those lawfully retained for further testing, shall be placed within
15 the abdominal cavity.

16 (b) A signed and dated chain-of-custody report shall accompany the transfer,
17 including both of the following:

18 (i) Verification that all non-retained major organs are accounted for and
19 returned.

20 (ii) An inventory list of major organs that accompany the decedent detailing
21 their presence or lawful retention.

22 (4) Upon receipt of the remains, the funeral home shall do all of the
23 following:

24 (a) Remove the viscera bag and conduct an independent inventory of its
25 contents.

26 (b) Verify the presence of all major organs as listed in the chain-of-custody
27 report.

28 (c) Report any discrepancies, missing organs, or anomalies to the forensic
29 pathologist and coroner for resolution.

1 (d) Document the resolution in an updated chain-of-custody report, with
2 copies provided to the next of kin upon request.

3 E.(1) The coroner or forensic pathologist shall notify the decedent's next of
4 kin or legal representative in writing within forty-eight hours of any organ retention,
5 including the reason, expected timeline for return, and contact information for
6 inquiries.

7 (2) Upon request, the next of kin shall receive a copy of the full
8 chain-of-custody report and autopsy findings, subject to any legal restrictions on
9 sensitive information.

10 F.(1) The coroner's office shall maintain all chain-of-custody reports and
11 inventories as public records for a minimum of ten years.

12 (2) Failure to comply with this protocol may result in disciplinary action,
13 including fines up to five thousand dollars per violation, suspension of licensure, or
14 referral to the Louisiana State Board of Medical Examiners or other relevant
15 authorities.

16 (3) The Louisiana Department of Health shall promulgate rules and
17 regulations to implement this Section in accordance with the Administrative
18 Procedure Act, including standardized forms for chain-of-custody reports and organ
19 inventories.

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 454 Original

2026 Regular Session

Butler

Abstract: Enacts the Gracey Claire Rushing Act which provides for the chain of custody for human remains and internal organs

Proposed law creates the "Gracey Claire Rushing Act".

Proposed law provides that the purpose of the law is to ensure transparency, accountability, and respect for the deceased and their families.

Proposed law defines "autopsy", "chain of custody report", "coroner", "decedent", "forensic pathologist", "funeral home", "major organs", and "viscera bag".

Proposed law provides for a chain of custody for the major organs of a decedent after an autopsy is performed. Requires the coroner to document the condition of the body with a comprehensive log which must include a detailed description of the state of the remains, observations of injuries, condition or anomalies, and photographs where appropriate.

Proposed law requires the coroner to transfer the body to a forensic pathologist along with the comprehensive log. Requires the pathologist to document all procedures including any biopsy or sample taken, a detailed list of organs removed, placement of the organs in a viscera bag and for any organ retained, a document which explains the justification for retention, an expected duration of retention, and notification procedures to the next of kin.

Proposed law requires the pathologist to return the body to the funeral home or designated recipient. Requires that the pathologist place the viscera bag within the abdominal cavity of the body. Further requires a chain-of-custody report which must include verification that all major organs are accounted for.

Proposed law requires the funeral home to remove the viscera bag, inventory the contents, verify the inventory by the pathologist, report any discrepancies to the pathologist and coroner for resolution, and document the resolution in an updated chain of custody report.

Proposed law provides that upon request, the next of kin shall receive a copy of the chain of custody report and autopsy findings.

Proposed law requires the coroner to maintain all chain of custody reports for 10 years. Provides for penalties and disciplinary actions for failure to comply.

Proposed law requires the La. Dept. of Health to promulgate rules in accordance with the APA to implement the requirements of proposed law and to develop a standardized form for chain-of-custody reports and organ inventories.

Eff. Jan. 1, 2027.

(Adds R.S. 25:960)