

Regular Session, 2011

ACT No. 16

HOUSE BILL NO. 256

BY REPRESENTATIVE RITCHIE

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

1 AN ACT

2 To amend and reenact R.S. 37:877(B)(1)(b)(ii) and 883(C), (D), (E), (F), and (G) and to
3 enact R.S. 37:877(B)(1)(b)(iii) and 883(H) and (I), relative to cremation; to provide
4 for representation of identity of deceased on cremation authorization forms; to
5 require the coroner to identify human remains when releasing them to a funeral
6 establishment; to exempt funeral or crematory establishments from liability when
7 relying upon information provided by health care providers and coroners; to exempt
8 funeral establishments and coroners from liability when permitting the viewing of
9 human remains for the purposes of identification; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 37:877(B)(1)(b)(ii) and 883(C), (D), (E), (F), and (G) are hereby
12 amended and reenacted and R.S. 37:877(B)(1)(b)(iii) and 883(H) and (I) are hereby enacted
13 to read as follows:

14 §877. Authorization to arrange cremation; authorization to cremate; refusal to
15 arrange a cremation; refusal to cremate

16 * * *

17 B. A crematory authority shall have authority to cremate human remains
18 when they are delivered by the funeral establishment and upon receipt of all of the
19 following:

20 (1)

21 * * *

22 (b)

23 * * *

(ii) The cremation authorization form, other than ~~pre-need~~ preneed cremation forms, shall also be signed by a funeral director of the funeral establishment that obtained the cremation authorization. That funeral director shall merely execute the cremation authorization form as a witness and shall not be responsible for any of the representations made by the authorizing agent, unless the individual has actual knowledge to the contrary. ~~However, The~~ the information requested by ~~Items~~ Item ~~(1)(a)(i) of this Paragraph, (ii), and (iii), however,~~ shall be considered to be ~~representations~~ a representation of the funeral director or funeral establishment. ~~In addition, the funeral director or establishment shall warrant to the crematory that the human remains delivered to the crematory authority have been positively identified as the decedent listed on the cremation authorization by the coroner pursuant to Item (b)(iii) of this Paragraph or positively identified after a viewing of the remains by a person who is the authorizing agent or his a member of the class of which the authorizing agent is composed or a designated representative thereof. The information requested by Item (a)(iii) of this Paragraph shall be considered to be a representation of the funeral director or funeral establishment of any information received by the funeral director or funeral establishment pursuant to R.S. 40:1099.1.~~

(iii) The coroner shall provide the ~~Such identification shall be made in person by the authorizing agent or his designated representative of any dead body to the funeral director or funeral establishment to whom he relinquishes possession thereof, unless the coroner is not able to establish the identity of the dead body as provided in R.S. 33:1563(H).~~

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§883. Liability; authorizing agent; funeral director, funeral establishment, and crematory authority; refusal to arrange or perform a cremation; refusal to release cremated human remains

* * *

C. There shall be no liability for a funeral director, funeral establishment, or crematory authority in relying on information provided by the coroner or health care

1 providers pursuant to R.S. 37:877(B)(1)(b)(iii) and R.S. 40:1099.1 or their failure to
2 provide such information.

3 D. There shall be no liability for a funeral director, funeral establishment, or
4 coroner for permitting an authorizing agent or designated representative thereof, or
5 any interested party, to view human remains for the purpose of identification.

6 E. A crematory authority shall not be responsible or liable for the
7 commingling of cremated human remains if it has received a written authorization
8 pursuant to the provisions of R.S. 37:879(G).

9 ~~D.~~ F. A crematory authority or any other person in possession of cremated
10 human remains for a period of sixty days from the date of cremation shall not be
11 responsible or liable for the disposition of the cremated human remains if such
12 remains have been disposed of in accordance with the provisions of R.S. 37:880(B).

13 ~~E.~~ G. A crematory authority shall not be responsible or liable for any
14 valuables delivered to the crematory authority with human remains.

15 ~~F.~~ H. If a funeral director refuses to arrange a cremation or a crematory
16 authority refuses to accept a body or to perform a cremation in accordance with R.S.
17 37:877(C), neither the funeral director nor the crematory authority shall be liable for
18 refusing to accept a body or to perform a cremation.

19 ~~G.~~ I. If a funeral director, funeral establishment, or crematory authority
20 refuses to release or dispose of cremated human remains in accordance with R.S.
21 37:880(A)(2), then such persons or entities shall not be liable for their refusal to
22 release or dispose of cremated human remains.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____