

Prior law required a cremation authorization form, other than a preneed cremation form, to also be signed by a funeral director of the funeral establishment that obtained the cremation authorization. The funeral director merely executed the cremation authorization form as a witness and was not responsible for any of the representations made by the authorizing agent, unless the individual had actual knowledge to the contrary.

New law retains prior law.

Prior law provided that the identifying information requested by prior law was to be considered to be representations of the funeral director or funeral establishment. In addition, the funeral director or establishment was required to warrant to the crematory that the human remains delivered to the crematory authority had been positively identified as the decedent listed on the cremation authorization by the authorizing agent or his designated representative. Such identification was to be made in person by the authorizing agent or his designated representative.

New law provides that the information requested by new law regarding the identity of human remains and the time of death shall be considered to be a representation of the funeral director or funeral establishment that the human remains delivered to the crematory authority have been identified as the decedent listed on the cremation authorization by the coroner pursuant to new law or positively identified after a viewing of the remains by a person who is the authorizing agent or a member of the class of which the authorizing agent is composed or a designated representative thereof.

New law provides that the information requested by new law regarding whether the death occurred as a result of an infectious, contagious, or communicable disease 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 new law.

New law provides that the coroner shall provide the identification of any dead body to the funeral director or funeral establishment to whom it relinquishes possession thereof, unless the coroner is not able to establish the identity of the dead body as provided in new law.

New law provides that there shall be no liability for a funeral director, funeral establishment, or crematory authority in relying on information provided by health care providers or the coroner pursuant to new law or their failure to provide such information.

New law provides that there shall be no liability for a funeral director, funeral establishment, or coroner for permitting an authorizing agent or designated representative thereof, or any interested party, to view human remains for the purpose of identification.

Prior law provided that a crematory authority shall not be responsible or liable for the commingling of cremated human remains if it had received a written authorization pursuant to the provisions of prior law.

New law retains prior law.

Prior law provided that a crematory authority or any other person in possession of cremated human remains for a period of 60 days from the date of cremation shall not be responsible or liable for the disposition of the cremated human remains if such remains have been disposed of in accordance with the provisions of prior law.

New law retains prior law.

Prior law provided that a crematory authority shall not be responsible or liable for any valuables delivered to the crematory authority with human remains.

New law retains prior law.

Prior law provided that if a funeral director refused to arrange a cremation or a crematory authority refused to accept a body or to perform a cremation in accordance with prior law,

neither the funeral director nor the crematory authority shall be liable for refusing to accept a body or to perform a cremation.

New law retains prior law.

Prior law provided that if a funeral director, funeral establishment, or crematory authority refused to release or dispose of cremated human remains in accordance with prior law, then such persons or entities shall not be liable for their refusal to release or dispose of cremated human remains.

New law retains prior law.

Effective August 15, 2011.

(Amends R.S. 37:877(B)(1)(b)(ii) and 883(C)-(G); Adds R.S. 37:877(B)(1)(b)(iii) and 883(H) and (I))