

Regular Session, 2014

SENATE BILL NO. 378

BY SENATOR CLAITOR

COMMERCIAL REGULATIONS. Provides relative to the sale, purchase, and use of caskets sold to the public by vendors other than funeral directors or funeral establishments. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 37:831(42), (43), (44), (45), and (46) and to enact R.S. 37:853.1,  
3 relative to professions and occupations; to provide relative to funerals and regulation  
4 thereof; to provide relative to funeral directors, establishments, goods, services and  
5 merchandise; to provide certain definitions, terms, and conditions; to authorize and  
6 provide relative to the sales of caskets by vendors other than funeral directors or  
7 funeral establishments; to provide relative to the use of such caskets; and to provide  
8 for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 37:831(42), (43), (44), (45), and (46) are hereby amended and  
11 reenacted and R.S. 37:853.1 is hereby enacted to read as follows:

12 §831. Definitions

13 For purposes of this Chapter and implementation thereof, the following terms  
14 shall have the meaning as defined herein, unless the context clearly indicates  
15 otherwise:

16 \* \* \*

17 (42) "Funeral directing" means the operation of a funeral home, or, by way

1 of illustration and not limitation, any service whatsoever connected with the  
2 management of funerals, or the supervision of hearses or funeral cars, the purchase  
3 **for resell at a funeral establishment** of caskets or other funeral merchandise, and  
4 retail sale and display thereof, the cleaning or dressing of dead human bodies for  
5 burial, and the performance or supervision of any service or act connected with the  
6 management of funerals from time of death until the body or bodies are delivered to  
7 the cemetery, crematory, or other agent for the purpose of disposition. **It shall not**  
8 **include the sale of caskets to the public by a vendor who performs no duties of**  
9 **funeral directing or operating a funeral establishment.**

10 (43) "Funeral director" means a person to whom a valid license has been  
11 issued by the board to perform the duties of funeral directing. **It shall not include**  
12 **a person acting solely as a vendor of caskets to the public.**

13 (44) "Funeral establishment" means any place or premises duly licensed by  
14 the board and devoted to or used in the care and preparation for burial of the body  
15 of a deceased person or maintained or held out to the public by advertising or  
16 otherwise as the office or place for the practice of funeral directing. **It shall not**  
17 **include the place or premises of a person acting solely as a vendor of caskets to**  
18 **the public.**

19 (45) "Funeral goods and services" means any one or more of the following  
20 goods or services:

21 (a) Goods which are sold or offered for sale directly to the public **at a**  
22 **funeral establishment** for use in connection with funeral services.

23 (b) Any services which may be used to care for or prepare deceased human  
24 remains for burial, cremation, or other final disposition.

25 (c) The arranging, supervising, or conducting of the funeral ceremony or the  
26 final disposition of deceased human bodies.

27 (d) Funeral merchandise.

28 (46) "Funeral merchandise" means **goods sold at a funeral establishment**  
29 **consisting of** caskets, rental caskets, rental casket inserts, alternative containers,

1            combo/shipping caskets, and other receptacles, excluding urns, where human  
2            remains are directly placed for disposition. **It shall not include caskets sold or**  
3            **offered for sale to the public by a vendor who performs no duties of funeral**  
4            **directing or operating a funeral establishment.**

5    \*           \*           \*

6            **§853.1. Caskets from vendors other than funeral directors or funeral**  
7    **establishments**

8    **Nothing in this Chapter shall prohibit the sale, purchase or use of a**  
9            **casket from a vendor who is not a funeral director or funeral establishment. No**  
10           **funeral director or funeral establishment shall charge a casket handling fee or**  
11           **surcharge for the use of a casket purchased from such a vendor.**

12           Section 2. This Act shall become effective upon signature by the governor or, if not  
13           signed by the governor, upon expiration of the time for bills to become law without signature  
14           by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
15           vetoed by the governor and subsequently approved by the legislature, this Act shall become  
16           effective on the day following such approval.

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Jerry G. Jones.

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DIGEST

Claitor (SB 378)

Present law provides relative to funerals and funeral directors, establishments, goods,  
services and merchandise. Provides for regulation by the Louisiana State Board of  
Embalmers and Funeral Directors.

Present law defines "funeral directing" as means the operation of a funeral home, or, by way  
of illustration and not limitation, any service whatsoever connected with the management  
of funerals, or the supervision of hearses or funeral cars, the purchase of caskets or other  
funeral merchandise, and retail sale and display thereof, the cleaning or dressing of dead  
human bodies for burial, and the performance or supervision of any service or act connected  
with the management of funerals from time of death until the body or bodies are delivered  
to the cemetery, crematory, or other agent for the purpose of disposition.

Proposed law adds that "funeral directing" shall not include the sale of caskets to the public  
by a vendor who performs no duties of funeral directing or operating a funeral establishment.

Present law defines "funeral director" as a person to whom a valid license has been issued  
by the board to perform the duties of funeral directing. Proposed law adds that such  
definition shall not include a person acting solely as a vendor of caskets to the public.

Present law defines "funeral establishment" as a place or premises duly licensed and devoted to or used in the care and preparation for burial of the body of a deceased person or maintained or held out to the public by advertising or otherwise as the office or place for the practice of funeral directing. Proposed law adds that such definition shall not include the place or premises of a person acting solely as a vendor of caskets to the public.

Present law defines "funeral goods and services" and "funeral merchandise". Proposed law adds that such definition shall be for goods, services, and merchandise sold at a funeral establishment, and shall not include caskets sold or offered for sale to the public by a vendor who performs no duties of funeral directing or operating a funeral establishment.

Proposed law further provides that nothing in present law shall prohibit the sale, purchase or use of a casket from a vendor who is not a funeral director or funeral establishment. No funeral director or funeral establishment shall charge a casket handling fee or surcharge for the use of a casket purchased from such a vendor.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 37:831(42), (43), (44), (45), and (46); adds R.S. 37:853.1)