

2015 Regular Session

HOUSE BILL NO. 732

BY REPRESENTATIVE HUVAL

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

CORONERS: Authorizes a declaration of final disposition of human remains

1 AN ACT

2 To amend and reenact R.S. 13:5713(D), relative to the disposition of human remains; to
3 authorize adult persons to make a declaration of final disposition of their remains;
4 to provide for the form of the declaration; to provide relative to the implementation
5 of the declaration; to prohibit autopsies in certain circumstances; to provide for
6 exceptions and procedures; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 13:5713(D) is hereby amended and reenacted to read as follows:

9 §5713. Duty to hold autopsies; and investigations, etc.; declaration of final
10 disposition of human remains

11 * * *

12 D.(1) If the family of the deceased objects to an autopsy on religious
13 grounds, the autopsy shall not be performed unless the coroner finds that the facts
14 surrounding the death require that an autopsy be performed in the interest of the
15 public safety, public health, or public welfare. In such cases the coroner shall
16 provide the family his written reasons for the necessity of the autopsy.

17 (2)(a) Any adult person may make a written declaration of final disposition
18 governing the preparation for, type, or place of interment of his bodily remains upon
19 his death provided that the disposition of the bodily remains is in accordance with
20 existing laws for disposing of human remains.

- 1 (b) The declaration shall be signed by the declarant in the presence of two
 2 witnesses.
- 3 (c) The survivors entitled to control the disposition of the human remains
 4 shall carry out the directions of the declaration of final disposition in a manner
 5 consistent with the declaration, and shall not be required to pay any of the cost of the
 6 final disposition of the declarant's remains.
- 7 (d) If the declaration of final disposition is contained in a last will and
 8 testament, it shall be immediately carried out, regardless of the validity of the last
 9 will and testament in other respects or of the fact that the last will and testament may
 10 not be offered for or admitted to probate until a later date.
- 11 (e)(i) If the declarant's final disposition prohibits the autopsy of or the
 12 removal of tissue from the remains of the decedent, no such procedure shall be
 13 allowed unless the coroner has a reasonable suspicion that the death was caused by
 14 the criminal act of another or by a contagious disease constituting a risk to public
 15 health, safety, or welfare.
- 16 (ii) If the coroner has a reasonable suspicion as provided in Item (i) of this
 17 Subparagraph, the coroner shall perform the least intrusive procedure deemed
 18 necessary and shall provide the survivors with written reasons for the necessity to
 19 circumvent the final disposition of the declarant within forty-eight hours after the
 20 completion of the procedure.
- 21 * * *

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 732 Original

2015 Regular Session

Huval

Abstract: Authorizes any adult person to make a written declaration of final disposition governing the interment of his bodily remains, and prohibits the coroner from conducting an autopsy under certain circumstances.

Present law provides the criteria for when a coroner is required to either view the body or make an investigation into the cause and manner of death, such as with suspicious,

unexpected, or violent deaths, deaths due to unknown or obscure causes, bodies found dead, deaths due to suspected suicide or homicide, and deaths in which poison is suspected.

Present law authorizes the coroner to perform an autopsy in any case in his discretion and requires the coroner to perform an autopsy in the case of any death where there is a reasonable probability that a violation of a criminal statute has contributed to the death and in all cases of infants under one year of age who die unexpectedly.

Present law provides that if the family of the deceased objects to an autopsy on religious grounds, the autopsy shall not be performed unless the coroner finds that the facts surrounding the death require that an autopsy be performed in the interest of the public safety, public health, or public welfare.

Proposed law authorizes any adult person to make a written declaration of final disposition governing the interment of his bodily remains.

Proposed law provides the requirements as to the form of the declaration and the duty to carry out the directions of the declaration.

Proposed law provides that if the final disposition of the declarant prohibits the autopsy of or the removal of tissue from the decedent's remains, no such procedure shall be allowed unless the coroner has a reasonable suspicion that the death was caused by the criminal act of another or by a contagious disease constituting a risk to public health, safety, or welfare.

Proposed law provides that if the coroner has a reasonable suspicion that the cause of death was by criminal act or contagious disease, the coroner shall perform the least intrusive procedure deemed necessary and shall provide the survivors with written reasons for the necessity to circumvent the declarant's final disposition.

(Amends R.S. 13:5713(D))