

2020 Regular Session

HOUSE BILL NO. 396

BY REPRESENTATIVE STAGNI

HUMAN REMAINS: Provides relative to the disposition of human remains

1 AN ACT

2 To enact R.S. 8:655.1 and 659.1, relative to human remains; to provide relative to the  
3 disposition of remains of a named funeral recipient in a preneed funeral contract; to  
4 provide priority of persons with respect to control of interment of a named funeral  
5 recipient; to provide right to seek judicial judgment; to provide permission to move  
6 remains of a named funeral recipient; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 8:655.1 and 659.1 are hereby enacted to read as follows:

9 §655.1. Pre-death right of disposing of remains

10 A. Pursuant to the meaning of terms defined in R.S. 37:831, prior to the  
11 death of the named funeral recipient in a preneed funeral contract, unless other  
12 specific directions have been given or the designation of a specific person to control  
13 the disposition of the named funeral recipient has been made by the buyer of the  
14 preneed funeral contract in the form of a notarial testament or a written and notarized  
15 declaration, the following persons, in the priority listed, have the right to control and  
16 authorize the interment of the named funeral recipient:

17 (1) The person designated in the preneed funeral contract by the buyer to  
18 control disposition.

19 (2) The surviving spouse of the buyer, if there is no pending petition for  
20 divorce filed by either spouse.





unless other directions have been given in writing by the buyer of the preneed funeral contract:

- (1) The surviving spouse of the buyer of the preneed funeral contract, if no pending petition for divorce has been filed by either spouse.
- (2) A majority of the surviving adult children of the buyer.
- (3) A majority of the surviving adult grandchildren of the buyer.
- (4) The surviving parents of the buyer.
- (5) A majority of the surviving adult siblings of the buyer.

Proposed law provides that a final judgment of a district court shall be required when the authorization of the person with the right to give permission to move the remains of the named funeral recipient cannot be obtained.

(Adds R.S. 8:655.1 and 659.1)