

---

## 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 809 Original

2020 Regular Session

Riser

**Abstract:** Provides relative to the disposition of human remains.

Present law authorizes a coroner to immediately release the remains of a decedent to any interested party when persons authorized by present law (R.S. 8:655) to provide for the disposition of the remains refuse to do so.

Proposed law retains present law and adds that persons listed in present law (R.S. 37:876) are authorized to provide for disposition of the remains. Further, proposed law authorizes a coroner to release the remains of a decedent to any interested party when authorized persons fail to make arrangements or provide for the disposition within 7 days of the date of death or when the remains of the decedent are deemed abandoned.

Proposed law provides that a coroner shall issue a written statement identifying the interested person to whom the coroner released the remains of the decedent. Further, funeral directors, funeral establishments, and crematories shall rely on the coroner's written statement as authorization for the named interested person to arrange for the disposition of the remains of the decedent.

Present law provides that a coroner shall have and exercise custody over the remains of a decedent when the remains are abandoned, not claimed, or unclaimed by persons authorized to control disposition in present law (R.S. 8:655) or when the remains are abandoned while in the possession of a funeral establishment by the interested party to whom the coroner released the remains to.

Proposed law retains present law and adds that persons listed in present law (R.S. 37:876) are included as persons authorized to control the disposition.

Present law requires a funeral establishment in the possession of remains that have been abandoned to notify the coroner by a notarized document with attached records stating the history and circumstances of the abandonment. Further, present law provides when the coroner receives the funeral establishment's notarized document with attached records, the funeral establishment shall transport the remains to the appropriate coroner at the funeral establishment's cost and the coroner shall assume jurisdiction over the case and accept the remains.

Proposed law removes the requirement that a funeral establishment in possession of abandoned remains notify the coroner by a notarized document with attached records. Further, proposed law provides an exception to the requirement for the funeral establishment to transport the remains to the appropriate coroner at the funeral establishment's cost when an interested person has been

designated by the coroner to provide for the disposition of the remains.

Present law provides that remains in the possession of a funeral establishment or healthcare facility are deemed abandoned when persons authorized by present law refuse or fail to make arrangements or provide for the disposition after the death of the decedent at a healthcare facility or after the remains are in possession of the funeral establishment.

Proposed law retains present law and adds persons listed in present law (R.S. 37:876) as those authorized to make arrangements or provide for disposition. Further, proposed law adds that remains are deemed abandoned when authorized persons refuse or fail to make arrangements for the disposition within 7 days after the death of the decedent at a healthcare facility.

Present law provides that when a coroner's jurisdiction over abandoned, not claimed, or unclaimed remains has been established, the rights of persons listed in present law (R.S. 8:655) are waived and terminated.

Proposed law retains present law and adds persons listed in present law (R.S. 37:876) as persons whose rights are waived and terminated when a coroner's jurisdiction is established over abandoned, not claimed, or unclaimed remains.

(Amends R.S. 9:1551)