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**HOUSE COMMITTEE AMENDMENTS**

2020 Regular Session

Amendments proposed by House Committee on Commerce to Original House Bill No. 827  
by Representative RiserAMENDMENT NO. 1

On page 1, delete line 2 in its entirety and insert the following:

"To amend and reenact R.S. 37:842(A)(introductory paragraph) and (5) and (B)(4), 855, and  
877(B)(1)(a)(xi), (b)(ii) and (iii), and (C) and to enact R.S. 37:877(D)"

AMENDMENT NO. 2On page 1, at the end of line 4, insert "with respect to the arrangement of cremations; to  
provide"AMENDMENT NO. 3

On page 1, delete lines 7 and 8 in their entirety and insert the following:

"Section 1. R.S. 37:842(A)(introductory paragraph) and (5) and (B)(4), 855, and  
877(B)(1)(a)(xi), (b)(ii), and (iii), and (C) are hereby amended and reenacted and R.S.  
37:877(D) is hereby enacted to read as follows"

AMENDMENT NO. 4

On page 2, line 25, after "person," delete the remainder of the line in its entirety

AMENDMENT NO. 5

On page 2, line 26, delete "9:1551,"

AMENDMENT NO. 6

On page 2, after line 27, insert the following:

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§877. Authorization to arrange cremation; authorization to cremate; refusal to  
arrange a cremation; refusal to cremate

\* \* \*

B. A crematory authority shall have authority to cremate human remains  
when they are delivered by the funeral establishment and upon receipt of all of the  
following:

(1)(a) A cremation authorization form signed by an authorizing agent. Such  
form shall contain, at a minimum, the following information:

\* \* \*

(xi) The signature of the authorizing agent, attesting to the accuracy of all  
representations contained on the cremation authorization form, except for those  
representations made by the funeral director pursuant to Item (b)(ii) of this  
Paragraph. The signature of the authorizing agent shall be ~~witnessed by a funeral~~

1 ~~director of the funeral establishment arranging the cremation or otherwise executed~~  
2 ~~by the authorizing agent before a notary public~~ one of the following:

3 (aa) Witnessed by a funeral director of the funeral establishment arranging  
4 the cremation.

5 (bb) Notarized by a notary public.

6 (cc) Executed before two witnesses who sign the cremation authorization  
7 form. The name and address of the witnesses shall be stated on the cremation  
8 authorization form.

9 \* \* \*

10 (b)

11 \* \* \*

12 (ii) The cremation authorization form, other than preneed cremation forms,  
13 shall also be signed by a funeral director of the funeral establishment arranging the  
14 cremation. The funeral director shall not be responsible for any of the  
15 representations made by the authorizing agent, unless the individual has actual  
16 knowledge to the contrary. However, the information requested by Item (a)(i) of this  
17 Paragraph shall be considered to be a representation of the funeral director or funeral  
18 establishment that the human remains delivered to the crematory authority have been  
19 identified as the decedent listed on the cremation authorization by the coroner  
20 pursuant to Item (b)(iii) of this Paragraph or positively identified after a viewing of  
21 the remains or a photograph or other visual image of the remains by a person who  
22 is the authorizing agent or a member of the class of which the authorizing agent is  
23 composed or a designated representative thereof, unless the remains are from a  
24 spontaneous fetal death as defined in R.S. 40:32(16), in which case a viewing is not  
25 required if written identification is received when such remains are released to the  
26 funeral director. When visual identification by viewing the remains is not feasible,  
27 other positive identification of the decedent may be used including reliance upon  
28 identification made from photographs or other visual images of scars, tattoos, or  
29 physical deformities taken from the decedent's remains. The information requested  
30 by Item (a)(iii) of this Paragraph shall be considered to be a representation of the  
31 funeral director or funeral establishment of any information received by the funeral  
32 director or funeral establishment pursuant to R.S. 40:1271.2.

33 (iii) The coroner shall provide the identification of any dead body to the  
34 funeral director or funeral establishment to whom he relinquishes possession thereof,  
35 unless the coroner is not able to establish the identity of the dead body as provided  
36 in ~~R.S. 33:1563(H)~~ R.S. 13:5715(H).

37 \* \* \*

38  
39 C. A copy of a cremation authorization form signed by the authorizing agent  
40 in accordance with either Subitems (B)(1)(a)(xi)(b) or (c) of this Section may be  
41 delivered by any means to the funeral establishment arranging a cremation, including  
42 facsimile or other electronic transmission. The signature of the authorizing agent  
43 includes an electronic signature as provided in R.S. 9:2601, et seq. A funeral  
44 director, funeral establishment, and cremation authority may rely, without liability,  
45 on a copy of a cremation authorization form to perform a cremation.

46 E. D. A funeral director may refuse to arrange a cremation and a crematory  
47 authority may refuse to accept a body or to perform a cremation."