

**HOUSE COMMITTEE AMENDMENTS**

2020 Regular Session

Amendments proposed by House Committee on Commerce to Original House Bill No. 827  
by Representative Riser

1 AMENDMENT NO. 1

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

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

5 AMENDMENT NO. 2

6 On page 1, at the end of line 4, insert "with respect to the arrangement of cremations; to  
7 provide"

8 AMENDMENT NO. 3

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

10 "Section 1. R.S. 37:842(A)(introductory paragraph) and (5) and (B)(4), 855, and  
11 877(B)(1)(a)(xi), (b)(ii) and (iii), and (C) are hereby amended and reenacted and R.S.  
12 37:877(D) is hereby enacted to read as follows"

13 AMENDMENT NO. 4

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

16 AMENDMENT NO. 5

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

18 AMENDMENT NO. 6

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

20 " \* \* \*

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

23 \* \* \*

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

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

29 \* \* \*

30 (xi) The signature of the authorizing agent, attesting to the accuracy of all  
31 representations contained on the cremation authorization form, except for those  
32 representations made by the funeral director pursuant to Item (b)(ii) of this

1 Paragraph. The signature of the authorizing agent shall be ~~witnessed by a funeral~~  
2 ~~director of the funeral establishment arranging the cremation or otherwise executed~~  
3 ~~by the authorizing agent before a notary public one of the following:~~

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

6 (bb) Notarized by a notary public.

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

10 \* \* \*

11 (b)

12 \* \* \*

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

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

38 \* \* \*

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

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