
DIGEST

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HB 827 Reengrossed

2020 Regular Session

Riser

Abstract: Provides relative to the qualifications for a funeral director license and an embalmer and funeral director license.

Present law provides for certain minimum qualifications for licensure as a funeral director and an embalmer and funeral director.

Proposed law retains present law but changes the internship requirement for a funeral director license and an embalmer and funeral director license to serve an in-state internship from at least 9 months, or 39 weeks and not more than 24 months, or 104 weeks to at least 9 months, or 39 weeks and not more than 48 months, or 208 weeks.

Present law (R.S. 8:655) provides a list of persons, in order of priority, who have the right to determine the disposition of human remains.

Present law (R.S. 37:876) provides the following list of persons, in order of priority, who have the right to serve as an authorizing agent for cremation:

- (1) The person designated to control disposition by the decedent in the form of a notarial statement or a written and notarized declaration.
- (2) The surviving spouse, if no petition for divorce has been filed by either spouse prior to the death of the decedent spouse.
- (3) A majority of the surviving adult children of the decedent.
- (4) A majority of the surviving adult grandchildren of the decedent.
- (5) The surviving parents of the decedent.
- (6) A majority of the surviving adult brothers and sisters of the decedent.
- (7) A majority of the adult persons respectively in the next degrees of kin as established in present law (C.C. Art. 880 et seq.)

Present law provides that persons listed in present law (R.S. 8:655) have the right to arrange funeral goods and services with a funeral director or funeral establishment.

Proposed law retains present law and adds that persons listed in present law (R.S. 37:876) have the right to arrange funeral goods and services with a funeral director or funeral establishment.

Proposed law provides that there shall be no liability for a funeral director, funeral establishment, or any respective employees for permitting any interested person to view human remains in the care of the funeral director or funeral establishment.

Present law requires that a cremation authorization form be signed by an authorizing agent. The form is required to have a signature that is witnessed by a funeral director of the funeral establishment arranging the cremation or executed by the agent before a notary public.

Proposed law changes present law by requiring that the signature of the authorizing agent be executed in one of the following manners:

- (1) Witnessed by a funeral director of the funeral establishment arranging the cremation.
- (2) Notarized by a notary public.
- (3) Executed before two witnesses who sign the cremation authorization form, with the name and address of each witness stated on the form.

Proposed law provides that when visual identification by viewing human remains is not feasible, other positive identification of the decedent may be used including photographs or other visual images of scars, tattoos, or physical deformities taken from the decedent's remains.

Proposed law allows a copy of a cremation authorization form that is signed by the authorizing agent in accordance with present law to be delivered by any means to a funeral establishment arranging a cremation including fax or other electronic transmission.

Proposed law also provides that the signature of the authorizing agent can include an electronic signature as provided in present law.

Proposed law provides that there shall be no liability for a funeral director, funeral establishment, or cremation authority that relies on a copy of a cremation authorization form to perform a cremation.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 37:842(A)(intro. para.) and (5) and (B)(4), 855, and 877(B)(1)(a)(xi), (b)(ii) and (iii), and (C); Adds R.S. 37:877(D))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Commerce to the original bill:

1. Make technical changes.
2. Add to the manner in which the signature of the authorizing agent can be verified.
3. Provide that if visual identification by viewing the remains is not feasible, other positive identification of the decedent may be used including photographs or other visual images.
4. Allow a copy of a signed cremation authorization form to be delivered by facsimile or other electronic transmission. Also, allow the signature of the authorizing agent to include an electronic signature.
5. Allow a funeral director, funeral establishment, or cremation authority to rely on a copy of a cremation authorization form without liability.

The House Floor Amendments to the engrossed bill:

1. Make proposed law effective upon signature of the governor.
2. Make technical changes.