

ACT No. 329

2020 Regular Session

HOUSE BILL NO. 827

BY REPRESENTATIVE RISER

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AN ACT

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), relative to funeral directors and embalmers; to provide for internship requirements; to provide with respect to the right to arrange funeral goods and services; to provide with respect to the arrangement of cremations; to provide limitations of liability; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

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:

§842. Minimum qualifications for license

A. Qualifications for a funeral director license. Any applicant is qualified for a license as a funeral director if he meets all of the following requirements:

* * *

(5) Has served an internship in the state of Louisiana for a period of not less than nine months, or thirty-nine weeks, and not more than ~~twenty-four months, or one hundred four~~ forty-eight months, or two hundred eight weeks, has actively assisted in at least thirty funerals, and has completed at least one thousand five hundred sixty contact hours during the internship period. A funeral director intern may receive credit for up to two-thirds of the internship requirement prior to the completion of thirty semester hours.

* * *

1 Paragraph shall be considered to be a representation of the funeral director or funeral
 2 establishment that the human remains delivered to the crematory authority have been
 3 identified as the decedent listed on the cremation authorization by the coroner
 4 pursuant to Item (b)(iii) of this Paragraph or positively identified after a viewing of
 5 the remains or a photograph or other visual image of the remains by a person who
 6 is the authorizing agent or a member of the class of which the authorizing agent is
 7 composed or a designated representative thereof, unless the remains are from a
 8 spontaneous fetal death as defined in R.S. 40:32(16), in which case a viewing is not
 9 required if written identification is received when such remains are released to the
 10 funeral director. When visual identification by viewing the remains is not feasible,
 11 other positive identification of the decedent may be used including reliance upon
 12 identification made from photographs or other visual images of scars, tattoos, or
 13 physical deformities taken from the decedent's remains. The information requested
 14 by Item (a)(iii) of this Paragraph shall be considered to be a representation of the
 15 funeral director or funeral establishment of any information received by the funeral
 16 director or funeral establishment pursuant to R.S. 40:1271.2.

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

21 * * *

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

1 €: D. A funeral director may refuse to arrange a cremation and a crematory
2 authority may refuse to accept a body or to perform a cremation.

3 Section 2. This Act shall become effective upon signature by the governor or, if not
4 signed by the governor, upon expiration of the time for bills to become law without signature
5 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
6 vetoed by the governor and subsequently approved by the legislature, this Act shall become
7 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____