

HOUSE COMMITTEE AMENDMENTS

2026 Regular Session

Substitute for Original House Bill No. 454 by Representative Butler as proposed by the House Committee on Judiciary

This document reflects the content of a substitute bill but is not in a bill form; page numbers in this document DO NOT correspond to page numbers in the substitute bill itself.

To amend and reenact R.S. 25:957(A)(introductory paragraph) and (2) and to enact R.S. 25:960, relative to the treatment of human remains; to provide for application to federal, state, and local governments, political subdivisions, and local law enforcement officials; to provide for audit, documentation, notification, and communication requirements for human remains and internal organs; to provide for detailed reports in accounting for the treatment of human remains; to provide for the retention of records; to provide for penalties; to provide for rules and regulations; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 25:957(A)(introductory paragraph) and (2) are hereby amended and reenacted and R.S. 25:960 is hereby enacted to read as follows:

§957. Exemptions

A. The following ~~shall be~~ are exempt from the restrictions and prohibitions of this Chapter:

* * *

(2) Except as provided in R.S. 25:960, federal ~~Federal~~, state, and local governments and any political subdivisions thereof as well as federal, state, and local law enforcement officials acting within their statutory authority.

* * *

§960. The Gracey Claire Rushing Act

A. This Section shall be known as the "Gracey Claire Rushing Act" in memory of a young child whose passing in 2009 highlighted the need for improved safeguards in the treatment of decedents' remains.

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 B. The purpose of this Section is to establish an audit and communication
2 protocol for the handling of remains and organs during autopsies and forensic
3 investigations in this state. This protocol ensures transparency, accountability, and
4 respect for the deceased and their families by requiring documentation, timely
5 notification to the next of kin, and effective communication to prevent discrepancies,
6 unauthorized retention, or mishandling of human remains.

7 C. It is the intent of the legislature that the following audit and
8 communication protocols be conducted for all autopsies performed in this state
9 where internal organs are removed.

10 D. The forensic pathologist or designated expert shall do all of the following:

11 (1) Notify the next of kin, through the coroner, when retaining a deceased
12 person's organs for additional testing required to determine the cause of manner or
13 death unless it is a private autopsy.

14 (2) Notify the coroner within twenty-four hours if an organ is being retained
15 or sent to a forensic lab.

16 (3) Upon completion of the autopsy, complete a written certification
17 indicating that all organic tissues have been returned to the body or clearly
18 identifying any retained items.

19 (4) Sign and date the written certification.

20 (5) Provide the written certification to the coroner.

21 (6) Ensure that the written certification remains with the body and is also
22 provided to the entity that receives the body at the time the body is released.

23 E.(1) The coroner shall notify the decedent's next of kin or legal
24 representative in writing within forty-eight hours of receiving notice from the
25 pathologist or designated expert of any organ retention, including the reason for
26 retention, the expected timeline for return of the organs, and the contact information
27 for inquiries.

28 (2) Upon written request, the next of kin shall have the right to access the
29 written certification in addition to the autopsy, subject to any legal restrictions on
30 sensitive information.

1 (3) All written certifications shall be maintained as a public record by the
 2 coroner's office for a minimum of ten years.

3 F. The Louisiana Department of Health shall promulgate rules and
 4 regulations in accordance with the Administrative Procedure Act to implement this
 5 Section, including the development of standardized forms for the required written
 6 certification and notification to the next of kin.

7 G. The failure of the forensic pathologist, designated expert, coroner, or any
 8 other person or entity required to comply with this Section, including the use of the
 9 required standardized forms, constitutes a violation subject to enforcement pursuant
 10 to this Section. The attorney general shall have primary authority to administer,
 11 investigate, and enforce the provisions of this Section. The attorney general may
 12 impose administrative fines up to five thousand dollars per violation and may seek
 13 injunctive relief or other appropriate civil remedies in a court of competent
 14 jurisdiction.

15 Section 2. This Act shall become effective on January 1, 2027.

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 Draft

2026 Regular Session

Abstract: Enacts the Gracey Claire Rushing Act to provide for documentation, notification, and communication in the handling and disposition of human remains and internal organs.

Present law provides rules and regulations for the handling of human remains in the state of La.

Present law exempts federal state, and local governments and any political subdivisions, as well as federal, state, and local law enforcement officials acting within their statutory authority from the rules and regulations regarding the handling of human remains.

Proposed law retains present law and provides that state and local governments and any political subdivisions, as well as federal, state, and local law enforcement officials acting within their statutory authority are subject to proposed law regarding the documentation and notification to the next of kin when internal organs are removed during an autopsy.

Proposed law enacts the Gracey Claire Rushing Act in memory of a young child whose passing highlighted the need for improved safeguards in the treatment of decedent's remains.

Proposed law provides for the purpose and legislative intent of proposed law .

Proposed law requires the forensic pathologist or designated expert to do the following:

- (1) Notify the next of kin when a deceased person's internal organs are being retained.
- (2) Notify the coroner if an organ is being retained or sent to a forensic lab.
- (3) Complete a written certification indicating that all organs are being returned or clearly identifying retained organs.
- (4) Sign and date the certification.
- (5) Provide the certification to the coroner and to the entity that the body is being released to.
- (6) Ensure that the certification remains with the body.

Proposed law requires the coroner to notify the next of kin within 48 hours of receiving notice from the pathologist or expert that organs have been retained. The coroner must further provide the reason for retention, the length of retention, the expected time for return of the organ and contact information for inquiries.

Proposed law provides the next of kin with the right to receive the written certification as well as the autopsy.

Proposed law requires that the certification be maintained as a public record for a minimum of 10 years.

Proposed law requires the La. Dept. of Health to promulgate rules in accordance with the APA to implement proposed law including standardized forms for the written certification and notification of next of kin.

Proposed law provides that any failure to comply with the requirements of documentation and notification as well as use of standardized forms will be a violation of proposed law.

Proposed law permits the attorney general to administer, investigate, and enforce proposed law. Permits an administrative fine of \$5,000 per violation plus injunctive relief and civil remedies.

Effective on Jan. 1, 2027.

(Amends R.S. 25:957(A)(intro. para.) and (2); Adds R.S. 25:960)