
DIGEST

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Ritchie

HB No. 256

Abstract: Requires identification of human remains by the coroner or other authorized person prior to cremation and exempts funeral establishments from liability for relying on the information.

Present law provides that a cremation authorization form, other than preneed cremation forms, shall also be signed by a funeral director of the funeral establishment that obtained the cremation authorization. That funeral director shall merely execute the cremation authorization form as a witness and shall not be responsible for any of the representations made by the authorizing agent, unless the individual has actual knowledge to the contrary.

Proposed law retains present law.

Present law provides that the identifying information requested by present law shall be considered to be representations of the funeral director or funeral establishment. In addition, the funeral director or establishment shall warrant to the crematory that the human remains delivered to the crematory authority have been positively identified as the decedent listed on the cremation authorization by the authorizing agent or his designated representative. Such identification shall be made in person by the authorizing agent or his designated representative.

Proposed law provides that the information requested by proposed law regarding the identity of human remains and the time of death shall be considered to be a representation of the funeral director or funeral establishment that the human remains delivered to the crematory authority have been identified as the decedent listed on the cremation authorization by the coroner pursuant to proposed law or positively identified after a viewing of the remains by a person who is the authorizing agent or a member of the class of which the authorizing agent is composed or a designated representative thereof.

Proposed law provides that the information requested by proposed law regarding whether the death occurred as a result of an infectious, contagious, or communicable disease shall be considered to be a representation of the funeral director or funeral establishment of any information received by the funeral director or funeral establishment pursuant to proposed law.

Proposed law provides that the coroner shall provide the identification of any dead body to the funeral director or funeral establishment to whom it relinquishes possession thereof, unless the coroner is not able to establish the identity of the dead body as provided in proposed law.

Proposed law provides that there shall be no liability for a funeral director, funeral establishment, or crematory authority in relying on information provided by health care providers or the coroner pursuant to proposed law or their failure to provide such information.

Proposed law provides that there shall be no liability for a funeral director or funeral establishment for permitting an authorizing agent or a designated representative thereof to view human remains for the purposes of identification pursuant to proposed law.

Present law provides that a crematory authority shall not be responsible or liable for the commingling of cremated human remains if it has received a written authorization pursuant to the provisions of present law.

Proposed law retains present law.

Present law provides that a crematory authority or any other person in possession of cremated human remains for a period of 60 days from the date of cremation shall not be responsible or liable for the disposition of the cremated human remains if such remains have been disposed of in accordance with the provisions of present law.

Proposed law retains present law.

Present law provides that a crematory authority shall not be responsible or liable for any valuables delivered to the crematory authority with human remains.

Proposed law retains present law.

Present law provides that if a funeral director refuses to arrange a cremation or a crematory authority refuses to accept a body or to perform a cremation in accordance with present law, neither the funeral director nor the crematory authority shall be liable for refusing to accept a body or to perform a cremation.

Proposed law retains present law.

Present law provides that if a funeral director, funeral establishment, or crematory authority refuses to release or dispose of cremated human remains in accordance with present law, then such persons or entities shall not be liable for their refusal to release or dispose of cremated human remains.

Proposed law retains present law.

(Amends R.S. 37:877(B)(1)(b)(ii) and 883(C)-(G); Adds R.S. 37:877(B)(1)(b)(iii) and 883(H) and (I))