

Regular Session, 2014

HOUSE BILL NO. 466

BY REPRESENTATIVES HENRY BURNS, ARMES, BURFORD, CHANEY, COX,
GUILLORY, HILL, HOWARD, IVEY, TERRY LANDRY, LORUSSO, JAY
MORRIS, REYNOLDS, AND ST. GERMAIN

1 AN ACT

2 To amend and reenact R.S. 8:655(A)(introductory paragraph) and (B) and to enact R.S.
3 8:655(C), relative to the disposal of human remains; to establish the right to control
4 interment through a United States Department of Defense Form 93; to limit liability
5 relative to the disposal of human remains; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 8:655(A)(introductory paragraph) and (B) are hereby amended and
8 reenacted and R.S. 8:655(C) is hereby enacted to read as follows:

9 §655. Right of disposing of remains; military personnel; limitation of liability

10 A. The right to control interment, as defined in R.S. 8:1(26), of the remains
11 of a deceased person, unless other specific directions have been given or the
12 designation of a specific person to control disposition has been made by the decedent
13 in the form of a written and notarized declaration, vests in and devolves upon the
14 following in the order named:

15 * * *

16 B.(1) If the decedent died in a manner described by 10 U.S.C. 1481 (a)(1)
17 through (8) while serving in any branch of the United States Armed Forces, the
18 United States Reserve Forces, or National Guard, and the decedent executed a United
19 States Department of Defense Record of Emergency Data, known as DD Form 93,
20 or its successor form, the right to control interment for the decedent shall devolve
21 upon the Person Authorized to Direct Disposition, also referred to as the PADD, as
22 indicated on the DD Form 93 or its successor form.

1 (2) There shall be no liability for a cemetery authority, funeral establishment,
 2 funeral director, crematory authority, or the employees or agents of any of them to
 3 whom a copy of a DD Form 93 is presented, purportedly executed by the decedent
 4 for conduction of the interment or other disposition of the decedent's remains,
 5 pursuant to the instructions of the PADD as indicated on the DD Form 93, or for
 6 relying on the representation of the PADD that the decedent died in a manner
 7 described in Paragraph (1) of this Subsection.

8 C.(1) In the event that the decedent has made multiple notarized declarations
 9 of interment pursuant to Subsection A of this Section, the ~~last~~ declaration dated last
 10 shall control.

11 (2) In the event that the decedent has made one or more notarized
 12 declarations of interment pursuant to Subsection A of this Section, and the decedent
 13 executed a DD Form 93 and died in a manner described in Subsection B of this
 14 Section, the declaration or the DD Form 93, whichever is dated last, shall control
 15 interment of the decedent's remains.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____