

## RÉSUMÉ DIGEST

Act 270 (SB 208)

2015 Regular Session

Riser

Prior law provided relative to burial of unclaimed bodies.

New law provides relative to disposition of human remains.

New law defines "disposition" as the interment, burial, cremation, or anatomical donation of the body of a deceased person or parts of the body of a deceased person. Disposition does not include any prohibited act under Part I of Chapter 12 of Title 17 of the LRS, the Louisiana Anatomical Gift Act, the Louisiana Unmarked Human Burial Sites Preservation Act, or the Louisiana Historic Cemetery Preservation Act.

Prior law provided for surviving spouse, next of kin, and other relatives who have the right to control interment and who have the right to serve as an authorizing agent for cremation of the remains of a deceased person unless other specific written and notarized directions have been given by the decedent.

Prior law authorized the coroner to release the remains to any interested party if the surviving spouse, next of kin, and other relatives who have the right to control interment refuse to bury the remains.

New law retains prior law and provides for the disposition of such remains not just for burial. New law further provides that if the coroner releases the remains to an interested person, such person may serve as the authorizing agent to cremation.

Prior law authorized the coroner to bury the abandoned body as provided for indigents if the decedent had no known property or assets of sufficient value to defray the expenses of burial.

New law retains prior law but authorizes the coroner to dispose of such abandoned remains as provided for indigents if the decedent had no known property or asset of sufficient value to defray the expenses of disposition.

Prior law requires the coroner to arrange for disposition of the remains within 30 days, preferably by a recognized funeral home if a body is unclaimed by friends or relatives and the decedent had known assets or property of a sufficient value to defray the expenses of burial.

New law requires the coroner to arrange for disposition of the remains within 30 days, preferably by a recognized funeral establishment if such remains are not claimed, unclaimed, or abandoned and the decedent had known assets or property of a sufficient value to defray the expenses of disposition.

New law requires funeral establishments and healthcare facilities to notify by a written notarized document, the coroner for the parish of the decedent's domicile stating the factual history and circumstances of the abandonment. New law also lists other items required to be contained in the notification to the coroner, including but not limited to information about known next of kin; organizations the deceased was a member of; known assets, including insurance policies, pending claims under litigation, and any potential unresolved claims or asset of any kind; veteran and employment status; religious affiliation; and all documents in the possession of the funeral home or healthcare provider.

New law provides that upon the coroner's receipt of the notarized document and records attached thereto, the funeral home is required to transport the human remains of the decedent at their costs to the coroner of the decedent's domicile, if located in Louisiana, or to the coroner of the parish where the death occurred if the decedent's domicile is not in Louisiana, is required to assume jurisdiction of the case, and accept the remains for future disposition.

New law provides that the remains of a decedent in the possession of a funeral establishment are deemed abandoned if the person or persons authorized by law to control the disposition refuses orally or in writing to make arrangements or provide for the disposition of the decedent, or fails to make arrangements or provide for the disposition of the remains of a

decedent after death at a healthcare facility, or after the remains are in the possession of the funeral establishment.

New law provides that if the coroner releases the remains to an interested person, such person may serve as the authorizing agent for cremation.

Effective July 1, 2015.

(Amends R.S. 9:1551 and R.S. 37:876; adds R.S. 8:1(20.1) and 655(D))