

2020 Regular Session

HOUSE BILL NO. 827

BY REPRESENTATIVE RISER

FUNERALS & FUNERAL HOMES: Provides relative to funeral directors and embalmers

1 AN ACT

2 To amend and reenact R.S. 37:842(A)(introductory paragraph) and (5) and (B)(4) and 855,
3 relative to funeral directors and embalmers; to provide for internship requirements;
4 to provide with respect to right to arrange funeral goods and services; to provide
5 limitations of liability; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 37:842(A)(introductory paragraph) and (5) and (B)(4) and 855 are
8 hereby amended and reenacted to read as follows:

9 §842. Minimum qualifications for license

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

12 * * *

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

20 * * *

1 B. Qualifications for an embalmer and funeral director license. Any
2 applicant is qualified for license as an embalmer and funeral director if he meets all
3 of the following requirements:

4 * * *

5 (4) Has served an internship in the state of Louisiana for a period of not less
6 than nine months, or thirty-nine weeks, and not more than ~~twenty-four months, or~~
7 ~~one hundred four~~ forty-eight months, or two hundred eight weeks, actively assisted
8 in at least thirty embalming operations and thirty funerals and completed at least one
9 thousand five hundred sixty contact hours during the internship period. An
10 embalmer and funeral director intern may receive credit for up to two-thirds of the
11 internship requirement prior to graduating from an accredited school recognized by
12 the board.

13 * * *

14 §855. Right to arrange funeral goods and services

15 A. The persons in the priority listed in R.S. 8:655 and R.S. 37:876 have the
16 right to arrange with a funeral director or funeral establishment for funeral goods and
17 services, as defined in R.S. 37:831(45), in preparation for the disposition of the
18 remains of a decedent.

19 B. There is no liability for a funeral director, funeral establishment, or any
20 respective ~~employees~~ employee for following the directions or relying on the
21 representation of a person representing himself to be the person who has the prior
22 right to arrange the funeral goods and services for the remains of a decedent in
23 accordance with Subsection A of this Section.

24 C. There shall be no liability for a funeral director, funeral establishment, or
25 any respective employee for permitting any interested person, as described in R.S.
26 9:1551, to view human remains in the care of the funeral director or funeral
27 establishment.

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 827 Original

2020 Regular Session

Riser

Abstract: Provides relative to the qualifications for a funeral director license and an embalmer and funeral director license.

Present law provides for certain minimum qualifications for licensure as a funeral director and an embalmer and funeral director.

Proposed law retains present law but changes the internship requirement for a funeral director license and an embalmer and funeral director license to serve an instate internship from at least 9 months, or 39 weeks and not more than 24 months, or 104 weeks to at least 9 months, or 39 weeks and not more than 48 months, or 208 weeks.

Present law (R.S. 8:655) provides a list of persons, in order of priority, who have the right to determine the disposition of human remains.

Present law (R.S. 37:876) provides the following list of persons, in order of priority, who have the right to serve as an authorizing agent for cremation:

- (1) The person designated to control disposition by the decedent in the form of a notarial statement or a written and notarized declaration.
- (2) The surviving spouse, if no petition for divorce has been filed by either spouse prior to the death of the decedent spouse.
- (3) A majority of the surviving adult children of the decedent.
- (4) A majority of the surviving adult grandchildren of the decedent.
- (5) The surviving parents of the decedent.
- (6) A majority of the surviving adult brothers and sisters of the decedent.
- (7) A majority of the adult persons respectively in the next degrees of kin as established in present law (C.C. Art. 880 et seq).

Present law provides that persons listed in present law (R.S. 8:655) have the right to arrange funeral goods and services with a funeral director or funeral establishment.

Proposed law retains present law and adds that persons listed in present law (R.S. 37:876) have the right to arrange funeral goods and services with a funeral director or funeral establishment.

Proposed law provides that there shall be no liability for a funeral director, funeral establishment, or any respective employees for permitting any interested person to view human remains in the care of the funeral director or funeral establishment.

(Amends R.S. 37:842(A)(intro. para.) and (5) and (B)(4) and 855)