

# Cremation Issue Chart

## LOUISIANA



ISSUE: IDENTIFICATION OF DECEASED			
Law/Regulation	Is ID Required?	Information Required for ID	Any Restrictions/Limitations
RS 37:877 — Authorization to arrange cremation; authorization to cremate; refusal to arrange a cremation; refusal to cremate	Yes	<p>A. A funeral director shall have the authority to arrange the cremation of human remains upon the receipt of a cremation authorization form that contains the information provided for in Subsection B of this Section.</p> <p>B. A crematory authority shall have authority to cremate human remains when they are delivered by the funeral establishment and upon receipt of all of the following:</p> <p>(1)(a) A cremation authorization form signed by an authorizing agent. Such form shall contain, at a minimum, the following information:</p> <p>(i) The identity of the human remains and the time and date of death.</p> <p>(ii) The name and license numbers of the funeral director and funeral establishment that obtained the cremation authorization.</p> <p>(iii) Notification stating whether the death occurred as a result of a disease declared by the Department of Health and Hospitals to be infectious, contagious, communicable, or otherwise dangerous to the public health, if known.</p> <p>(iv) The name of the authorizing agent and the relationship between the authorizing agent and the decedent.</p> <p>(v) A representation that the authorizing agent has the right to authorize the cremation of the decedent and that the authorizing agent is not aware of any living person who has a superior or equal priority to that of the authorizing agent.</p>	

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ISSUE: ALTERNATIVE CONTAINER FOR CREMATION		
Law/Regulation	Is It Required?	Definition of Alternative Container
RS 37:831 — Definitions		<p>(21) "Cremation container" means the container in which the human remains are transported to the crematory and placed in the cremation retort for cremation. A cremation container should substantially meet all of the following standards:</p> <ul style="list-style-type: none"> <li>(a) Be composed of materials suitable for cremation.</li> <li>(b) Provide a complete covering for the human remains.</li> <li>(c) Be resistant to leakage or spillage.</li> <li>(d) Be rigid enough for handling with ease.</li> <li>(e) Provide protection to safeguard the health, safety, welfare, and personal integrity of crematory personnel.</li> </ul>
ISSUE: URN		
Law/Regulation	Any requirements for Urn/ Temporary Container	Definition of Urn/Temporary Container
RS 37:831 — Definitions	Yes	<p>(74) "Temporary container" means a receptacle for cremated human remains usually made of cardboard, plastic, or similar material designed to hold the cremated human remains until an urn or other permanent container is acquired. "Temporary container" shall not mean a "temporary receiving vault" as defined in R.S. 8:1.</p> <p>(79) "Urn" means a receptacle designed to permanently encase cremated human remains.</p>
ISSUE: AUTHORIZING AGENT		
Law/Regulation	Legal Order of Authorizing Agent	
RS 37:876 - Authorizing agent; notarial testaments and notarized declarations	<p>A. The following persons, in the priority listed, have the right to serve as an authorizing agent for cremation:</p> <ul style="list-style-type: none"> <li>(1) Any person arranging the cremation, if the decedent has given specific directions in the form of a notarial testament or a written and notarized declaration providing for disposition of his remains by cremation.</li> <li>(2) The person designated to control disposition by the decedent in the form of a notarial testament or a written and notarized declaration.</li> <li>(3) The surviving spouse, if there is no pending petition for divorce filed by either spouse prior to the death of the decedent spouse.</li> <li>(4) A majority of the surviving adult children of the decedent.</li> <li>(5) A majority of the surviving adult grandchildren of the decedent.</li> <li>(6) The surviving parents of the decedent.</li> <li>(7) A majority of the surviving adult siblings of the decedent.</li> <li>(8) A majority of the surviving adult persons respectively in the next degree of kindred as provided in Civil Code Articles 880 et seq.</li> </ul> <p>B. Notwithstanding the provisions of Subsection A of this Section, if the coroner releases the remains of a decedent to an interested person pursuant to R.S. 9:1551(A)(1), such person may serve as the authorizing agent for cremation.</p>	

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ISSUE: FINAL DISPOSITION	
Law/Regulation	Any Guidelines or Requirements of Disposition of Cremated Remains Including Mailing Requirements
RS 37:880 — Disposition of cremated human remains; refusal to release cremated human remains; prohibited activities	<p>A.(1) Cremated human remains shall be disposed of in accordance with the provisions of R.S. 8:655.</p> <p>(2) If a funeral director, funeral establishment, or crematory authority is aware of any dispute concerning the release or disposition of the cremated human remains, the funeral director, funeral establishment, or crematory authority may refuse to release the cremated human remains until the dispute has been resolved or the funeral director, funeral establishment, or crematory authority has been provided with a court order authorizing the release or disposition of the cremated human remains.</p> <p>B.(1) If, after a period of sixty days from the date of cremation, the person who controls the right of disposition has not completed his responsibility of disposition or claimed the cremated human remains, the crematory authority, funeral establishment, or the person in possession of the cremated human remains may dispose of the cremated human remains in any manner permitted by law.</p> <p>(2) The person who controls the right of disposition shall be responsible for reimbursing the crematory authority, funeral establishment, or person in possession of the cremated human remains for all reasonable expenses incurred in disposing of the cremated human remains pursuant to this Section. A record of such disposition shall be made and kept by the person making such disposition.</p> <p>(3) Upon disposing of cremated human remains in accordance with this Section, the crematory authority, funeral establishment, or person in possession of the cremated human remains shall be discharged from any legal obligation or liability concerning such cremated human remains or disposition thereof.</p> <p>(4) The provisions of this Subsection shall apply to all cremated human remains in the possession of a crematory authority, funeral establishment, or other party on August 15, 2003.</p> <p>C. Cremated human remains shall be removed from their closed container before being scattered and shall be scattered in accordance with the laws of this state.</p> <p>D. Except with the express written permission of the person who controls the right of disposition, no person shall do either of the following:</p> <p>(1) Place cremated human remains of more than one person in the same closed container. The provisions of this Paragraph shall not apply to placing the cremated human remains of members of the same family in a common closed container designated for the cremated human remains of more than one person.</p> <p>(2) Dispose of or scatter cremated human remains in such a manner or in such a location that the cremated human remains are commingled with those of another person. The provisions of this Paragraph shall not apply to the scattering of cremated human remains at sea or by air from individual closed containers or to the scattering of cremated human remains in an area located in a dedicated cemetery or privately owned property.</p>