

State:	Louisiana
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**Inquiry 1:** How long can I keep the body at home after death and under what conditions?

La. Stat. Ann. § 37:848

(3) If the body is not embalmed or refrigerated, it shall be buried, cremated, or otherwise disposed of within thirty hours after death or as soon as possible after its release by the proper authorities.

La. Stat. Ann. § 8:651

Except in cases of lawful dissection or where a dead body shall rightfully be carried through or removed from the state for the purposes of interment or cremation elsewhere, every dead body of a human being lying within this state, and the remains of any dissected body, after dissection, shall be decently interred or cremated within a reasonable time after death.

**Inquiry 2:** Does my state require the body to be embalmed? Refrigerated?

La. Stat. Ann. § 37:848

(2) If the body is to be held by the funeral establishment longer than thirty hours after the time of death, it shall be embalmed or the body may be refrigerated continuously at a temperature not to exceed forty-five degrees Fahrenheit.

(3) If the body is not embalmed or refrigerated, it shall be buried, cremated, or otherwise disposed of within thirty hours after death or as soon as possible after its release by the proper authorities.

51 La. Admin. Code Pt XXVI, 103

If the body is to be held longer than 30 hours without refrigeration as specified, it shall be embalmed in a manner approved by the Louisiana Board of Embalmers and Funeral Directors. If a dead human body is to be held longer than 30 hours in the custody of a Louisiana licensed hospital, Louisiana medical school, the Louisiana Anatomical Board or a coroner, it shall be refrigerated at all times at a temperature not to exceed 45° Fahrenheit prior to its release to a funeral director for final disposition. If a body is not refrigerated or embalmed, it shall be buried, cremated, or otherwise disposed of within 30 hours after death or as soon as possible after its release to the licensed funeral director. No one shall carry, transport or remove from within the confines of this state any dead human body more than 24 hours after death unless said body has been embalmed or cremated. Nothing in this Section, however, shall be construed to prohibit transfer of an unembalmed dead human body which has been disposed of for the purpose of the

advancement of medical science, or for use as “transplant” organs. Additionally, nothing in this Section shall be construed to require embalming if special practices and beliefs of religious groups prohibit it.

**Inquiry 3:** What methods of disposition are legal in my state?

La. Stat. Ann. § 8:1

(22) “Disposition” means the interment, burial, cremation, or anatomical donation of the body of a deceased person or parts of the body of a deceased person. Disposition shall not include any prohibited act pursuant to Part I of Chapter 12 of Title 17 of the Louisiana Revised Statutes of 1950, the Anatomical Gift Act, the Louisiana Unmarked Human Burial Sites Preservation Act, or the Louisiana Historic Cemetery Preservation Act.

La. Stat. Ann. § 37:831

(33) “Disposition” means the shipment, interment, burial, cremation, or anatomical donation of a dead human body or parts of a dead human body.

La. Stat. Ann. § 40:32

(5) “Final disposition” means the burial, interment, cremation, removal from the state, or other authorized disposition of a dead body or fetus.

**Inquiry 4:** Are there any circumstances under which I would be required to wait before final disposition?

There are no statutes or regulations that address this question.

**Inquiry 5:** What do I need to do to get a death certificate?

La. Stat. Ann. § 40:49

A. **The funeral director or person acting as such** shall prepare and file the certificate of death or spontaneous fetal death or stillbirth provided for in R.S. 40: 47.

B. In preparing a certificate of death or spontaneous fetal death or stillbirth, he shall:

(1) First obtain and enter on the certificate the personal data required by the state registrar from the person best qualified to supply such data.

(2) Except as provided in Paragraph (4) of this Subsection, if the death occurred with medical attendance, present the certificate of death to the physician last in attendance upon the deceased, who shall certify over his signature within

twenty-four hours the cause of death to his best knowledge and belief; or, if the spontaneous fetal death occurred with any person in attendance, present the certificate of spontaneous fetal death to the physician, midwife, or other person in attendance at the spontaneous fetal death for the certification of the fact of spontaneous fetal death and such medical data pertaining to the spontaneous fetal death as the physician or midwife can furnish in his professional capacity.

(3) Except as provided in Paragraph (4) of this Subsection, if the death occurred without medical attendance, or if the physician or midwife or other person last in attendance at the death or spontaneous fetal death refuses or for any reason fails to sign the certificate, immediately notify the appropriate local registrar. The local registrar shall, prior to issuing a permit for burial, cremation, or other disposition of the body, inform the coroner, and refer the case to him for immediate investigation and certification of the information required under Paragraph (2) of this Subsection. Provided, however, that nothing in this Section shall be construed to require an investigation, autopsy or inquest in any case where death occurred without medical attendance solely because the deceased was under treatment by prayer or spiritual means alone in accordance with the tenets and practices of a recognized church or religious denomination, and under such eventualities, the death certificate may be completed on the basis of information received from persons having knowledge of the facts.

(4) Whether the death or spontaneous fetal death occurred with or without medical attendance, if the circumstances of the case suggest that the death or spontaneous fetal death was caused by other than natural causes, the local registrar shall refer the case to the coroner or medical examiner for investigation and certification.

(5) When death occurs more than ten days after the decedent was last treated by a physician, the case shall be referred to the coroner for investigation to determine and certify the cause of death.

(6) When inquiry is required by the coroner, he shall determine the cause of death and shall complete and sign the medical certification within forty-eight hours after taking charge of the case.

(7) If the cause of death cannot be determined within forty-eight hours after death, the attending physician or coroner shall give the funeral director or person acting as such notice of the reason for the delay, and final disposition of the body shall not be made until authorized by the attending physician or coroner.

(8)(a) When a death is presumed to have occurred on a specific date and at a specific time and place within this state but the body cannot be located, a death certificate may be prepared by the state registrar upon receipt of an order of a Louisiana court of competent jurisdiction following a contradictory proceeding brought against the district attorney in the parish of the presumed place of death. The court shall require such clear and convincing proof as it deems necessary and in accordance with the provisions of Louisiana Civil Code Articles 54, 55, and 1957 and Louisiana Code of Evidence Articles 301 through 308 and, if applicable, in further accord with R.S. 9:1441-1443. The court's judgment shall include the finding of sufficient facts to complete the essential parts of the death certificate.

(b) A certified copy of the petition shall accompany a certified copy of the judgment presented to the state registrar, along with a fee of ten dollars for filing and preparation of the presumptive death certificate, plus a fee of five dollars for each certified copy of the presumptive death certificate after the original document has been completed and recorded in the vital records registry.

(c) Such a death certificate shall be clearly marked or stamped "presumptive" and shall show on its face the date of registration and shall identify the court and the date of decree.

(9) Each spontaneous fetal death of twenty complete weeks gestation or more, calculated from the date last normal menstrual period began to the date of delivery, or a weight of three hundred fifty grams or more, which occurs in this state shall be reported within five days after delivery to the vital records registry or as otherwise directed by the state registrar.

(10) When a dead fetus is delivered in an institution, the person in charge of the institution or his or her designated representative shall prepare and file the spontaneous fetal death (stillbirth) certificate.

(11) When death occurs in a moving conveyance in the United States and the body is first removed from the conveyance in this state, the death shall be registered in this state and the place where it is first removed shall be considered the place of death. When a death occurs on a moving conveyance while in international waters or air space or in a foreign country or its air space and the body is first removed from the conveyance in this state, the death shall be registered in this state but the certificate shall show the actual place of death insofar as can be determined.

(12) The medical certification shall be completed, signed, and returned to the funeral director, if applicable, within twenty-four hours after death by the physician in charge of the patient's care for the illness or condition which resulted in death, except when a coroner's inquiry is required. In the absence of the physician or with his or her approval the certificate may be completed and signed by his or her associate physician, the chief medical officer of the institution in which death occurred, the physician who performed an autopsy upon the decedent, or the coroner, provided such individual has access to the medical history of the case, views the deceased at or after death, and death is due to natural causes.

**Inquiry 6:** What do I need to do to get a burial-transit permit? Is there a wait period before I can receive a burial-transit permit?

La. Admin. Code tit. 51, pt. XXVI, § 101

A. The state health officer shall provide a permit for the burial, cremation, entombing, removal, transportation by common carrier or other disposition of dead human bodies as defined by R.S. 40:32; to be known as the burial-transit permit, and no other permit shall be necessary for any other the above dispositions.

B. The burial-transit permit shall consist of three sections: The first section shall be executed by the State Registrar of Vital Records or his designated agent to whom the certificate of death is presented and shall contain the following information: full name, race, age and sex of the deceased, the place of death, date of death and a space for a statement by the registrar that a certificate of death has been filed and that permission is granted to a stated party to dispose of the corpse. The second section of the permit shall be filled out and signed by the funeral director or other person designated as custodian of the body, and shall contain a statement as to the method of embalming or preparation for final disposition and date thereof. The third section shall be filled out and signed by the sexton or person in charge of burial or other final disposal, and shall contain a statement as to the method of final disposal, date, and name and location of cemetery or crematory, and lot number if burial is in a cemetery.

C. When dead bodies are shipped by common carrier, the burial-transit permit shall be securely attached to the shipping case in an envelope and shall accompany the remains to their destination.

D. Within 10 days after burial, cremation or other disposal, the sexton of the cemetery, or other such person in charge

of the disposal, shall execute the third section of the burial-transit permit, transcribe the date thereon to the record of the cemetery, and shall forward the permit to the registrar of the parish where the burial or other such disposal occurred.

E. The burial-transit permits of the other states (including foreign countries) shall be accepted as authorization for burial in the same manner as if the permit had been issued by the State Registrar of Vital Records.

F. The local registrar shall file and preserve the executed burial-transit permits which are returned to him by the sexton or other such persons.

#### **Inquiry 7: Personal Preference Statute**

There are no statutes or regulations that address this question.

#### **Inquiry 8: Designated Agent Statute**

La. Stat. Ann. § 8:655

A person may designate another individual to control their disposition “in the form of a notarial testament or a written and notarized declaration.”

#### **Inquiry 9: Right of Sepulcher Statute**

La. Stat. Ann. § 8:655

A. Except as provided in Subsection F of this Section, unless other specific directions have been given or the designation of a specific person to control disposition has been made by the decedent in the form of a notarial testament or a written and notarized declaration, the following persons, in the priority listed, have the right to control and authorize the interment of a deceased person, as defined in R.S. 8:1:

- (1) The person designated to control disposition by the decedent in the form of a notarial testament or a written and notarized declaration.
- (2) The surviving spouse, if there is no pending petition for divorce 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 siblings of the decedent.
- (7) A majority of the surviving adult persons respectively in the next degrees of kindred as established in Civil Code Article 880 et seq.

