

**ORDER OF THE BOARD OF HEALTH OF THE CITY OF NEW YORK
REGARDING FUNERAL DIRECTOR SERVICES**

WHEREAS, on March 7, 2020 New York State Governor Andrew Cuomo declared a State disaster emergency for the entire State of New York to address the threat that the novel coronavirus 2019 (“COVID-19”) poses to the health and welfare of New York residents and visitors, and such declaration remains in effect; and

WHEREAS, on March 12, 2020, Mayor Bill de Blasio declared a state of emergency in the City of New York (the “City”) to address the threat posed by COVID-19 to the health and welfare of City residents, and such declaration remains in effect; and

WHEREAS, the Mayor directed all agency heads, including the Department of Health and Mental Hygiene (the “Department”) and the Board of Health (the “Board”), to take all appropriate and necessary steps to preserve public safety and to render all required and available assistance to protect the security, well-being and health of the residents of the City, and such direction has been renewed in subsequent emergency executive orders and remains in effect; and

WHEREAS, the number of deaths in the City reported to the Department has increased dramatically in recent weeks, with reported deaths related to COVID-19 having increased from over 2000 deaths by March 31, 2020 to over 15,000 such deaths by April 24, 2020; and

WHEREAS, on April 9, 2020, Governor Cuomo issued Executive Order 202.15 which temporarily suspended or modified certain provisions of the State Public Health Law, the Not for Profit Corporation Law, and the New York Codes, Rules and Regulations to allow the New York State Department of Health (the “NYSDOH”) to approve out of state funeral directors and unregistered but licensed funeral directors to act under the supervision of a licensed and registered funeral director, and to allow funeral directors or undertakers to authorize persons deputized by NYSDOH to be agents authorized to perform certain tasks required of a funeral director; and

WHEREAS, on April 14, 2020, the NYSDOH Bureau of Funeral Directing issued a guidance letter to funeral directors approving out of state funeral directors, unregistered but licensed funeral directors, and certain deputized agents of a funeral directors to associate with a duly licensed and registered supervising funeral director pursuant to the Governor’s Executive Order 202.15; and

WHEREAS, Articles 205 and 207 of the Health Code require funeral directors to perform certain acts, including filing reports of deaths and removing remains from the place of death or other location for final disposition; and

NOW THEREFORE BE IT RESOLVED at its meeting on April 28, 2020, the Board of Health does hereby amend the New York City Health Code to suspend and modify any provision of Article 205 and Article 207 that may be inconsistent with allowing an out of state funeral director, an unregistered (passive and inactive) but licensed funeral director, or a deputized agent of a funeral director as described in guidance issued by the NYSDOH Bureau of Funeral Directing to act in accordance with Governor Cuomo’s Executive Order 202.15 and any subsequent amendment or extension thereof, provided that such person registers with the Department as required by Article 205.

This Order shall be effective immediately and remain in effect until the end of the public health emergency or such earlier time as the Commissioner may indicate, in accordance with any extension and expiration of Governor Cuomo’s Executive Order 202.15, and pursuant to promoting the timely removal and final disposition of human remains in the City.