

DECLARATION OF EMERGENCY

Department of Health Board of Embalmers and Funeral Directors

Suspension of Funeral Establishment and Crematory Authority Renewal Fee (LAC 46:XXXVII.Chapter 7)

On January 31, 2020, the United States Department of Health and Human Services Secretary Alex A. Azar declared a public health emergency (PHE) for the United States to aid the nation's healthcare community in responding to the coronavirus disease (COVID-19). The United States Centers for Disease Control and Prevention (CDC) has declared COVID-19 a worldwide pandemic due to its global effect. Furthermore, on March 13, 2020, President Donald Trump invoked the Stafford Act and declared a national emergency regarding the COVID-19 outbreak. COVID-19 has been detected in the state of Louisiana with a growing number of residents testing positive for the disease. There is reason to believe that COVID-19 may spread among the population by various means of exposure, therefore posing a significant risk of substantial harm to a large number of citizens.

This Emergency Rule is issued to address the mass disruption to the normalcy previously enjoyed by citizens of Louisiana as a result of the effects of COVID-19. Specifically, Proclamation No. JBE 2020-33 and Proclamation No. JBE 2020-41, declaring a stay at home order, this Emergency Rule is issued under the authority of the Louisiana State Board of Embalmers and Funeral Directors, pursuant to the following: House Concurrent Resolution No. 71, issued on June 1, 2020

COVID-19 has created a mass disruption to the normalcy previously enjoyed by Louisianans and is an immediate threat to the public health, safety, and welfare of Louisiana citizens. In order to respond to the emergency and to protect and safeguard the public, health, safety and welfare of the citizens of this state, it is necessary to issue this Emergency Rule.

Title 46

EMBALMERS AND FUNERAL DIRECTORS

Part XXXVII. Regulations

Chapter 7. Suspension of Funeral Establishment and Crematory Authority Renewal Fee

§708. Purpose

A. This Emergency Rule provides for the suspension of renewal fees for licenses of funeral establishments and crematory authority who have been negatively impacted by the related commercial and economic impacts of COVID-19, in accordance with Proclamation No. JBE 2020-33, issued on March 22, 2020, by Governor John Bel Edwards declaring a stay at home order and closure of nonessential businesses until April 13, 2020 and Proclamation No. JBE 2020-41 issued on April 2, 2020, declaring a stay at home order and closure of nonessential businesses until April 30, 2020 and House Concurrent Resolution No. 71.

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-25, Proclamation No. JBE 2020-29, Proclamation No. JBE 2020-33, Proclamation No. JBE 2020-37, Proclamation No. JBE 2020-41, House Concurrent Resolution No. 71.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Embalmers and Funeral Directors LR 46:

§709. Applicability and Scope

A. Suspension of funeral establishment and crematory authority renewal fee shall apply to funeral establishments' licenses with an expiration date of December 31, 2020 and crematory authority licenses with an expiration date of May 15, 2021.

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-25, Proclamation No. JBE 2020-29, Proclamation No. JBE 2020-33, Proclamation No. JBE 2020-37, Proclamation No. JBE 2020-41, House Concurrent Resolution No. 71.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Embalmers and Funeral Directors LR 46:

§710. Definitions

A. For the purposes of Emergency Rule -Suspension of Funeral Establishment and Crematory Authority Renewal Fee the following terms are defined as follows:

Funeral Establishment—as defined in R.S. 37:831 (44).

Crematory Authority— as defined in R.S. 37:831 (28)

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-25, Proclamation No. JBE 2020-29, Proclamation No. JBE 2020-33, Proclamation No. JBE 2020-37, Proclamation No. JBE 2020-41, House Concurrent Resolution No. 71.

HISTORICAL NOTE: Promulgated by the Louisiana State Board of Embalmers and Funeral Directors:

§711. Suspension of Time to Renew

A. Every funeral establishment license with a renewal date of December 31, 2020 is suspended until June 30, 2021.

B. Every crematory authority with a renewal date of May 15, 2021 is suspended until June 30, 2021.

C. Renewals submitted in compliance with Emergency Rule - Suspension of Funeral Establishment and Crematory Authority Renewal Fee shall not be subject to a late fee.

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-25, Proclamation No. JBE 2020-29, Proclamation No. JBE 2020-33, Proclamation No. JBE 2020-37, Proclamation No. JBE 2020-41, House Concurrent Resolution No. 71.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Embalmers and Funeral Directors LR 46:

§712. Licenses to Remain Valid

A. During the suspended renewal period, the funeral establishment and crematory authority license is subject to this Emergency Rule shall remain valid unless surrendered, suspended or revoked.

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-25, Proclamation No. JBE 2020-29, Proclamation No. JBE 2020-33, Proclamation No. JBE 2020-37, Proclamation No. JBE 2020-41, House Concurrent Resolution No. 71.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Embalmers and Funeral Directors LR 46:

§713. Effective Date

A. Emergency Rule Suspension of Funeral Establishment and Crematory Authority Renewal Fee shall become effective at 12:01 a.m. on June 1, 2020 and shall continue in full force and effect until expiration on June 30, 2021 for funeral establishments and June 30, 2021 11:59 p.m. for a crematory authority.

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-25, Proclamation No. JBE 2020-29, Proclamation No. JBE 2020-33, Proclamation No. JBE 2020-37, Proclamation No. JBE 2020-41, House Concurrent Resolution No. 71.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Embalmers and Funeral Directors LR 46:

§714. Severability

A. If any section or provision of this Emergency Rule or its application to any person or circumstance is held invalid, such invalidity or determination shall not affect other Sections or provisions, or the application of this Emergency Rule to any persons or circumstances that can be given effect without the invalid section or provision or application, and for these purposes the sections and provisions of this Emergency Rule and the application to any persons or circumstances are severable.

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-25, Proclamation No. JBE 2020-29, Proclamation No. JBE 2020-33, Proclamation No. JBE 2020-37, Proclamation No. JBE 2020-41, House Concurrent Resolution No. 71.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Embalmers and Funeral Directors LR 46:

Kim W. Michel
Executive Director

2006#007

Kim W. Michel
June 4, 2020