

## LOUISIANA PROCLAMATIONS 58 AND 59

The Governor issued Proclamations 58 and 59 effective May 15, 2020, both of which affect the funeral home industry and remain in effect until June 5, 2020.

### **PROCLAMATION 58 IMPLEMENTS PHASE 1**

Section 2(F) provides:

#### CRITICAL INFRASTRUCTURE AND ESSENTIAL BUSINESSES

All businesses outlined in the guidance from the Cybersecurity and Infrastructure Agency (CISA) as outlined in version 3.0 of that guidance and published at [www.cisa.gov/publication/guidance-essential-critical-infrastructure-workforce](http://www.cisa.gov/publication/guidance-essential-critical-infrastructure-workforce) may remain in full operation. All owners and employees at such businesses shall maintain strict social distancing between themselves and members of the public and shall wear face coverings at all times if interacting with the public. (Emphasis added.)

Mortuary service providers are identified as Essential Critical Infrastructure Workforce in the category of Healthcare/Public Health of the CISA Guidance document. Under Proclamation 58 funeral homes are permitted to remain in full operations but are instructed to “maintain strict social distancing between themselves and members of the public and shall wear face coverings at all times if interacting with the public.”

Section G applies occupancy limitations on all other businesses, but this does not apply to Critical Infrastructure and Essential Businesses. However, Proclamation 59 applies other limitations on funeral services.

### **PROCLAMATION 59 EXTENSION OF EMERGENCY PROVISIONS**

#### SECTION 9: FUNERAL SERVICES

A) Indoor funeral services shall be limited to the same number of attendees as required by Proclamation 58 JBE 2020. Outdoor services may be held pursuant to the May 1 guidance from the State Fire Marshal for outdoor religious services. Funeral directors are directed to limit the number of personnel present at any such service to only one single funeral director and to ensure the enforcement of the CDC's social distancing guidelines during the conduct of the funeral.

B) In order to facilitate the timely handling and interment or cremation of deceased in this State, funeral directors shall be considered "essential workers" for the purposes of obtaining access to personal protective equipment ("PPEs") and for the purposes of conducting the necessary business of death care in the State.

C) The Department of Health is hereby directed to publish guidance that funerals for COVID-19 positive decedents be conducted, as recommended by the CDC, within five days, if practical.

D) In order to facilitate the timely cremation of remains pursuant to the express wishes of the deceased or of those authorized to direct disposition under La. R.S. 8:655 (whichever is applicable under the law), the signatures and notarization required for cremation authorizations under La. R.S. 37:876-877 are hereby waived inasmuch as they can be replaced by faxed, scanned, or photographed signatures on the requisite paperwork and video conferencing without the need for a notary. In no event shall this waiver be interpreted as an authorization to proceed with cremation in the absence of the signatures of those required by La. R.S. 37:876-877 or against the express wishes of those individuals identified by La. R.S. 8:655.

E) To the extent necessary and as permitted by the orders of the Louisiana Supreme Court issued on March 16, 2020, and March 20, 2020, the district courts of this State shall consider petitions brought pursuant to La. R.S. 8:655(E) by funeral directors, hospitals, or coroners during the term of this proclamation as essential proceedings necessary to respond to the COVID-19 event.

F) In no event shall this proclamation be interpreted to waive any other provisions of Title 8 or Chapter IO of Title 37 of the Louisiana Revised Statutes that are not expressly identified herein.

Section A provides that “Indoor funeral services shall be limited to the same number of attendees as required by Proclamation 58 JBE 2020.” This is ambiguous since Proclamation 58 provides that business identified in the CISA guidance document may operate at full operation. The CISA guidance includes funeral homes and crematoriums. Proclamation 58 places a 25% occupancy limit on other businesses allowed to continue operations. Arguably, it may have been the intent to apply the 25% occupancy limit to indoor funeral service.

Section A continues the limit on the number of personnel present to one funeral director as first appeared in Proclamation 38.

Outdoor funeral services are to be conducted in accordance with the May 1 guidance of the Louisiana Fire Marshall for outdoor religious service (copy attached). It provides, among other things, for additional personnel identified as “Crowd Managers” based on the number of attendees.

Section D continues the waiver of the notary requirement for cremation authorization forms and the use of electronic signatures thereon. Section E continues the recognition of court proceedings seeking orders authorizing disposition of remains under La. R.S. 8:655(E) to be essential proceedings under the Louisiana Supreme Court order. Sections D and E were first issued in Proclamation 38.

Section B directs the Louisiana Department of Health to issue further guidance for funeral homes caring for COVID-19 victims.

On March 26, 2020 Proclamation 37 was issued and provided for remote notarization of documents. It was extended to April 30, 2020 and is no longer in effect.