State of New Jersey
DEPARTMENT OF HEALTH
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PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

JUDITH M. PERSICHILLI, RN, BSN, MA
Commissioner

EXECUTIVE DIRECTIVE NO: 20-010 **(REVISED)**

WHEREAS, Coronavirus disease 2019 ("COVID-19") is a contagious, and at times fatal, respiratory disease caused by the SARS-CoV-2 virus; and

WHEREAS, on March 9, 2020, Governor Philip D. Murphy issued Executive Order 103, declaring the existence of a Public Health Emergency, pursuant to the Emergency Health Powers Act, N.J.S.A. 26:13-1 et seq, and a State of Emergency, pursuant to the Disaster Control Act, N.J.S.A. App A:9-33 et seq., in the State of New Jersey for COVID-19; and

WHEREAS, through Executive Order Nos. 119, 138, 151, 162 and 171 issued on April 7, 2020, May 6, 2020, June 4, 2020, July 2, 2020, and August 1, 2020 respectively, Governor Philip D. Murphy extended the Public Health Emergency declared on March 9, 2020; and

WHEREAS, under the declared public health emergency, the Commissioner of the Department of Health is empowered, pursuant to N.J.S.A. 26:13-12, to take all reasonable and necessary measures to prevent the transmission of infectious disease and apply proper controls and treatment for infectious disease; and

WHEREAS, pursuant to N.J.S.A. 26:13-7(a)(1), the Commissioner of the Department of Health, the Commissioner of the Department of Environmental Protection and the Chief State Medical Examiner are empowered to take actions or issue and enforce orders to provide for the safe disposition of human remains as may be reasonable and necessary to respond to the public health emergency; and

WHEREAS, pursuant to N.J.S.A. 26:13-7(a)(4), the Commissioner of the Department of Health, the Commissioner of the Department of Environmental Protection and the Chief State Medical Examiner are empowered "[t]o direct or issue and enforce orders requiring that every human remains prior to disposition be clearly labeled with all available information to identify the decedent, which shall include the requirement that any human remains of a deceased person with a contagious disease shall have an external, clearly visible tag indicating that the human remains are infected to avoid the need to reopen required body bags and, if known, the contagious disease"; and

WHEREAS, in response to the escalating number of deaths resulting from COVID-19 in the State, the Department of Health issued Executive Directive 20-010, which placed

certain restrictions and limitations on the disposition of human remains in order to provide for the safe storage and safe and timely disposition of human remains while balancing the rights of the family of the deceased and the risk of exposure to infection; and

WHEREAS, the Centers for Disease Control and Prevention continues to recommend that mourners at a funeral should "consider not touching the body of someone who has died of COVID-19"; and

WHEREAS, given the decreasing rate of reported new cases of COVID-19 in New Jersey, including a reduction in the total number of individuals being admitted to hospitals for COVID-19 and in the rate of reproduction for COVID-19 infections in New Jersey, the Goveror has taken steps, through several Executive Orders, to lift certain restrictions that were in place in response to the public health emergency;

WHEREAS, the number of deaths resulting from COVID-19 is also on the decline in the State; and

WHEREAS, with the downward trajectory of both the number of positive COVID-19 cases found in the State and the number of deaths attributiable to COVID-19, it is appropriate to relax the restrictions and limitations that were placed on the dispositon of human remains under Executive Order 20-010.

NOW, THEREFORE, I, JUDITH PERSICHILLI, Commissioner of the New Jersey Department of Health, in consultation with the Chief State Medical Examiner and the Commissioner of the Department of Environmental Protection, pursuant to the powers afforded to me under the Emergency Health Powers Act, hereby ORDER and DIRECT the following:

1. This Executive Director supersedes Executive Directive 20-010 issued on April 22, 2020 and corrected on May 16, 2020.

2. Embalming may be performed if appropriate personal protective equipment is utilized.

3. In-person viewings, visitations or ceremonies with an open casket containing the decedent are permitted so long as an appropriate physical barrier, such as stanchion roping, is in place between mourners and the decedent to discourage mourners from touching the decedent. Viewings, visitations or ceremonies must comply with the current limitations on gatherings, as set forth in Executive Orders and/or Administrative Orders relating to limitations on gatherings.

4. Cemeteries shall ensure that all graveside services comply with current limitations on gatherings as set forth in Executive Orders and/or Administrative Orders relating to limitations on gatherings.

5. Licensed mortuary practitioners may not deny funeral services for any deceased person based upon their cause of death; nor may they place any condition not required by this Directive upon the provision of funeral services for any deceased person based upon their cause of death, or represent that state or local law requires that any condition not required by this Directive be placed upon the provision of funeral services for any deceased person based upon their cause of death.

6. To the extent possible, licensed mortuary practitioners shall take into consideration the religious, cultural, family and individual beliefs of the deceased person or their family for disposition of the remains.

7. When a death occurs at a hospital, including emergency modular field treatment facility, or any other hospital facility established during this state of emergency (collectively "Hospital Facility") or at a long-term care, assisted living facility, assisted living program, dementia care home, comprehensive personal care home or a residential health care facility (collectively "Health Care Facility") and the identity of the decedent is unknown, unless the circumstances of the death are statutorily required to be investigated by the Medical Examiner's office, the remains shall be deemed to be unidentified.

a. The Hospital Facility or the Health Care Facility shall, as soon as possible, contact the office of the county or intercounty medical examiner in the jurisdiction where the death occurred to take custody of the remains.

b. If remains received as unidentified are thereafter identified, the county or intercounty medical examiner shall release the remains pursuant to the direction of any proper person willing to accept responsibility therefor and who shall state the name and last known residence of the deceased, and acknowledge receipt of the remains.

c. Disposition of unidentified remains shall be performed pursuant to N.J.S.A. 40A:9-54 to -56.

8. As of July 15, 2020, the State temporary morgues are no longer accepting human remains.

a. If a Health Care Facility, Hospital Facility or registered mortuary transferred human remains to a State temporary morgue, then it maintains responsibility for making appropriate and expeditious arrangments for the removal of the remains for final disposition.
b. The State Temporary Morgues may be contacted by email (Morgue-north@gw.njsp.org) or telephone (609-433-4117) to arrange for the removal of the remains.

9. Any Health Care Facility, Hospital Facility or registered mortuary that transferred human remains to a State temporary morgue is required to maintain a copy of the fully executed State Transfer Form that was provided by the State temporary morgue upon

acceptance of the human remains in the decedent's record and provide the decedent's next of kin, if one exists, with a copy of the fully executed State Transfer Form and advise the next of kin when the remains were transferred to the State temporary morgue and the location of the State temporary morgue.

10. Prior to transportation from the location where death occurred or was discovered, all human remains, regardless of cause of death, shall be placed into non-porous, polyvinyl (minimum 8 mils thickness) zippered pouches designed for human remains (i.e., cadaver or "body" bags) and externally disinfected using products approved by the U.S. Environmental Protection Agency to be effective against emerging viral pathogens.

a. Health Care Facilities, Hospital Facilities and registered mortuaries are responsible for maintaining an appropriate supply of cadaver bags to meet the demand.

b. Upon request, Health Care Facilities, Hospital Facilities and registered mortuaries shall provide information on their inventories of cadaver bags to the New Jersey Department of Health, Office of the Chief State Medical Examiner, or New Jersey Office of Emergency Management.

c. State entities may, depending on supply, make cadaver bags available to Health Care Facilities, Hospital Facilities or registered mortuaries and may require reimbursement for cost.

11. Human remains prepared for transportation shall be accompanied by available information identifying the decedent.

a. Identifying information must be recorded indelibly on the outside of the pouch, near the zipper closure, and on the body itself and shall include the decedent's name, date of death, date of birth and the EDRS case number for the decedent.

b. When the cause of death is known or reasonably suspected to have been related to COVID-19 or other contagious disease, a completed copy of the Department of Health's Communicable Disease Alert Form must accompany the remains.

12. All persons involved in the preparation for disposition, transportation or storage of human remains, regardless of the cause of death, should wear appropriate personal protection equipment and adhere to precaution standards for the preparation and handling of human remains set forth in N.J.A.C. 8:9-1.3.

13. Mobility assistance vehicle providers and emergency medical providers, outside of the 911 system, may be used for the purposes of transporting human remains from the State temporary morgue.

a. Providers transporting human remains shall ensure that the remains are properly secured in the vehicle for transport.

b. Upon completion of the transport, the emergency medical provider shall disinfect the vehicle that was used to transport the human remains with products approved by the U.S. Environmental Protection Agency to be effective against emerging viral pathogens.

14. All Healthcare Facilities and Hospital Facilities using the State Temporary Morgue shall ensure that staff responsible for coordinating the removal of remains from the State Temporary Morgue are advised of the location of the remains and that staff immediately provide the location of the remains and a copy of the fully executed State Transfer Form to a licensed mortuary practitioner seeking to take custody of the remains for disposition.

15. The Department of Law and Public Safety, Division of Consumer Affairs is authorized to provide supplemental and ongoing guidance to effectuate the provisions of this Executive Directive pertaining to mortuaries, mortuary practitioners, cemeteries, and crematories.

16. Postmortem management entities within the State, including but not limited to, registered mortuaries, licensed mortuary practitioners, cemeteries, crematories, county and intercounty morgues, Hospital Facilities, and Health Care Facilities shall provide information upon request by the Department of Health, Office of the State Chief Medical Examiner, Department of Law & Public Safety, Division of Consumer Affairs, or New Jersey Office of Emergency Management regarding situational and projected postmortem management capacity at each entity.

This Directive shall take effect immediately. The provisions of this Directive shall remain in force and effect for the duration of the public health emergency originally declared in Executive Order No. 103 (2020) as extended by Executive Order Nos. 119, 138, 151, 162 and 171, and any subsequent extensions, unless otherwise modified, supplemented and/or rescinded.

Judith M. Persichilli

Judith Persichilli, R.N., B.S.N., M.A.
Commissioner

August 20, 2020
Date