STATE OF NORTH DAKOTA
DEPARTMENT OF HEALTH

STATE HEALTH OFFICER ORDER FOR DISEASE CONTROL MEASURES TO
PREVENT THE SPREAD OF 2019-nCoV/COVID-19 PURSUANT TO
NORTH DAKOTA CENTURY CODE § 23-01-05(12)

ORDER # 2020-07

SECTION A: FINDINGS

1. Pursuant to North Dakota Century Code § 23-01-05(12), the State Health Officer may “issue
any order relating to disease control measures deemed necessary to prevent the spread of
communicable disease.” A communicable disease is a “disease or condition that causes
serious illness, serious disability, or death, the infectious agent of which may pass or be
carried, directly or indirectly, from the body of one person to the body of another. See
N.D.C.C. 23-07.6. The 2019-nCoV/COVID-19 is a communicable disease.

2. The Director General of the World Health Organization has declared that the 2019-
nCoV/COVID-19 constitutes a Public Health Emergency of International Concern. The
Secretary of the U.S. Department of Health and Human Services has declared that 2019-
nCoV/COVID-19 constitutes a public health emergency.

3. On March 13, 2020, President Donald Trump issued a declaration of national emergency

4. On March 13, 2020, Governor Doug Burgum declared a state of emergency in response to
the public health crisis resulting from 2019-nCoV/COVID-19; Executive Order 2020-03
activated the State Emergency Operation Plan (SEOP), implementing appropriate response
and recovery actions and future mitigation measures.

5. Both travel related cases and community contact transmission of 2019-nCoV/COVID-19
have been documented in North Dakota and are expected to continue.

6. Increased transmission of 2019-nCoV/COVID-19 poses a substantial threat to public health
and the health care system.

7. The Centers for Disease Control and Prevention (CDC), World Health Organization (WHO),
and National Funeral Directors Association (NFDA) have issued post-mortem guidance for
funeral practitioners in an effort to limit interaction with potentially infectious material and
therefore, increased transmission.

8. As a result, this Order is necessary to prevent the spread of 2019-nCoV/COVID-19 is
therefore authorized pursuant to N.D.C.C. 23-01-05(12).

9. Delay in imposing this Order would significantly jeopardize the ability of the Department of
Health to prevent or limit the transmission of 2019-nCoV/COVID-19, a communicable
disease, to others.
SECTION B: REQUIREMENTS

For purposes of the application of North Dakota Administrative Code chapter 33-05-02, 2019-nCoV/COVID-19 is hereby declared a “post-mortem communicable disease.” North Dakota Administrative Code chapter 33-05-02 shall be applied in all situations where a person who dies has been diagnosed with, or is suspected as having, 2019-nCoV/COVID-19.

SECTION C: FAILURE TO ADHERE TO ORDER

Notice is further given that a person is guilty of an infraction if that person violates or fails to obey any order issued by the State Health Officer. N.D.C.C. § 23-07-21(1).

SECTION D: EFFECTIVENESS OF ORDER

The requirements of this Order are effective until revocation by the State Health Officer.

SECTION E: STATE HEALTH OFFICER EXECUTION

Dated this 26th day of April, 2020.

Myllyn Tuffe, MBA, MSJM, RN
State Health Officer
North Dakota Department of Health