

**CERTIFICATION OF EMERGENCY RULES
FILED WITH LEGISLATIVE SERVICES AGENCY
OTHNI LATHRAM, DIRECTOR**

Pursuant to Code of Alabama 1975, §§41-22-5(b) and 41-22-6(c)(2)a. and b.

I certify that the attached emergency (amendment, new rule, new chapter, repeal or adoption by reference) is a correct copy as promulgated and adopted on the 7th day of August, 2020.

AGENCY NAME: Alabama Board of Funeral Service

RULE NO. AND TITLE: 395-X-4-.01ER

EFFECTIVE DATE OF RULE: 08/07/2020

EXPIRATION DATE (If less than 120 days): 12/05/2020

NATURE OF EMERGENCY:

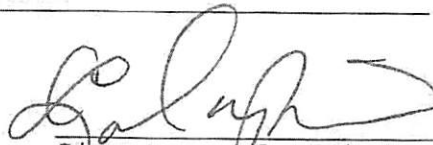
The rule will require funeral homes whose policy is not to embalm or hold a funeral service for a COVID-19 body to inform the family of that policy before taking custody of the body. If the funeral home informs the family that they will not embalm or will not hold a funeral service of a COVID-19 body after they have taken custody and the family elects to transfer the body then the funeral home cannot charge for services rendered.

STATUTORY AUTHORITY: 34-13-26 and 34-13-27, Code of Alabama, 1975

SUBJECT OF RULE TO BE ADOPTED ON PERMANENT BASIS YES NO

NAME, ADDRESS, AND TELEPHONE NUMBER OF PERSON TO CONTACT FOR COPY OF RULE:

Charles M. Perine
P.O. Box 309522
Montgomery, AL 36130



Signature of officer authorized
to promulgate and adopt rules and
regulations or his or her deputy

FILING DATE
(For APA Use Only)

REC'D & FILED

AUG 7 2020

395-X-4-.01ER Release of Remains

**Under § 34-13-56 (c)(2)(o), a licensee and establishment may be subject to disciplinary action for:
"Refusing to promptly surrender the custody of a dead human body, upon the express order and payment for services rendered of the person lawfully entitled to the custody thereof."
Nevertheless, if during the COVID-19 state of emergency a funeral establishment has a policy to not embalm or have a funeral service for a decedent known to be COVID-19 positive, then a funeral director, representing the establishment, must inform the authorizing agent or person claiming the right of disposition, of the funeral establishment's policy concerning COVID-19 decedents before the removal is made. If the funeral director, representing the establishment, fails to inform the authorizing agent or person claiming the right of disposition of the establishment's policy to not embalm or have a funeral service and the authorizing agent elects to have the decedent transferred to an establishment that will perform those services, then the funeral establishment refusing to perform said services shall not be paid for services rendered.**

Effective: August 7, 2020