

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
EASTERN DIVISION**

ELIZABETH JANE SINNER, WHITNEY
OXENDAHL, CAROL SAWICKI, LOIS
ALTENBURG, and NORTH DAKOTA
VOTERS FIRST,

Plaintiffs,

v.

AL JAEGER, in his official capacity as
Secretary of State of North Dakota,

Defendant.

Case No. 3:20-cv-00076

**BRIEF IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY
INJUNCTION**

EXHIBIT 14

North Dakota Department of Health Order #2020-07

**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 due to the growing 2019-nCoV/COVID-19 crisis in the United States.
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.



Mylynn Tuttle, MBA, MS/M, RN
State Health Officer
North Dakota Department of Health