
By Mr. Norton, petition (accompanied by bill, Senate, No. 401) of Thomas C. Norton for legislation relative to the procedure for filing death certificates and burial permits. Government Regulations.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety.

AN ACT RELATIVE TO THE PROCEDURE FOR FILING DEATH CERTIFICATES AND BURIAL PERMITS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 11 of Chapter 46 of the General Laws,
2 as appearing in the 1984 Official Edition, is hereby amended by
3 adding the following paragraph: —

4 Said undertaker or funeral director or other person in charge
5 of a funeral who fails to comply with the provisions of this section
6 or section forty-five of chapter one hundred and fourteen shall
7 be subject to a civil penalty of two hundred and fifty dollars for
8 the first failure and for a subsequent failure shall be subject
9 to revocation of any license issued under the provisions of said
10 chapter one hundred and fourteen for a period not to exceed thirty
11 days. Such first of subsequent failure shall be determined by the
12 board of registration in embalming and funeral directing after
13 notice and hearing. Said undertaker or a funeral director not
14 licensed in the state of Massachusetts, or other person in charge
15 of a funeral shall be subject to a civil penalty of two hundred and
16 fifty dollars for the first failure and five hundred dollars for each
17 subsequent failure. The Department of Public Health shall
18 promulgate regulations necessary to carry out the provisions of
19 this section.

1 SECTION 2. Chapter 114 of the General Laws is hereby
2 amended by striking out section 45, as so appearing, and inserting
3 in place thereof the following section: —

4 Section 45. Except as provided in sections forty-four and forty-
5 six, no undertaker or other person shall bury or otherwise dispose
6 of a human body in a town, or remove therefrom a human body
7 which has been buried, until he has prepared a death certificate
8 with attached burial permit in a form provided by the department
9 of public health. Said death certificate with attached burial permit
10 shall be certified by the attending physician, if any, as required
11 by law, or in lieu thereof as hereinafter provided. If there is no
12 attending physician or if, for reasonable cause, his certification
13 cannot be obtained early enough for the purpose, or is insufficient,
14 a physician who is a member of the board of health or employed
15 by it or by the selectmen for the purpose, shall upon application
16 make the certificate required of the attending physician. If death
17 is caused by violence the medical examiner shall make such
18 certificate contain a recital, as required by section ten of chapter
19 forty-six that the deceased was a veteran, such recital shall appear
20 upon the attached burial permit. Said death certificate shall be
21 filed with the clerk or registrar where the death occurred, by
22 certified mail or hand delivery within five days from the date of
23 the physician's signature on the standard certificate of death.

24 No undertaker or other person shall exhume a human body and
25 remove it from a town, from one cemetery to another, or from
26 one grave or tomb other than the receiving tomb to another in
27 the same cemetery, until he has received a removal permit from
28 the board of health or its agent or from the clerk of the town where
29 the body is buried. The completed burial permit, or in the case
30 of exhumation, the removal permit, shall be authorized for the
31 removal of disposition of a human body.

1 SECTION 3 Said chapter 114 is hereby further amended by
2 striking out the second paragraph of section 47, as so appearing,
3 and inserting in place thereof the following sentence: —

4 Section 47. Upon the burial, removal or cremation of a body
5 the superintendent or other officer in charge of the cemetery or
6 crematory shall endorse upon the duplicate permit accompanying
7 the permit the facts of such burial, removal or cremation, with
8 the date thereof, shall make and preserve in the files of the
9 cemetery or crematory a record of such burial, removal or
10 cremation, including any recital in the burial permit relative to

11 service of the deceased as a veteran as defined in section ten or
12 chapter forty-six, and also the location of the grave or other
13 receptacle of the body or ashes of the deceased, and shall forthwith
14 return the duplicate permit to the clerk or registrar where the death
15 occurred; provided, however, that if there is no officer in charge
16 of the cemetery or crematory, such duties shall be performed by
17 the undertaker. Upon receipt of said duplicate permit the clerk
18 or registrar shall forthwith forward the same to the board of
19 health; provided, however, that a satisfactory death certificate has
20 been filed in accordance with the provisions of section forty-five.
21 Each licensed funeral director shall submit to the Commissioner
22 of Public Health by the tenth of every month a list of all clients
23 during the preceding month. Failure to comply with this provision
24 may result in fines of fifty dollars for the first failure and one
25 hundred dollars for each subsequent failure. Said failure shall be
26 determined after hearing by board of registration in embalming
27 and funeral directing.

