

HOUSE No. 1087.

Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, Feb. 29, 1904.

The committee on Bills in the Third Reading, to whom was referred the bill to provide for the better examination of bodies before embalming or burial (House, No. 603), report recommending the substitution of the following bill.

For the committee,

GUY A. HAM.

Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Four.

AN ACT

To provide for the Better Examination of Bodies
before Embalming or Burial.

*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 twenty of chapter twenty-
2 four of the Revised Laws is hereby amended by
3 striking out all after the word "person," in the
4 second line, and inserting in place thereof the
5 words:—until a certificate of death such as is
6 required in case of an original interment by sec-
7 tion thirty-eight of chapter seventy-eight of the
8 Revised Laws and acts in amendment thereof has
9 been obtained, — so as to read as follows:—
- 10 *Section 20.* No embalming fluid, or any sub-
11 stitute therefor, shall be injected into the body of
12 any person until a certificate of death such as is
13 required in case of an original interment by sec-
14 tion thirty-eight of chapter seventy-eight of the
15 Revised Laws and acts in amendment thereof has
16 been obtained.

1 SECTION 2. Section thirty-eight of chapter
2 seventy-eight of the Revised Laws is hereby
3 amended by inserting after the word "physician,"
4 in the twenty-second line, the words:—The per-
5 son making such certificate shall state therein that
6 he has viewed the body,—so as to read as fol-
7 lows:—

8 *Section 38.* No undertaker or other person
9 shall bury a human body in a city or town, or
10 remove therefrom a human body which has not
11 been buried, except as provided in the following
12 section, until he has received a permit from the
13 board of health or its agent appointed to issue
14 such permits, or if there is no such board, from
15 the clerk of the city or town in which the person
16 died; and no undertaker or other person shall
17 exhume a human body and remove it from a city
18 or town, or from one cemetery to another, until
19 he has received a permit from the board of
20 health or its agent aforesaid or from the clerk of
21 the city or town in which the body is buried. No
22 such permit shall be issued until there shall have
23 been delivered to such board, agent or clerk, as
24 the case may be, a satisfactory written statement
25 containing the facts required by law to be re-
26 turned and recorded, which statement, in case of
27 an original interment, shall be accompanied by a
28 satisfactory certificate of the attending physician,
29 if any, as required by law, or in lieu thereof a
30 certificate as hereinafter provided. If there is no
31 attending physician, or if, for sufficient reasons,
32 his certificate cannot be obtained early enough for

33 the purpose, or is insufficient, the chairman of the
34 board of health, if a physician, or any physician
35 employed by said board or by the selectmen for
36 the purpose, shall upon application make such cer-
37 tificate as is required of the attending physician.
38 The person making such certificate shall state
39 therein that he has viewed the body. If death is
40 caused by violence, the medical examiner only
41 shall make such certificate. The board of health
42 or its agent, upon receipt of such statement and
43 certificate, shall forthwith countersign and trans-
44 mit it to the clerk of the city or town for regis-
45 tration. The person to whom the permit is so
46 given and the physician who certifies to the cause
47 of death shall thereafter furnish for registration
48 any other necessary information which can be
49 obtained as to the deceased, or as to the manner
50 or cause of the death, which the clerk or registrar
51 may require.

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Passed to be engrossed.

Sent up for concurrence.

JAMES W. KIMBALL, *Clerk.*