

# HOUSE . . . . . No. 1025.

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Bill accompanying the petition of George W. Allen for legislation to provide for adequate proof of death and for proper safeguards against premature embalming or burial. Legal Affairs. January 23.

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## Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Eight.

### AN ACT

To provide for the Restoration of Persons apparently Dead and to prevent Premature Encoffinment, Embalming, Burial or Cremation.

*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. That no person shall place the body  
2 of any human being in a coffin, casket or other re-  
3 ceptacle by which air or light is excluded, or by  
4 which free movement is prevented, or embalm, bury  
5 or cremate such body except after a certificate of  
6 death as hereinafter provided.

1 SECTION 2. Whenever any person in any city or  
2 town apparently deceases, the board of health of  
3 said city or town or the selectmen of such town, if  
4 no board of health exists, shall within six hours  
5 of such event being known be informed of such ap-  
6 parent death by any person or persons having the  
7 body in charge.

1 SECTION 3. As soon as is possible after such in-  
2 formation the board of health, or said selectmen of  
3 such city or town in which such apparent death  
4 occurred, shall cause an examination of such body  
5 to be made to determine whether death is real or  
6 only apparent, and certification of the fact of death  
7 shall not be made until the following facts are estab-  
8 lished by actual tests, wherever possible, viz.:—  
9 One, heart sounds entirely absent, the test being  
10 by the stethoscope.

11 Two, respiratory sounds entirely absent.

12 Three, temperature of the mouth same as that of  
13 surrounding air.

14 Four, a bright needle plunged into the body of  
15 the biceps muscle, left there, shows no sign of oxi-  
16 dation.

17 Five, intermittent shocks of electricity at differ-  
18 ent tensions passed by needles into various muscles  
19 and groups of muscles give no indication whatever  
20 of irritability.

21 Six, fillet test applied to veins of the arm causes  
22 no filling of veins on distal side of fillet.

23 Seven, opening of vein shows the blood to have  
24 undergone coagulation.

25 Eight, subcutaneous injection of ammonia causes  
26 a dirty stain indicative of dissolution.

27 Nine, careful movements of the lower jaw and  
28 of lower extremities and of occipito-frontalis indi-  
29 cates the presence of rigor mortis.

30 Ten, scarlet line (diaphanous test) is absent.

31 Eleven, decomposition has set in.

32 And *provided, further*, that, if there is an absence  
33 of any of the signs of death except decomposition,  
34 all known means of resuscitation shall be tried while  
35 such signs are absent.

1 SECTION 4. The tests provided for in section  
2 three shall be made by not less than two doctors of  
3 medicine in person, who shall have lawfully received  
4 the degree of M.D., one of whom shall be appointed  
5 by the board of health, and said doctors shall cer-  
6 tify to the several tests made, with the result of  
7 each test.

1 SECTION 5. No provision of this act shall be con-  
2 strued to prevent any means being used by any  
3 person to restore life to the supposed dead body.

1 SECTION 6. Every city and town shall provide  
2 suitable rooms for the carrying out of the provi-  
3 sions of this act, wherein tests may be made. Said  
4 rooms shall contain conveniences for resuscitation  
5 of bodies and for funeral services: *provided, how-*  
6 *ever*, that the provisions of this act shall preferably  
7 be carried out in the domicile of the supposed de-  
8 ceased, his relatives and friends; but in no case  
9 shall any provision of this act be omitted. The ex-  
10 pense of said rooms shall be included in the annual  
11 expenses of the city or town and provided for in

12 the annual appropriation of money for city and  
13 town purposes.

1     SECTION 7. The fee for the services provided for  
2 in section three shall be fair and reasonable and  
3 shall be fixed by the board of health and be at the  
4 expense of the city or town.

1     SECTION 8. Any violation of this act on the part  
2 of any person responsible therefor shall be deemed  
3 a crime and shall be punished by a fine of one thou-  
4 sand dollars or by imprisonment for one year or by  
5 both such fine and imprisonment.

1     SECTION 9. All laws or parts of laws inconsistent  
2 with this act are hereby repealed in so far as they  
3 apply to this act, but no further.

1     SECTION 10. Copies of this act shall be conspicu-  
2 ously posted in all cities and towns of this Common-  
3 wealth by their respective boards of health .

1     SECTION 11. This act shall take effect upon its  
2 passage.