

## CHAPTER 155.

## CORPSES.

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**155.01 Transportation.** (1) No human corpse shall be accepted for transportation, unless prepared in conformity to the rules and regulations of the state board of health.

(2) Disinterred corpses are declared dangerous to health, and shall not be transported unless each corpse is accompanied by a separate permit from the local health officer for removal, showing the name, age, place, cause of death and medical attendant, the point to which to be shipped, and the undertaker in charge and attached to such permit the consent of the state board of health. Local health officers shall refuse permit when the cause of death is given as heart failure unless the physician in charge states that the cause was not diphtheria.

**155.02 Disposal of unclaimed corpses.** (1) NOTICE TO RELATIVES. When an inmate of any state, county or municipal institution dies, the superintendent or other person in charge of the institution shall immediately notify a relative of the decedent. A public officer having the possession or the disposition of a corpse shall immediately notify a relative of the decedent. If no relative is known, or discoverable by use of ordinary diligence, notice may be dispensed with.

(2) TIME ALLOWED RELATIVE TO ACT. If a relative or friend fails to arrange for taking charge of the corpse within a reasonable time after death, the superintendent or other officer may proceed as provided in this section, but relatives or friends may claim the corpse at any time before it has been delivered pursuant to subsection (3).

(3) NOTICE TO UNIVERSITY OR SCHOOL. If the corpse is in the Mendota state hospital district, the University of Wisconsin shall be notified that it may have the corpse. If the corpse is in the Winnebago state hospital district, Marquette university or any accredited school of mortuary science at Milwaukee shall be notified that it may have the corpse. The university or school so notified shall immediately inform the superintendent or public officer whether it desires to have the corpse. If it does, the corpse shall be delivered accordingly, properly encased, to the most available facility for transportation to the consignee, the consignee to pay the cost of transportation.

(4) STANDING APPLICATIONS. If there are advance applications for such bodies, by Marquette university or any accredited school of mortuary science, such superintendent or public officer shall make an equitable distribution between them.

(5) OTHER DISPOSITION. If the corpse is not disposed of under preceding provisions of this section, the superintendent or public officer shall properly bury it.

**155.03 Restrictions on use of bodies for anatomical purposes; embalming such bodies; delivery of bodies to relatives.** (1) The corpse of one who died with smallpox, diphtheria or scarlet fever, or who in his last sickness shall request to be buried or cremated, and of a stranger or traveler who suddenly died, shall not be disposed of under section 155.02 (3), and no person having charge of a corpse authorized to be so disposed of shall sell or deliver it to be used outside the state.

(2) Upon receipt of the corpse by a university or school pursuant to section 155.02 (3) it shall be properly embalmed and retained for 3 months before being used or dismembered and shall be delivered to any relative claiming it upon satisfactory proof of relationship.

**155.04 Penalty.** Any officer or person having a corpse in charge, and refusing to report and deliver it, when required by this chapter, or violating the provisions forbidding sale or delivery thereof, to be used outside the state, shall be liable to the person, university or medical school aggrieved, in the sum of fifty dollars.

**155.05 Post mortem examinations.** Consent for a licensed physician to conduct a post mortem examination of the body of a deceased person shall be deemed sufficient when

given by whichever one of the following assumes custody of the body for purposes of burial: Father, mother, husband, wife, child, guardian, next of kin, or in the absence of any of the foregoing, a friend, or a person charged by law with the responsibility for burial. If 2 or more such persons assume custody of the body, the consent of one of them shall be deemed sufficient.

**155.06 Gifts of bodies or parts thereof.** (1) Every person of the age of 21 years or older, of sound mind, may make a gift, during his lifetime, of all or any part of his body to any medical school or to any bank handling parts of the body, provided such gift is for scientific, medical or educational purposes. Such a body or parts thereof shall be made available to the medical school or bank after the death of the donor by the person having custody of the body.

(2) Such a gift shall be evidenced by a written instrument, signed by the donor and by 2 competent witnesses who know the signature to be that of the donor.

(3) The gift by any person of all or a portion of his body made pursuant to this statute may be revoked by the donor at any time during his lifetime.

(4) The donee may accept or reject the gift. If the donee accepts, he or his agent may cause to be removed from the body that portion given to the donee. If the entire body is given, it shall not be delivered to the donee or his agent until after the surviving spouse or other person who assumes custody of the body has had an opportunity to provide a funeral service or other last rites for the deceased.

(5) No person, acting in good faith to carry out the written directions of the donor, shall be liable for damages in any civil suit for his actions notwithstanding the fact that, for any reason, the supposed gift is invalid.

**History:** 1961 c. 395.

**155.10 Disinterment of dead.** Any person, not lawfully authorized, who shall dig up, disinter, remove or convey away any human body or the remains thereof, or shall knowingly aid in such disinterment, removal or conveying away, or any accessory thereto, either before or after the fact, shall be punished by imprisonment in the state prison not more than 3 years nor less than one year or in the county jail not more than one year, or by fine not exceeding \$500.