

CR 82-201

CERTIFICATE

STATE OF WISCONSIN )  
 ) SS  
DEPARTMENT OF HEALTH AND SOCIAL SERVICES)

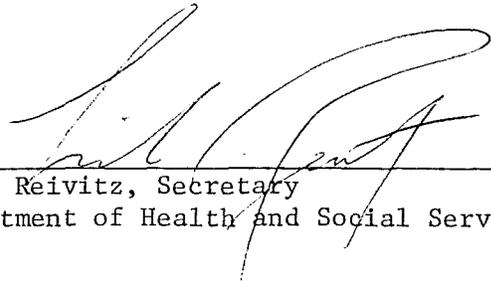
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JAN 25 1984  
10:50 am  
Revisor of Statutes  
Bureau

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Linda Reivitz, Secretary of the Department of Health and Social Services and custodian of the official records of said Department, do hereby certify that the annexed rules relating to dead human bodies were duly approved and adopted by this Department on January 24, 1984.

I further certify that this copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the State Office Building, 1 W. Wilson Street, in the city of Madison, this 24th day of January, A.D. 1984



\_\_\_\_\_  
Linda Reivitz, Secretary  
Department of Health and Social Services

SEAL:

4-1-84

ORDER OF THE  
DEPARTMENT OF HEALTH AND SOCIAL SERVICES  
REPEALING AND ADOPTING RULES

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To repeal H 17, H 18, H 41 and H 42, and to create HSS 135, relating to the preparation, transportation and burial or other final disposition of dead human bodies.

Analysis Prepared by the Department of Health and Social Services

Rules of the Department concerning preparation, transportation and burial or other final disposition of dead human bodies are updated, consolidated and renumbered by this order. Existing rules on this subject, with the exception of embalming standards found in ch. HSS 136, Wis. Adm. Code, are badly out of date. All rules of the Department not now in the HSS series of the Wisconsin Administrative Code are being renumbered into that series.

The Department has two interests which explain its involvement in regulating what is done with dead human bodies. One interest is protecting the public's health and the other is supervising and directing the collection of vital statistics. Broad responsibility for the public's health is assigned to the Department by s.140.05(1), Stats., and rule-making authority to carry out that responsibility is conferred by s.140.05(3), Stats. More particularly, s.155.01(1), Stats., requires the Department to make rules covering communicable disease control and other sanitary and health aspects of the preparation, transportation and disposition of dead human bodies, for enforcement by the Funeral Directors and Embalmers Examining Board. Sections 69.01 and 69.03, Stats., make the Department responsible for supervising and directing the collection of vital statistics, including death statistics, and give it authority to make whatever rules are necessary in this connection.

Pursuant to authority vested in the Department of Health and Social Services by ss.69.03, 140.05(3) and 155.01(1), Stats., the Department of Health and Social Services hereby repeals and adopts rules interpreting ss.69.34 to 69.48, 140.05(1) and 155.01, Stats., as follows:

SECTION 1. Chapters H 17, H 18, H 41 and H 42 of the Wisconsin Administrative Code are repealed.

SECTION 2. Chapter HSS 135 of the Wisconsin Administrative Code is created to read:

Chapter HSS 135  
DEAD HUMAN BODIES

HSS 135.01 Purpose and Authority	HSS 135.04 Preparation and Funeral
HSS 135.02 Definition	HSS 135.05 Transportation and Burial or Other Disposition
HSS 135.03 Removal from a Hospital or Nursing Home	HSS 136.06 Disinterment

HSS 135.01 PURPOSE AND AUTHORITY. This chapter and ch. HSS 136 regulate the preparation, transportation and disposition of dead human bodies for purposes of protecting the health of the public and properly registering deaths. The chapter is promulgated under the authority of ss.69.03, 140.05(3), and 155.01(1), Stats., to interpret and contribute to the implementation of ss.69.34 to 69.48 and 140.05(1), Stats., and ch. 155, Stats. Nothing in this chapter shall prevent a member of the immediate family from preparing the dead body of a family member for burial, except as provided in s. HSS 135.04(1)(b), or from conducting the funeral of a deceased family member.

HSS 135.02 DEFINITIONS. As used in this chapter: (1) "Burial permit" or "burial-transit permit" or "permit for disposition of dead human body" means the form prescribed and supplied by the department to authorize the burial or other final disposition of a dead human body.

(2) "Common carrier" has the meaning prescribed for "common motor carrier" in s.194.01(5), Stats., and in addition includes a vehicle using rails, air or water to transport persons or property.

(3) "Death certificate" means the form prescribed and supplied by the department which contains such items of information as the department judges necessary to identify the deceased and to certify the cause or causes of death, and is presented by the funeral director or member of the immediate family of the deceased to the county register of deeds, city health officer, or clerk of an incorporated village, as appropriate, for filing and as the condition for issuance of a burial permit.

(4) "Department" means the Wisconsin department of health and social services.

(5) "Disinterment permit" means the form prescribed and supplied by the department to authorize removal of a dead human body from a grave or tomb.

Note: A section of the burial permit form is used as a disinterment permit.

(6) "Disposition" means, in reference to a dead human body, burial, entombment in a mausoleum or separate vault, temporary storage, cremation or donation for scientific research or teaching use.

(7) "Embalmer" means a person who is licensed under s. 445.05 Stats., to do embalming.

(8) "Embalming" has the meaning designated in s. HSS 136.02(1).

(9) "Final disposition" means, in reference to a dead human body, burial, entombment in a mausoleum or separate vault, or cremation.

(10) "Funeral director" means a person who is licensed under s. 445.04, Stats., to prepare, other than by embalming, dead human bodies for burial or other disposition, or to direct and supervise the burial or other disposition of dead human bodies.

(11) "Immediate family" means, in order of decisionmaking priority, spouse, adult children, parents, adult brothers and sisters, grandparents, and adult grandchildren of the deceased person.

(12) "Interment" means, in reference to a dead human body, burial or entombment in a mausoleum or separate vault.

(13) "Local health officer" has the meaning prescribed in s.143.01(1), Stats.

(14) "Relative" means an adult who is spouse, parent, step-parent, child, step-child, brother, sister, grandchild, grandparent, aunt, uncle, great-aunt, great-uncle, niece, nephew, first cousin or second cousin of the deceased person.

(15) "Removal notice" means the form prescribed and supplied by the department to be notice and record of the removal of a dead human body from a hospital or nursing home by a funeral director or other authorized person.

Note: Inquiries concerning burial permit, death certificate and removal notice forms should be sent to Vital Statistics Section, Division of Health, P.O. Box 309, Madison, Wisconsin 53701.

HSS 135.03 REMOVAL FROM A HOSPITAL OR NURSING HOME. (1) HOLDING, PENDING DECISION OF RELATIVE, FRIEND OR PUBLIC AUTHORITIES. Hospital or nursing home authorities shall make provision for holding a body until a relative, friend or the public authorities determine what disposition shall be made of the remains. The hospital or nursing home may cause a body to be removed that is unclaimed after 12 hours from the time of death and following due notice to the local health officer.

Note: See s.155.02, Stats., for disposition of the bodies of persons who have died at state, county or municipal institutions.

(2) DELAY FOR AUTOPSY. Except for cases which involve a coroner or medical examiner because a death has occurred under circumstances specified in s.979.20, Stats., whenever the immediate family has requested or approved an autopsy, the funeral director or member of the immediate family or other person authorized to remove the body from the hospital shall delay making the removal for up to 10 hours after death, or for a longer period of time if the pathologist and funeral director mutually agree on a longer period of time, to permit completion of the autopsy.

(3) PRESENTATION OF REMOVAL NOTICE. The hospital or nursing home may not release a body to a funeral director, member of the immediate family or other person authorized to remove the body until the funeral director or other person making the removal presents a notice of removal, in duplicate, to the administrator of the hospital or nursing home or to his or her representative. One copy of the removal notice shall be retained on file by the hospital or nursing home and the other shall be forwarded immediately by the hospital or nursing home to the city health officer or, if there is no city health officer, to the register of deeds of the county.

HSS 135.04 PREPARATION AND FUNERAL. (1) PREPARATION FOR BURIAL OR FOR ENTOMBMENT. (a) In removing bodies and preparing them for burial or entombment or for transportation, the funeral director, embalmer and registered apprentice funeral director and registered apprentice embalmer shall take all reasonable precautions to minimize the risk of transmitting any communicable disease from the dead human body.

Note: Diseases that are communicable are those listed in ch. H 45 [HSS 145], together with tuberculosis and sexually transmitted disease (venereal disease).

(b) Any member of the immediate family of a deceased person may prepare the body for burial or other final disposition, except that no person may embalm a dead human body unless licensed pursuant to ch. 445, Stats., and no member of the immediate family may prepare a body for burial or other final disposition if there is risk of transmitting any communicable disease from the dead body, either because a communicable disease was the cause of death or the individual had a communicable disease at the time of death, unless the local health officer determines that the risks of transmitting the disease from the dead body are minimal.

(c) A dead human body need not be embalmed when prepared for burial or entombment except if the body is to be shipped by common carrier as provided under par. (d).

(d) Every body to be shipped by common carrier shall be embalmed except a body that it is not possible to embalm, a body donated to a school for research and training purposes under s. HSS 135.05(2), or when the immediate family of the deceased objects to embalming on religious grounds. Whenever a body to be shipped by common carrier is not embalmed or is in a state of decomposition, the body may be shipped only after being enclosed in a strong, tightly sealed outer case.

(e) Embalming standards shall be as specified in ch. HSS 136.

(f) No one other than the licensed embalmer, licensed funeral director, registered apprentice embalmer and registered apprentice funeral director shall be allowed in the embalming room during the embalming except at the request of or with the permission of the immediate family of the deceased or a representative of the immediate family of the deceased. Apart from these exceptions, the preparation of dead human bodies for interment shall be entirely private.

(g) A large-type copy of par. (f) shall be permanently fastened to the door of the preparation or embalming room in all funeral establishments.

(h) A licensed embalmer may embalm and otherwise prepare for burial or entombment a dead human body in the home of a deceased person or in the home of a relative of the deceased person.

(2) FUNERALS. (a) A funeral may be conducted from the home of the deceased person or from the home of a relative of the deceased person.

(b) During an epidemic, when the disease is one that is both communicable and malignant, or when deaths are occurring from unusual forms of virulent and apparently communicable disease, the local public health officer may, with the consent of the department, prohibit public funerals for persons who have died from the disease.

HSS 135.05 TRANSPORTATION AND BURIAL OR OTHER DISPOSITION. (1) BURIAL PERMIT. (a) 1. A burial-transit permit issued by a county register of deeds, city health officer or clerk of an incorporated village, as appropriate, is required for each dead body shipped by common carrier.

2. The burial-transit permit shall be attached in a strong envelope to the shipping case when a body is to be transported by common carrier.

(b) No body may be buried or otherwise finally disposed of unless accompanied by an official burial permit which shall serve as authorization for burial or other disposition.

Note: As provided in s.69.47, Stats., a copy of the death certificate can serve as the burial permit when burial or other disposition of the body is to take place outside of the registration district in which the death occurred.

(c) No dead body shipped or transported into Wisconsin from another state or territory may be buried or otherwise finally disposed of in Wisconsin unless accompanied by an official burial document from the state where the death occurred. "Official burial document" means a burial permit or equivalent official document provided for in the laws of the state of origin, which identifies the body, indicates the date and place of death, and provides medical certification of the cause of death.

(d) Any document furnished by an agency of the federal government in connection with shipment into Wisconsin of the body of a person who died in a foreign country, which identifies the body, indicates the date and place of death, and provides medical certification of the cause of death, shall be deemed a burial permit and sufficient authority for burial or other disposition in Wisconsin under s.69.48, Stats.

(2) DONATION OF BODIES FOR RESEARCH AND TEACHING. (a) A dead human body may be donated to a medical or dental school anatomy department under s.155.06, Stats., or to a medical school or school of mortuary science under s.155.02(3), Stats.

(b) A dead body donated to a school identified in par. (a) shall be prepared for transportation by washing with disinfecting fluid and closing all orifices, and shall be transported to arrive at the school within 48 hours after death unless pursuant to s.155.06(7)(a), Stats., a funeral service or other last rites are conducted in which case the already embalmed body shall be transported to arrive at the school as soon as possible after the rites have been concluded.

(c) A dead body donated to a school identified in par. (a) shall be transported to the school accompanied by a burial-transit permit, except that if there is not sufficient time for this document to be obtained before the body is sent or brought to the school, the document shall be delivered to the school within 48 hours following the arrival there of the body.

(d) As soon as a donated body is received and accepted at the school identified in par. (a), the body shall be carefully embalmed by injection of a preserving and disinfecting fluid into the blood vessels.

Note: When a death has occurred under any of the circumstances listed in s.979.20(1), Stats., embalming must be delayed until authorized by the coroner or medical examiner of the county in which the injury or other cause of death occurred, pursuant to s.979.20(4), Stats.

(3) CREMATION. Cremation of a dead body shall be considered final disposition of that body. No additional permit covering transportation of the ashes of a cremated body or interment or other disposal of the ashes of a cremated body is required.

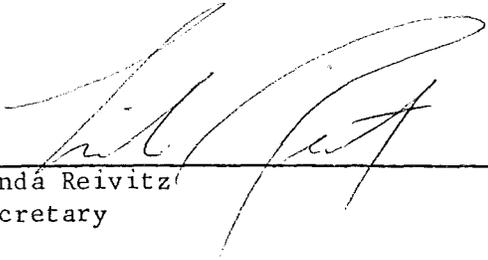
HSS 135.06 DISINTERMENT. No human remains that are buried or resting in a permanent vault may be disinterred, transported and reinterred unless a disinterment permit is first obtained from the local health officer of the place of disinterment. The disinterment permit shall constitute authorization to transport and reinter the disinterred remains. Presentation of a death certificate shall not be a condition for issuance of a disinterment permit.

The repeals and rules contained in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s.227.026(1), Stats.

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

Date: 1-24-84

By

  
Linda Reivitz  
Secretary

Seal:

PM/db/59



State of Wisconsin \ DEPARTMENT OF HEALTH AND SOCIAL SERVICES  
1 West Wilson Street, Madison, Wisconsin 53702

Anthony S. Earl  
Governor

Linda Reivitz  
Secretary

Mailing Address:  
Post Office Box 7850  
Madison, WI 53707

January 24, 1984

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JAN 25 1984

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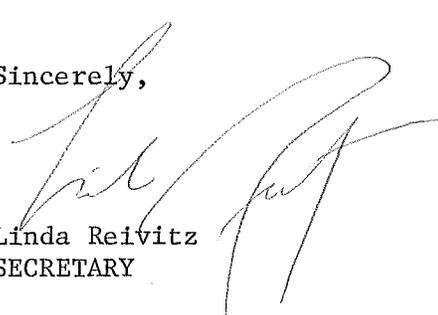
Mr. Orlan Prestegard  
Revisor of Statutes  
411 West, State Capitol  
Madison, Wisconsin 53702

Dear Mr. Prestegard:

As provided in s. 227.023, Stats., there is hereby submitted a certified copy of HSS 135, administrative rules relating to dead human bodies.

These rules are being submitted to the Secretary of State as required by s. 227.023, Stats.

Sincerely,

  
Linda Reivitz  
SECRETARY

Enclosure