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BY THE GOVERNOR OF PUERTO RICO

A PROCLAMATION

Sanitary Regulations No. 114, Removal, interment, disinterment, and cremation of corpses; cemeteries; to repeal Sanitary Regulations Nos. 11, 21, 35, 65, and 86, and for other purposes.

The following regulations having been adopted by the Insular Board of Health on April 17, 1942, and approved by the Executive Council of Puerto Rico on June 16, 1942, in accordance with the provisions of Section 13 of Act No. 81 of 1912, entitled "An Act to reorganize the sanitation service", is hereby promulgated for the information and guidance of all concerned:

"*Sanitary Regulations No. 114, Removal, interment, disinterment, and cremation of corpses; cemeteries; to repeal Sanitary Regulations Nos. 11, 21, 35, 65, and 86, and for other purposes.*

"Section 1.—No corpse shall remain unburied for more than twenty-four hours following death; *Provided,* That a corpse which has been properly embalmed may be kept at the house of the deceased up to a limit of three days following death, and at the expiration of this period, if it should be necessary for some justified reason to postpone the interment or cremation, the corpse may be kept only at an undertaker's establishment or at some other place approved by the Commissioner of Health.

"Section 2.—Corpses showing evident signs of putrefaction or decay shall be buried within the shortest possible period, unless a competent government authority otherwise provides.

"Section 3.—In cases of death from an epidemic disease such as bubonic plague, yellow fever, Asiatic cholera, smallpox, psittacosis, cerebrospinal meningitis, or exanthematous typhus, the corpse shall be buried as soon as possible following the certification of death and the performance of the autopsy, if any; *Provided,* that in suspected cases of the above-mentioned diseases the autopsy shall be an indispensable requirement for the issuance of the burial permit, provided the Commissioner of Health deems it necessary for the establishment of the diagnosis.

"Section 4.—The interment of the corpses of persons who have died of scarlet fever, diphtheria, glanders, malignant anthrax, leprosy, tuberculosis, or infectious erysipelas may be made up to twenty-four hours following death provided they have been embalmed or properly prepared, and provided they have been placed immediately after embalming or preparing in a hermetically sealed coffin.

"Section 5.—The coffins shall be made in such manner that the tops thereof will exactly fit when the coffin is covered, and so that no cracks or imperfections are left which will permit gases or liquids to escape.

"Section 6.—Corpses shall be taken to the mortuary or cemetery by persons or in special cars for the purposes. Transportation in any other way, or in any other kind of vehicles shall not be permitted except by authority of the Commissioner of Health, and in no case shall the transportation of corpses in open coffins be permitted.

"Section 7.—When death has been due to a disease transmissible on direct contact, the transportation of the corpse by hand or on the shoulder shall not be permitted, unless, due to special circumstances, it cannot be avoided.

"Section 8.—No funeral services may be held with the body present at any church or any other place in the case of persons dying of smallpox, Asiatic cholera, yellow fever, psittacosis, exanthematous typhus, bubonic plague, cerebrospinal meningitis, or typhoid. In cases where death has been due to some other kind of disease transmissible on direct contact, funeral services with the body of the deceased present may be held provided the corpse has been properly embalmed and deposited in a hermetically sealed coffin. Compliance with this requirement shall be verified by the corresponding health official who shall require a certificate from the person entrusted with the preparation of the body. Said certificate shall be sent together with the death certificate, and without said certificates no permit shall be issued for a funeral service of this kind. The responsibility for violations of this section shall rest on the owner or representative of the undertaking agency in charge of the interment as well as on the person conducting the funeral services or who authorizes the holding of same.

"Section 9.—No disinterment of any corpse which has not been embalmed shall be allowed before five (5) years have elapsed.

"Section 10.—Persons, agencies, or companies engaged in the transportation of corpses shall, before commencing the transportation, require the transfer permit issued by the proper health official, or, in the case of towns having no health official, by the municipal physician.

"Section 11.—There shall be in every municipality one or more municipal cemeteries for the burial of such persons as may die within its jurisdiction and of such corpses as may be transferred from other municipal jurisdictions or from abroad; *It being understood,* That this provision does not prohibit the possible use of other authorized cemeteries for the same purpose.

"Section 12.—No cemetery whatever may be constructed within the urban zone of cities, towns, or villages of the Island of Puerto Rico, or at a distance of less than 200 meters from the limits of said urban zone. Cemeteries shall be located on dry and well aerated lands, to the north or to the west of towns and at a distance necessary to prevent the contamination of any water course, well or spring. Cemeteries shall be entirely surrounded by masonry walls not less than one meter high; *Provided,* That the Commissioner of Health may authorize, with the acquiescence of the Insular Board of Health, the enlargement of any cemetery, even in those cases where the distance from the limits of the urban zone is less than 200 meters, if, in his judgment, it is necessary.

"Section 13.—In municipalities having only one cemetery, the capacity of such cemetery shall be five times the annual average of deaths.

"Section 14.—In municipal cemeteries space shall always be reserved for the interment, free of charge, of the corpses of the indigent poor.

"Section 15.—The graves shall be two meters long and eighty-four centimeters wide, and shall have a depth of 2.40 meters, except in cases of children under two years of age, in which cases the graves shall be one meter long and forty-five centimeters wide, and shall have a depth 1.52 meters. Graves shall be separated from one another on all sides by at least sixty centimeters.

"Section 16.—Not more than one corpse may be interred in any one grave at the same time, but in mausoleums having several crypts, the interment at the same time of as many corpses as there are crypts available at the time in the mausoleum may be allowed, provided a permit is previously obtained from the Commissioner of Health.

"Section 17.—When inscribed tombstones, lights, things made of marble, fences, flowers, and other appurtenances are placed on tombs, they shall be so placed that passage between tombs will not be hindered.

"Section 18.—Hereafter, the construction of niches above the level of the land shall not be allowed in any cemetery; the construction of underground galleries and mausoleums are, however,

authorized. The restoration and reform of existing niches shall conform to the provisions prescribed by the Commissioner of Health in each case.

"Section 19.—There shall be in every cemetery a mortuary, the floor of which shall be of impermeable material. Said mortuaries shall be well ventilated, and shall consist of two apartments, one of which shall be the mortuary proper, while the other shall be used as an autopsy room. The autopsy room shall have large windows at its sides so that the place may be well ventilated and have plenty of natural light; it shall be provided with water running to the autopsy table and with a washstand; it shall be equipped with electric light and shall have a table of marble or of other material acceptable to the Commissioner of Health, placed in the center of the room. The autopsy room shall be made fly and mosquito-proof, and its windows shall have such devices as may be necessary in order to prevent the corpse from being seen from the outside.

"Section 20.—Cemeteries shall remain open daily from 6:00 a. m. to 7:00 p. m., and during these hours entrance thereto shall be free, provided nothing to the contrary is prescribed by the Commissioner of Health.

"Section 21.—It shall be the duty of municipalities or owners of cemeteries to keep them in good order and in a sanitary condition, in conformity with the provisions of the Department of Health.

"Section 22.—The Commissioner of Health may order the closing of any cemetery when it may become injurious to public health; *Provided, however,* That interments may be allowed in such closed cemeteries in existing mausoleums and niches provided that the latter meet the construction requirements stipulated by the Department of Health. With the exception of the aforesaid cases interments in closed cemeteries are prohibited.

"Section 23.—No cemetery whatever shall be reopened before a period of five years has elapsed. After said period the cemetery may be used again for burials provided that it complies with the provisions of these regulations. When the land is to be used for cultivation or for constructions, it shall be necessary to obtain an authorization from the Commissioner of Health, which shall be issued with the acquiescence and consent of the Insular Board of Health.

"Section 24.—When the construction of a new cemetery or the enlargement of an existing one is desired, it shall be necessary to file an application for a permit of the Department of Health, together with plans specifying the location, position, nature of the soil, and distance from the urban zone and nearest water courses, wells, and springs; and the construction or enlargement thereof shall not be begun without the approval of the Commissioner of Health. For the establishment of rural cemeteries, like requisites shall be required and it shall also be proved that the proposed cemetery is a public necessity.

"Section 25.—No interment of corpses shall be allowed in the Island of Puerto Rico at places other than cemeteries constructed under the authorization of the Department of Health or in crypts and vaults approved for the purpose by the Commissioner of Health.

"Section 26.—Niches, mausoleums, and tombs shall be closed after each interment, with masonry, well-adjusted stones, or bricks set in cement. The coffins used to bring corpses shall be interred with the same, and in no case shall it be allowed to take outside of the cemetery wreaths and natural or artificial flowers placed on tombs.

"Section 27.—Disinterments shall be made during the hours from sunrise to sunset; and the cemetery keepers are forbidden to allow any interment or disinterment of corpses during other hours, unless a permit is obtained from a competent official.

"Section 28.—The accumulation in ossuaries of skeletons from successive disinterments shall not be allowed hereafter, but the skeletons shall be interred at the bottom of the original graves, or, when there are facilities therefor, they shall be cremated; *Provided*, That abandoned skeletons and bones, at present accumulated in cemeteries, shall, with the authority of the Commissioner of Health, be subjected to cremation, by any reasonable procedure; *And provided, further*, That the disinterment of remains of persons shall be allowed subject to the provisions of Section 9 of these regulations, for their transfer to crypts or vaults constructed outside of authorized cemeteries and previously approved by the Insular Commissioner of Health of Puerto Rico.

"Said crypts or vaults shall be constructed with reinforced concrete or other water-proof material, their compartments being divided by walls which shall not be less than four inches thick. The minimum dimensions of said crypts or vaults shall be fourteen inches wide, fourteen inches high, and twenty-four inches long, and their interior shall be faced with a cement plaster. Said crypts or vaults shall be kept duly sealed.

"Section 29.—Furnaces for the cremation of corpses are hereby permitted through authorization of the Commissioner of Health. Said furnaces shall not be used without having been previously submitted to a test which shall fully prove their good operation.

"Section 30.—The cremation of any corpses shall not be commenced before twenty-four (24) hours after death.

"Before a corpse is cremated, a permit shall be obtained from the Commissioner of Health who shall grant it provided the following requirements have been complied with:

"(1) The filing of an application for cremation signed by the nearest relative of the deceased or by a person legally capacitated to do so.

"(2) The filing of a certificate stating the filiation and residence of the deceased, and the cause and date of death; said certificate must be signed by a physician authorized to practice medicine in the Island of Puerto Rico.

"(3) In cases of death from undetermined causes, or under circumstances which might require a medical-legal investigation, the presentation of an autopsy certificate shall be an indispensable requirement.

"Section 31.—The cremation of a corpse shall be made with all the clothes and wrappings with which it was placed in the coffin, and it shall take place under the inspection of an official of the Department of Health.

"Section 32.—Municipalities or owners of cemeteries are hereby bound to keep a register of burials made, stating the filiation, cause of death, and grave where interment is made. In cases where there are furnaces for the cremation of corpses, a registry of cremations shall be kept, setting forth all the circumstances that may insure the identification of the person cremated. Relatives or authorized persons may require from said municipalities or owners a certificate in which it is stated that the ashes correspond to the cremated corpse.

"Section 33.—Every word used in the singular number in these regulations shall be understood to include the plural number when its use so justifies, and in like manner the masculine gender shall include the feminine, and the word person shall include associations, corporations or any other entities.

"Section 34.—Sanitary Regulations Nos. 11, 21, 35, 65, and 86 are repealed. All regulations or parts thereof in conflict herewith are hereby repealed. If any provision of these regulations is declared unconstitutional, or if its application to any person or circumstance is declared null, the validity of the remainder of these regulations and its application to other persons or circumstance shall not be affected thereby.

"Section 35.—Every violation of these regulations shall be punished in accordance with Section 33 of Act No. 81 of 1912, entitled 'An Act to Reorganize the Sanitation Service.'

"Section 36.—These regulations shall take effect upon their approval by the Executive Council and promulgation and publication in accordance with Section 13 of Act No. 81 of 1912, entitled 'An Act to Reorganize the Sanitation Service.'"

Being so promulgated in accordance with Section 13, of Act No. 81, approved March 14, 1912, the said Sanitary Regulations No. 114, entitled "Sanitary Regulations No. 114, Removal, interment, disinterment, and cremation of corpses; cemeteries; to repeal Sanitary Regulations Nos. 11, 21, 35, 65, and 86, and for other purposes", adopted by the Insular Board of Health on