

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1961

## ENROLLED

SENATE BILL NO. 29

(By Mr. Kaufman)

PASSED February 16th 1961

In Effect thirty days from Passage

Filed in Office of the Secretary of State

of West Virginia February 23 1961

JOE F. BURDETT  
SECRETARY OF STATE

**ENROLLED**  
**Senate Bill No. 29**

(By MR. KAUFMAN)

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[Passed February 16, 1961; effective ninety days from passage.]

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AN ACT to amend chapter sixteen of the code of West Virginia.  
one thousand nine hundred thirty-one, as amended, by  
adding thereto a new article designated article nineteen,  
relating to the disposition by written instrument of eyes or  
parts thereof after death for the purpose of medical science  
or rehabilitation of human beings.

*Be it enacted by the Legislature of West Virginia:*

That chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article designated article nineteen, to read as follows:

**Article 19. Donation of Eyes.**

Section 1. *Right of Disposition.*—The Legislature finds  
2 and declares that a person has the right to direct the man-  
3 ner in which his eyes, or any part thereof, shall be disposed  
4 of after his death.

Sec. 2. *Manner of Disposition.*—A person twenty-one  
2 or more years of age and of sound mind may prescribe by  
3 written instrument for the disposition to be made, after  
4 his death, of his eyes or any part thereof, if such person  
5 shall receive no remuneration or other thing of value for  
6 such disposition and it is for the purpose of advancing  
7 medical science or for the replacement or rehabilitation  
8 of diseased eyes or worn out or injured parts of the eyes  
9 of living human beings. The person or persons having  
10 the right to a body for burial may likewise so consent to  
11 such use of the eyes or parts thereof. Notwithstanding  
12 any provision of chapter forty-one of this code, any such  
13 donation, authorization or consent may be by dated writ-  
14 ten instrument signed by the person making or giving  
15 the same and witnessed by two persons of legal age.

Sec. 3. *Donees*.—No particular form or words shall be  
2 necessary or required for such donation or authorization:  
3 *Provided*, That the instrument conveys the clear inten-  
4 tion of the purpose of the person making the same. Any  
5 such disposition of his own eyes or parts thereof may be  
6 ~~revoked~~ by the donor at any time prior to his death by the  
7 execution of a written instrument in the same manner as  
8 the original grant.

9 Each instrument may designate the donee, but such  
10 designation shall not be necessary to its validity. A donee  
11 may be an individual, hospital, institution, an agency en-  
12 gaged in sight restoration or a bank maintained for the  
13 storage, preservation and use of human eyes or parts  
14 thereof. If no specific donee is named in such instrument,  
15 then the hospital in which the donor dies shall be consid-  
16 ered to be the donee, and if such donor does not die in a  
17 hospital, then the attending physician shall be considered  
18 to be the donee; such hospital or physician shall have full  
19 authority to take and remove said eyes or parts thereof  
20 which such donor has designated and to make the same  
21 available to any person or institution in need thereof.

22 Where a donee is named in such instrument, any hospital  
23 or physician acquiring possession or custody of the body  
24 shall have the authority to remove from the body the eyes  
25 or parts thereof which the donor has designated and to  
26 deliver the same to the named donee: *Provided, however,*  
27 That no one shall receive any remuneration or other thing  
28 of value whatsoever, except the established fees, for the  
29 rendition of such services, for any eyes or parts thereof  
30 donated under the provisions of this act, and that no claim  
31 for services in removing the eyes or parts thereof shall  
32 be a claim against the estate of the deceased. No hospital,  
33 donee or physician, who reasonably relies upon a disposi-  
34 tive instrument appearing to have been made in conform-  
35 ity with the provisions of this article, shall be liable civilly  
36 or criminally for removing eyes or parts thereof from the  
37 body of a deceased donor. No court order or appoint-  
38 ment of a fiduciary for the estate of the deceased shall be  
39 necessary before the removal of said eyes or parts thereof.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*Thomas Davis, Jr.*  
Chairman Senate Committee

*Mrs. H. H. Withrow*  
Chairman House Committee

Originated in the Senate.

Takes effect *ninety days from* passage.

*Howard Jones*  
Clerk of the Senate

*C. Blankenship*  
Clerk of the House of Delegates

*Howard E. Egan*  
President of the Senate

*Julius W. Singleton, Jr.*  
Speaker House of Delegates

The within *approved* this the *22nd*  
day of *February*, 1961.

*W. T. Barron*  
Governor

